

By: Representative Miles

To: Education;
Appropriations

HOUSE BILL NO. 123

1 AN ACT TO AMEND SECTION 37-151-95, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE LOCAL SCHOOL BOARDS TO OFFER SUPPLEMENTAL
3 COMPENSATION TO ANY MEDICARE-ELIGIBLE RETIRED BUS DRIVER IF HE OR
4 SHE CHOOSES TO SECURE MEDICARE COVERAGE IN LIEU OF PARTICIPATING
5 IN STATE AND SCHOOL EMPLOYEES' LIFE AND HEALTH INSURANCE PLAN; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-151-95, Mississippi Code of 1972, is
9 amended as follows:

10 37-151-95. (1) Adequate education program funds shall
11 include one hundred percent (100%) of the cost of the State and
12 School Employees' Life and Health Insurance Plan created under
13 Article 7, Chapter 15, Title 25, Mississippi Code of 1972, for all
14 district employees who work no less than twenty (20) hours during
15 each week and regular nonstudent school bus drivers employed by
16 the district.

17 (2) Where the use of federal funding is allowable to defray,
18 in full or in part, the cost of participation in the insurance
19 plan by district employees who work no less than twenty (20) hours
20 during each week and regular nonstudent school bus drivers, whose



21 salaries are paid, in full or in part, by federal funds, the
22 allowance under this section shall be reduced to the extent of the
23 federal funding. Where the use of federal funds is allowable but
24 not available, it is the intent of the Legislature that school
25 districts contribute the cost of participation for such employees
26 from local funds, except that parent fees for child nutrition
27 programs shall not be increased to cover such cost.

28 (3) The State Department of Education, in accordance with
29 rules and regulations established by the State Board of Education,
30 may withhold a school district's adequate education program funds
31 for failure of the district to timely report student, fiscal and
32 personnel data necessary to meet state and/or federal
33 requirements. The rules and regulations promulgated by the State
34 Board of Education shall require the withholding of adequate
35 education program funds for those districts that fail to remit
36 premiums, interest penalties and/or late charges under the State
37 and School Employees' Life and Health Insurance Plan.
38 Noncompliance with such rules and regulations shall result in a
39 violation of compulsory accreditation standards as established by
40 the State Board of Education and Commission on School
41 Accreditation.

42 (4) (a) The local school board may offer any retired
43 nonstudent school bus driver supplemental compensation if he or
44 she chooses to secure Medicare coverage in lieu of participating
45 in the State and School Employees' Life and Health Insurance Plan,



46 as the case may be, limited to an amount which shall not exceed
47 the school district's cost for the bus driver to participate in
48 the State and School Employees' Life and Health Insurance Plan.
49 The provisions of this subsection shall not apply to coverage by
50 Medicaid. Nothing in this subsection shall be construed to
51 require a school bus driver to choose Medicare coverage in lieu of
52 participating in the State and School Employees' Life and Health
53 Insurance Plan, and a school district shall not withhold
54 participation in the State and School Employees' Life and Health
55 Insurance Plan by a Medicare-eligible bus driver who is otherwise
56 eligible for the State and School Employees' Life and Health
57 Insurance Plan.

58 (b) Before the supplemental compensation may be
59 provided, as specified under this subsection, the retired bus
60 driver shall provide verifiable proof that he or she has secured
61 coverage under Medicare. Receipt of purchase for the Medicare
62 coverage shall be provided on an annual basis to the school
63 district.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2022.

