

By: Senator(s) Tate

To: County Affairs;
Insurance

SENATE BILL NO. 2877

1 AN ACT TO AMEND SECTION 25-15-101, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE BOARD OF SUPERVISORS OF EACH COUNTY TO PROVIDE
3 INSURANCE COVERAGE TO THE ELECTION COMMISSIONERS OF THE COUNTY;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 25-15-101, Mississippi Code of 1972, is
7 amended as follows:

8 25-15-101. The governing board of any county, municipality,
9 municipal separate school district, other school district or
10 community/junior college district, and the governing board or head
11 of any institution, department or agency of any county or
12 municipality may negotiate for and secure for all or specified
13 groups of employees and their dependents of such county or
14 municipality, or institution, department or agency of such county
15 or municipality, or municipal separate school district, other
16 school district or community/junior college district, a policy or
17 policies of group insurance covering the life, except as
18 hereinafter provided, salary protection, health, accident and
19 hospitalization, as well as a group contract or contracts covering



20 hospital and/or medical and/or surgical services or benefits
21 (including surgical costs, so-called "hospital extras," medical
22 expenses, allied coverages and major medical costs) of such of its
23 employees and their dependents as may desire such insurance and
24 other coverage under such service or benefit contracts, and who
25 shall authorize in writing the deduction from the salary or wages
26 of such employees of the proportionate part of the costs thereof
27 attributable to such employees. * * * Beginning January 1, 2023,
28 the board of supervisors of each county shall provide such
29 insurance coverage to each election commissioner of the county.
30 Beginning with the 1984-1985 school year, school districts shall
31 provide the policies of group insurance to certificated personnel.
32 Any employee who desires to reallocate or reduce any part of his
33 or her salary or wages for a cafeteria fringe benefit plan in
34 accordance with current requirements of Section 125 et seq. of the
35 Internal Revenue Code for himself or herself and/or for his or her
36 dependent(s) shall authorize, in writing, the deduction from the
37 salary or wages of such employee the proportionate part of the
38 costs thereof attributable to such employee. Any amount so
39 deducted shall be transferred into the general fund or contingent
40 fund of such county or municipality, or the operating fund of such
41 institution, department or agency of the county or municipality,
42 or the maintenance fund of such municipal separate school
43 district, other school district or community/junior college
44 district, as the case may be, and shall be supplemented by funds



45 from the general fund, contingent fund, maintenance fund or
46 operating fund, as the case may be, in an amount to be determined
47 by the governing board or head of such political subdivision,
48 school district, community/junior college district, institution,
49 department or agency, in their discretion, in order to pay the
50 full costs. In no instances shall the amount of contributions by
51 any governing board or head of a political subdivision, school
52 district, community/junior college district, institution,
53 department or agency hereinabove mentioned exceed an average of
54 one hundred percent (100%) of the cost of all such group coverages
55 for employees.

56 The governing board or head of such political subdivision,
57 school district, community/junior college district, institution,
58 department or agency is authorized to pay such full costs direct
59 to the insurance company and to the hospital and/or medical and/or
60 surgical service association from the general fund, contingent
61 fund, or the maintenance fund of such county or municipality, or
62 the operating fund of such institution, department, or agency of
63 the county or municipality, or the maintenance fund of such
64 municipal separate school district, other school district or
65 community/junior college district, as the case may be, and to do
66 all acts necessary and proper for the purpose of carrying out the
67 provisions of this section and Section 25-15-103 and of
68 effectuating the purposes hereof. The rates for any and all costs
69 covered by the sections shall be in keeping with promulgated



70 schedules, and the rates for such costs shall be approved by the
71 Insurance Commissioner of the State of Mississippi. This section
72 shall not be construed to prevent changes in rates based on
73 experience, nor the granting of dividends or rate reductions or
74 credits.

75 The governing board or head of any political subdivision or
76 other entity set forth in this section may elect to become a
77 self-insurer with respect to all or any portion of group life,
78 salary protection, health, accident and hospitalization benefits
79 on terms and conditions deemed advisable, in its discretion. The
80 administration and service of any such self-insurance program
81 shall be contracted to a third party approved by the Commissioner
82 of Insurance and benefits provided in excess of the self-insurance
83 plan shall be covered by a policy or policies of group insurance
84 or a group contract or contracts issued by a company licensed to
85 do business in this state.

86 The governing board of any political subdivision or other
87 entity set forth in this section may join with any one or more
88 other such political subdivision or entity to pool the risks
89 authorized to be insured or self-insured under this section or to
90 act as a self-insurer, or to contract for a policy or policies of
91 insurance, or to contract with a third-party administrator for a
92 self-insurance plan.

93 Any political subdivision or other entity that provides any
94 plan of group insurance or other coverage under this section does



95 not waive, but expressly reserves, its sovereign immunity under
96 the laws of the State of Mississippi; and all plans and agreements
97 executed by political subdivisions and other entities providing
98 insurance or other coverage under this section shall contain a
99 provision expressly limiting liability for the payment of all
100 benefits for single or multiple claims to the extent of the
101 insurance carried or to the extent of funds available under the
102 self-insurance fund.

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

106 Any governing board or head of any political subdivision or
107 other entity that provides any plan of group insurance or other
108 coverage under this section, and any person with whom such
109 governing board, head of a political subdivision or other entity
110 contracts in the performance of any duty or authority prescribed
111 under this section, shall be liable civilly for the loss or
112 misappropriation of any public funds resulting from their failure
113 to comply with any provision of this section, such funds to be
114 recovered in the manner provided under Section 7-7-211.

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

