

By: Representatives Hale, Criswell, Kinkade, To: Appropriations
Mettetal

HOUSE BILL NO. 181

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



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

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

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

63 (3) (a) There is established in the State Treasury a
64 special fund to be known as the Law Enforcement Officers and Fire
65 Fighters Death Benefits Trust Fund. The trust fund shall be
66 funded by an initial appropriation of Two Hundred Thousand Dollars
67 (\$200,000.00), and shall be comprised of any additional funds made
68 available by the Legislature or by donation, contribution, gift or
69 any other source.

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



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

82 (* * *c) The State Treasurer shall invest the monies
83 of the trust fund in any of the investments authorized for the
84 funds of the Public Employees' Retirement System under Section
85 25-11-121, and those investments shall be subject to the
86 limitations prescribed by Section 25-11-121.

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

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



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

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

100 27-103-203. (1) There is created in the State Treasury a
101 special fund, separate and apart from any other fund, to be
102 designated the Working Cash-Stabilization Reserve Fund.

103 (2) The Working Cash-Stabilization Reserve Fund shall not be
104 considered as a surplus or available funds when adopting a
105 balanced budget as required by law. The State Treasurer shall
106 invest all sums in the Working Cash-Stabilization Reserve Fund not
107 needed for the purposes provided for in this section in
108 certificates of deposit, repurchase agreements and other
109 securities as authorized in Section 27-105-33(d) or Section
110 7-9-103, as the State Treasurer may determine to yield the highest
111 market rate available. If the Ayers Settlement Fund is created
112 under Section 37-101-27(5), the first Five Million Dollars
113 (\$5,000,000.00) of interest earned on those sums each fiscal year
114 shall be deposited into that fund until a total of Seventy Million
115 Dollars (\$70,000,000.00) has been deposited into the fund. The
116 interest, or the remaining interest if the Ayers Settlement Fund
117 is created, that is earned on those sums shall be deposited in the
118 Working Cash-Stabilization Reserve Fund until the balance of
119 principal and interest in the fund reaches ten percent (10%) of
120 the total General Fund appropriations for the current fiscal year,



121 and all interest earned in excess of amounts necessary to maintain
122 the ten percent (10%) fund balance requirement shall be deposited
123 by the State Treasurer into the State General Fund.

124 (3) The Working Cash-Stabilization Reserve Fund, except for
125 Fifteen Million Dollars (\$15,000,000.00) and the amount of the
126 interest and income earned on the principal of the Ayers Endowment
127 Trust created by Section 37-101-27, shall be used by the State
128 Treasurer for cash flow needs throughout the year when the
129 Executive Director of the Department of Finance and Administration
130 certifies that in his opinion there will be cash flow deficiencies
131 in the State General Fund. No borrowing of monies from other
132 special funds for such purposes as authorized by Section 31-17-101
133 et seq., shall be made as long as an unencumbered balance in
134 excess of Fifteen Million Dollars (\$15,000,000.00) and the
135 interest and income earned on the principal of the Ayers Endowment
136 Trust created by Section 37-101-27 remains in the fund. The State
137 Treasurer shall reimburse the fund for all sums borrowed for those
138 purposes from General Fund revenues collected during the fiscal
139 year in which those funds are used. The State Treasurer shall
140 immediately notify the Legislative Budget Office and the State
141 Department of Finance and Administration of each transfer into and
142 out of the fund. Fifteen Million Dollars (\$15,000,000.00) in the
143 Working Cash-Stabilization Reserve Fund shall remain available for
144 exclusive use of the Ayers Endowment Trust created by Section
145 37-101-27. If the Ayers Settlement Fund is created under Section



146 37-101-27(5), beginning when a total of Fifty-five Million Dollars
147 (\$55,000,000.00) has been deposited into the fund, for each annual
148 deposit of interest to that fund under subsection (2) of this
149 section, the Ayers Endowment Trust created under Section
150 37-101-27(1) shall be reduced by an equal amount annually until
151 the Ayers Endowment Trust reaches Zero Dollars (\$0.00), at which
152 time any requirements concerning the Ayers Endowment Trust in this
153 section shall be null and void.

154 (4) The Working Cash-Stabilization Reserve Fund, except for
155 Forty Million Dollars (\$40,000,000.00), shall also be used for the
156 purpose of covering any projected deficits that may occur in the
157 General Fund at the end of a fiscal year as a result of revenue
158 shortfalls. If the Governor determines that a deficit in revenues
159 from all sources may occur, it shall be the duty of the Executive
160 Director of the Department of Finance and Administration to
161 transfer such funds as necessary to the General Fund to alleviate
162 the deficit in accordance with Sections 27-104-13 and 31-17-123;
163 however, not more than Fifty Million Dollars (\$50,000,000.00) may
164 be transferred from the fund for that purpose in any one (1)
165 fiscal year with the exception of fiscal year 2016. However, for
166 fiscal year 2017, not more than One Hundred Million Dollars
167 (\$100,000,000.00) may be transferred from the fund for that
168 purpose.

169 (5) The Working Cash-Stabilization Reserve Fund also shall
170 be used to provide funds for the Disaster Assistance Trust Fund



171 when those funds are immediately needed to provide for disaster
172 assistance under Sections 33-15-301 through 33-15-317. Any
173 transfer of funds from the Working Cash-Stabilization Reserve Fund
174 to the Disaster Assistance Trust Fund shall be made in accordance
175 with the provisions of subsection (5) of Section 33-15-307.

176 (6) The Working Cash-Stabilization Reserve Fund also shall
177 be used to provide funds for the Law Enforcement Officers and Fire
178 Fighters Death Benefits Trust Fund established in Section 45-2-1
179 when the monies in the trust fund are insufficient to pay the
180 death benefits required to be made under Section 45-2-1 during any
181 fiscal year because of the death of three (3) or more covered
182 individuals during the fiscal year. Upon receipt of a requisition
183 from the Governor for the amount of funds from the Working
184 Cash-Stabilization Fund that are needed in the trust fund, as
185 provided under Section 45-2-1(3), the State Fiscal Officer shall
186 ascertain if the amount requisitioned is available in the Working
187 Cash-Stabilization Reserve Fund and is within the limitation set
188 forth below in this subsection and, if it is, he shall transfer
189 that amount from the Working Cash-Stabilization Reserve Fund to
190 the trust fund. If the amount requisitioned is more than the
191 amount available in the Working Cash-Stabilization Reserve Fund or
192 above the limitation set forth in this subsection, the State
193 Fiscal Officer shall transfer the amount that is available within
194 the limitations. The maximum amount that may be transferred from
195 the Working Cash-Stabilization Reserve Fund to the trust fund



196 during any fiscal year is Three Hundred Thousand Dollars
197 (\$300,000.00).

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

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

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

214 **SECTION 3.** This act shall take effect and be in force from
215 and after July 1, 2018.

