

By: Senator(s) Furniss

To: Finance

SENATE BILL NO. 2079

1 AN ACT TO AMEND SECTION 25-13-13, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE DEATH BENEFIT UNDER THE HIGHWAY SAFETY PATROL  
3 RETIREMENT SYSTEM FOR THE SPOUSE OF ANY HIGHWAY PATROLMAN WHO HAS  
4 RETIRED FOR SERVICE OR DISABILITY TO SEVENTY PERCENT OF THE  
5 MEMBERS RETIREMENT BENEFIT; TO INCREASE THE DEATH BENEFIT FOR THE  
6 SPOUSE OF ANY HIGHWAY PATROLMAN WHO HAS BEEN KILLED IN THE LINE OF  
7 DUTY TO SEVENTY PERCENT OF THE COMPENSATION OF THE DECEASED  
8 HIGHWAY PATROLMAN; AND FOR RELATED PURPOSES.

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

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

12 25-13-13. (1) Upon the death of any highway patrolman who  
13 has retired for service or disability and who has not elected any  
14 other option under Section 25-13-16, the patrolman's surviving  
15 spouse shall receive seventy percent (70%) the benefit which the  
16 patrolman was receiving. In addition to the benefit for the  
17 spouse, there shall be paid twenty-five percent (25%) of such  
18 benefit for the support and maintenance of one (1) child or thirty  
19 percent (30%) of the benefits \* \* \* for the support and  
20 maintenance of two (2) or more children; if there is no surviving  
21 spouse, there shall be paid an amount equal to twenty-five percent  
22 (25%) of the benefit for the support and maintenance of one (1)  
23 child or in the amount of fifty percent (50%) of the benefit for  
24 two (2) or more children. Upon \* \* \* attaining the age of  
25 nineteen (19) years, a child shall no longer be eligible for such  
26 benefit, and when all of the children have attained their  
27 nineteenth birthday, only the spouse shall be eligible for seventy  
28 percent (70%) of the amount of the benefit. The spouse shall  
29 continue to be eligible for such benefit in the amount of seventy  
30 percent (70%) of the retirement benefit so long as the spouse may



31 live and until the spouse remarries. In the event of remarriage  
32 of the spouse at any time, the spouse's eligibility for the  
33 seventy percent (70%) benefits shall cease and terminate, but the  
34 spouse will be eligible to continue to receive benefits for their  
35 children until the last child attains his or her nineteenth  
36 birthday in the manner aforesaid.

37 (2) Upon the death of any highway patrolman who has served  
38 the minimum retirement period required for eligibility for such  
39 retirement program, his spouse and family shall receive all the  
40 benefits payable to the highway patrolman's beneficiaries as if he  
41 had retired at the time of his death. Such benefits cease as to  
42 the spouse upon remarriage but continue to be payable to each  
43 child until he reaches the age of nineteen (19) years. Such  
44 benefits are payable on a monthly basis.

45 (3) The spouse and/or the dependent children of an active  
46 member who is killed in the line of performance of duty or dies as  
47 a direct result of an accident occurring in the line of  
48 performance of duty shall qualify, on approval of the board, for a  
49 retirement allowance on the first of the month following the date  
50 of death, but not before receipt of application by the board. The  
51 spouse shall receive a retirement allowance equal to seventy  
52 percent (70%) of the average compensation of the deceased highway  
53 patrolman. In addition to the retirement allowance for the  
54 spouse, \* \* \* or if there is no surviving spouse, a retirement  
55 allowance shall be paid in the amount of twenty-five percent (25%)  
56 of the average compensation for the support and maintenance of one  
57 (1) child or in the amount of thirty percent (30%) of the average  
58 compensation for the support and maintenance of two (2) or more  
59 children; however, if there is no surviving spouse, a retirement  
60 allowance shall be paid in the amount of twenty-five percent (25%)  
61 of the average compensation for the support and maintenance of one  
62 (1) child or in the amount of fifty percent (50%) of the average  
63 compensation for the support and maintenance of two (2) or more



64 children. Such benefits shall cease to be paid for the support  
65 and maintenance of each child upon such child attaining the age of  
66 nineteen (19) years; however, the spouse shall continue to be  
67 eligible for the aforesaid retirement allowance. Benefits may be  
68 paid to a surviving parent or lawful custodian of such children  
69 for the use and benefit of the children without the necessity of  
70 appointment as guardian. Such retirement allowance shall cease to  
71 the spouse upon remarriage but continue to be payable for each  
72 dependent child until the age of nineteen (19) years.

73 (4) All benefits accruing to any child under the provisions  
74 of this chapter shall be paid to the parent custodian of the  
75 children or the legal guardian.

76 (5) Children receiving the benefits provided herein, who are  
77 permanently or totally disabled, shall continue to receive such  
78 benefits for as long as the medical board or other designated  
79 governmental agency certifies that such disability continues. The  
80 age limitation for benefits payable to a child under any provision  
81 of this section shall be extended beyond age nineteen (19), but in  
82 no event beyond the attainment of age twenty-three (23), as long  
83 as the child is a student regularly pursuing a full-time course of  
84 resident study or training in an accredited high school, trade  
85 school, technical or vocational institute, junior or community  
86 college, college, university or comparable recognized educational  
87 institution duly licensed by a state. A student child whose  
88 birthday falls during the school year (September 1 through June  
89 30) is considered not to reach age twenty-three (23) until the  
90 July 1 following the actual twenty-third birthday. A full-time  
91 course of resident study or training means a day or evening  
92 noncorrespondence course that includes school attendance at the  
93 rate of at least thirty-six (36) weeks per academic year or other  
94 applicable period with a subject load sufficient, if successfully  
95 completed, to attain the educational or training objective within  
96 the period generally accepted as minimum for completion, by a



97 full-time day student, of the academic or training program  
98 concerned.

99 (6) If all the annuities provided for in this section  
100 payable on the account of the death of a member terminate before  
101 there has been paid an aggregate amount equal to the member's  
102 accumulated contributions standing to the member's credit in the  
103 annuity savings account at the time of the member's death, the  
104 difference between the accumulated contributions and the aggregate  
105 amount of annuity payments shall be paid to such person as the  
106 member has nominated by written designation duly executed and  
107 filed with the Board of Trustees in the Office of the Public  
108 Employees' Retirement System. If there is no designated  
109 beneficiary surviving at termination of benefits, the difference  
110 shall be payable pursuant to Section 25-13-21.1(1).

111 (7) All benefits paid to a spouse or child due to the death  
112 of a member before or after retirement shall be paid in accordance  
113 with the statutory provisions set forth as of the date of death.

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

