

**NOTICE OF RULE ADOPTION-FINAL RULE**

**STATE OF MISSISSIPPI  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Public Employees' Retirement System  
c/o Denise Mounger  
429 Mississippi Street  
Jackson, Mississippi 39201

**Specific Legal Authority authorizing the promulgation of Rule:** MCA Section 25-11-15(6)

**Reference to Rules repealed, amended or suspended by the Proposed Rule:** Regulation 35

(601) 359-2281  
[DMounger@pers.ms.gov](mailto:DMounger@pers.ms.gov)

Date Rule Proposed: April 28, 2009

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

- To clarify the effective date of benefits where a member applies for disability benefits and is also eligible for service retirement benefits;
- To address the time frame within which a member is eligible to claim service credit at no cost and to provide for extension of such time in the event of circumstances beyond the control of the member;
- To require that a disability applicant file an authorization to release certain information as part of the disability application packet; and
- To clarify that PERS has no authority to pay interest on benefits from the effective date on which benefits are determined to be payable and the date on which such benefits are actually paid.

**The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.**

An oral proceeding was held on this rule:

Date:

Time:

Place:

An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentation made in any oral proceedings, and**

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule. See attached letter.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**Effective Date of Rule:** July 1, 2009

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Signature and Title of Person Submitting Rule for Filing

SAS FORM APA 002  
Effective Date 07/29/2005