AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF GULFPORT TO ESTABLISH THE PAYMENT OF AN ADDITIONAL BENEFIT EACH YEAR TO ALL RETIRED MEMBERS OF THE CITY OF GULFPORT DISABILITY AND RELIEF FUND FOR FIREFMEN AND POLICEMEN OR BENEFICIARIES THEREOF WHO ARE RECEIVING A RETIREMENT ALLOWANCE; TO PROVIDE THAT THE ADDITIONAL BENEFIT SHALL BE BASED ON EACH FULL FISCAL YEAR AFTER JUNE 30, 2002, THAT THE MEMBER OR BENEFICIARY THEREOF HAS ACTUALLY DRAWN RETIREMENT PAYMENTS FROM THE DATE OF RETIREMENT; TO PROVIDE THAT THE AMOUNT OF THE ADDITIONAL BENEFIT WILL BE EQUAL TO THE ANNUAL PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX, BUT NOT MORE THAN 3% IN ANY ONE YEAR, MULTIPLIED BY THE ANNUAL RETIREMENT ALLOWANCE; TO PROVIDE THAT THE ADDITIONAL BENEFIT SHALL BE CUMULATIVE SO THAT NO RETIREE OR BENEFICIARY WILL RECEIVE AN ADDITIONAL BENEFIT IN ANY YEAR THAT IS LESS THAN THE ADDITIONAL BENEFIT RECEIVED IN THE PREVIOUS YEAR; TO PROVIDE THAT THE CUMULATIVE PERCENTAGE OF THE ADDITIONAL BENEFIT SHALL NOT EXCEED 27%; TO PROVIDE THAT FOR THOSE MEMBERS WHO RETIRED BEFORE JULY 1, 2001, AND BENEFICIARIES THEREOF, THE ADDITIONAL BENEFIT SHALL BE IN ADDITION TO THE ADDITIONAL PAYMENT RECEIVED IN FISCAL YEAR 2002 UNDER THE PROVISIONS OF CHAPTER 926 OR 934, LOCAL AND PRIVATE LAWS OF 2001; TO PROVIDE THAT THE GOVERNING AUTHORITIES OF THE CITY OF GULFPORT MAY PROVIDE A ONE-TIME AD HOC INCREASE IN THE RETIREMENT ALLOWANCE OF ALL RETIREES OF THE CITY OF GULFPORT DISABILITY AND RELIEF FUND FOR FIREFMEN AND POLICEMEN WHO RETIRED BEFORE SEPTEMBER 1, 2001; TO PROVIDE THAT THE ADDITIONAL BENEFIT AND THE AD HOC BENEFIT INCREASE SHALL NOT BE MADE UNLESS THE DISABILITY AND RELIEF FUND CURRENTLY IS ACTUARILY SOUND AND WILL REMAIN ACTUARILY SOUND IF THE ADDITIONAL BENEFIT AND THE AD HOC BENEFIT INCREASE ARE MADE; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) (a) Subject to the provisions of subsection (4) of this section, the governing authorities of the City of Gulfport, Mississippi, in their discretion, may establish the payment of an additional benefit each year, on December 1 or July 1 of the year as provided in subsection (3) of this section, to all retired members of the City of Gulfport Disability and Relief Fund for Firemen and Policemen, or beneficiaries thereof, who are receiving a retirement or disability allowance under any provision of Section 21-29-101 et seq., Mississippi Code of 1972. The additional benefit shall be made from monies accumulated in the...
City of Gulfport Disability and Relief Fund for Firemen and Policemen.

(b) In order to qualify for the additional benefit, the retiree or beneficiary must have received monthly retirement or disability payments for at least one (1) full fiscal year, from July 1 through June 30. The additional benefit shall be based on each full fiscal year after June 30, 2002, that the member or beneficiary thereof has actually drawn retirement or disability payments from the date of retirement.

(c) Beginning with fiscal year 2003, the amount of the additional benefit will be equal to the annual percentage change in the Consumer Price Index (CPI), as set by the United States Department of Labor, but not more than three percent (3%) in any one (1) year, multiplied by the annual retirement or disability allowance. The annual percentage change in the CPI shall be calculated using the greater of the change for the period from July 1 through June 30 of the fiscal year preceding payment of the additional benefit or the period from January 1 through December 31 of the calendar year preceding payment in any fiscal year in which an additional benefit is payable. The additional benefit shall be cumulative so that no retiree or beneficiary will receive an additional benefit in any year that is less than the additional benefit received in the previous year. The cumulative percentage of the additional benefit provided for in this section shall not exceed twenty-seven percent (27%).

(d) For those members who retired before July 1, 2001, and beneficiaries thereof, the additional benefit provided for in this section shall be in addition to the additional payment received in fiscal year 2002 under the provisions of Chapter 926 or 934, Local and Private Laws of 2001. However, those retired members and beneficiaries shall not earn any additional percentage under the provisions of Chapter 926 or 934, Local and Private Laws of 2001, for fiscal years in retirement after June 30, 2002. The
percentage of the additional payment made in fiscal year 2002 under the provisions of Chapter 926 or 934, Local and Private Laws of 2001, shall be included in the total cumulative percentage calculation that those retired members and beneficiaries will receive beginning with the initial payment of the additional benefit under this section, but shall not be included in the twenty-seven percent (27%) limitation of paragraph (c) of this subsection.

(2) Subject to the provisions of subsection (4) of this section, the governing authorities of the City of Gulfport, Mississippi, in their discretion, may provide a one-time ad hoc increase in the retirement or disability allowance of all retirees of the City of Gulfport Disability and Relief Fund for Firemen and Policemen who retired before September 1, 2001, and beneficiaries thereof, in an amount equal to Two Dollars ($2.00) per month for each year of service credit, or partial year thereof, used in the calculation of retirement benefits, plus Two Dollars ($2.00) per month for each full fiscal year in retirement as of the date of payment. The fiscal year used in the calculation of the ad hoc increase shall be the fiscal year used by the City of Gulfport, which is from October 1 through September 30.

(3) The additional benefit authorized under subsection (1) of this section shall be paid in one (1) payment in December of each year to those persons who are receiving a retirement or disability allowance on December 1 of that year, unless an election is made under this subsection. Persons receiving a retirement or disability allowance on July 1 of the year may elect, by an irrevocable agreement in writing filed in the office of the Public Employees' Retirement System not later than thirty (30) days before July 1 of the year, to receive the additional benefit in not less than twelve (12) equal monthly installments each year beginning on July 1 of the year. This irrevocable agreement shall be binding on the retired member and any
subsequent beneficiaries. Payment of the monthly installments shall not extend beyond the month in which a retirement or disability allowance is due and payable. If a person who is receiving monthly installments dies with no surviving spouse or dependent child to receive monthly benefits, any remaining amounts shall be paid in a lump sum to the designated beneficiaries.

(4) The additional benefit and the ad hoc benefit increase authorized under this section shall not be made unless:

(a) The City of Gulfport Disability and Relief Fund for Firemen and Policemen is actuarially sound, as shown by the most recent actuarial study required by Section 21-29-119, Mississippi Code of 1972; and

(b) The disability and relief fund will remain actuarially sound if the additional benefit and ad hoc benefit increase authorized under this section are made, as shown by a certified statement from the actuarial firm that prepared the most recent actuarial study.

(5) The Board of Trustees of the Public Employees’ Retirement System shall pay the additional benefit and ad hoc benefit increase to the persons authorized and entitled to receive the benefit and the increase, after all of the following conditions have been met:

(a) The governing authorities of the City of Gulfport must adopt a resolution to establish the additional benefit and the ad hoc benefit increase authorized under this section and transmit the resolution to the board of trustees;

(b) The advisory board provided for in Section 21-29-105, Mississippi Code of 1972, must adopt a resolution supporting the establishment of the additional benefit and the ad hoc benefit increase and transmit the resolution to the board of trustees; and

(c) The board of trustees must receive the resolutions from the governing authorities and advisory board, and receive the
most recent actuarial study of the disability and relief fund and
the certified statement from the actuarial firm that the fund will
remain actuarially sound if the additional benefit and ad hoc
benefit increase are made.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2003.