FILED
MAY 11 2010
MISSISSIPPI
SECRETARY OF STATE

16903

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

(601) 359-2281
DMounger@pers.ms.gov

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Reference to Rules repealed, amended or suspended by the Proposed Rule: Regulation 38

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:
The proposed amendments to Regulation 38 are made to conform the regulation with the modifications made to the Mississippi Public Records Act pursuant to H. B. 113 (2010 Legislative Session). These statutory changes, which take effect July 1, 2010, change the period within which a public body has to produce requested public records. The time frame for producing or denying production of such records has been reduced from fourteen (14) days to seven (7) days, except as otherwise provided. The statutory change also requires the public body to specify the exemption relied upon if access to the records are denied.

This rule is proposed as a [X] Final Rule, and/or a [ ] Temporary Rule

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, an if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

[ ] An oral proceeding is scheduled on this rule on Date: Time: Place:

If you wish to be heard and present evidence at the oral proceeding you must make a written request To the agency at the above address at least ____day(s) prior to the proceeding to be placed on the Agenda. The request should include your name, address, telephone number as well as other contact Information; and if you are an agent or attorney, the name, address and telephone number of the party or parties your represent.

[X] An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent of attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

[X] The agency has determined that an economic impact statement is not required for this rule, or

[ ] The concise summary of the economic impact statement required is attached.

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

Date Rule Proposed: ~~April 27, 2010~~ May 11, 2010 **Proposed Effective Date of Rule: July 1, 2010**

M Denise Owens-Mounger - Deputy Director
Signature and Title of Person Submitting Rule for Filing

SAS FORM APA 001
Effective Date 07/29/2005