

By: Senator(s) White (29th)

To: Finance

SENATE BILL NO. 2911

1 AN ACT TO AMEND SECTIONS 25-11-111 AND 25-11-114, MISSISSIPPI  
 2 CODE OF 1972, TO PROVIDE THAT ANY MEMBER OF THE PUBLIC EMPLOYEES'  
 3 RETIREMENT SYSTEM, REGARDLESS OF AGE, WHO WAS EMPLOYED AS A FIRE  
 4 FIGHTER AT THE TIME OF WITHDRAWAL FROM SERVICE, MAY RETIRE IF SUCH  
 5 EMPLOYEE HAS COMPLETED AT LEAST 20 YEARS OF CREDITABLE SERVICE AS  
 6 A FIRE FIGHTER AT THE TIME OF SUCH WITHDRAWAL FROM SERVICE; TO  
 7 AMEND SECTION 25-13-11, MISSISSIPPI CODE OF 1972, TO REDUCE TO 20  
 8 THE NUMBER OF YEARS OF CREDITABLE SERVICE THAT A MEMBER OF THE  
 9 HIGHWAY SAFETY PATROL RETIREMENT SYSTEM MUST HAVE TO RETIRE  
 10 REGARDLESS OF AGE; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 25-11-111, Mississippi Code of 1972, is  
 13 amended as follows:

14 25-11-111. (a) (1) Except as otherwise provided in this  
 15 section, any member upon withdrawal from service upon or after  
 16 attainment of the age of sixty (60) years who has completed at  
 17 least four (4) years of creditable service, or any member upon  
 18 withdrawal from service regardless of age who has completed at  
 19 least twenty-five (25) years of creditable service, shall be  
 20 entitled to receive a retirement allowance computed in accordance  
 21 with the formula set forth in this section which shall begin on  
 22 the first of the month following the date the member's application  
 23 for the allowance is received by the board, but in no event before  
 24 withdrawal from service.

25 (2) Any member upon withdrawal from service, regardless  
 26 of age, who was employed as a fire fighter at the time of such  
 27 withdrawal from service and who has completed at least twenty (20)  
 28 years of creditable service as a fire fighter, shall be entitled  
 29 to receive a retirement allowance computed in accordance with the  
 30 formula set forth in this section which shall begin on the first  
 31 of the month following the date the member's application for the



32 allowance is received by the board, but in no event before  
33 withdrawal from service.

34 (b) Any member whose withdrawal from service occurs prior to  
35 attaining the age of sixty (60) years who shall have completed  
36 four (4) or more years of creditable service and shall not have  
37 received a refund of his accumulated contributions shall be  
38 entitled to receive a retirement allowance, beginning upon his  
39 attaining the age of sixty (60) years, of the amount earned and  
40 accrued at the date of withdrawal from service.

41 (c) Any member in service who has qualified for retirement  
42 benefits may select any optional method of settlement of  
43 retirement benefits by notifying the Executive Director of the  
44 Board of Trustees of the Public Employees' Retirement System in  
45 writing, on a form prescribed by the board, of the option he has  
46 selected and by naming the beneficiary of such option and  
47 furnishing necessary proof of age. Such option, once selected,  
48 may be changed at any time prior to actual retirement or death,  
49 but upon the death or retirement of the member, the optional  
50 settlement shall be placed in effect upon proper notification to  
51 the executive director.

52 (d) The annual amount of the retirement allowance shall  
53 consist of:

54 (1) A member's annuity which shall be the actuarial  
55 equivalent of the accumulated contributions of the member at the  
56 time of retirement computed according to the actuarial table in  
57 use by the system; and

58 (2) An employer's annuity which, together with the  
59 member's annuity provided above, shall be equal to one and  
60 seven-eighths percent (1-7/8%) of the average compensation for  
61 each year of state service up to and including twenty-five (25)  
62 years of membership service, and two and one-fourth percent  
63 (2-1/4%) of the average compensation for each year of state  
64 service exceeding twenty-five (25) years of membership service.



65 However, after the board of trustees has begun implementing the  
66 changes in the computation of the retirement allowance as provided  
67 in subsection (e), the employer's annuity shall be equal to:

68 (i) One and seven-eighths percent (1-7/8%) of the  
69 average compensation for each year of membership service up to and  
70 including the number of years specified in Column A of the table  
71 in subsection (e) for the latest phase that has been implemented,  
72 and

73 (ii) Two percent (2%) of the average compensation  
74 for each year of membership service exceeding the number of years  
75 specified in Column A of the table in subsection (e) for the  
76 latest phase that has been implemented up to and including  
77 twenty-five (25) years, and

78 (iii) The percentage of the average compensation  
79 specified in Column B of the table in subsection (e) for the  
80 latest phase that has been implemented for each year of membership  
81 service exceeding twenty-five (25) years.

82 (3) A prior service annuity equal to one and  
83 seven-eighths percent (1-7/8%) of the average compensation for  
84 each year of state service up to and including twenty-five (25)  
85 years of prior service, and two and one-fourth percent (2-1/4%) of  
86 the average compensation for each year of state service exceeding  
87 twenty-five (25) years of prior service for which the member is  
88 allowed credit. However, after the board of trustees has begun  
89 implementing the changes in the computation of the retirement  
90 allowance as provided in subsection (e), the prior service annuity  
91 shall be equal to:

92 (i) One and seven-eighths percent (1-7/8%) of the  
93 average compensation for each year of prior service up to and  
94 including the number of years specified in Column A of the table  
95 in subsection (e) for the latest phase that has been implemented,  
96 and



97                   (ii) Two percent (2%) of the average compensation  
98 for each year of prior service exceeding the number of years  
99 specified in Column A of the table in subsection (e) for the  
100 latest phase that has been implemented up to and including  
101 twenty-five (25) years, and

102                   (iii) The percentage of the average compensation  
103 specified in Column B of the table in subsection (e) for the  
104 latest phase that has been implemented for each year of prior  
105 service exceeding twenty-five (25) years.

106           (4) Any retired member or beneficiary thereof who was  
107 eligible to receive a retirement allowance before July 1, 1991,  
108 and who is still receiving a retirement allowance on July 1, 1992,  
109 shall receive an increase in the annual retirement allowance of  
110 the retired member equal to one-eighth of one percent (1/8 of 1%)  
111 of the average compensation for each year of state service in  
112 excess of twenty-five (25) years of membership service up to and  
113 including thirty (30) years. The maximum increase shall be  
114 five-eighths of one percent (5/8 of 1%). In no case shall a  
115 member who has been retired prior to July 1, 1987, receive less  
116 than Ten Dollars (\$10.00) per month for each year of creditable  
117 service and proportionately for each quarter year thereof.  
118 Persons retired on or after July 1, 1987, shall receive at least  
119 Ten Dollars (\$10.00) per month for each year of service and  
120 proportionately for each quarter year thereof reduced for the  
121 option selected. However, such Ten Dollars (\$10.00) minimum per  
122 month for each year of creditable service shall not apply to a  
123 retirement allowance computed under Section 25-11-114 based on a  
124 percentage of the member's average compensation.

125           (5) The board shall recalculate the retirement  
126 allowance of any member or the beneficiary of such a member, if  
127 the member or beneficiary is eligible to receive a retirement  
128 allowance before July 1, 1999, by using the criteria in paragraphs  
129 (2) and (3) of this subsection (d) that provides for two and



130 one-fourth percent (2-1/4%) of the average compensation for each  
131 year of service exceeding twenty-five (25) years.

132 (6) \* \* \* The retirement allowance otherwise payable  
133 may be converted into a retirement allowance of equivalent  
134 actuarial value in such an amount that, with the member's benefit  
135 under Title II of the federal Social Security Act, the member will  
136 receive, so far as possible, approximately the same amount  
137 annually before and after the earliest age at which the member  
138 becomes eligible to receive a social security benefit.

139 (e) Beginning on July 1, 2000, the board of trustees shall  
140 implement changes in the computation of the amount of the annual  
141 retirement allowance, which changes shall be implemented in phases  
142 as set forth in the table in this subsection. The board of  
143 trustees shall implement the phases systematically upon July 1  
144 after the board's actuary certifies that implementation of a phase  
145 will not cause the unfunded accrued actuarial liability  
146 amortization period for the retirement system to exceed twenty-two  
147 (22) years. The board of trustees shall have the exclusive  
148 authority to set the assumptions that are used in the actuarial  
149 evaluation in accordance with Section 25-11-119(9). The board of  
150 trustees shall recalculate the retirement allowance of any retired  
151 member or beneficiary of such a member as each phase is  
152 implemented.

153 RETIREMENT ALLOWANCE COMPUTATION

154 IMPLEMENTATION TABLE

155	(A)	(B)	
156 PHASE	2% FOR YEARS	PERCENTAGE	
157	ABOVE THIS	FOR YEARS	
158	NUMBER AND	ABOVE 25	
159	≤25 YEARS	YEARS	
160	<hr/>		
161	Phase 1	20 years	2.250%
162	Phase 2	15 years	2.250%



163	Phase 3	10 years	2.250%
164	Phase 4	5 years	2.250%
165	Phase 5	0 years	2.250%
166	Phase 6	0 years	2.375%
167	Phase 7	0 years	2.500%

168 Column A shows the years to which two percent (2%) is  
169 applicable in computing the retirement allowance, which are all  
170 the years of service exceeding the number specified in Column A  
171 for the phase that has been implemented up to and including  
172 twenty-five (25) years.

173 Column B shows the percentage that is applicable to the  
174 number of years of service exceeding twenty-five (25) years in  
175 computing the retirement allowance.

176 (f) No member, except members excluded by the Age  
177 Discrimination in Employment Act Amendments of 1986 (Public Law  
178 99-592), under either Article 1 or Article 3 in state service  
179 shall be required to retire because of age.

180 (g) No payment on account of any benefit granted under the  
181 provisions of this section shall become effective or begin to  
182 accrue until January 1, 1953.

183 (h) (1) A retiree or beneficiary may, on a form prescribed  
184 by and filed with the retirement system, irrevocably waive all or  
185 a portion of any benefits from the retirement system to which the  
186 retiree or beneficiary is entitled. Such waiver shall be binding  
187 on the heirs and assigns of any retiree or beneficiary and the  
188 same must agree to forever hold harmless the Public Employees'  
189 Retirement System of Mississippi from any claim to such waived  
190 retirement benefits.

191 (2) Any waiver pursuant to this subsection shall apply  
192 only to the person executing the waiver. A beneficiary shall be  
193 entitled to benefits according to the option selected by the  
194 member at the time of retirement. However, a beneficiary may, at



195 the option of the beneficiary, execute a waiver of benefits  
196 pursuant to this subsection.

197 (3) The retirement system shall retain in the annuity  
198 reserve account amounts that are not used to pay benefits because  
199 of a waiver executed under this subsection.

200 (4) The board of trustees may provide rules and  
201 regulations for the administration of waivers under this  
202 subsection.

203 **SECTION 2.** Section 25-11-114, Mississippi Code of 1972, is  
204 amended as follows:

205 25-11-114. (1) The applicable benefits provided in  
206 subsections (2) and (3) of this section shall be paid to eligible  
207 beneficiaries of any member who has completed four (4) or more  
208 years of creditable service and who dies before retirement and who  
209 has not filed a Pre-Retirement Optional Retirement Form as  
210 provided in Section 25-11-111.

211 (2) (a) The member's surviving spouse who has been married  
212 to the member for not less than one (1) year immediately preceding  
213 his death shall receive an annuity computed in accordance with  
214 paragraph (d) of this subsection (2) as if the member:

215 (i) Had retired on the date of his death with  
216 entitlement to an annuity provided for in Section 25-11-111,  
217 notwithstanding that he might not have attained age sixty (60) or  
218 acquired twenty-five (25) years of creditable service or, in the  
219 case of a fire fighter twenty (20) years of creditable service;

220 (ii) Had nominated his spouse as  
221 beneficiary \* \* \*.

222 (b) If, at the time of the member's death, there are no  
223 dependent children, and the surviving spouse, who otherwise would  
224 receive the annuity under this subsection (2), has filed with the  
225 system a signed written waiver of his or her rights to the annuity  
226 and that waiver was in effect at the time of the member's death, a  
227 lump sum distribution of the deceased member's accumulated



228 contributions shall be refunded in accordance with Section  
229 25-11-117.

230 (c) The spouse annuity shall begin on the first day of  
231 the month following the date of the member's death, but in case of  
232 late filing, retroactive payments will be made for a period of not  
233 more than one (1) year.

234 (d) The spouse annuity shall be the greater of twenty  
235 percent (20%) of the deceased member's average compensation as  
236 defined in Section 25-11-103 at the time of death or Fifty Dollars  
237 (\$50.00) monthly. If the spouse dies or if the spouse remarries  
238 before age sixty (60), the spouse annuity shall terminate.

239 (e) However, the spouse may elect by an irrevocable  
240 agreement on a form prescribed by the board of trustees to receive  
241 a monthly allowance as computed under either paragraph (d) or this  
242 paragraph. The irrevocable agreement shall constitute a waiver by  
243 the spouse to any current and future monthly allowance under the  
244 paragraph not elected and such waiver shall be a complete and full  
245 discharge of all obligations of the retirement system under such  
246 paragraph.

247 Any member who has completed four (4) or more years of  
248 creditable service and who dies before retirement and leaves a  
249 spouse who has been married to the member for not less than one  
250 (1) year immediately preceding his death and has not exercised any  
251 other option shall be deemed to have exercised Option 2 under  
252 Section 25-11-115 for the benefit of his spouse, which spouse  
253 shall be paid Option 2 settlement benefits under this article  
254 beginning on the first of the month following the date of death,  
255 but in case of late filing, retroactive payments will be made for  
256 a period of not more than one (1) year. The method of calculating  
257 such retirement benefits shall be on the same basis as provided in  
258 Section 25-11-111(d). However, if the member dies before being  
259 qualified for full unreduced benefits, then the benefits shall be  
260 reduced by three percent (3%) per year for the lesser of either





261 the years of service or age required for full unreduced benefits  
262 in Section 25-11-111(d).

263 (3) (a) Subject to the maximum limitation provided in this  
264 paragraph, the member's dependent children each shall receive an  
265 annuity of the greater of ten percent (10%) of the member's  
266 average compensation as defined in Section 25-11-103 at the time  
267 of the death of the member or Fifty Dollars (\$50.00) monthly;  
268 however, if there are more than three (3) dependent children, each  
269 dependent child shall receive an equal share of a total annuity  
270 equal to thirty percent (30%) of the member's average  
271 compensation, provided that the total annuity shall not be less  
272 than One Hundred Fifty Dollars (\$150.00) per month for all  
273 children.

274 (b) A child shall be considered to be a dependent child  
275 until marriage, or the attainment of age nineteen (19), whichever  
276 comes first; however, this age limitation shall be extended beyond  
277 age nineteen (19), but in no event beyond the attainment of age  
278 twenty-three (23), as long as the child is a student regularly  
279 pursuing a full-time course of resident study or training in an  
280 accredited high school, trade school, technical or vocational  
281 institute, junior or community college, college, university or  
282 comparable recognized educational institution duly licensed by a  
283 state. A student child whose birthday falls during the school  
284 year (September 1 through June 30) is considered not to reach age  
285 twenty-three (23) until the July 1 following the actual  
286 twenty-third birthday. A full-time course of resident study or  
287 training means a day or evening noncorrespondence course that  
288 includes school attendance at the rate of at least thirty-six (36)  
289 weeks per academic year or other applicable period with a subject  
290 load sufficient, if successfully completed, to attain the  
291 educational or training objective within the period generally  
292 accepted as minimum for completion, by a full-time day student, of  
293 the academic or training program concerned. Any child who is



294 physically or mentally incompetent, as adjudged by either a  
295 Mississippi court of competent jurisdiction or by the board, shall  
296 receive benefits for as long as the incompetency exists.

297 (c) If there are more than three (3) dependent  
298 children, upon a child's ceasing to be a dependent child, his  
299 annuity shall terminate and there shall be a redetermination of  
300 the amounts payable to any remaining dependent children.

301 (d) Annuities payable under this subsection (3) shall  
302 begin the first day of the month following the date of the  
303 member's death or in case of late filing, retroactive payments  
304 will be made for a period of not more than one (1) year. The  
305 benefits may be paid to a surviving parent or the lawful custodian  
306 of a dependent child for the use and benefit of such child without  
307 the necessity of appointment as guardian.

308 (4) (a) Death benefits in the line of duty. Regardless of  
309 the number of years of the member's creditable service, the spouse  
310 and/or the dependent children of an active member who is killed in  
311 the line of performance of duty or dies as a direct result of an  
312 accident occurring in the line of performance of duty shall  
313 qualify, on approval of the board, for a retirement allowance on  
314 the first of the month following the date of death, but in the  
315 case of late filing, retroactive payments will be made for a  
316 period of not more than one (1) year. The spouse shall receive a  
317 retirement allowance equal to one-half (1/2) of the average  
318 compensation as defined in Section 25-11-103. In addition to the  
319 retirement allowance for the spouse, or if there is no surviving  
320 spouse, the member's dependent child shall receive a retirement  
321 allowance in the amount of one-fourth (1/4) of the member's  
322 average compensation as defined in Section 25-11-103; however, if  
323 there are two (2) or more dependent children, each dependent child  
324 shall receive an equal share of a total annuity equal to one-half  
325 (1/2) of the member's average compensation. If there are more  
326 than two (2) dependent children, upon a child's ceasing to be a



327 dependent child, his annuity shall terminate and there shall be a  
328 redetermination of the amounts payable to any remaining dependent  
329 children. Such benefits shall cease to be paid for the support  
330 and maintenance of each child upon such child attaining the age of  
331 nineteen (19) years; however, the spouse shall continue to be  
332 eligible for the aforesaid retirement allowance. The benefits may  
333 be paid to a surviving parent or lawful custodian of the children  
334 for the use and benefit of the children without the necessity of  
335 appointment as guardian. Such retirement allowance shall cease to  
336 the spouse upon remarriage but continue to be payable for each  
337 dependent child until the age of nineteen (19) years.

338 (b) A child shall be considered to be a dependent child  
339 until marriage, or the attainment of age nineteen (19), whichever  
340 comes first; however, this age limitation shall be extended beyond  
341 age nineteen (19), but in no event beyond the attainment of age  
342 twenty-three (23), as long as the child is a student regularly  
343 pursuing a full-time course of resident study or training in an  
344 accredited high school, trade school, technical or vocational  
345 institute, junior or community college, college, university or  
346 comparable recognized educational institution duly licensed by a  
347 state. A student child whose birthday falls during the school  
348 year (September 1 through June 30) is considered not to reach age  
349 twenty-three (23) until the July 1 following the actual  
350 twenty-third birthday. A full-time course of resident study or  
351 training means a day or evening noncorrespondence course that  
352 includes school attendance at the rate of at least thirty-six (36)  
353 weeks per academic year or other applicable period with a subject  
354 load sufficient, if successfully completed, to attain the  
355 educational or training objective within the period generally  
356 accepted as minimum for completion, by a full-time day student, of  
357 the academic or training program concerned. Any child who is  
358 physically or mentally incompetent, as adjudged by either a



359 Mississippi court of competent jurisdiction or by the board, shall  
360 receive benefits for as long as the incompetency exists.

361 (5) If all the annuities provided for in this section  
362 payable on account of the death of a member terminate before there  
363 has been paid an aggregate amount equal to the member's  
364 accumulated contributions standing to the member's credit in the  
365 annuity savings account at the time of the member's death, the  
366 difference between the accumulated contributions and the aggregate  
367 amount of annuity payments shall be paid to such person as the  
368 member has nominated by written designation duly executed and  
369 filed with the board. If there is no designated beneficiary  
370 surviving at termination of benefits, the difference shall be  
371 payable pursuant to Section 25-11-117.1(1).

372 (6) Regardless of the number of years of creditable service  
373 upon the application of a member or employer, any active member  
374 who becomes disabled as a direct result of an accident or  
375 traumatic event resulting in a physical injury occurring in the  
376 line of performance of duty, provided the medical board or other  
377 designated governmental agency after a medical examination  
378 certifies that the member is mentally or physically incapacitated  
379 for the further performance of duty and the incapacity is likely  
380 to be permanent, may be retired by the board of trustees on the  
381 first of the month following the date of filing the application  
382 but in no event shall the retirement allowance commence before the  
383 termination of state service. The retirement allowance shall  
384 equal the allowance on disability retirement as provided in  
385 Section 25-11-113 but shall not be less than fifty percent (50%)  
386 of average compensation.

387 Permanent and total disability resulting from a  
388 cardiovascular, pulmonary or musculo-skeletal condition which was  
389 not a direct result of a traumatic event occurring in the  
390 performance of duty shall be deemed an ordinary disability. A



391 mental disability based exclusively on employment duties occurring  
392 on an ongoing basis shall be deemed an ordinary disability.

393 (7) In the event the deceased or disabled member has less  
394 than four (4) years of creditable service, the average  
395 compensation as defined in Section 25-11-103 shall be the average  
396 of all annual earned compensation in state service for the  
397 purposes of benefits provided in this section.

398 (8) In case of death or total and permanent disability under  
399 subsection (4) or subsection (6) of this section and before the  
400 board shall consider any application for a retirement allowance,  
401 the employer must certify to the board that the member's death or  
402 disability was a direct result of an accident or a traumatic event  
403 occurring during and as a result of the performance of the regular  
404 and assigned duties of the employee and that the death or  
405 disability was not the result of the willful negligence of the  
406 employee.

407 (9) The application for the retirement allowance must be  
408 filed within one (1) year after death of an active member who is  
409 killed in the line of performance of duty or dies as a direct  
410 result of an accident occurring in the line of performance of duty  
411 or traumatic event; but the board of trustees may consider an  
412 application for disability filed after the one-year period if it  
413 can be factually demonstrated to the satisfaction of the board of  
414 trustees that the disability is due to the accident and that the  
415 filing was not accomplished within the one-year period due to a  
416 delayed manifestation of the disability or to circumstances beyond  
417 the control of the member. However, in case of late filing,  
418 retroactive payments will be made for a period of not more than  
419 one (1) year only.

420 (10) Notwithstanding any other section of this article and  
421 in lieu of any payments to a designated beneficiary for a refund  
422 of contributions under Section 25-11-117, the spouse and/or  
423 children shall be eligible for the benefits payable pursuant to



424 this section, and the spouse may elect, for both the spouse and/or  
425 children, to receive benefits in accordance with either  
426 subsections (2) and (3) or subsection (4) of this section;  
427 otherwise, the contributions to the credit of the deceased member  
428 shall be refunded in accordance with Section 25-11-117.

429 (11) If the member has previously received benefits from the  
430 system to which he was not entitled and has not repaid in full all  
431 amounts payable by him to the system, the annuity amounts  
432 otherwise provided by this section shall be withheld and used to  
433 effect repayment until the total of the withholdings repays in  
434 full all amounts payable by him to the system.

435 **SECTION 3.** Section 25-13-11, Mississippi Code of 1972, is  
436 amended as follows:

437 25-13-11. Any member upon withdrawal from service, upon or  
438 after attainment of the age of fifty-five (55) years, who has  
439 completed at least five (5) years of creditable service, \* \* \* or  
440 any member upon withdrawal from service, regardless of age, who  
441 shall have completed at least twenty (20) years of creditable  
442 service, shall be entitled to receive a retirement allowance which  
443 shall be payable the first of the month following receipt of the  
444 member's application in the Office of the Executive Director of  
445 the Public Employees' Retirement System, but in no event before  
446 withdrawal from service.

447 Any member whose withdrawal from service occurs prior to  
448 attaining the age of fifty-five (55) years, who has completed more  
449 than five (5) years of creditable service and has not \* \* \*  
450 received a refund of the member's accumulated contributions, shall  
451 be entitled to receive a retirement allowance beginning upon his  
452 attaining the age of fifty-five (55),    years of the amount earned  
453 and accrued at the date of withdrawal from service.

454 The annual amount of the retirement allowance shall consist  
455 of:



456           (a) A member's annuity, which shall be the actuarial  
457 equivalent of the accumulated contributions of the member at the  
458 time of retirement, computed according to the actuarial table in  
459 use by the system.

460           (b) An employer's annuity which, together with the  
461 member's annuity provided above, shall be equal to two and  
462 one-half percent (2-1/2%) of the average compensation, based on  
463 the four (4) highest consecutive years, for each year of  
464 membership service.

465           (c) A prior service annuity equal to two and one-half  
466 percent (2-1/2%) of the average compensation, based on the four  
467 (4) highest consecutive years, for each year of prior service for  
468 which the member is allowed credit.

469       \* \* \*

470           (d) Upon retiring from service, a member shall be  
471 eligible to obtain retirement benefits, as computed above, for  
472 life, except that the aggregate amount of the employer's annuity  
473 and prior service annuity above described shall not exceed more  
474 than one hundred percent (100%) of the average compensation  
475 regardless of the years of service.

476           (e) Any member in the service who has attained the age  
477 of sixty (60) years shall be retired forthwith. However, any  
478 member who has attained age sixty (60) may ask the Commissioner of  
479 Public Safety to allow him to continue in service with the  
480 Mississippi Highway Safety Patrol beyond age sixty (60). If the  
481 commissioner determines that the member's continuance in service  
482 would be advantageous to the Highway Safety Patrol because of his  
483 expert knowledge, experience or qualifications, the member shall  
484 be allowed to continue in service beyond age sixty (60) for a  
485 period of one (1) year. After the initial one-year continuance,  
486 the commissioner may authorize the member to continue in service  
487 for additional periods of one (1) year until the member attains  
488 age sixty-five (65), at which time retirement shall be mandatory.



489           (f) Notwithstanding any provision of this chapter  
490 pertaining to the Mississippi Highway Safety Patrol Retirement  
491 System, no payments may be made for a retirement allowance on a  
492 monthly basis for a period of time in excess of that allowed by  
493 any applicable federal law.

494           (g) In no case shall any retired member who has  
495 completed at least fifteen (15) years of creditable service  
496 receive less than Five Hundred Dollars (\$500.00) per month; in no  
497 case shall any retired member who has completed ten (10) or more  
498 years of creditable service, but less than fifteen (15) years of  
499 creditable service, receive less than Three Hundred Dollars  
500 (\$300.00) per month; and in no case shall any retired member who  
501 has completed less than ten (10) years of creditable service  
502 receive less than Two Hundred Fifty Dollars (\$250.00) per month.  
503 In no case shall a beneficiary who is receiving a retirement  
504 allowance receive less than Two Hundred Fifty Dollars (\$250.00)  
505 per month or Three Thousand Dollars (\$3,000.00) per year.

506           (h) Any retired member who is receiving a retirement  
507 allowance on July 1, 1999, shall receive an ad hoc increase in the  
508 annual retirement allowance equal to Three Dollars and Fifty Cents  
509 (\$3.50) per month for each full fiscal year through June 30, 1999,  
510 that the member has actually drawn retirement payments from the  
511 date of retirement, or the date of last retirement if there is  
512 more than one (1) retirement date, plus an amount equal to One  
513 Dollar (\$1.00) per month for each full year of creditable service  
514 and proportionately for each quarter year of creditable service,  
515 as documented by the system and on which benefits are being paid.  
516 If there are multiple beneficiaries receiving a retirement  
517 allowance from a deceased member's account, the ad hoc increase  
518 shall be divided proportionately.

519           **SECTION 4.** This act shall take effect and be in force from  
520 and after July 1, 2002.

