

By: Representatives Hines, Johnson, Paden,
Harness, Banks, Clark

To: Accountability,
Efficiency, Transparency;
Appropriations

HOUSE BILL NO. 526

1 AN ACT TO CREATE THE OFFICE OF INDEPENDENT STATE HEARING
2 OFFICERS TO PROVIDE HEARING OFFICERS TO CONDUCT HEARINGS, COMPILE
3 EVIDENCE AND RENDER DECISIONS ON MATTERS FOR PERSONS OR ENTITIES
4 THAT HAVE ISSUES BEFORE STATE AGENCIES; TO PROVIDE THAT THE OFFICE
5 SHALL BE HEADED BY A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR FOR
6 A TERM OF FOUR YEARS AND WHO MAY BE REMOVED FROM OFFICE ONLY FOR
7 CAUSE; TO PROVIDE THAT THE OFFICE SHALL BE HOUSED AT THE
8 DEPARTMENT OF FINANCE AND ADMINISTRATION AND SHALL BE FUNDED FROM
9 FUNDS THAT ARE SPECIFICALLY APPROPRIATED TO THE DEPARTMENT FOR
10 THAT PURPOSE; TO PROVIDE THAT THE DIRECTOR SHALL CONTRACT WITH AT
11 LEAST FIVE PERSONS TO SERVE AS HEARING OFFICERS; TO PROVIDE THAT
12 WHEN A PERSON OR ENTITY HAS AN ISSUE BEFORE A STATE AGENCY AND THE
13 STATE AGENCY HAS ITS OWN HEARING OFFICER, THE PERSON OR ENTITY MAY
14 ELECT AT ITS OPTION TO HAVE A HEARING OFFICER FROM THE OFFICE OF
15 INDEPENDENT STATE HEARING OFFICERS HEAR AND DECIDE THE MATTERS AT
16 ISSUE, AS AN ALTERNATIVE TO HAVING A HEARING OFFICER OF THE STATE
17 AGENCY; TO PROVIDE THAT IF A PERSON OR ENTITY ELECTS TO HAVE A
18 HEARING OFFICER FROM THE OFFICE, THE DIRECTOR OF THE OFFICE SHALL
19 ASSIGN ONE OF THE HEARING OFFICERS ON A ROTATING BASIS TO HEAR AND
20 DECIDE THE MATTERS AT ISSUE; TO PROVIDE THAT A PERSON OR ENTITY OR
21 STATE AGENCY MAY APPEAL THE DECISION OF A HEARING OFFICER TO A
22 PANEL OF THREE HEARING OFFICERS OF THE OFFICE WHO WERE NOT
23 INVOLVED IN THE HEARING AND DECISION; TO PROVIDE THAT ANY PERSON
24 OR ENTITY OR STATE AGENCY AGGRIEVED BY A FINAL DECISION OF THE
25 APPEALS PANEL SHALL BE ENTITLED TO JUDICIAL REVIEW OF THE
26 DECISION; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** (1) There is created the Office of Independent
29 State Hearing Officers, which shall provide hearing officers to
30 conduct hearings, compile evidence and render decisions on matters



31 for persons or entities that have issues before state agencies.
32 The office shall be headed by a director who is appointed by the
33 Governor for a term of four (4) years and who may be removed from
34 office only for cause. The office shall be housed at the
35 Department of Finance and Administration and shall be funded from
36 funds that are specifically appropriated to the department for
37 that purpose.

38 (2) The director shall contract with at least five (5)
39 persons to serve as hearing officers. Those persons must be
40 experienced in conducting administrative hearings for governmental
41 entities or participating in administrative hearings of
42 governmental entities.

43 (3) When a person or entity has an issue before a state
44 agency and the state agency has its own hearing officer or has the
45 authority to appoint its own hearing officer, the person or entity
46 may elect at its option to have a hearing officer from the Office
47 of Independent State Hearing Officers hear and decide the matters
48 at issue, as an alternative to having a hearing officer of the
49 state agency. If a person or entity elects to have a hearing
50 officer from the office, the director of the office shall assign
51 one of the hearing officers to hear and decide the matters at
52 issue. The director shall assign hearing officers on a rotating
53 basis instead of assigning the same hearing officer to regularly
54 hear and decide matters for a particular state agency.



55 (4) A person or entity or state agency may appeal the
56 decision of a hearing officer of the office. The appeal shall be
57 made to a panel of three (3) hearing officers of the office who
58 were not involved in the hearing and decision. The proceedings
59 before the appeals panel shall be de novo. The person or entity
60 and the state agency is bound by and shall comply with the
61 decision of the hearing officer, or if that decision is appealed,
62 with the decision of the appeals panel, unless the person or
63 entity or state agency appeals the decision as provided in
64 subsection (5) of this section and the decision of the appeals
65 panel is overturned after judicial review.

66 (5) Any person or entity or state agency aggrieved by a
67 final decision of the appeals panel shall be entitled to judicial
68 review of the decision in the manner provided in this subsection.

69 (a) An appeal may be taken by such person or entity or
70 state agency to the Circuit Court of the First Judicial District
71 of Hinds County, by filing a petition with the clerk of the court
72 and executing and filing bond payable to the State of Mississippi
73 with sufficient sureties to be approved by the clerk of the court,
74 in the penalty of Five Hundred Dollars (\$500.00), conditioned upon
75 the payment of all costs of appeal, including the cost of
76 preparing the transcript of the hearing before the appeals panel.
77 The petition and bond shall be filed within thirty (30) days of
78 the receipt of the final decision of the appeals panel. Upon
79 approval of the bond, the clerk of the court shall notify the



80 appeals panel, which shall prepare its record in the matter and
81 transmit it to the circuit court.

82 (b) The scope of review of the circuit court in such
83 cases shall be limited to a review of the record made before the
84 appeals panel to determine if the action of the appeals panel is
85 unlawful for the reason that it was:

86 (i) Not supported by any substantial evidence;

87 (ii) Arbitrary or capricious; or

88 (iii) In violation of some statutory or

89 constitutional right of the employee.

90 (c) Any party aggrieved by action of the circuit court
91 may appeal to the Supreme Court in the manner provided by law.

92 **SECTION 2.** This act shall take effect and be in force from
93 and after July 1, 2023.

