

By: Representative Guice

To: Appropriations

HOUSE BILL NO. 591

1 AN ACT TO AMEND SECTION 25-13-11, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE AGE OF MANDATORY RETIREMENT FOR MEMBERS OF THE
3 MISSISSIPPI HIGHWAY SAFETY PATROL FROM AGE 65 TO AGE 69; AND FOR
4 RELATED PURPOSES.

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

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

8 25-13-11. Any member upon withdrawal from service, upon or
9 after attainment of the age of fifty-five (55) years, who has
10 completed at least five (5) years of creditable service, or any
11 member upon withdrawal from service upon or after attainment of
12 the age of forty-five (45) years, who has completed at least
13 twenty (20) years of creditable service, or any member upon
14 withdrawal from service, regardless of age, who has completed at
15 least twenty-five (25) years of creditable service, shall be
16 entitled to receive a retirement allowance, which shall be payable
17 the first of the month following receipt of the member's
18 application in the Office of the Executive Director of the Public
19 Employees' Retirement System, but in no event before withdrawal
20 from service.

21 Any member whose withdrawal from service occurs before
22 attaining the age of fifty-five (55) years, who has completed more
23 than five (5) years of creditable service and has received a
24 refund of the member's accumulated contributions, shall be
25 entitled to receive a retirement allowance beginning upon his
26 attaining the age of fifty-five (55) years of the amount earned
27 and accrued at the date of withdrawal from service.

28 The annual amount of the retirement allowance shall consist
29 of:

30 (a) A member's annuity, which shall be the actuarial
31 equivalent of the accumulated contributions of the member at the
32 time of retirement, computed according to the actuarial table in
33 use by the system.

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

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

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

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

57 (f) Any member in the service who has attained the age
58 of sixty (60) years shall be retired immediately. However, any
59 member who has attained age sixty (60) may ask the Commissioner of
60 Public Safety to allow him to continue in service with the

61 Mississippi Highway Safety Patrol beyond age sixty (60). If the
62 commissioner determines that the member's continuance in service
63 would be advantageous to the Highway Safety Patrol because of his
64 expert knowledge, experience or qualifications, the member shall
65 be allowed to continue in service beyond age sixty (60) for a
66 period of one (1) year. After the initial one-year continuance,
67 the commissioner may authorize the member to continue in service
68 for additional periods of one (1) year until the member attains
69 age sixty-nine (69), at which time retirement shall be mandatory.

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

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

87 (i) Any retired member who is receiving a retirement
88 allowance on July 1, 1999, shall receive an ad hoc increase in the
89 annual retirement allowance equal to Three Dollars and Fifty Cents
90 (\$3.50) per month for each full fiscal year through June 30, 1999,
91 that the member has actually drawn retirement payments from the
92 date of retirement, or the date of last retirement if there is
93 more than one (1) retirement date, plus an amount equal to One

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

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