

By: Representatives Gadd, Mitchell, Ward,
Montgomery (15th)

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 594

1 AN ACT TO AMEND SECTION 25-13-9, MISSISSIPPI CODE OF 1972, TO
2 LOWER TO FIVE YEARS THE AMOUNT OF CREDITABLE SERVICE THAT A MEMBER
3 OF THE HIGHWAY SAFETY PATROL RETIREMENT SYSTEM MUST HAVE TO BE
4 ELIGIBLE FOR A DISABILITY RETIREMENT ALLOWANCE; TO AUTHORIZE THE
5 MEDICAL BOARD OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO
6 CONSIDER MEDICAL EVIDENCE, WHICH MAY INCLUDE A PHYSICAL
7 EXAMINATION BY THE MEDICAL BOARD, IN DETERMINING ELIGIBILITY FOR
8 DISABILITY RETIREMENT; AND FOR RELATED PURPOSES.

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

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

12 25-13-9. (1) Upon application of a member or his employer,
13 but in no event before termination of state service, any member
14 who has not attained the age of fifty-five (55) years may be
15 retired by the administrative board created by this chapter, not
16 less than thirty (30) and not more than ninety (90) days next
17 following the date of filing the application, on a disability
18 retirement allowance, provided that the Medical Board of the
19 Public Employees' Retirement System of Mississippi, after an
20 evaluation of medical evidence, which may include a physical
21 examination by the medical board, certifies that he is mentally or
22 physically incapacitated for the performance of duty, that the
23 incapacity is likely to be permanent, and that the sickness or
24 injury was caused or sustained as a direct result of duty in the
25 Highway Safety Patrol after July 1, 1958.

26 Any former uniformed highway safety patrolman who has had not
27 less than two (2) years of prior service with the Highway Safety
28 Patrol and who was disabled by wounds or accident in line of duty,
29 and who has returned to duty with the Highway Safety Patrol, and
30 who becomes a member of the Highway Safety Patrol Retirement



31 System with prior years' service credits as provided in this
32 chapter, may, if his disability from his previous wounds or
33 accident received in line of duty returns and he again becomes
34 totally and permanently disabled, receive full benefits as a
35 disability retirant for service-connected disability.

36 Upon the application of a member or his employer, any member
37 who is not yet eligible for service retirement benefits and who
38 has had at least five (5) years of creditable service may be
39 retired by the administrative board, not less than thirty (30) and
40 not more than ninety (90) days next following the date of filing
41 the application, on disability retirement allowance, provided that
42 the Medical Board of the Public Employees' Retirement System of
43 Mississippi, after an evaluation of medical evidence, which may
44 include a physical examination by the medical board, certifies
45 that he is mentally or physically incapacitated for the further
46 performance of duty, that the incapacity is likely to be
47 permanent, and that he should be retired. This disability need
48 not be service-connected.

49 (2) Upon retirement for disability, a member shall receive a
50 disability benefit equal to fifty percent (50%) of his average
51 salary for the two (2) years immediately preceding his retirement,
52 but not less than any retirement benefits for which he may be
53 eligible at the date he is granted disability.

54 (3) Once each year during the first five (5) years following
55 retirement of a member on a disability retirement allowance, and
56 once in every period of three (3) years thereafter, the
57 administrative board may, and upon his application shall, require
58 any disability beneficiary who has not yet attained the age of
59 fifty-five (55) years to undergo a medical examination, the
60 examination to be made at the place of residence of the
61 beneficiary or other place mutually agreed upon, by the Medical
62 Board of the Public Employees' Retirement System. If any
63 disability beneficiary who has not yet attained the age of



64 fifty-five (55) years refuses to submit to any medical examination
65 provided for in this subsection, his allowance may be discontinued
66 until his withdrawal of that refusal, and if his refusal continues
67 for one (1) year, all his rights in that part of the disability
68 benefit provided by employer contributions shall be revoked by the
69 administrative board.

70 (4) If the medical board reports and certifies to the
71 administrative board that the disability beneficiary is engaged
72 in, or is able to engage in, a gainful occupation paying more than
73 the difference between his disability benefit and the average
74 compensation, and if the administrative board concurs in that
75 report, the disability benefit shall be reduced to an amount that,
76 together with the amount earnable by him, * * * equals the amount
77 of his average compensation. If his earning capacity is later
78 changed, the amount of the * * * benefit may be further modified;
79 however, the revised benefit shall not exceed the amount
80 originally granted or an amount that, when added to the amount
81 earnable by the beneficiary, equals the amount of his average
82 compensation.

83 (5) If a disability beneficiary under the age of fifty-five
84 (55) years is restored to active service at a compensation not
85 less than his average compensation, his disability benefit shall
86 cease; he shall again become a member of the retirement system,
87 and he shall contribute thereafter at the same rate he paid before
88 disability. Any such prior service certificate on the basis of
89 which his service was computed at the time of retirement shall be
90 restored to full force and effect. In addition, upon his
91 subsequent retirement he shall be credited with all creditable
92 service as a member, including the period for which he was paid
93 disability benefits.

94 **SECTION 2.** This act shall take effect and be in force from
95 and after its passage.

