

By: Representatives Ellington, Denny

To: Appropriations

## HOUSE BILL NO. 1053

1 AN ACT TO AMEND SECTION 21-29-247, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE PAYMENT OF CERTAIN ADDITIONAL COST-OF-LIVING  
3 INCREASES TO RETIRED MEMBERS AND RETIRED DISABLED MEMBERS OF THE  
4 DISABILITY AND RELIEF FUND FOR FIREMEN AND POLICEMEN OF CERTAIN  
5 MUNICIPALITIES; TO PROVIDE THAT THE COST-OF-LIVING INCREASES SHALL  
6 NOT BE PROVIDED UNLESS THE DISABILITY AND RELIEF FUND CURRENTLY IS  
7 ACTUARIALLY SOUND AND WILL REMAIN ACTUARIALLY SOUND IF THE  
8 COST-OF-LIVING INCREASES ARE PROVIDED; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 21-29-247, Mississippi Code of 1972, is  
11 amended as follows:

12 21-29-247. (1) From and after January 1, 1971, all persons  
13 receiving retirement benefits under Section 21-29-245, or becoming  
14 eligible for retirement benefits under Section 21-29-245, and  
15 retiring or to be retired from service in a municipality having an  
16 assessed valuation of at least Three Hundred Forty Million Dollars  
17 \$340,000,000.00, according to the 1967 compiled assessment rolls,  
18 shall receive in addition to all benefits set forth in Section  
19 21-29-245 the following percentage increases as may be determined  
20 by the cost-of-living index as set by the United States government  
21 under the following formula:

22 In any calendar year following 1970 in which the  
23 cost-of-living index as set by the United States government for  
24 January exceeds the cost-of-living index as set by the United  
25 States government for the previous January, the pension payments  
26 beginning with March of the current year shall be increased in an  
27 amount equal to the percentage increase determined by the increase  
28 in the cost-of-living index as set by the United States  
29 government.



30       The accumulated percentage increases provided under this  
31 subsection (1) that may be developed by increases in the  
32 cost-of-living index as set by the United States government shall  
33 not exceed twelve percent (12%).

34       (2) From and after January 1, 2002, all persons receiving  
35 retirement benefits or disability retirement benefits under  
36 Section 21-29-241 or 21-29-245 or becoming eligible for retirement  
37 benefits or disability retirement benefits under Section 21-29-241  
38 or 21-29-245 and retiring or to be retired from service in a  
39 municipality having an assessed valuation of at least Three  
40 Hundred Forty Million Dollars (\$340,000,000.00), according to the  
41 1967 complied assessment rolls, who are receiving a cost-of-living  
42 increase provided under subsection (1) of this section or Chapter  
43 869, Local and Private Laws of 1992, as the case may be, that is  
44 equal to an accumulated percentage increase of twelve percent  
45 (12%) of the amount of the retirement benefits, shall receive the  
46 following cost-of-living increases: In addition to all benefits  
47 provided under Section 21-29-241 or 21-29-245, and the  
48 cost-of-living increases provided under subsection (1) of this  
49 section or Chapter 869, Local and Private Laws of 1992, as the  
50 case may be, those persons shall receive the following percentage  
51 increases as may be determined by the cost-of-living index as set  
52 by the United States government under the following formula:

53       In any calendar year in which a person is eligible for  
54 cost-of-living increases under this subsection (2) in which the  
55 cost-of-living index as set by the United States government for  
56 January exceeds the cost-of-living index as set by the United  
57 States government for the previous January, the pension payments  
58 beginning with March of the current year shall be increased in an  
59 amount equal to the percentage increase determined by the increase  
60 in the cost-of-living index as set by the United States  
61 government.



62       The accumulated percentage increases provided under this  
63       subsection (2) that may be developed by increases in the  
64       cost-of-living index as set by the United States government shall  
65       not exceed seven and one-half percent (7-1/2%).

66       (3) Any person who is receiving minimum monthly benefits  
67       under Chapter 898, Local and Private Laws of 1987, shall receive  
68       in addition to all benefits provided under Chapter 898, Local and  
69       Private Laws of 1987, the following percentage increases as may be  
70       determined by the cost-of-living index as set by the United States  
71       government under the following formula:

72       In any calendar year following 2001 in which the  
73       cost-of-living index as set by the United States government for  
74       January exceeds the cost-of-living index as set by the United  
75       States government for the previous January, the pension payments  
76       beginning with March of the current year shall be increased in an  
77       amount equal to the percentage increase determined by the increase  
78       in the cost-of-living index as set by the United States  
79       government.

80       The accumulated percentage increases provided under this  
81       subsection (3) that may be developed by increases in the  
82       cost-of-living index as set by the United States government shall  
83       not exceed seven and one-half percent (7-1/2%).

84       (4) The cost-of-living increases authorized under  
85       subsections (2) and (3) of this section shall not be provided  
86       unless the disability and relief fund for firemen and policemen of  
87       any municipality to which this section applies:

88               (a) Is actuarially sound, as shown by the most recent  
89       actuarial study required by Section 21-29-221; and

90               (b) Will remain actuarially sound if the cost-of-living  
91       increases are provided, as shown by a certified statement from the  
92       actuarial firm that prepared the most recent actuarial study.

93       (5) The Board of Trustees of the Public Employees'  
94       Retirement System shall provide the cost-of-living increases



95 authorized under subsections (2) and (3) of this section to the  
96 persons authorized and entitled to receive them, after all of the  
97 following conditions have been met:

98 (a) The governing authorities of any municipality to  
99 which this section applies must adopt a resolution to provide for  
100 the cost-of-living increases, and transmit the resolution to the  
101 board of trustees;

102 (b) The advisory board on the disability and relief  
103 fund provided for in Section 21-29-207 must adopt a resolution  
104 supporting the providing of the cost-of-living increases, and  
105 transmit the resolution to the board of trustees; and

106 (c) The board of trustees must receive the resolutions  
107 from the governing authorities and the advisory board, and receive  
108 the most recent actuarial study of the disability and relief fund  
109 and the certified statement from the actuarial firm that the  
110 disability and relief fund will remain actuarially sound if the  
111 cost-of-living increases are provided.

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

