

By: Representatives Gadd, Mitchell, Ward,
Montgomery (15th)

To: Appropriations

HOUSE BILL NO. 594

1 AN ACT TO AMEND SECTION 25-13-9, MISSISSIPPI CODE OF 1972, TO
2 REDUCE THE YEARS OF CREDITABLE SERVICE REQUIRED FOR A MEMBER OF
3 THE HIGHWAY PATROL RETIREMENT SYSTEM TO BE RETIRED FOR A
4 NONSERVICE-CONNECTED DISABILITY FROM TEN YEARS TO FOUR YEARS; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-13-9, Mississippi Code of 1972, is
8 amended as follows:

9 25-13-9. (1) Upon application of a member or his employer,
10 but in no event before termination of state service, any member
11 who has not attained the age of fifty-five (55) years may be
12 retired by the administrative board created by this chapter, not
13 less than thirty (30) and not more than ninety (90) days next
14 following the date of filing the application, on a disability
15 retirement allowance, provided that the medical board of the
16 Public Employees' Retirement System of Mississippi, after a
17 medical examination, * * * certifies that he is mentally or
18 physically incapacitated for the performance of duty, that the
19 incapacity is likely to be permanent, and that the sickness or
20 injury was caused or sustained as a direct result of duty in the
21 Highway Safety Patrol after the effective date of this chapter.

22 Any former uniformed highway safety patrolman who has had not
23 less than two (2) years of prior service with the Highway Safety
24 Patrol and who was disabled by wounds or accident in line of duty,
25 and who has returned to duty with the Highway Safety Patrol, and
26 who becomes a member of the Highway Safety Patrol Retirement
27 System with prior years' service credits as provided in this
28 chapter, may, if his disability from his previous wounds or



29 accident received in line of duty returns and he again becomes
30 totally and permanently disabled, receive full benefits as a
31 disability retirant for service-connected disability.

32 Upon the application of a member or his employer, any member
33 who is not yet eligible for service retirement benefits and who
34 has had at least four (4) years of creditable service may be
35 retired by the administrative board, not less than thirty (30) and
36 not more than ninety (90) days next following the date of filing
37 the application, on a disability retirement allowance, provided
38 that the medical board of the Public Employees' Retirement System
39 of Mississippi, after a medical examination, * * * certifies that
40 he is mentally or physically incapacitated for the further
41 performance of duty, that the incapacity is likely to be
42 permanent, and that he should be retired. The disability need not
43 be service-connected.

44 (2) Upon retirement for disability, a member shall receive a
45 disability benefit equal to fifty percent (50%) of his average
46 salary for the two (2) years immediately preceding his retirement,
47 but not less than any retirement benefits for which he may be
48 eligible at the date he is granted disability.

49 (3) Once each year during the first five (5) years following
50 retirement of a member on a disability retirement allowance, and
51 once in every period of three (3) years thereafter, the
52 administrative board may, and upon his application shall, require
53 any disability beneficiary who has not yet attained the age of
54 fifty-five (55) years to undergo a medical examination, the
55 examination to be made at the place of residence of the
56 beneficiary or other place mutually agreed upon, by the medical
57 board of the Public Employees' Retirement System. If any
58 disability beneficiary who has not yet attained the age of
59 fifty-five (55) years refuses to submit to any medical examination
60 provided for in this subsection, his allowance may be discontinued
61 until his withdrawal of the refusal, and if his refusal continues



62 for one (1) year, all his rights in that part of the disability
63 benefit provided by employer contributions shall be revoked by the
64 administrative board.

65 (4) If the medical board reports and certifies to the
66 administrative board that the disability beneficiary is engaged
67 in, or is able to engage in, a gainful occupation paying more than
68 the difference between his disability benefit and the average
69 compensation, and if the administrative board concurs in that
70 report, the disability benefit shall be reduced to an amount
71 which, together with the amount earnable by him, shall equal the
72 amount of his average compensation. If his earning capacity is
73 later changed, the amount of the * * * benefit may be further
74 modified; however, the revised benefit shall not exceed the amount
75 originally granted nor an amount which, when added to the amount
76 earnable by the beneficiary, equals the amount of his average
77 compensation.

78 (5) If a disability beneficiary under the age of fifty-five
79 (55) years is restored to active service at a compensation not
80 less than his average compensation, his disability benefit shall
81 cease; he shall again become a member of the retirement system,
82 and he shall contribute thereafter at the same rate he paid
83 before disability. Any such prior service certificate on the
84 basis of which his service was computed at the time of retirement
85 shall be restored to full force and effect. In addition, upon his
86 subsequent retirement he shall be credited with all creditable
87 service as a member, including the period for which he was paid
88 disability benefits.

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

