

By: Representative Gadd

To: Education;
Appropriations

HOUSE BILL NO. 1237

1 AN ACT TO AMEND SECTION 25-15-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF "EMPLOYEE" UNDER THE STATE AND SCHOOL
3 EMPLOYEES LIFE AND HEALTH INSURANCE PLAN IN ORDER FOR THE STATE TO
4 PAY THE COST OF STATE HEALTH INSURANCE FOR ALL MEMBERS OF A SCHOOL
5 BOARD IN ANY SCHOOL DISTRICT; TO AMEND SECTION 37-19-34,
6 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
7 PURPOSES.

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

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

11 **[Through June 30 of the year in which Section 25-11-143**
12 **becomes effective as provided in subsection (1) of Section**
13 **25-11-143, this section shall read as follows:]**

14 25-15-3. For the purposes of this article, the words and
15 phrases used herein shall have the following meanings:

16 (a) "Employee" means a person who works full time for
17 the State of Mississippi and receives his compensation in a direct
18 payment from a department, agency or institution of the state
19 government and any person who works full time for any school
20 district, community/junior college, public library or
21 university-based program authorized under Section 37-23-31 for
22 deaf, aphasic and emotionally disturbed children or any regular
23 nonstudent bus driver or any member of the school board of any
24 school district. This shall include legislators, employees of the
25 legislative branch and the judicial branch of the state and
26 "employees" shall include full-time salaried judges and full-time
27 district attorneys and their staff and full-time compulsory school
28 attendance officers. For the purposes of this article, any

29 "employee" making contributions to the State of Mississippi
30 retirement plan shall be considered a full-time employee.

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

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

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

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

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

41 **[From and after July 1 of the year in which Section 25-11-143**
42 **becomes effective as provided in subsection (1) of Section**
43 **25-11-143, this section shall read as follows:]**

44 25-15-3. For the purposes of this article, the words and
45 phrases used in this section shall have the following meanings:

46 (a) "Employee" means a person who works full time for
47 the State of Mississippi and receives his compensation in a direct
48 payment from a department, agency or institution of the state
49 government, and any person who works full time for any school
50 district, community/junior college, public library,
51 university-based program authorized under Section 37-23-31 for
52 deaf, aphasic and emotionally disturbed children, or any regular
53 nonstudent bus driver or any member of the school board of any
54 school district. This term includes legislators, employees of the
55 legislative branch and the judicial branch of the state,
56 full-time salaried judges and full-time district attorneys and
57 their staff, and full-time compulsory school attendance officers.
58 For the purposes of this article, any "employee" making
59 contributions to the Public Employees' Retirement System or the
60 Highway Safety Patrol Retirement System shall be considered a
61 full-time employee.

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

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

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

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

70 **SECTION 2.** Section 37-19-34, Mississippi Code of 1972, is
71 amended as follows:

72 37-19-34. The State Board of Education shall allot to each
73 school district such funds appropriated to pay one hundred percent
74 (100%) of the cost of the State and School Employees' Life and
75 Health Insurance Plan created under Article 7, Chapter 15, Title
76 25, Mississippi Code of 1972, for all district employees who work
77 no less than twenty (20) hours during each week and regular
78 nonstudent school bus drivers employed by the district and members
79 of the school board of each district.

80 Where the use of federal funding is allowable to defray, in
81 full or in part, the cost of participation in the insurance plan
82 by district employees who work no less than twenty (20) hours
83 during each week and regular nonstudent school bus drivers, and
84 members of the school board of each district, whose salaries are
85 paid, in full or in part, by federal funds, the allowance under
86 this section shall be reduced to the extent of the federal
87 funding. Where the use of federal funds is allowable but not
88 available, it is the intent of the Legislature that school
89 districts contribute the cost of participation for such employees
90 from local funds, except that parent fees for child nutrition
91 programs shall not be increased to cover such cost.

92 The State Department of Education, in accordance with rules
93 and regulations established by the State Board of Education, may
94 withhold a school district's minimum program funds for failure of

95 the district to timely report student, fiscal and personnel data
96 necessary to meet state and/or federal requirements. The rules
97 and regulations promulgated by the State Board of Education shall
98 require the withholding of minimum program funds for those
99 districts that fail to remit premiums, interest penalties and/or
100 late charges under the State and School Employees' Life and Health
101 Insurance Plan. Noncompliance with such rules and regulations
102 shall result in a violation of compulsory accreditation standards
103 as established by the State Board of Education and Commission on
104 School Accreditation.

105 **SECTION 3.** This act shall take effect and be in force from
106 and after July 1, 2005.