

By: Representatives Davis, King

To: Local and Private  
Legislation;  
Appropriations

HOUSE BILL NO. 1732  
(As Sent to Governor)

1 AN ACT TO AMEND CHAPTER 962, LOCAL AND PRIVATE LAWS OF 1994,  
2 TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF HATTIESBURG  
3 TO INCREASE THE MINIMUM MONTHLY BENEFITS PAYABLE TO PERSONS  
4 RECEIVING RETIREMENT OR DISABILITY BENEFITS FROM THE HATTIESBURG  
5 POLICE AND FIRE DISABILITY AND RELIEF FUND; TO AMEND CHAPTER 907,  
6 LOCAL AND PRIVATE LAWS OF 1990, AS LAST AMENDED BY CHAPTER 1012,  
7 LOCAL AND PRIVATE LAWS OF 1994, TO CLARIFY THAT THE ADDITIONAL  
8 ANNUAL PAYMENT MADE TO RETIRED MEMBERS AND BENEFICIARIES OF THE  
9 HATTIESBURG POLICE AND FIRE DISABILITY AND RELIEF FUND IS TO BE  
10 PAID TO DISABILITY RETIREES; TO INCREASE THE MAXIMUM AMOUNT OF THE  
11 ADDITIONAL ANNUAL PAYMENTS TO 25% OF THE ANNUAL RETIREMENT OR  
12 DISABILITY ALLOWANCE; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. Chapter 962, Local and Private Laws of 1994, is  
15 amended as follows:

16 Section 1. (1) Subject to the provisions of subsection (2)  
17 of this section, the governing authorities of the City of  
18 Hattiesburg, Mississippi, are authorized, in their discretion, to  
19 provide for the payment of minimum monthly benefits of not less  
20 than Five Hundred Dollars (\$500.00) per month from monies  
21 accumulated in the Hattiesburg Police and Fire Disability and  
22 Relief Fund to all persons now or hereafter entitled to receive  
23 retirement or disability benefits under any provision of Section  
24 21-29-101 et seq., Mississippi Code of 1972, by virtue of service  
25 as a member of, or through a member of, the fire and/or police  
26 department of the City of Hattiesburg. The governing authorities  
27 of the City of Hattiesburg are authorized to levy such millage as  
28 is necessary, in addition to any other tax authorized by law, to  
29 make the minimum payment provided herein and maintain the  
30 retirement fund on a sound actuarial basis. The proceeds of any  
31 such additional millage shall be excluded from the ten percent

32 (10%) increase limitation under Section 27-39-321, Mississippi  
33 Code of 1972, for the first year of such additional levy and shall  
34 be included within such limitation in any year thereafter.

35 (2) Payment of the minimum monthly benefits authorized under  
36 subsection (1) of this section shall not be established unless the  
37 Hattiesburg Police and Fire Disability and Relief Fund is  
38 actuarially sound, as shown by the most recent actuarial study  
39 required by Section 21-29-119, Mississippi Code of 1972, and the  
40 fund will remain actuarially sound if the minimum monthly benefits  
41 are made, as shown by a certified statement from the actuarial  
42 firm that prepared the most recent actuarial study.

43 (3) After the governing authorities of the City of  
44 Hattiesburg have adopted a resolution specifying the amount of the  
45 minimum monthly benefits authorized under subsection (1) of this  
46 section, and the advisory board provided for in Section 21-29-105,  
47 Mississippi Code of 1972, has adopted a resolution supporting the  
48 payment of the specified amount of the minimum monthly benefits,  
49 and after the Board of Trustees of the Public Employees'  
50 Retirement System has received these resolutions and the most  
51 recent actuarial study of the disability and relief fund and the  
52 certified statement from the actuarial firm, pursuant to  
53 subsection (2) of this section, that the fund will remain  
54 actuarially sound if the minimum monthly benefits are paid, then  
55 the board of trustees shall pay those benefits to the persons  
56 authorized and entitled to receive the payments.

57 (4) In the event of death of a person or a beneficiary  
58 thereof receiving monthly benefits, any remaining amounts shall be  
59 paid in a lump sum to the designated beneficiary.

60 SECTION 2. Chapter 907, Local and Private Laws of 1990, as  
61 amended by Chapter 833, Local and Private Laws of 1991, as amended  
62 by Chapter 833, Local and Private Laws of 1992, as amended by  
63 Chapter 1012, Local and Private laws of 1994, is amended as  
64 follows:

65 Section 1. (1) Subject to the provisions of subsection (2)  
66 of this section, the governing authorities of the City of  
67 Hattiesburg, Mississippi, in their discretion, are hereby  
68 authorized to establish the payment of one (1) additional payment

69 each year from monies accumulated in the Hattiesburg Police and  
70 Fire Disability and Relief Fund to all retired members of such  
71 disability and relief fund or beneficiaries thereof who on  
72 December 1 of each year are receiving a retirement or disability  
73 allowance under any provision of Section 21-29-101 et seq.,  
74 Mississippi Code of 1972. The amount of such payment shall be  
75 equal to the annual percentage change in each fiscal year of the  
76 Consumer Price Index set by the United States Government, not to  
77 exceed two and one-half percent (2-1/2%) of the annual retirement  
78 or disability allowance for each full fiscal year after June 30,  
79 1990, that the retired member or beneficiary has actually drawn  
80 retirement or disability payments from the date of retirement.  
81 Such additional payments shall not exceed twenty-five percent  
82 (25%) of the annual retirement or disability allowance.

83 (2) Payment of the additional payments authorized under  
84 subsection (1) of this section shall not be established unless the  
85 Hattiesburg Police and Fire Disability and Relief Fund is  
86 actuarially sound, as shown by the most recent actuarial study  
87 required by Section 21-29-119, Mississippi Code of 1972, and the  
88 fund will remain actuarially sound if the additional payments  
89 authorized under subsection (1) of this section are made, as shown  
90 by a certified statement from the actuarial firm that prepared the  
91 most recent actuarial study.

92 (3) After the governing authorities of the City of  
93 Hattiesburg have adopted a resolution to establish the additional  
94 payments authorized under subsection (1) of this section and the  
95 advisory board provided for in Section 21-29-105, Mississippi Code  
96 of 1972, has adopted a resolution supporting the establishment of  
97 the additional payments, and after the Board of Trustees of the  
98 Public Employees' Retirement System has received these resolutions  
99 and received the most recent actuarial study of the disability and  
100 relief fund and the certified statement from the actuarial firm  
101 that the fund will remain actuarially sound if the additional

102 payments are made, then the board of trustees shall make the  
103 payments directly to the persons authorized and entitled to  
104 receive the payments.

105       (4) Persons eligible to receive the payments authorized  
106 under this section shall receive such payments in one (1)  
107 additional payment, except that such person may elect by an  
108 irrevocable agreement on a form prescribed by the Board of  
109 Trustees of the Public Employees' Retirement System to receive  
110 such payments in not less than equal monthly installments not to  
111 exceed six (6) months during the remaining months of the current  
112 fiscal year. In the event of death of a person or a beneficiary  
113 thereof receiving monthly benefits, any remaining amounts shall be  
114 paid in a lump sum to the designated beneficiary.

115       SECTION 3. This act shall take effect and be in force from  
116 and after its passage.