

By: Representatives Hale, Arnold, Burnett,
Carpenter, Currie, Eubanks, Mettetal,
Scoggin, Miles

To: Appropriations

HOUSE BILL NO. 977

1 AN ACT TO AMEND SECTIONS 45-2-1 AND 27-103-203, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE WORKING
3 CASH-STABILIZATION RESERVE FUND TO THE LAW ENFORCEMENT OFFICERS
4 AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND UPON THE REQUISITION
5 OF THE GOVERNOR WHENEVER THE MONIES IN THE TRUST FUND ARE
6 INSUFFICIENT TO PAY THE DEATH BENEFITS REQUIRED TO BE MADE DURING
7 ANY FISCAL YEAR BECAUSE OF THE DEATH OF THREE OR MORE COVERED
8 INDIVIDUALS DURING THE FISCAL YEAR; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 45-2-1, Mississippi Code of 1972, is
11 amended as follows:

12 45-2-1. (1) Whenever used in this section, the term:

13 (a) "Covered individual" means a law enforcement
14 officer or firefighter, including volunteer firefighters, as
15 defined in this section when employed by an employer as defined in
16 this section; it does not include employees of independent
17 contractors.

18 (b) "Employer" means a state board, commission,
19 department, division, bureau or agency, or a county, municipality
20 or other political subdivision of the state, which employs,
21 appoints or otherwise engages the services of covered individuals.



22 (c) "Firefighter" means an individual who is trained
23 for the prevention and control of loss of life and property from
24 fire or other emergencies, who is assigned to firefighting
25 activity, and is required to respond to alarms and perform
26 emergency actions at the location of a fire, hazardous materials
27 or other emergency incident.

28 (d) "Law enforcement officer" means any lawfully sworn
29 officer or employee of the state or any political subdivision of
30 the state whose duties require the officer or employee to
31 investigate, pursue, apprehend, arrest, transport or maintain
32 custody of persons who are charged with, suspected of committing,
33 or convicted of a crime, whether the officer is on regular duty on
34 full-time status, an auxiliary or reserve officer, or is serving
35 on a temporary or part-time status.

36 (e) "Cause of death" means any cause of death that
37 would be covered under the Public Safety Officers' Benefits Act of
38 1976 or the Hometown Heroes Survivors Benefits Act of 2003,
39 generally codified at 42 USCS Chapter 46.

40 (2) (a) The Department of Public Safety shall make a
41 payment, as provided in this section, in the amount of One Hundred
42 Thousand Dollars (\$100,000.00) when a covered individual, while
43 engaged in the performance of the person's official duties, dies
44 or receives accidental or intentional bodily injury that results
45 in the loss of the covered individual's life and such death is the
46 result of a covered cause of death, provided that the death is not



the result of suicide and that the bodily injury is not intentionally self-inflicted.

(b) The payment provided for in this subsection shall be made to the beneficiary who was designated in writing by the covered individual, signed by the covered individual and delivered to the employer during the covered individual's lifetime. If no such designation is made, then the payment shall be made to the surviving child or children and spouse in equal portions, and if there is no surviving child or spouse, then to the parent or parents. If a beneficiary is not designated and there is no surviving child, spouse or parent, then the payment shall be made to the covered individual's estate.

(c) The payment made in this subsection is in addition to any workers' compensation or pension benefits and is exempt from the claims and demands of creditors of the covered individual.

(3) (a) There is established in the State Treasury a special fund to be known as the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund. The trust fund shall be funded by an initial appropriation of Two Hundred Thousand Dollars (\$200,000.00), and shall be comprised of any additional funds made available by the Legislature or by donation, contribution, gift or any other source.

(b) Whenever the Department of Public Safety determines that the monies in the Law Enforcement Officers and Fire Fighters



Death Benefits Trust Fund are insufficient to pay the death
benefits required to be made under this section during any fiscal
year because of the death of three (3) or more covered individuals
during the fiscal year, the Commissioner of Public Safety shall
notify the Governor of that determination and the Governor shall
requisition the amount of funds from the Working
Cash-Stabilization Reserve Fund that are needed in the trust fund.
Any transfer of funds from the Working Cash-Stabilization Reserve
Fund to the trust fund shall be made in accordance with the
provisions of subsection (6) of Section 27-103-203.

(* * *c) The State Treasurer shall invest the monies
of the trust fund in any of the investments authorized for the
funds of the Public Employees' Retirement System under Section
25-11-121, and those investments shall be subject to the
limitations prescribed by Section 25-11-121.

(* * *d) Unexpended amounts remaining in the trust
fund at the end of the state fiscal year shall not lapse into the
State General Fund, and any income earned on amounts in the trust
fund shall be deposited to the credit of the trust fund.

(4) The Department of Public Safety shall be responsible for
the management of the trust fund and the disbursement of death
benefits authorized under this section. The Department of Public
Safety shall adopt rules and regulations necessary to implement
and standardize the payment of death benefits under this section,



to administer the trust fund created by this section and to carry out the purposes of this section.

SECTION 2. Section 27-103-203, Mississippi Code of 1972, is amended as follows:

27-103-203. (1) There is created in the State Treasury a special fund, separate and apart from any other fund, to be designated the Working Cash-Stabilization Reserve Fund.

(2) The Working Cash-Stabilization Reserve Fund shall not be considered as a surplus or available funds when adopting a balanced budget as required by law. The State Treasurer shall invest all sums in the Working Cash-Stabilization Reserve Fund not needed for the purposes provided for in this section in certificates of deposit, repurchase agreements and other securities as authorized in Section 27-105-33(d) or Section 7-9-103, as the State Treasurer may determine to yield the highest market rate available. If the Ayers Settlement Fund is created under Section 37-101-27(5), the first Five Million Dollars (\$5,000,000.00) of interest earned on those sums each fiscal year shall be deposited into that fund until a total of Seventy Million Dollars (\$70,000,000.00) has been deposited into the fund. The interest, or the remaining interest if the Ayers Settlement Fund is created, that is earned on those sums shall be deposited in the Working Cash-Stabilization Reserve Fund until the balance of principal and interest in the fund reaches seven and one-half percent (7-1/2%) of the total General Fund appropriations for the



current fiscal year, and all interest earned in excess of amounts necessary to maintain the seven and one-half percent (7-1/2%) fund balance requirement shall be deposited by the State Treasurer into the State General Fund.

(3) The Working Cash-Stabilization Reserve Fund, except for Fifteen Million Dollars (\$15,000,000.00) and the amount of the interest and income earned on the principal of the Ayers Endowment Trust created by Section 37-101-27, shall be used by the State Treasurer for cash flow needs throughout the year when the Executive Director of the Department of Finance and Administration certifies that in his opinion there will be cash flow deficiencies in the State General Fund. No borrowing of monies from other special funds for such purposes as authorized by Section 31-17-101 et seq., shall be made as long as an unencumbered balance in excess of Fifteen Million Dollars (\$15,000,000.00) and the interest and income earned on the principal of the Ayers Endowment Trust created by Section 37-101-27 remains in the fund. The State Treasurer shall reimburse the fund for all sums borrowed for those purposes from General Fund revenues collected during the fiscal year in which those funds are used. The State Treasurer shall immediately notify the Legislative Budget Office and the State Department of Finance and Administration of each transfer into and out of the fund. Fifteen Million Dollars (\$15,000,000.00) in the Working Cash-Stabilization Reserve Fund shall remain available for exclusive use of the Ayers Endowment Trust created by Section



37-101-27. If the Ayers Settlement Fund is created under Section 37-101-27(5), beginning when a total of Fifty-five Million Dollars (\$55,000,000.00) has been deposited into the fund, for each annual deposit of interest to that fund under subsection (2) of this section, the Ayers Endowment Trust created under Section 37-101-27(1) shall be reduced by an equal amount annually until the Ayers Endowment Trust reaches Zero Dollars (\$0.00), at which time any requirements concerning the Ayers Endowment Trust in this section shall be null and void.

(4) The Working Cash-Stabilization Reserve Fund, except for Forty Million Dollars (\$40,000,000.00), shall also be used for the purpose of covering any projected deficits that may occur in the General Fund at the end of a fiscal year as a result of revenue shortfalls. If the Governor determines that a deficit in revenues from all sources may occur, it shall be the duty of the Executive Director of the Department of Finance and Administration to transfer such funds as necessary to the General Fund to alleviate the deficit in accordance with Sections 27-104-13 and 31-17-123; however, not more than Fifty Million Dollars (\$50,000,000.00) may be transferred from the fund for that purpose in any one (1) fiscal year.

(5) The Working Cash-Stabilization Reserve Fund also shall be used to provide funds for the Disaster Assistance Trust Fund when those funds are immediately needed to provide for disaster assistance under Sections 33-15-301 through 33-15-317. Any



transfer of funds from the Working Cash-Stabilization Reserve Fund to the Disaster Assistance Trust Fund shall be made in accordance with the provisions of subsection (5) of Section 33-15-307.

(6) The Working Cash-Stabilization Reserve Fund also shall be used to provide funds for the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund established in Section 45-2-1 when the monies in the trust fund are insufficient to pay the death benefits required to be made under Section 45-2-1 during any fiscal year because of the death of three (3) or more covered individuals during the fiscal year. Upon receipt of a requisition from the Governor for the amount of funds from the Working Cash-Stabilization Fund that are needed in the trust fund, as provided under Section 45-2-1(3), the State Fiscal Officer shall ascertain if the amount requisitioned is available in the Working Cash-Stabilization Reserve Fund and is within the limitation set forth below in this subsection and, if it is, he shall transfer that amount from the Working Cash-Stabilization Reserve Fund to the trust fund. If the amount requisitioned is more than the amount available in the Working Cash-Stabilization Reserve Fund or above the limitation set forth in this subsection, the State Fiscal Officer shall transfer the amount that is available within the limitations. The maximum amount that may be transferred from the Working Cash-Stabilization Reserve Fund to the trust fund during any fiscal year is Three Hundred Thousand Dollars (\$300,000.00).



196 (* * *7) The Department of Finance and Administration shall
197 immediately send notice of any transfers made, or other action
198 taken under authority of this section, to the Legislative Budget
199 Office.

200 (* * *8) Funds deposited in the Working Cash-Stabilization
201 Reserve Fund shall be used only for the purposes specified in this
202 section, and as long as the provisions of this section remain in
203 effect, no other expenditure, appropriation or transfer of funds
204 in the Working Cash-Stabilization Reserve Fund shall be made
205 except by act of the Legislature making specific reference to the
206 Working Cash-Stabilization Reserve Fund as the source of those
207 funds.

208 (* * *9) Any funds appropriated from the Working
209 Cash-Stabilization Reserve Fund that are unexpended at the end of
210 a fiscal year shall lapse into the Working Cash-Stabilization
211 Reserve Fund.

212 **SECTION 3.** This act shall take effect and be in force from
213 and after July 1, 2017.

