

## HOUSE BILL NO. 415

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.



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.



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, 2025.

