

By: Senator(s) Harden

To: Finance

SENATE BILL NO. 2769

1 AN ACT TO AMEND SECTION 25-11-111, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT
3 SYSTEM REGARDLESS OF AGE, WHO WAS EMPLOYED BY THE DEPARTMENT OF
4 MENTAL HEALTH IN A POSITION WHICH REQUIRED SUCH PERSON TO BE
5 DIRECTLY RESPONSIBLE FOR PATIENT CARE AT THE TIME OF SUCH
6 EMPLOYEES' WITHDRAWAL FROM SERVICE, MAY RETIRE IF SUCH EMPLOYEE
7 HAS COMPLETED AT LEAST 20 YEARS OF CREDITABLE SERVICE AT THE TIME
8 OF SUCH WITHDRAWAL FROM SERVICE; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 25-11-111, Mississippi Code of 1972, is
11 amended as follows:

12 25-11-111. (a) (1) Any member upon withdrawal from service
13 upon or after attainment of the age of sixty (60) years who shall
14 have completed at least four (4) years of creditable service, or
15 any member upon withdrawal from service regardless of age who
16 shall have completed at least twenty-five (25) years of creditable
17 service, shall be entitled to receive a retirement allowance
18 computed in accordance with the formula set forth in this section
19 which shall begin on the first of the month following the date the
20 member's application for the said allowance is received by the
21 board, but in no event before withdrawal from service.

22 (2) Any member upon withdrawal from service regardless
23 of age, who was employed by the Department of Mental Health in a
24 position which required such person to be directly responsible for
25 patient care at the time of such withdrawal from service and who
26 has completed at least twenty (20) years of creditable service in
27 such a position, shall be entitled to receive a retirement
28 allowance computed in accordance with the formula set forth in
29 this section which shall begin on the first of the month following

30 the date the member's application for the said allowance is
31 received by the board, but in no event before withdrawal from
32 service.

33 (b) Any member whose withdrawal from service occurs prior to
34 attaining the age of sixty (60) years who shall have completed
35 four (4) or more years of creditable service and shall not have
36 received a refund of his accumulated contributions shall be
37 entitled to receive a retirement allowance, beginning upon his
38 attaining the age of sixty (60) years, of the amount earned and
39 accrued at the date of withdrawal from service.

40 (c) Any member in service who has qualified for retirement
41 benefits may select any optional method of settlement of
42 retirement benefits by notifying the Executive Director of the
43 Board of Trustees of the Public Employees' Retirement System in
44 writing, on a form prescribed by the board, of the option he has
45 selected and by naming the beneficiary of such option and
46 furnishing necessary proof of age. Such option, once selected,
47 may be changed at any time prior to actual retirement or death,
48 but upon the death or retirement of the member, the optional
49 settlement shall be placed in effect upon proper notification to
50 the executive director.

51 (d) The annual amount of the retirement allowance shall
52 consist of:

53 (1) A member's annuity which shall be the actuarial
54 equivalent of the accumulated contributions of the member at the
55 time of retirement computed according to the actuarial table in
56 use by the system; and

57 (2) An employer's annuity which, together with the
58 member's annuity provided above, shall be equal to one and
59 seven-eighths percent (1-7/8%) of the average compensation for
60 each year of state service up to and including twenty-five (25)
61 years of membership service, and two percent (2%) of the average
62 compensation for each year of state service in excess of
63 twenty-five (25) years of membership service.

64 (3) A prior service annuity equal to one and
65 seven-eighths percent (1-7/8%) of the average compensation for
66 each year of state service up to and including twenty-five (25)

67 years of prior service, and two percent (2%) of the average
68 compensation for each year of state service in excess of
69 twenty-five (25) years of prior service for which the member is
70 allowed credit.

71 (4) Any retired member or beneficiary thereof who was
72 eligible to receive a retirement allowance before July 1, 1991,
73 and who is still receiving a retirement allowance on July 1, 1992,
74 shall receive an increase in the annual retirement allowance of
75 the retired member equal to one-eighth of one percent (1/8 of 1%)
76 of the average compensation for each year of state service in
77 excess of twenty-five (25) years of membership service up to and
78 including thirty (30) years. The maximum increase shall be
79 five-eighths of one percent (5/8 of 1%). In no case shall a
80 member who has been retired prior to July 1, 1987, receive less
81 than Ten Dollars (\$10.00) per month for each year of creditable
82 service and proportionately for each quarter year thereof.
83 Persons retired on or after July 1, 1987, shall receive at least
84 Ten Dollars (\$10.00) per month for each year of service and
85 proportionately for each quarter year thereof reduced for the
86 option selected. However, such Ten Dollars (\$10.00) minimum per
87 month for each year of creditable service shall not apply to a
88 retirement allowance computed under Section 25-11-114 based on a
89 percentage of the member's average compensation.

90 (5) * * * The retirement allowance otherwise payable
91 may be converted into a retirement allowance of equivalent
92 actuarial value in such an amount that, with the member's benefit
93 under Title II of the federal Social Security Act, the member will
94 receive, so far as possible, approximately the same amount
95 annually before and after the earliest age at which the member
96 becomes eligible to receive a Social Security benefit.

97 (e) No member, except members excluded by the Age
98 Discrimination in Employment Act Amendments of 1986 (Public Law
99 99-592), under either Article 1 or Article 3 in state service

100 shall be required to retire because of age.

101 (f) No payment on account of any benefit granted under the
102 provisions of this section shall become effective or begin to
103 accrue until January 1, 1953.

104 (g) (1) A retiree or beneficiary may, on a form prescribed
105 by and filed with the retirement system, waive all or a portion of
106 any benefits from the retirement system to which the retiree or
107 beneficiary is entitled. A retiree or beneficiary may revoke a
108 waiver of benefits in the same manner as the original waiver was
109 made. Such waiver shall be binding on the heirs and assigns of
110 any retiree or beneficiary and the same must agree to forever hold
111 harmless the Public Employees' Retirement System of Mississippi
112 from any claim to such waived retirement benefits.

113 (2) Any waiver pursuant to this subsection shall apply
114 only to the person executing the waiver and any beneficiary shall
115 be entitled to benefits according to the option selected by the
116 member at the time of retirement. However, a beneficiary may, at
117 the option of the beneficiary, execute a waiver of benefits
118 pursuant to this subsection.

119 (3) The retirement system shall retain in the annuity
120 reserve account amounts that are not used to pay benefits because
121 of a waiver executed under this subsection.

122 (4) The board of trustees may provide rules and
123 regulations for the administration of waivers under this
124 subsection.

125 SECTION 2. This act shall take effect and be in force from
126 and after July 1, 1999.