

By: Senator(s) Furniss

To: Finance

SENATE BILL NO. 2443

1 AN ACT TO AMEND SECTION 25-13-16, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE BENEFICIARY OF A CERTAIN DECEASED RETIRED
3 MEMBER OF THE HIGHWAY SAFETY PATROL RETIREMENT SYSTEM WHO RETIRED
4 WITHOUT SELECTING AN OPTIONAL FORM OF BENEFIT PAYMENT, SHALL BE
5 ENTITLED TO RECEIVE BENEFITS AS IF THE RETIRED MEMBER HAD SELECTED
6 OPTION 2; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
7 LEGISLATURE OF THE STATE OF MISSISSIPPI:

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9 SECTION 1. Section 25-13-16, Mississippi Code of 1972, is
10 amended as follows:

11 25-13-16. (1) Upon application for superannuation or
12 disability retirement, any member who retires after July 1, 1990,
13 may elect to receive his benefit pursuant to the provisions of
14 Sections 25-13-11 and 25-13-13 or may elect to receive his benefit
15 in a retirement allowance payable throughout life with no further
16 payments to anyone at his death, except that in the event his
17 total retirement payments under this article do not equal his
18 total contributions under this article, his named beneficiary
19 shall receive the difference in cash at his death. Or he may
20 elect upon retirement, or upon becoming eligible for retirement,
21 to receive the actuarial equivalent of his retirement allowance in
22 a reduced retirement allowance payable throughout life with the
23 provision that:

24 **Option 1.** If he dies before he has received in annuity
25 payment the value of the member's annuity as it was at the time of
26 his retirement, the balance shall be paid to his legal
27 representative or to such person as he shall nominate by written
28 designation duly acknowledged and filed with the board; or

29 **Option 2.** Upon his death, his reduced retirement allowance

30 shall be continued throughout the life of, and paid to, such
31 person as he has nominated by written designation duly
32 acknowledged and filed with the board of trustees at the time of
33 his retirement;

34 **Option 3.** Upon his death, one half (1/2) of his reduced
35 retirement allowance shall be continued throughout the life of,
36 and paid to, such person as he shall have nominated by written
37 designation duly acknowledged and filed with the board of trustees
38 at the time of his retirement, and the other one half (1/2) of his
39 reduced retirement allowance to some other designated beneficiary;

40 **Option 4-A.** Upon his death, one half (1/2) of his reduced
41 retirement allowance, or such other specified amount, shall be
42 continued throughout the life of, and paid to, such person as he
43 shall have nominated by written designation duly acknowledged and
44 filed with the board of trustees at the time of his retirement; or

45 **Option 4-B.** A reduced retirement allowance shall be
46 continued throughout the life of the retirant, but with the
47 further guarantee of payments to the named beneficiary,
48 beneficiaries or to the estate for a specified number of years
49 certain. If the retired member or the last designated beneficiary
50 receiving annuity payments dies prior to receiving all guaranteed
51 payments due, the actuarial equivalent of the remaining payments
52 would be paid to the estate of the retired member as intestate
53 property.

54 **Option 4-C.** Such retirement allowance otherwise payable may
55 be converted into a retirement allowance of equivalent actuarial
56 value in such an amount that, with the member's benefit under
57 Title II of the Federal Social Security Act, the member will
58 receive, so far as possible, approximately the same amount
59 annually before and after the earliest age at which the member
60 becomes eligible to receive a social security benefit.

61 **Option 5.** With the added provision under Option 2 or Option
62 4-A that in the event the designated beneficiary predeceased the

63 member, the retirement allowance payable to the member after the
64 death of the designated beneficiary shall be equal to the
65 retirement allowance which would have been payable had the member
66 not elected the option.

67 (2) No change in the option selected shall be permitted
68 after the member's death or after the member has received his
69 first retirement check. Should a member retired on disability be
70 returned to active service, the option previously selected shall
71 be null and void. Upon subsequent retirement a new option may be
72 selected.

73 (3) Any member in service who has qualified for retirement
74 benefits may select any optional method of settlement of
75 retirement benefits by notifying the Executive Secretary of the
76 Board of Trustees of the Public Employees' Retirement System in
77 writing, on a form prescribed by the board, of the option he has
78 selected and by naming the beneficiary of such option and
79 furnishing necessary proof of age. Such option, once selected,
80 may be changed at any time prior to actual retirement or death,
81 but upon the death or retirement of the member, the optional
82 settlement shall be placed in effect upon proper notification to
83 the executive secretary.

84 (4) Notwithstanding any provision of this section to the
85 contrary, any beneficiary of a deceased retiree whose date of
86 retirement was effective June 1, 1990 and whose death occurred May
87 30, 1997, and who retired without the benefit of selecting an
88 optional form of benefit payment as provided under this section,
89 shall be entitled to receive benefits, effective upon the
90 effective date of Senate Bill No. 2443, 1999 Regular Session, as
91 if the retired member had selected Option 2. (Such change in the
92 optional form of payment for the surviving spouse shall not affect
93 the rights of a dependent child receiving such benefits under
94 Section 25-13-13.)

95 (5) For purposes of this section:

96 (a) "Beneficiary" means any person designated to
97 receive a retirement allowance, an annuity or other benefit as
98 provided by this chapter. Such designation shall be in writing
99 filed in the office of the Executive Secretary of the Board of
100 Trustees of the Public Employees' Retirement System, and no
101 designation or change of beneficiary shall be made in any other
102 manner; however, notwithstanding any provision of this chapter to
103 the contrary, the lawful spouse of a member at the time of the
104 death of a member shall be the beneficiary of such member unless
105 the member has designated another beneficiary subsequent to the
106 date of marriage.

107 (b) "Actuarial equivalent" shall mean a benefit of
108 equal value to the accumulated contributions, annuity or benefit,
109 as the case may be, when computed upon the basis of such mortality
110 tables as shall be adopted by the board of trustees, and regular
111 interest.

112 (c) "Actuarial tables" shall mean such tables of
113 mortality and rates of interest as shall be adopted by the board
114 in accordance with the recommendation of the actuary.

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