

Mississippi Secretary of State

700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY: Public Employees' Retirement System; CONTACT PERSON: Denise Mounger; TELEPHONE NUMBER: 601-359-2281; ADDRESS: 429 Mississippi Street; CITY: Jackson; STATE: MS; ZIP: 39201; EMAIL: dmounger@pers.ms.gov; SUBMIT Date: 6/28/2010; Name or number of rule(s): Regulation 51

Short explanation of rule/amendment/pepeal and reason(s) for proposing rule/amendment/pepeal: The proposed amendment to Regulation 51 conforms the regulation to the statutory change made in S. B. 3083 (2010 Legislative Session), effective July 1, 2010, which provides that upon the death of an active member no more than 30 days of paid personal leave can be reported to PERS and thus used in the calculation of average compensation for determining the retirement allowance. Now, a maximum of 30 days paid leave can be reported to PERS in the event of the death of a member and the same maximum number of days of paid leave will be used in determining the retirement allowance for service retirement, disability retirement, and survivor benefits.

In addition, the proposed amendment conforms the regulation to the statutory change made in H. B. 1 (2010 Extraordinary Session) which allows each member of the system credit for an additional one-half-day of leave for each full fiscal year of membership service accrued after June 30, 2010.

Specific legal authority authorizing the promulgation of rule: MCA§ 25-11-15(6) and § 25-11-109(3)
List all rules repealed, amended, or suspended by the proposed rule: Regulation 51

ORAL PROCEEDING:

Form with checkboxes for oral proceeding scheduling: An oral proceeding is scheduled for this rule on Date: Time: Place: Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/pepeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

Form with checkboxes for economic impact statement: Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

Table with columns: TEMPORARY RULES, PROPOSED ACTION ON RULES, FINAL ACTION ON RULES. Includes options for original filing, renewal, adoption by reference, repeal, etc.

Printed name and Title of person authorized to file rules: Denise Mounger, Deputy Director

Signature of person authorized to file rules: Denise Mounger

Official Filing Stamp area with three boxes for signatures and a large 'FILED' stamp dated JUN 28 2010, MISSISSIPPI SECRETARY OF STATE 17094.