

By: Bryan

To: Finance

SENATE BILL NO. 2146

1 AN ACT TO AMEND SECTION 25-11-120, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE HEARINGS REGARDING ADMINISTRATIVE DETERMINATIONS OF THE
3 PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO BE HELD IN ABERDEEN AND
4 BILOXI IN ADDITION TO ANY OTHER LOCATIONS THAT THE BOARD OF
5 TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY SELECT;
6 AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 25-11-120, Mississippi Code of 1972, is
9 amended as follows:[JU1]

10 25-11-120. (1) Any individual aggrieved by an
11 administrative determination, including a determination of the
12 medical board, relating to the eligibility for or payment of
13 benefits, or the calculation of creditable service or other
14 similar matters relating to the Public Employees' Retirement
15 System or any other retirement system or program administered by
16 the board, may request a hearing before a hearing officer
17 designated by the board. Such hearings shall be conducted in
18 accordance with rules and regulations adopted by the board and
19 formal rules of evidence shall not apply. The hearing officer is
20 authorized to administer oaths, hear testimony of witnesses and
21 receive documentary and other evidence. After the hearing, the
22 hearing officer shall certify the record to the board, which shall
23 include the hearing officer's proposed statement of facts,

24 conclusions of law and recommendation. The record may include a
25 taped recording of the proceedings of the hearing in lieu of a
26 transcribed copy of the proceedings. The board shall receive the
27 record and make its determination based solely on matters
28 contained therein. Hearings conducted pursuant to this section
29 shall be held in such locations as the board shall consider
30 necessary; provided, however, that such hearings shall be
31 conducted at least four (4) times in each calendar year in
32 Aberdeen, Mississippi, and at least four (4) times in each
33 calendar year in Biloxi, Mississippi.

34 (2) Any individual aggrieved by the determination of the
35 board may appeal to the Circuit Court of the First Judicial
36 District of Hinds County, Mississippi, in accordance with the
37 Uniform Circuit Court Rules governing appeals to the circuit court
38 in civil cases. Such appeal shall be made solely on the record
39 before the board and this procedure shall be the exclusive method
40 of appealing determinations of the board.

41 (3) The board is authorized to appoint a committee of the
42 board to serve as hearing officer or to employ or contract with
43 qualified personnel to perform the duties of hearing officer and
44 court reporter as may be necessary for conducting, recording and
45 transcribing such hearings. The board may assess and collect fees
46 to offset costs related to such hearings. Those fees shall be
47 deposited to the credit of the Public Employees' Retirement
48 System.

49 SECTION 2. This act shall take effect and be in force from
50 and after July 1, 2000.