To: Finance

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003
By: Senator(s) Furniss

SENATE BILL NO. 2079

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

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

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

25-13-13. (1) Upon the death of any highway patrolman who has retired for service or disability and who has not elected any other option under Section 25-13-16, the patrolman's surviving spouse shall receive seventy percent (70%) of the benefit which the patrolman was receiving. In addition to the benefit for the spouse, there shall be paid twenty-five percent (25%) of such benefit for the support and maintenance of one (1) child or thirty percent (30%) of the benefits for the support and maintenance of two (2) or more children; if there is no surviving spouse, there shall be paid an amount equal to twenty-five percent (25%) of the benefit for the support and maintenance of one (1) child or in the amount of fifty percent (50%) of the benefit for two (2) or more children. Upon attaining the age of nineteen (19) years, a child shall no longer be eligible for such benefit, and when all of the children have attained their nineteenth birthday, only the spouse shall be eligible for seventy percent (70%) of the amount of the benefit. The spouse shall continue to be eligible for such benefit in the amount of seventy percent (70%) of the retirement benefit so long as the spouse may...
live and until the spouse remarries. In the event of remarriage of the spouse at any time, the spouse's eligibility for the seventy percent (70%) benefits shall cease and terminate, but the spouse will be eligible to continue to receive benefits for their children until the last child attains his or her nineteenth birthday in the manner aforesaid.

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

(3) The spouse and/or the dependent children of an active member who is killed in the line of performance of duty or dies as a direct result of an accident occurring in the line of performance of duty shall qualify, on approval of the board, for a retirement allowance on the first of the month following the date of death, but not before receipt of application by the board. The spouse shall receive a retirement allowance equal to seventy percent (70%) of the average compensation of the deceased highway patrolman. In addition to the retirement allowance for the spouse, ** or if there is no surviving spouse, a retirement allowance shall be paid in the amount of twenty-five percent (25%) of the average compensation for the support and maintenance of one (1) child or in the amount of thirty percent (30%) of the average compensation for the support and maintenance of two (2) or more children; however, if there is no surviving spouse, a retirement allowance shall be paid in the amount of twenty-five percent (25%) of the average compensation for the support and maintenance of one (1) child or in the amount of fifty percent (50%) of the average compensation for the support and maintenance of two (2) or more
children. Such benefits shall cease to be paid for the support and maintenance of each child upon such child attaining the age of nineteen (19) years; however, the spouse shall continue to be eligible for the aforesaid retirement allowance. Benefits may be paid to a surviving parent or lawful custodian of such children for the use and benefit of the children without the necessity of appointment as guardian. Such retirement allowance shall cease to the spouse upon remarriage but continue to be payable for each dependent child until the age of nineteen (19) years.

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

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

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

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

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