SENATE BILL NO. 2533

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

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

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

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

Any former uniformed highway safety patrolman who has had not less than two (2) years of prior service with the Highway Safety Patrol and who was disabled by wounds or accident in line of duty, and who has returned to duty with the Highway Safety Patrol, and
who becomes a member of the Highway Safety Patrol Retirement
System with prior years' service credits as provided in this
chapter, may, if his disability from his previous wounds or
accident received in line of duty returns and he again becomes
totally and permanently disabled, receive full benefits as a
disability retirant for service-connected disability.

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

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

(3) Once each year during the first five (5) years following
retirement of a member on a disability retirement allowance, and
once in every period of three (3) years thereafter, the
administrative board may, and upon his application shall, require
any disability beneficiary who has not yet attained the age of
fifty-five (55) years to undergo a medical examination, such
examination to be made at the place of residence of said
beneficiary or other place mutually agreed upon, by the Medical
Board of the Public Employees' Retirement System. Should any
disability beneficiary who has not yet attained the age of fifty-five (55) years refuse to submit to any medical examination provided for herein, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one (1) year all his rights in that part of the disability benefit provided by employer contributions shall be revoked by the administrative board.

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

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

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