

By: Representatives Zuber, Karriem

To: Insurance

HOUSE BILL NO. 974

1 AN ACT TO AMEND SECTION 61-3-15, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE AIRPORT AUTHORITIES TO PROVIDE DEPENDENT HEALTH  
3 INSURANCE COVERAGE AS AN EMPLOYMENT BENEFIT; TO BRING FORWARD  
4 SECTION 25-15-101, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF  
5 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 61-3-15, Mississippi Code of 1972, is  
8 amended as follows:

9 61-3-15. An authority shall have all the powers necessary or  
10 convenient to carry out the purposes of this chapter (excluding  
11 the power to levy and collect taxes or special assessments)  
12 including, but not limited to, the power:

13 (a) To sue and be sued, to have a seal and to have  
14 perpetual succession.

15 (b) To purchase general liability insurance coverage,  
16 including errors and omissions insurance, for its officials and  
17 employees.

18 (c) To employ an executive director, secretary,  
19 technical experts, and such other officers, agents and employees,



20 permanent and temporary, as it may require, and to determine their  
21 qualifications and duties, and to establish compensation and other  
22 employment benefits as may be advisable to attract and retain  
23 proficient personnel. Such employment benefits may include  
24 dependent health insurance coverage.

25 (d) To execute such contracts and other instruments and  
26 take such other action as may be necessary or convenient to carry  
27 out the purposes of this chapter.

28 (e) To plan, establish, develop, construct, enlarge,  
29 improve, maintain, equip, operate, regulate and protect airports  
30 and air navigation facilities within this state and within any  
31 adjoining state, including the acquisition, lease, lease-purchase,  
32 construction, installation, equipment, maintenance and operation  
33 of such airports or buildings, equipment and other facilities or  
34 other property for the servicing of aircraft or for the comfort  
35 and accommodation of air travelers or for any other purpose deemed  
36 by the authority to be necessary to carry out its duties; to  
37 develop, operate, manage or own and maintain intermodal facilities  
38 to serve air and surface cargo and multimodal facilities to serve  
39 highway and rail passenger transportation needs to ensure  
40 interface and interaction between modes for cargo and passengers;  
41 to construct, improve, and maintain means of ingress and egress to  
42 airport properties from and over off-airport sites with approval  
43 of the city or county in which the off-airport site is located; to  
44 market, promote and advertise airport properties, goods and



45 services; and to directly purchase and sell supplies, goods and  
46 commodities incident to the operation of its airport properties  
47 without having to make purchases thereof through the municipal  
48 governing authorities, and with the authority to utilize  
49 design-build and construction manager at-risk methods of  
50 construction in accordance with Sections 31-7-13.1 and 31-7-13.2.  
51 For all the previously stated purposes, an authority may, by  
52 purchase, gift, devise, lease, eminent domain proceedings or  
53 otherwise, acquire property, real or personal, or any interest  
54 therein, including easements in airport hazards or land outside  
55 the boundaries of an airport or airport site, as are necessary to  
56 permit the removal, elimination, obstruction-marking or  
57 obstruction-lighting of airport hazards, to prevent the  
58 establishment of airport hazards or to carry out its duties.

59 (f) To acquire, by purchase, gift, devise, lease,  
60 lease-purchase, eminent domain proceedings or otherwise, existing  
61 airports and air navigation facilities. However, an authority  
62 shall not acquire or take over any airport or air navigation  
63 facility owned or controlled by another authority, a municipality  
64 or public agency of this or any other state without the consent of  
65 such authority, municipality or public agency.

66 (g) To establish or acquire and maintain airports in,  
67 over and upon any public waters of this state, and any submerged  
68 lands under such public waters, and to construct and maintain  
69 terminal buildings, landing floats, causeways, roadways and



70 bridges for approaches to or connecting with any such airport, and  
71 landing floats and breakwaters for the protection thereof.

72 (h) To establish, enact and enforce ordinances, rules,  
73 regulations and standards for public safety, aviation safety,  
74 airport operations and the preservation of good order and peace of  
75 the authority; to prevent injury to, destruction of or  
76 interference with public or private property; to protect property,  
77 health and lives and to enhance the general welfare of the  
78 authority by restricting the movements of citizens or any group  
79 thereof on the property of the authority when there is imminent  
80 danger to the public safety because of freedom of movement  
81 thereof; to regulate the entrances to property and buildings of  
82 the authority and the way of ingress and egress to and from the  
83 same; to establish fire limits and to hire firemen, including  
84 aircraft fire and rescue and similar personnel, and to establish  
85 and equip a fire department to provide fire and other emergency  
86 services on any property of the authority; to regulate, restrain  
87 or prohibit construction failing to meet standards established by  
88 the authority; to appoint and discharge police officers with  
89 jurisdiction limited to property of the airport authority and  
90 authorization to enforce the ordinances, rules and regulations of  
91 the authority, as well as the laws of the State of Mississippi,  
92 and to issue citations for infractions of all of such ordinances,  
93 rules, regulations, standards and laws of the State of Mississippi  
94 returnable to the court of appropriate jurisdiction.



95 (i) To develop and operate an industrial park or parks  
96 and exercise all authority provided for under Chapter 7, Title 57,  
97 Mississippi Code of 1972.

98 (j) To attach, pursuant to the power and procedure set  
99 forth in Chapter 33, Title 11, Mississippi Code of 1972, the  
100 equipment of debtors of the authority.

101 (k) To enter into agreements with local governments  
102 pursuant to Section 17-13-1 et seq.

103 (l) To render emergency assistance to other airports  
104 within the United States at an aggregate cost of less than Twenty  
105 Thousand Dollars (\$20,000.00) per emergency. The assistance  
106 authorized in this paragraph must be rendered within ninety (90)  
107 days after a state of emergency has been declared by the federal  
108 government, or by the local or state government that has  
109 jurisdiction over the area where the airport needing assistance is  
110 located.

111 (m) To enter into joint use or similar agreements with  
112 any department or agency of the United States of America or the  
113 State of Mississippi, including any military department of the  
114 United States of America or the State of Mississippi, with respect  
115 to the use and operation of, or services provided at, any airport  
116 or other property of the authority on the terms and conditions as  
117 the authority may deem appropriate, including provisions limiting  
118 the liability of the United States of America or the State of  
119 Mississippi for loss or damage to the authority if the authority



120 determines that the limitation of liability is reasonable,  
121 necessary and appropriate under the circumstances.

122 (n) To enter into mutual aid agreements with counties  
123 and municipalities for reciprocal emergency aid and assistance in  
124 case of emergencies too extensive to be dealt with unassisted; to  
125 participate in the Statewide Mutual Aid Compact (SMAC) in  
126 accordance with Section 33-15-19.

127 **SECTION 2.** Section 25-15-101, Mississippi Code of 1972, is  
128 brought forward as follows:

129 25-15-101. The governing board of any county, municipality,  
130 municipal separate school district, other school district or  
131 community/junior college district, and the governing board or head  
132 of any institution, department or agency of any county or  
133 municipality may negotiate for and secure for all or specified  
134 groups of employees and their dependents of such county or  
135 municipality, or institution, department or agency of such county  
136 or municipality, or municipal separate school district, other  
137 school district or community/junior college district, a policy or  
138 policies of group insurance covering the life, except as  
139 hereinafter provided, salary protection, health, accident and  
140 hospitalization, as well as a group contract or contracts covering  
141 hospital and/or medical and/or surgical services or benefits  
142 (including surgical costs, so-called "hospital extras," medical  
143 expenses, allied coverages and major medical costs) of such of its  
144 employees and their dependents as may desire such insurance and



145 other coverage under such service or benefit contracts, and who  
146 shall authorize in writing the deduction from the salary or wages  
147 of such employees of the proportionate part of the costs thereof  
148 attributable to such employees. However, beginning with the  
149 1984-1985 school year, school districts shall provide the policies  
150 of group insurance to certificated personnel. Any employee who  
151 desires to reallocate or reduce any part of his or her salary or  
152 wages for a cafeteria fringe benefit plan in accordance with  
153 current requirements of Section 125 et seq. of the Internal  
154 Revenue Code for himself or herself and/or for his or her  
155 dependent(s) shall authorize, in writing, the deduction from the  
156 salary or wages of such employee the proportionate part of the  
157 costs thereof attributable to such employee. Any amount so  
158 deducted shall be transferred into the general fund or contingent  
159 fund of such county or municipality, or the operating fund of such  
160 institution, department or agency of the county or municipality,  
161 or the maintenance fund of such municipal separate school  
162 district, other school district or community/junior college  
163 district, as the case may be, and shall be supplemented by funds  
164 from the general fund, contingent fund, maintenance fund or  
165 operating fund, as the case may be, in an amount to be determined  
166 by the governing board or head of such political subdivision,  
167 school district, community/junior college district, institution,  
168 department or agency, in their discretion, in order to pay the  
169 full costs. In no instances shall the amount of contributions by



170 any governing board or head of a political subdivision, school  
171 district, community/junior college district, institution,  
172 department or agency hereinabove mentioned exceed an average of  
173 one hundred percent (100%) of the cost of all such group coverages  
174 for employees.

175         The governing board or head of such political subdivision,  
176 school district, community/junior college district, institution,  
177 department or agency is authorized to pay such full costs direct  
178 to the insurance company and to the hospital and/or medical and/or  
179 surgical service association from the general fund, contingent  
180 fund, or the maintenance fund of such county or municipality, or  
181 the operating fund of such institution, department, or agency of  
182 the county or municipality, or the maintenance fund of such  
183 municipal separate school district, other school district or  
184 community/junior college district, as the case may be, and to do  
185 all acts necessary and proper for the purpose of carrying out the  
186 provisions of this section and Section 25-15-103 and of  
187 effectuating the purposes hereof. The rates for any and all costs  
188 covered by the sections shall be in keeping with promulgated  
189 schedules, and the rates for such costs shall be approved by the  
190 Insurance Commissioner of the State of Mississippi. This section  
191 shall not be construed to prevent changes in rates based on  
192 experience, nor the granting of dividends or rate reductions or  
193 credits.





194           The governing board or head of any political subdivision or  
195 other entity set forth in this section may elect to become a  
196 self-insurer with respect to all or any portion of group life,  
197 salary protection, health, accident and hospitalization benefits  
198 on terms and conditions deemed advisable, in its discretion. The  
199 administration and service of any such self-insurance program  
200 shall be contracted to a third party approved by the Commissioner  
201 of Insurance and benefits provided in excess of the self-insurance  
202 plan shall be covered by a policy or policies of group insurance  
203 or a group contract or contracts issued by a company licensed to  
204 do business in this state.

205           The governing board of any political subdivision or other  
206 entity set forth in this section may join with any one or more  
207 other such political subdivision or entity to pool the risks  
208 authorized to be insured or self-insured under this section or to  
209 act as a self-insurer, or to contract for a policy or policies of  
210 insurance, or to contract with a third-party administrator for a  
211 self-insurance plan.

212           Any political subdivision or other entity that provides any  
213 plan of group insurance or other coverage under this section does  
214 not waive, but expressly reserves, its sovereign immunity under  
215 the laws of the State of Mississippi; and all plans and agreements  
216 executed by political subdivisions and other entities providing  
217 insurance or other coverage under this section shall contain a  
218 provision expressly limiting liability for the payment of all



219 benefits for single or multiple claims to the extent of the  
220 insurance carried or to the extent of funds available under the  
221 self-insurance fund.

222       Nothing in this section and Section 25-15-103 shall be  
223 construed to apply to agencies financed entirely by federally  
224 granted administrative funds.

225       Any governing board or head of any political subdivision or  
226 other entity that provides any plan of group insurance or other  
227 coverage under this section, and any person with whom such  
228 governing board, head of a political subdivision or other entity  
229 contracts in the performance of any duty or authority prescribed  
230 under this section, shall be liable civilly for the loss or  
231 misappropriation of any public funds resulting from their failure  
232 to comply with any provision of this section, such funds to be  
233 recovered in the manner provided under Section 7-7-211.

234       **SECTION 3.** This act shall take effect and be in force from  
235 and after July 1, 2022.

