

By: Gollott

To: Finance

SENATE BILL NO. 2009
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-13-11, MISSISSIPPI CODE OF 1972,
2 TO ALLOW MEMBERS OF THE MISSISSIPPI HIGHWAY SAFETY PATROL
3 RETIREMENT SYSTEM TO CONTINUE IN SERVICE WITH THE MISSISSIPPI
4 HIGHWAY SAFETY PATROL BEYOND AGE 60 FOR PERIODS OF ONE YEAR UNTIL
5 AGE 65, IF THE COMMISSIONER OF PUBLIC SAFETY DETERMINES THAT THE
6 MEMBER'S CONTINUANCE IN SERVICE WOULD BE ADVANTAGEOUS TO THE
7 HIGHWAY PATROL BECAUSE OF HIS EXPERT KNOWLEDGE, EXPERIENCE OR
8 QUALIFICATIONS; TO INCREASE THE MAXIMUM AMOUNT OF RETIREMENT
9 BENEFITS THAT A MEMBER OF THE MISSISSIPPI HIGHWAY SAFETY PATROL
10 RETIREMENT SYSTEM MAY RECEIVE FROM 85% OF THE AVERAGE COMPENSATION
11 TO 100% OF THE AVERAGE COMPENSATION; AND FOR RELATED PURPOSES.

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

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

15 25-13-11. Any member upon withdrawal from service, upon or
16 after attainment of the age of fifty-five (55) years, who shall
17 have completed at least five (5) years of creditable service, or
18 any member upon withdrawal from service upon or after attainment
19 of the age of forty-five (45) years, who shall have completed at
20 least twenty (20) years of creditable service, or any member upon
21 withdrawal from service, regardless of age, who shall have
22 completed at least twenty-five (25) years of creditable service,
23 shall be entitled to receive a retirement allowance which shall be
24 payable the first of the month following receipt of the member's
25 application in the office of the Executive Director of the Public
26 Employees' Retirement System, but in no event before withdrawal
27 from service.

28 Any member whose withdrawal from service occurs prior to
29 attaining the age of fifty-five (55) years, who shall have
30 completed more than five (5) years of creditable service and shall

31 not have received a refund of the member's accumulated
32 contributions, shall be entitled to receive a retirement allowance
33 beginning upon his attaining the age of fifty-five (55) years of
34 the amount earned and accrued at the date of withdrawal from
35 service.

36 The annual amount of the retirement allowance shall consist
37 of:

38 (a) A member's annuity, which shall be the actuarial
39 equivalent of the accumulated contributions of the member at the
40 time of retirement, computed according to the actuarial table in
41 use by the system.

42 (b) An employer's annuity which, together with the
43 member's annuity provided above, shall be equal to two and
44 one-half percent (2-1/2%) of the average compensation, based on
45 the four (4) highest consecutive years, for each year of
46 membership service.

47 (c) A prior service annuity equal to two and one-half
48 percent (2-1/2%) of the average compensation, based on the four
49 (4) highest consecutive years, for each year of prior service for
50 which the member is allowed credit.

51 (d) In the case of retirement of any member prior to
52 attaining the age of fifty-five (55) years, the retirement
53 allowance shall be computed in accordance with the formula
54 hereinabove set forth in this section, except that the employer's
55 annuity and prior service annuity above described shall be reduced
56 three percent (3%) for each year of age below fifty-five (55)
57 years, or three percent (3%) for each year of service below
58 twenty-five (25) years of creditable service, whichever is lesser.

59 (e) Upon retiring from service, a member shall be
60 eligible to obtain retirement benefits, as computed above, for
61 life, except that the aggregate amount of the employer's annuity
62 and prior service annuity above described shall not exceed more
63 than one hundred percent (100%) of the average compensation
64 regardless of the years of service.

65 (f) Any member in the service who shall have attained
66 the age of sixty (60) years shall be retired forthwith. However,
67 any member who has attained age sixty (60) may ask the

68 Commissioner of Public Safety to allow him to continue in service
69 with the Mississippi Highway Safety Patrol beyond age sixty (60).
70 If the commissioner determines that the member's continuance in
71 service would be advantageous to the Highway Safety Patrol because
72 of his expert knowledge, experience or qualifications, the member
73 shall be allowed to continue in service beyond age sixty (60) for
74 a period of one (1) year. After the initial one-year continuance,
75 the commissioner may authorize the member to continue in service
76 for additional periods of one (1) year until the member attains
77 age sixty-five (65), at which time retirement shall be mandatory.

78 (g) Notwithstanding any provision of this chapter
79 pertaining to the Mississippi Highway Safety Patrol Retirement
80 System, no payments may be made for a retirement allowance on a
81 monthly basis for a period of time in excess of that allowed by
82 any applicable federal law.

83 (h) In no case shall any retired member who has
84 completed at least fifteen (15) years of creditable service
85 receive less than Five Hundred Dollars (\$500.00) per month; in no
86 case shall any retired member who has completed ten (10) or more
87 years of creditable service, but less than fifteen (15) years of
88 creditable service, receive less than Three Hundred Dollars
89 (\$300.00) per month; and in no case shall any retired member who
90 has completed less than ten (10) years of creditable service
91 receive less than Two Hundred Fifty Dollars (\$250.00) per month.
92 In no case shall a beneficiary who is receiving a retirement
93 allowance receive less than Two Hundred Fifty Dollars (\$250.00)
94 per month or Three Thousand Dollars (\$3,000.00) per year.

95 (i) Any retired member who is receiving a retirement
96 allowance on July 1, 1999, shall receive an ad hoc increase in the
97 annual retirement allowance equal to Three Dollars and Fifty Cents
98 (\$3.50) per month for each full fiscal year through June 30, 1999,
99 that the member has actually drawn retirement payments from the
100 date of retirement, or the date of last retirement if there is

101 more than one (1) retirement date, plus an amount equal to One
102 Dollar (\$1.00) per month for each full year of creditable service
103 and proportionately for each quarter year of creditable service,
104 as documented by the system and on which benefits are being paid.
105 If there are multiple beneficiaries receiving a retirement
106 allowance from a deceased member's account, the ad hoc increase
107 shall be divided proportionately.

108 SECTION 2. This act shall take effect and be in force from
109 and after January 1, 2000.