

By: Senator(s) Dearing

To: Finance

SENATE BILL NO. 2288

1 AN ACT TO AMEND SECTION 25-11-112, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT PERSONS WHO ARE RECEIVING A RETIREMENT BENEFIT ON
3 JULY 1 OF EACH YEAR, RATHER THAN DECEMBER 1 OF EACH YEAR, SHALL
4 RECEIVE AN ADDITIONAL ANNUAL RETIREMENT PAYMENT; TO PROVIDE THAT
5 IN THE EVENT OF THE DEATH OF A RETIRED MEMBER, OR BENEFICIARY
6 THEREOF, PRIOR TO RECEIVING THE ADDITIONAL PAYMENT, THE ADDITIONAL
7 PAYMENT SHALL BE PAID TO THE NAMED BENEFICIARY OR TO THE ESTATE OF
8 THE RETIRED MEMBER IF NO BENEFICIARY IS NAMED; AND FOR RELATED
9 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
10 MISSISSIPPI:

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12 SECTION 1. Section 25-11-112, Mississippi Code of 1972, is
13 amended as follows:

14 25-11-112. (1) Persons who on July 1 of each year, or July
15 1 of each year as provided for in subsection (6) of this section,
16 are receiving a retirement allowance for service or disability
17 retirement, or beneficiaries thereof, shall receive in one (1)
18 additional payment an amount equal to a cumulative percentage of
19 (a) two and one-half percent (2-1/2%) of the annual retirement
20 allowance for each full fiscal year of retirement through June 30,
21 1984, (b) for each full fiscal year of retirement after June 30,
22 1984, and through June 30, 1993, the annual percentage increase in
23 the Consumer Price Index set by the United States government in
24 each fiscal year, not exceeding two and one-half percent (2-1/2%)
25 for any fiscal year, and (c) for each full fiscal year of
26 retirement after June 30, 1993, the annual percentage increase in
27 the Consumer Price Index set by the United States government for
28 the calendar year ending during each fiscal year, not exceeding
29 two and one-half percent (2-1/2%) for any fiscal year, times the
30 amount of the annual retirement allowance. The cumulative

31 percentage provided in this subsection for any particular year
32 shall not be less than the cumulative percentage provided for the
33 previous year. In the event of the death of a retired member, or
34 beneficiary thereof, prior to receiving the additional payment
35 provided in this subsection, the additional payment shall be paid
36 to the named beneficiary or the estate of the retired member if no
37 beneficiary is named.

38 (2) Persons who on July 1 of each year are receiving a
39 retirement allowance for service or disability retirement, or
40 beneficiaries thereof, may receive, in addition to the cumulative
41 percentage described in subsection (1) of this section, a payment
42 as determined by the board, calculated in increments of
43 one-quarter of one percent (1/4 of 1%), not to exceed one and
44 one-half percent (1-1/2%) of the annual retirement allowance for
45 each full fiscal year of retirement, provided that any such
46 payment shall be contingent upon the reserve for annuities in
47 force for retired members and beneficiaries providing sufficient
48 investment gains in excess of the accrued actuarial liabilities
49 for the previous fiscal year as certified by the actuary and
50 determined by the board. In the event of the death of a retired
51 member, or beneficiary thereof, prior to receiving the additional
52 payment provided in this subsection, the additional payment shall
53 be paid to the named beneficiary or the estate of the retired
54 member if no beneficiary is named.

55 (3) The percentages of this section shall be based on each
56 full fiscal year that the retired member or beneficiary has
57 actually drawn retirement payments from the date of retirement, or
58 the date of last retirement if there is more than one (1)
59 retirement date.

60 (4) Each retired member, or beneficiary thereof, who
61 receives an annual retirement allowance based on the average
62 compensation for a period of five (5) successive or joined years
63 and who receives a retirement allowance for the month of June,
64 1985, shall receive an ad hoc increase of three percent (3%) in
65 such retirement allowance effective July 1, 1985.

66 (5) Persons eligible to receive the payments provided in
67 subsections (1) and (2) of this section shall receive such

68 payments in one (1) additional payment, except that such person
69 may elect by an irrevocable agreement on a form prescribed by the
70 board of trustees to receive such payments in not less than equal
71 monthly installments not to exceed six (6) months during the
72 remaining months of the current fiscal year. In the event of
73 death of a person or a beneficiary thereof receiving monthly
74 benefits, any remaining amounts shall be paid in a lump sum to the
75 designated beneficiary.

76 (6) Retired persons or beneficiaries thereof, who on July 1,
77 1994, or July 1 of any fiscal year thereafter, are receiving a
78 retirement allowance, may elect by an irrevocable agreement in
79 writing filed in the office of the Public Employees' Retirement
80 System no less than thirty (30) days prior to July 1, of the
81 appropriate year, to begin receiving the payments provided for in
82 subsection (1) of this section in twelve (12) equal installments
83 beginning July 1, 1994, or July 1 of any fiscal year thereafter.
84 Such irrevocable agreement shall be binding on the member and
85 subsequent beneficiaries. The cumulative percentage provided in
86 subsection (1) of this section and paid in twelve (12) equal
87 installments for any particular year shall not be less than the
88 cumulative percentage provided for the previous year. * * * Any
89 additional amounts approved by the board under subsection (2) of
90 this section shall be paid in one (1) lump sum payment to retirees
91 and beneficiaries in accordance with subsection (2) of this
92 section. In the event of the death of a retired member, or
93 beneficiary thereof, prior to receiving the full amount of the
94 additional payments provided in subsections (1) and (2), any
95 remaining amounts shall be paid to the named beneficiary or the
96 estate of the retired member if no beneficiary is named.

97 SECTION 2. This act shall take effect and be in force from
98 and after its passage.