HOUSE BILL NO. 579

AN ACT TO AMEND SECTIONS 25-15-3 AND 25-15-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A JUDGE WHO RESIGNS DUE TO A DISABILITY SHALL CONTINUE TO RECEIVE STATE INSURANCE COVERAGE FOR THE REMAINDER OF THE TERM TO WHICH SUCH JUDGE WAS ELECTED; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 25-15-3, Mississippi Code of 1972, is amended as follows:

[Through June 30 of the year in which Section 25-11-143 becomes effective as provided in subsection (1) of Section 25-11-143, this section shall read as follows:]

25-15-3. For the purposes of this article, the words and phrases used herein shall have the following meanings:

(a) "Employee" means a person who works full time for the State of Mississippi and receives his compensation in a direct payment from a department, agency or institution of the state government and any person who works full time for any school district, community/junior college, public library or university-based program authorized under Section 37-23-31 for deaf, aphasic and emotionally disturbed children or any regular nonstudent bus driver. This shall include legislators, employees of the legislative branch and the judicial branch of the state and "employees" shall include full-time salaried judges and full-time district attorneys and their staff and full-time compulsory school attendance officers and judges who resign due to a disability for the remainder of the term to which the judge was elected. For the purposes of this article, any "employee" making contributions to
the State of Mississippi retirement plan shall be considered a
full-time employee.

(b) "Department" means the Department of Finance and
Administration.

(c) "Plan" means the State and School Employees Life
and Health Insurance Plan created under this article.

(d) "Fund" means the State and School Employees
Insurance Fund set up under this article.

(e) "Retiree" means any employee retired under the
Mississippi retirement plan.

(f) "Board" means the State and School Employees Health

[From and after July 1 of the year in which Section 25-11-143
becomes effective as provided in subsection (1) of Section
25-11-143, this section shall read as follows:]

25-15-3. For the purposes of this article, the words and
phrases used in this section shall have the following meanings:

(a) "Employee" means a person who works full time for
the State of Mississippi and receives his compensation in a direct
payment from a department, agency or institution of the state
government, and any person who works full time for any school
district, community/junior college, public library,
university-based program authorized under Section 37-23-31 for
defaf, aphasic and emotionally disturbed children, or any regular
nonstudent bus driver. This term includes legislators, employees
of the legislative branch and the judicial branch of the state,
full-time salaried judges and full-time district attorneys and
their staff, and full-time compulsory school attendance officers
and judges who resign due to a disability for the remainder of the
term to which the judge was elected. For the purposes of this
article, any "employee" making contributions to the Public
Employees' Retirement System or the Highway Safety Patrol
Retirement System shall be considered a full-time employee.
(b) "Department" means the Department of Finance and Administration.

(c) "Plan" means the State and School Employees Life and Health Insurance Plan created under this article.

(d) "Fund" means the State and School Employees Insurance Fund set up under this article.

(e) "Board" means the State and School Employees Health Insurance Management Board created under Section 25-15-303.

SECTION 2. Section 25-15-15, Mississippi Code of 1972, is amended as follows:

[Through June 30 of the year in which Section 25-11-143 becomes effective as provided in subsection (1) of Section 25-11-143, this section shall read as follows:]

25-15-15. (1) The board is authorized to determine the manner in which premiums and contributions by the state agencies, local school districts, colleges, universities, community/junior colleges and public libraries shall be collected to provide the self-insured health insurance program for employees as provided under this article. The state shall provide fifty percent (50%) of the cost of the above life insurance plan and one hundred percent (100%) of the cost of the above health insurance plan for all active full-time employees, and the employees shall be given the opportunity to purchase coverage for their eligible dependents with the premiums for such dependent coverage as well as the employee's fifty percent (50%) share for his life insurance coverage to be deductible from the employee's salary by the agency, department or institution head, which deductions, together with the fifty percent (50%) share of such life insurance premiums of such employing agency, department or institution head from funds appropriated to or authorized to be expended by such employing agency, department or institution head, shall be deposited directly into a depository bank or special fund in the State Treasury, as determined by the board. These funds and
interest earned on these funds may be used for the disbursement of claims and shall be exempt from the appropriation process.

(2) The state shall provide annually, by line item in the Mississippi Library Commission appropriation bill, such funds to pay one hundred percent (100%) of the cost of health insurance under the State and School Employees Health Insurance Plan for all full-time library staff members in each public library in Mississippi. The commission shall allot to each public library a sufficient amount of those funds appropriated to pay the costs of insurance for eligible employees. Any funds so appropriated by line item which are not expended during the fiscal year for which such funds were appropriated shall be carried forward for the same purposes during the next succeeding fiscal year. If any premiums for the health insurance and/or late charges and interest penalties are not paid by a public library in a timely manner, as defined by the board, the Mississippi Library Commission, upon notice by the board, shall immediately withhold all subsequent disbursements of funds to that public library.

(3) The state shall annually provide one hundred percent (100%) of the cost of the health insurance plan for all public school district employees who work no less than twenty (20) hours during each week and regular nonstudent school bus drivers. Where federal funding is allowable to defray, in full or in part, the cost of participation in the program by district employees who work no less than twenty (20) hours during the week and regular nonstudent bus drivers, whose salaries are paid, in full or in part, by federal funds, the allowance under this section shall be reduced to the extent of such federal funding. Where the use of federal funds is allowable but not available, it is the intent of the Legislature that school districts contribute the cost of participation for such employees from local funds, except that parent fees for child nutrition programs shall not be increased to cover such cost.
(4) The state shall provide annually, by line item in the community/junior college appropriation bill, such funds to pay one hundred percent (100%) of the cost of the health insurance plan for all community/junior college district employees who work no less than twenty (20) hours during each week.

(5) When the use of federal funding is allowable to defray, in full or in part, the cost of participation in the insurance plan by community/junior college district employees who work no less than twenty (20) hours during each week, whose salaries are paid, in full or in part, by federal funds, the allowance under this section shall be reduced to the extent of the federal funding. Where the use of federal funds is allowable but not available, it is the intent of the Legislature that community/junior college districts contribute the cost of participation for such employees from local funds.

(6) Any community/junior college district may contribute to the cost of coverage for any district employee from local community/junior college district funds, and any public school district may contribute to the cost of coverage for any district employee from nonminimum program funds. Any part of the cost of such coverage for participating employees of public school districts and public community/junior college districts that is not paid by the state shall be paid by the participating employees, which shall be deducted from the salaries of the employees in a manner determined by the board.

(7) Any funds appropriated for the cost of insurance by line item in the community/junior colleges appropriation bill which are not expended during the fiscal year for which such funds were appropriated shall be carried forward for the same purposes during the next succeeding fiscal year.

(8) The board may establish and enforce late charges and interest penalties or other penalties for the purpose of requiring the prompt payment of all premiums for life and health insurance.
permitted under Chapter 15 of Title 25. All funds in excess of
the amount needed for disbursement of claims shall be deposited in
a special fund in the State Treasury to be known as the State and
School Employees Insurance Fund. The State Treasurer shall invest
all funds in the State and School Employees Insurance Fund and all
interest earned shall be credited to the State and School
Employees Insurance Fund. Such funds shall be placed with one or
more depositories of the state and invested on the first day such
funds are available for investment in certificates of deposit,
repurchase agreements or in United States Treasury bills or as
otherwise authorized by law for the investment of Public
Employees' Retirement System funds, as long as such investment is
made from competitive offering and at the highest and best market
rate obtainable consistent with any available investment
alternatives; however, such investments shall not be made in
shares of stock, common or preferred, or in any other investments
which would mature more than one (1) year from the date of
investment. The board shall have the authority to draw from this
fund periodically such funds as are necessary to operate the
self-insurance plan or to pay to the insurance carrier the cost of
operation of this plan, it being the purpose to limit the amount
of participation by the state to fifty percent (50%) of the cost
of the life insurance program and not to limit the contracting for
additional benefits where the cost will be paid in full by the
employee. The state shall not share in the cost of coverage for
retired employees.

(9) The board shall also provide for the creation of an
Insurance Reserve Fund and funds therein shall be invested by the
State Treasurer with all interest earned credited to the State and
School Employees Insurance Fund.

(10) Except as otherwise provided by subsection (11) for
disabled judges, any retired employee electing to purchase retired
life and health insurance will have the full cost of such
insurance deducted monthly from his State of Mississippi
retirement plan check or direct billed for the cost of the premium
if the retirement check is insufficient to pay for the premium.
If the board determines actuarially that the premium paid by the
participating retirees adversely affects the overall cost of the
plan to the state, then the department may impose a premium
surcharge, not to exceed fifteen percent (15%), upon such
participating retired employees who are under the age for Medicare
eligibility.

(11) For purposes of insurance coverage under this section,
a judge who resigns due to disability shall be considered an
active full-time employee for the remainder of the term to which
the judge was elected.

[From and after July 1 of the year in which Section 25-11-143
becomes effective as provided in subsection (1) of Section
25-11-143, this section shall read as follows:]

25-15-15. (1) The board may determine the manner in which
premiums and contributions by the state agencies, local school
districts, colleges, universities, community/junior colleges and
public libraries will be collected to provide the self-insured
health insurance program for employees as provided under this
article. The state shall provide fifty percent (50%) of the cost
of the above life insurance plan and one hundred percent (100%) of
the cost of the above health insurance plan for all active
full-time employees. The employees shall be given the opportunity
to purchase coverage for their eligible dependents with the
premiums for the dependent coverage, as well as the employee's
fifty percent (50%) share for his life insurance coverage, to be
deductible from the employee's salary by the agency, department or
institution head. Those deductions, together with the fifty
percent (50%) share of the life insurance premiums of the
employing agency, department or institution head from funds
appropriated to or authorized to be expended by the employing
agency, department or institution head, shall be deposited
directly into a depository bank or special fund in the State
Treasury, as determined by the board. These funds and interest
earned on these funds may be used for the disbursement of claims
and shall be exempt from the appropriation process.

(2) The state shall provide annually, by line item in the
Mississippi Library Commission appropriation bill, the funds to
pay one hundred percent (100%) of the cost of health insurance
under the State and School Employees Health Insurance Plan for all
full-time library staff members in each public library in
Mississippi. The commission shall allot to each public library a
sufficient amount of those funds appropriated to pay the costs of
insurance for eligible employees. Any funds so appropriated by
line item that are not expended during the fiscal year for which
the funds were appropriated shall be carried forward for the same
purposes during the next succeeding fiscal year. If any premiums
for the health insurance and/or late charges and interest
penalties are not paid by a public library in a timely manner, as
defined by the board, the Mississippi Library Commission, upon
notice by the board, shall immediately withhold all subsequent
discharges of funds to that public library.

(3) The state shall annually provide one hundred percent
(100%) of the cost of the health insurance plan for all public
school district employees who work no less than twenty (20) hours
during each week and regular nonstudent school bus drivers. Where
federal funding is allowable to defray, in full or in part, the
cost of participation in the program by district employees who
work no less than twenty (20) hours during the week and regular
nonstudent bus drivers, whose salaries are paid, in full or in
part, by federal funds, the allowance under this section shall be
reduced to the extent of that federal funding. Where the use of
federal funds is allowable but not available, it is the intent of
the Legislature that school districts contribute the cost of
participation for the employees from local funds, except that parent fees for child nutrition programs shall not be increased to cover that cost.

(4) The state shall provide annually, by line item in the community/junior college appropriation bill, the funds to pay one hundred percent (100%) of the cost of the health insurance plan for all community/junior college district employees who work no less than twenty (20) hours during each week.

(5) When the use of federal funding is allowable to defray, in full or in part, the cost of participation in the insurance plan by community/junior college district employees who work no less than twenty (20) hours during each week, whose salaries are paid, in full or in part, by federal funds, the allowance under this section shall be reduced to the extent of the federal funding. Where the use of federal funds is allowable but not available, it is the intent of the Legislature that community/junior college districts contribute the cost of participation for the employees from local funds.

(6) Any community/junior college district may contribute to the cost of coverage for any district employee from local community/junior college district funds, and any public school district may contribute to the cost of coverage for any district employee from nonminimum program funds. Any part of the cost of the coverage for participating employees of public school districts and public community/junior college districts that is not paid by the state shall be paid by the participating employees, which shall be deducted from the salaries of the employees in a manner determined by the board.

(7) Any funds appropriated for the cost of insurance by line item in the community/junior colleges appropriation bill that are not expended during the fiscal year for which the funds were appropriated shall be carried forward for the same purposes during the next succeeding fiscal year.
(8) The board may establish and enforce late charges and interest penalties or other penalties for the purpose of requiring the prompt payment of all premiums for life and health insurance permitted under Chapter 15 of Title 25. All funds in excess of the amount needed for disbursement of claims shall be deposited in a special fund in the State Treasury to be known as the State and School Employees Insurance Fund. The State Treasurer shall invest all funds in the State and School Employees Insurance Fund and all interest earned shall be credited to the State and School Employees Insurance Fund. Those funds shall be placed with one or more depositories of the state and invested on the first day that the funds are available for investment in certificates of deposit, repurchase agreements or in United States Treasury bills or as otherwise authorized by law for the investment of Public Employees' Retirement System funds, as long as the investment is made from competitive offering and at the highest and best market rate obtainable consistent with any available investment alternatives. However, those investments shall not be made in shares of stock, common or preferred, or in any other investments that would mature more than one (1) year from the date of investment. The board shall have the authority to draw from this fund periodically such funds as are necessary to operate the self-insurance plan or to pay to the insurance carrier the cost of operation of this plan, it being the purpose to limit the amount of participation by the state to fifty percent (50%) of the cost of the life insurance program and not to limit the contracting for additional benefits where the cost will be paid in full by the employee.

(9) The board shall also provide for the creation of an Insurance Reserve Fund, and funds in the reserve fund shall be invested by the State Treasurer with all interest earned credited to the State and School Employees Insurance Fund.
For purposes of insurance coverage under this section, a judge who resigns due to disability shall be considered an active full-time employee for the remainder of the term to which the judge was elected.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.