

By: Senator(s) Thames, Minor, Little,  
Browning, Harvey

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.

