

By: Senator(s) Robertson, Gollott

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2351

1 AN ACT TO AMEND SECTION 25-13-11, MISSISSIPPI CODE OF 1972,
2 TO INCREASE TO AGE 69 THE AGE AT WHICH MEMBERS OF THE MISSISSIPPI
3 HIGHWAY SAFETY PATROL RETIREMENT SYSTEM MAY CONTINUE IN SERVICE
4 WITH THE MISSISSIPPI HIGHWAY SAFETY PATROL BEYOND AGE 60 FOR
5 PERIODS OF ONE YEAR, IF THE COMMISSIONER OF PUBLIC SAFETY
6 DETERMINES THAT THE MEMBER'S CONTINUANCE IN SERVICE WOULD BE
7 ADVANTAGEOUS TO THE HIGHWAY PATROL; AND FOR RELATED PURPOSES.

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

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

11 [Through January 31, 2008, this section shall read as
12 follows:]

13 25-13-11. Any member upon withdrawal from service, upon or
14 after attainment of the age of fifty-five (55) years, who shall
15 have completed at least five (5) years of creditable service, or
16 any member upon withdrawal from service upon or after attainment
17 of the age of forty-five (45) years, who shall have completed at
18 least twenty (20) years of creditable service, or any member upon
19 withdrawal from service, regardless of age, who shall have
20 completed at least twenty-five (25) years of creditable service,
21 shall be entitled to receive a retirement allowance which shall be
22 payable the first of the month following receipt of the member's
23 application in the Office of the Executive Director of the Public
24 Employees' Retirement System, but in no event before withdrawal
25 from service.

26 Any member whose withdrawal from service occurs prior to
27 attaining the age of fifty-five (55) years, who shall have
28 completed more than five (5) years of creditable service and shall
29 not have received a refund of the member's accumulated

30 contributions, shall be entitled to receive a retirement allowance
31 beginning upon his attaining the age of fifty-five (55) years of
32 the amount earned and accrued at the date of withdrawal from
33 service.

34 The annual amount of the retirement allowance shall consist
35 of:

36 (a) A member's annuity, which shall be the actuarial
37 equivalent of the accumulated contributions of the member at the
38 time of retirement, computed according to the actuarial table in
39 use by the system.

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

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

49 (d) In the case of retirement of any member prior to
50 attaining the age of fifty-five (55) years, the retirement
51 allowance shall be computed in accordance with the formula
52 hereinabove set forth in this section, except that the employer's
53 annuity and prior service annuity above described shall be reduced
54 three percent (3%) for each year of age below fifty-five (55)
55 years, or three percent (3%) for each year of service below
56 twenty-five (25) years of creditable service, whichever is lesser.

57 (e) Upon retiring from service, a member shall be
58 eligible to obtain retirement benefits, as computed above, for
59 life, except that the aggregate amount of the employer's annuity
60 and prior service annuity above described shall not exceed more
61 than one hundred percent (100%) of the average compensation
62 regardless of the years of service.

63 (f) Any member in the service who shall have attained
64 the age of sixty (60) years shall be retired forthwith. However,
65 any member who has attained age sixty (60) may ask the
66 Commissioner of Public Safety to allow him to continue in service
67 with the Mississippi Highway Safety Patrol beyond age sixty (60).
68 If the commissioner determines that the member's continuance in
69 service would be advantageous to the Highway Safety Patrol because
70 of his expert knowledge, experience or qualifications, the member
71 shall be allowed to continue in service beyond age sixty (60) for
72 a period of one (1) year. After the initial one-year continuance,
73 the commissioner may authorize the member to continue in service
74 for additional periods of one (1) year until the member attains
75 age sixty-nine (69), at which time retirement shall be mandatory.

76 (g) Notwithstanding any provision of this chapter
77 pertaining to the Mississippi Highway Safety Patrol Retirement
78 System, no payments may be made for a retirement allowance on a
79 monthly basis for a period of time in excess of that allowed by
80 any applicable federal law.

81 (h) In no case shall any retired member who has
82 completed at least fifteen (15) years of creditable service
83 receive less than Five Hundred Dollars (\$500.00) per month; in no
84 case shall any retired member who has completed ten (10) or more
85 years of creditable service, but less than fifteen (15) years of
86 creditable service, receive less than Three Hundred Dollars
87 (\$300.00) per month; and in no case shall any retired member who
88 has completed less than ten (10) years of creditable service
89 receive less than Two Hundred Fifty Dollars (\$250.00) per month.
90 In no case shall a beneficiary who is receiving a retirement
91 allowance receive less than Two Hundred Fifty Dollars (\$250.00)
92 per month or Three Thousand Dollars (\$3,000.00) per year.

93 (i) Any retired member who is receiving a retirement
94 allowance on July 1, 1999, shall receive an ad hoc increase in the
95 annual retirement allowance equal to Three Dollars and Fifty Cents

96 (\$3.50) per month for each full fiscal year through June 30, 1999,
97 that the member has actually drawn retirement payments from the
98 date of retirement, or the date of last retirement if there is
99 more than one (1) retirement date, plus an amount equal to One
100 Dollar (\$1.00) per month for each full year of creditable service
101 and proportionately for each quarter year of creditable service,
102 as documented by the system and on which benefits are being paid.
103 If there are multiple beneficiaries receiving a retirement
104 allowance from a deceased member's account, the ad hoc increase
105 shall be divided proportionately.

106 **[From and after February 1, 2008, this section shall read as**
107 **follows:]**

108 25-13-11. Any member upon withdrawal from service, upon or
109 after attainment of the age of fifty-five (55) years, who shall
110 have completed at least five (5) years of creditable service, or
111 any member upon withdrawal from service upon or after attainment
112 of the age of forty-five (45) years, who shall have completed at
113 least twenty (20) years of creditable service, or any member upon
114 withdrawal from service, regardless of age, who shall have
115 completed at least twenty-five (25) years of creditable service,
116 shall be entitled to receive a retirement allowance which shall be
117 payable the first of the month following receipt of the member's
118 application in the Office of the Executive Director of the Public
119 Employees' Retirement System, but in no event before withdrawal
120 from service.

121 Any member whose withdrawal from service occurs prior to
122 attaining the age of fifty-five (55) years, who shall have
123 completed more than five (5) years of creditable service and shall
124 not have received a refund of the member's accumulated
125 contributions, shall be entitled to receive a retirement allowance
126 beginning upon his attaining the age of fifty-five (55) years of
127 the amount earned and accrued at the date of withdrawal from
128 service.

129 The annual amount of the retirement allowance shall consist
130 of:

131 (a) A member's annuity, which shall be the actuarial
132 equivalent of the accumulated contributions of the member at the
133 time of retirement, computed according to the actuarial table in
134 use by the system.

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

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

144 (d) In the case of retirement of any member prior to
145 attaining the age of fifty-five (55) years, the retirement
146 allowance shall be computed in accordance with the formula
147 hereinabove set forth in this section, except that the employer's
148 annuity and prior service annuity above described shall be reduced
149 three percent (3%) for each year of age below fifty-five (55)
150 years, or three percent (3%) for each year of service below
151 twenty-five (25) years of creditable service, whichever is lesser.

152 (e) Upon retiring from service, a member shall be
153 eligible to obtain retirement benefits, as computed above, for
154 life, except that the aggregate amount of the employer's annuity
155 and prior service annuity above described shall not exceed more
156 than one hundred percent (100%) of the average compensation
157 regardless of the years of service.

158 (f) Any member in the service who shall have attained
159 the age of sixty (60) years shall be retired forthwith. However,
160 any member who has attained age sixty (60) may ask the
161 Commissioner of Public Safety to allow him to continue in service

162 with the Mississippi Highway Safety Patrol beyond age sixty (60).
163 If the commissioner determines that the member's continuance in
164 service would be advantageous to the Highway Safety Patrol because
165 of his expert knowledge, experience or qualifications, the member
166 shall be allowed to continue in service beyond age sixty (60) for
167 a period of one (1) year. After the initial one-year continuance,
168 the commissioner may authorize the member to continue in service
169 for additional periods of one (1) year until the member attains
170 age sixty-five (65), at which time retirement shall be mandatory.

171 (g) Notwithstanding any provision of this chapter
172 pertaining to the Mississippi Highway Safety Patrol Retirement
173 System, no payments may be made for a retirement allowance on a
174 monthly basis for a period of time in excess of that allowed by
175 any applicable federal law.

176 (h) In no case shall any retired member who has
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179 case shall any retired member who has completed ten (10) or more
180 years of creditable service, but less than fifteen (15) years of
181 creditable service, receive less than Three Hundred Dollars
182 (\$300.00) per month; and in no case shall any retired member who
183 has completed less than ten (10) years of creditable service
184 receive less than Two Hundred Fifty Dollars (\$250.00) per month.
185 In no case shall a beneficiary who is receiving a retirement
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187 per month or Three Thousand Dollars (\$3,000.00) per year.

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189 allowance on July 1, 1999, shall receive an ad hoc increase in the
190 annual retirement allowance equal to Three Dollars and Fifty Cents
191 (\$3.50) per month for each full fiscal year through June 30, 1999,
192 that the member has actually drawn retirement payments from the
193 date of retirement, or the date of last retirement if there is
194 more than one (1) retirement date, plus an amount equal to One

195 Dollar (\$1.00) per month for each full year of creditable service
196 and proportionately for each quarter year of creditable service,
197 as documented by the system and on which benefits are being paid.
198 If there are multiple beneficiaries receiving a retirement
199 allowance from a deceased member's account, the ad hoc increase
200 shall be divided proportionately.

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