

By: Senator(s) Robertson, Gollott

To: Finance

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

24 Any member whose withdrawal from service occurs prior to
25 attaining the age of fifty-five (55) years, who shall have
26 completed more than five (5) years of creditable service and shall
27 not have received a refund of the member's accumulated
28 contributions, shall be entitled to receive a retirement allowance
29 beginning upon his attaining the age of fifty-five (55) years of

30 the amount earned and accrued at the date of withdrawal from
31 service.

32 The annual amount of the retirement allowance shall consist
33 of:

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

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

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

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

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

61 (f) Any member in the service who shall have attained
62 the age of sixty (60) years shall be retired forthwith. However,

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

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

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

91 (i) Any retired member who is receiving a retirement
92 allowance on July 1, 1999, shall receive an ad hoc increase in the
93 annual retirement allowance equal to Three Dollars and Fifty Cents
94 (\$3.50) per month for each full fiscal year through June 30, 1999,
95 that the member has actually drawn retirement payments from the

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

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