

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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188 (i) Any retired member who is receiving a retirement  
189 allowance on July 1, 1999, shall receive an ad hoc increase in the  
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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.