

**NOTICE OF RULE ADOPTION—TEMPORARY RULE**

**STATE OF MISSISSIPPI  
Public Employees' Retirement System of Mississippi**

**Public Employees' Retirement System  
c/o Denise Mounger  
429 Mississippi St.  
Jackson, MS 39201**

**(601 359-2281  
{denise\_mounger@pers.state.ms.us**

**Specific Legal Authority authorizing the promulgation of  
Rule: MCA Section 25-11-15(6)**

**Reference to Rules repealed, amended or suspended by the  
Temporary Rule :New Regulation – Proposed Regulation 54**

**Date Rule Proposed: December 18, 2007**

**Explanation of the Purpose of the Temporary Rule and the reason(s) for the rule:** The federal Public Pension Protection Act of 2006 was signed into law on August 16, 2006. This law contain a provision that would allow retired public safety officers to elect to have a federal income tax exclusion applied to qualifying health insurance premiums withheld from their retirement checks which are paid directly by PERS to an insurance provider. The effective date of this provision in the Pension Protection Act is January 1, 2007. In order to make this tax benefit available to qualifying retirees at the earliest possible time, the Board of Trustees had adopted this regulation both as a temporary and final regulation so that it also can be effective January 1, 2007. This proposed regulation provides administrative guidelines for the administration of this new benefit, defining who is eligible for the election, when and how the election can be made, the types of insurance that qualify for the exclusion, the amount of the exclusion, and the effective date of the provision.

**The Agency finds that an imminent peril to the public health, safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.**

An oral proceeding was held on this rule:

Date: {Insert Date}  
Time: {Insert Time}  
Place: {Insert Place}

An oral proceeding was not held on this rule.

**The Agency has considered any written comments received and the presentations made in any oral proceeding, and**

This rule as adopted is without variance from the proposed temporary rule.

This rule as adopted differs from the proposed temporary rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed temporary rule. The differences however are:

Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Temporary Rule including the text of any rule being amended or changed is attached.

**Effective Date of Rule: January 1, 2007**

**Signature and Title of Person Submitting Rule for Filing**