

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

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|--|---------------------------|---|--|----------------------------------|--------------|
| AGENCY NAME Public Employees' Retirement System | | CONTACT PERSON Jane L. Mapp | | TELEPHONE NUMBER 601-359-3592 | |
| ADDRESS 429 Mississippi Street | | CITY Jackson | | STATE MS | ZIP 39201 |
| EMAIL JMapp@pers.ms.gov | SUBMIT DATE 05/02/2012 | Name or number of rule(s): Regulation 35 | | | |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The proposed amendments to Regulation 35 are to (1) amend Section 101.1.e to give the executive director the discretion to determine whether circumstances warrant an extension of the 90-day period in which to complete the service retirement application; (2) amend Section 101.1.f to clarify certain verbiage about an individual who has received a refund (an individual who receives a refund of contributions is no longer a member); (3) amend Section 101.2.e to give the executive director the discretion to determine whether circumstances warrant an extension of the 90-day period in which to complete the disability retirement application; (4) add Section 101.3.e to clarify that, for purposes of dependent child survivor benefits, a natural child of a member is one who is conceived before the death of the member; (5) amend Section 102 to remove misleading verbiage referring to administrative leave and to Workers' Compensation benefits (same changes proposed to Board Regulation 45A); (6) amend Section 105.5 to give the executive director the discretion to determine whether circumstances warrant an extension of the deadline for claiming service credit attributable to leave days or active duty military service; and (7) add Section 107 to incorporate Internal Revenue rule that provides that duty-related death benefits paid to survivors of deceased public safety officers may be excluded from income if certain Internal Revenue Service prescribed conditions are met, effective August 1, 2012.

Specific legal authority authorizing the promulgation of rule: 25-11-15(6)

List all rules repealed, amended, or suspended by the proposed rule: Regulation 35

ORAL PROCEEDING:

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/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

| TEMPORARY RULES | PROPOSED ACTION ON RULES | FINAL ACTION ON RULES |
|--|---|---|
| <input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____ | Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input type="checkbox"/> 30 days after filing <input checked="" type="checkbox"/> Other (specify): <u>August 1, 2012</u> | Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____ |

Printed name and Title of person authorized to file rules: Jane L. Mapp, Special Assistant Attorney General

Signature of person authorized to file rules: */s/ Jane L. Mapp*

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| OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 60px; width: 100%;"></div> Accepted for filing by | DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 2px solid blue; padding: 10px; font-size: 2em; font-weight: bold; color: blue;">FILED</div> MAY 02 2012 MISSISSIPPI SECRETARY OF STATE cB18761E | OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 60px; width: 100%;"></div> Accepted for filing by |
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