

By: Senator(s) Thames, Minor, Little,
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To: Finance

SENATE BILL NO. 2533

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 TO BE ELIGIBLE
4 FOR A DISABILITY RETIREMENT ALLOWANCE; TO AUTHORIZE THE MEDICAL
5 BOARD OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO CONSIDER
6 MEDICAL EVIDENCE WHICH MAY INCLUDE A PHYSICAL EXAMINATION BY THE
7 MEDICAL BOARD IN DETERMINING ELIGIBILITY FOR SUCH DISABILITY
8 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 such 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, shall certify that he is
22 mentally or physically incapacitated for the performance of duty,
23 that such incapacity is likely to be permanent, and that such
24 sickness or injury was caused or sustained as a direct result of
25 duty in the Highway Safety Patrol after the effective date of this
26 chapter.

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



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

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

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

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



64 disability beneficiary who has not yet attained the age of
65 fifty-five (55) years refuse to submit to any medical examination
66 provided for herein, his allowance may be discontinued until his
67 withdrawal of such refusal, and should his refusal continue for
68 one (1) year all his rights in that part of the disability benefit
69 provided by employer contributions shall be revoked by the
70 administrative board.

71 (4) If the medical board reports and certifies to the
72 administrative board that such disability beneficiary is engaged
73 in, or is able to engage in, a gainful occupation paying more than
74 the difference between his disability benefit and the average
75 compensation, and if the administrative board concurs in such
76 report, the disability benefit shall be reduced to an amount
77 which, together with the amount earnable by him, shall equal the
78 amount of his average compensation. If his earning capacity be
79 later changed, the amount of the said benefit may be further
80 modified; provided, that the revised benefit shall not exceed the
81 amount originally granted nor an amount which, when added to the
82 amount earnable by the beneficiary, equals the amount of his
83 average compensation.

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

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

