

By: Representatives Ellington, Denny

To: Appropriations

HOUSE BILL NO. 1053
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 21-29-247, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE PAYMENT OF CERTAIN ADDITIONAL COST-OF-LIVING
3 INCREASES TO RETIRED MEMBERS AND RETIRED DISABLED MEMBERS OF THE
4 DISABILITY AND RELIEF FUND FOR FIREMEN AND POLICEMEN OF CERTAIN
5 MUNICIPALITIES; TO PROVIDE THAT THE COST-OF-LIVING INCREASES SHALL
6 NOT BE PROVIDED UNLESS THE DISABILITY AND RELIEF FUND CURRENTLY IS
7 ACTUARIALLY SOUND AND WILL REMAIN ACTUARIALLY SOUND IF THE
8 COST-OF-LIVING INCREASES ARE PROVIDED; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 21-29-247, Mississippi Code of 1972, is
11 amended as follows:

12 21-29-247. (1) From and after January 1, 1971, all persons
13 receiving retirement benefits under Section 21-29-245, or becoming
14 eligible for retirement benefits under Section 21-29-245, and
15 retiring or to be retired from service in a municipality having an
16 assessed valuation of at least Three Hundred Forty Million Dollars
17 \$340,000,000.00, according to the 1967 compiled assessment rolls,
18 shall receive in addition to all benefits set forth in Section
19 21-29-245 the following percentage increases as may be determined
20 by the cost-of-living index as set by the United States government
21 under the following formula:

22 In any calendar year following 1970 in which the
23 cost-of-living index as set by the United States government for
24 January exceeds the cost-of-living index as set by the United
25 States government for the previous January, the pension payments
26 beginning with March of the current year shall be increased in an
27 amount equal to the percentage increase determined by the increase
28 in the cost-of-living index as set by the United States
29 government.



30 The accumulated percentage increases provided under this
31 subsection (1) that may be developed by increases in the
32 cost-of-living index as set by the United States government shall
33 not exceed twelve percent (12%).

34 (2) From and after January 1, 2002, all persons receiving
35 retirement benefits or disability retirement benefits under
36 Section 21-29-241 or 21-29-245 or becoming eligible for retirement
37 benefits or disability retirement benefits under Section 21-29-241
38 or 21-29-245 and retiring or to be retired from service in a
39 municipality having an assessed valuation of at least Three
40 Hundred Forty Million Dollars (\$340,000,000.00), according to the
41 1967 complied assessment rolls, who are receiving a cost-of-living
42 increase provided under subsection (1) of this section or Chapter
43 869, Local and Private Laws of 1992, as the case may be, that is
44 equal to an accumulated percentage increase of twelve percent
45 (12%) of the amount of the retirement benefits, shall receive the
46 following cost-of-living increases: In addition to all benefits
47 provided under Section 21-29-241 or 21-29-245, and the
48 cost-of-living increases provided under subsection (1) of this
49 section or Chapter 869, Local and Private Laws of 1992, as the
50 case may be, those persons shall receive the following percentage
51 increases as may be determined by the cost-of-living index as set
52 by the United States government under the following formula:

53 In any calendar year in which a person is eligible for
54 cost-of-living increases under this subsection (2) in which the
55 cost-of-living index as set by the United States government for
56 January exceeds the cost-of-living index as set by the United
57 States government for the previous January, the pension payments
58 beginning with March of the current year shall be increased in an
59 amount equal to the percentage increase determined by the increase
60 in the cost-of-living index as set by the United States
61 government.



62 The accumulated percentage increases provided under this
63 subsection (2) that may be developed by increases in the
64 cost-of-living index as set by the United States government shall
65 not exceed seven and one-half percent (7-1/2%).

66 (3) Any person who is receiving minimum monthly benefits
67 under Chapter 898, Local and Private Laws of 1987, shall receive
68 in addition to all benefits provided under Chapter 898, Local and
69 Private Laws of 1987, the following percentage increases as may be
70 determined by the cost-of-living index as set by the United States
71 government under the following formula:

72 In any calendar year following 2001 in which the
73 cost-of-living index as set by the United States government for
74 January exceeds the cost-of-living index as set by the United
75 States government for the previous January, the pension payments
76 beginning with March of the current year shall be increased in an
77 amount equal to the percentage increase determined by the increase
78 in the cost-of-living index as set by the United States
79 government.

80 The accumulated percentage increases provided under this
81 subsection (3) that may be developed by increases in the
82 cost-of-living index as set by the United States government shall
83 not exceed seven and one-half percent (7-1/2%).

84 (4) The cost-of-living increases authorized under
85 subsections (2) and (3) of this section shall not be provided
86 unless the disability and relief fund for firemen and policemen of
87 any municipality to which this section applies:

88 (a) Is actuarially sound, as shown by the most recent
89 actuarial study required by Section 21-29-221; and

90 (b) Will remain actuarially sound if the cost-of-living
91 increases are provided, as shown by a certified statement from the
92 actuarial firm that prepared the most recent actuarial study.

93 (5) The Board of Trustees of the Public Employees'
94 Retirement System shall provide the cost-of-living increases



95 authorized under subsections (2) and (3) of this section to the
96 persons authorized and entitled to receive them, after all of the
97 following conditions have been met:

98 (a) The governing authorities of any municipality to
99 which this section applies must adopt a resolution to provide for
100 the cost-of-living increases, and transmit the resolution to the
101 board of trustees;

102 (b) The advisory board on the disability and relief
103 fund provided for in Section 21-29-207 must adopt a resolution
104 supporting the providing of the cost-of-living increases, and
105 transmit the resolution to the board of trustees; and

106 (c) The board of trustees must receive the resolutions
107 from the governing authorities and the advisory board, and receive
108 the most recent actuarial study of the disability and relief fund
109 and the certified statement from the actuarial firm that the
110 disability and relief fund will remain actuarially sound if the
111 cost-of-living increases are provided.

112 **SECTION 2.** This act shall take effect and be in force from
113 and after March 1, 2002.

