

By: Representative McLeod

To: Insurance;
Appropriations

HOUSE BILL NO. 931

1 AN ACT TO PROVIDE SCHOOL DISTRICTS WITH THE DISCRETIONARY
 2 AUTHORITY TO PROVIDE HEALTH INSURANCE AND TO PAY THE COST OF
 3 HEALTH INSURANCE PREMIUMS FOR SCHOOL BOARD MEMBERS THROUGH THE
 4 STATE AND SCHOOL EMPLOYEES HEALTH INSURANCE PLAN; TO PROVIDE THAT
 5 NO STATE FUNDS MAY BE USED TO MAKE SUCH PAYMENTS AND LOCAL FUNDS
 6 MAY BE USED TO PAY 100% OF THE COST OF THE HEALTH INSURANCE
 7 PREMIUMS; TO REQUIRE THE SCHOOL BOARD TO TAKE OFFICIAL ACTION
 8 THROUGH A MEETING TO DECIDE UPON THE OPTION OF PROVIDING HEALTH
 9 INSURANCE TO ITS BOARD MEMBERS; TO REQUIRE A REFERENDUM TO BE HELD
 10 ON THE MATTER IF THE BOARD CHOOSES TO PROVIDE HEALTH INSURANCE; TO
 11 AUTHORIZE SCHOOL BOARDS TO RESCIND ITS DISCRETIONARY AUTHORITY TO
 12 PROVIDE AND PAY THE HEALTH INSURANCE PREMIUMS OF ITS MEMBERS; TO
 13 PROVIDE FOR A REVERSE REFERENDUM ON THE MATTER NOT LESS THAN A
 14 YEAR AFTER THE AUTHORITY TO PROVIDE HEALTH INSURANCE TO SCHOOL
 15 BOARD MEMBERS IS APPROVED FOR THE PURPOSE OF REVOKING THE
 16 AUTHORITY TO CONTINUE PROVIDING HEALTH INSURANCE FOR SCHOOL BOARD
 17 MEMBERS; TO AMEND SECTIONS 37-6-13, 25-15-3 AND 25-15-15,
 18 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
 19 PROVISIONS; TO BRING FORWARD SECTION 25-15-13, MISSISSIPPI CODE OF
 20 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED
 21 PURPOSES.

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

23 **SECTION 1.** (1) The public school districts of the state, in
 24 their discretion, may choose to provide health insurance and pay
 25 with local funds one hundred percent (100%) of the cost of the
 26 health insurance premiums of the State and School Employees Health
 27 Insurance Plan for members of the school board. No state funds



28 shall be used for payment of the health insurance premiums under
29 the authority of this section. If a school district chooses to
30 provide health insurance and pay the health insurance premiums for
31 school board members under the authority of this section, the
32 district shall be authorized to pay any amount that is one hundred
33 percent (100%) or less of the cost of the health insurance
34 premiums.

35 (2) (a) Before a public school district chooses to provide
36 health insurance and pay the health insurance premiums for school
37 board members as permitted under subsection (1), the school board,
38 at a regularly scheduled meeting upon which the matter is included
39 as an agenda item, shall vote on the matter of providing and
40 paying for such health insurance, which the results thereof shall
41 be spread upon the minutes of the board. If the results of the
42 vote on the matter is in favor of the option of providing board
43 members with health insurance, then the board shall adopt, not
44 later than the next regular meeting, a resolution calling a
45 referendum to be called and held within the school district
46 boundaries upon the question. The referendum shall be scheduled
47 for not more than six (6) weeks after the date on which the school
48 board's voted to affirm the option to provide and pay for its
49 members' health insurance.

50 (b) When a referendum has been called, notice of the
51 referendum shall be published at least five (5) days per week,
52 unless the only newspaper published in the school district is



53 published less than five (5) days per week, for at least three (3)
54 consecutive weeks, in at least one (1) newspaper published in the
55 school district. The notice shall be no less than one-fourth ($\frac{1}{4}$)
56 page in size, and the type used shall be no smaller than eighteen
57 (18) point and surrounded by a one-fourth-inch solid black border.
58 The notice may not be placed in that portion of the newspaper
59 where legal notices and classified advertisements appear. The
60 first publication of the notice shall be made not less than
61 twenty-one (21) days before the date fixed for the referendum, and
62 the last publication shall be made not more than seven (7) days
63 before that date. If no newspaper is published in the school
64 district, then the notice shall be published in a newspaper having
65 a general circulation in the school district. The referendum
66 shall be held, as far as is practicable, in the same manner as
67 other referendums and elections are held in the county or
68 municipality. At the referendum, all registered, qualified
69 electors of the school district may vote. The ballots used at the
70 referendum shall have printed thereon a brief statement of the
71 purpose of the referendum and the words "FOR ALLOWING THE SCHOOL
72 DISTRICT TO PROVIDE HEALTH INSURANCE AND PAY THE HEALTH INSURANCE
73 PREMIUMS FOR MEMBERS OF THE SCHOOL BOARD," and "AGAINST ALLOWING
74 THE SCHOOL DISTRICT TO PROVIDE HEALTH INSURANCE AND PAY THE HEALTH
75 INSURANCE PREMIUMS FOR MEMBERS OF THE SCHOOL BOARD." The voter
76 shall vote by placing a cross (X) or checkmark (✓) opposite his
77 or her choice on the proposition. If a majority of the



78 registered, qualified electors of the county school district who
79 vote in the referendum vote in favor of the question, then the
80 discretionary option of allowing school districts to provide and
81 pay the health insurance premiums for school board members shall
82 be approved. However, if a majority of the registered, qualified
83 electors who vote in the referendum vote against the question, the
84 school district shall be prohibited from providing and paying the
85 health insurance premiums for school board members.

86 (c) A school board, acting on its own volition through
87 an official action of the board, may rescind its discretionary
88 authority to provide and pay the health insurance premiums for
89 school board members without further need of a referendum on the
90 matter.

91 (3) Similarly, not less than one (1) year after the approval
92 of the initial referendum granting school districts the
93 discretionary authority to provide and pay the health insurance
94 premiums for school board members, if a petition signed by not
95 less than twenty percent (20%) or one thousand five hundred
96 (1,500), whichever is less, of the registered, qualified electors
97 of the school district boundaries, is filed with the school board
98 requesting that a referendum be called on the question of revoking
99 the discretionary authority to provide and pay the health
100 insurance premiums for school board members then the board shall
101 adopt, not later than the next regular meeting, a resolution
102 calling a referendum to be called and held within the school



103 district boundaries upon the question. The referendum shall be
104 scheduled for not more than six (6) weeks after the date the
105 petition is filed with the board. The notice and procedure for
106 conducting the referendum shall follow the same process prescribed
107 in paragraph (b). However, in addition to a brief statement of
108 the purpose of the referendum, the wording shall read, "FOR
109 REVOKING THE SCHOOL DISTRICT'S DISCRETIONARY AUTHORITY TO PROVIDE
110 HEALTH INSURANCE AND PAY THE HEALTH INSURANCE PREMIUMS FOR MEMBERS
111 OF THE SCHOOL BOARD," and "AGAINST REVOKING THE SCHOOL DISTRICT'S
112 DISCRETIONARY AUTHORITY TO PROVIDE HEALTH INSURANCE AND PAY THE
113 HEALTH INSURANCE PREMIUMS FOR MEMBERS OF THE SCHOOL BOARD." The
114 voter shall vote by placing a cross (X) or checkmark (✓) opposite
115 his or her choice on the proposition. If a majority of the
116 registered, qualified electors of the county school district who
117 vote in the referendum vote in favor of the question, then the
118 revocation of the school district's discretionary authority to
119 provide and pay the health insurance premiums for school board
120 members shall be approved. However, if a majority of the
121 registered, qualified electors who vote in the referendum vote
122 against the question, the school district shall continue to
123 exercise its discretionary authority to provide and pay the health
124 insurance premiums for school board members.

125 **SECTION 2.** Section 37-6-13, Mississippi Code of 1972, is
126 amended as follows:



127 37-6-13. (1) Each person serving as a member of the school
128 board of any school district shall receive per diem in the amount
129 of Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
130 meetings of the school board during any one (1) fiscal year or, in
131 his or her discretion, irrevocably may choose to receive as
132 compensation for his or her services an annual salary in the
133 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which
134 choice shall remain in force for all successive terms or periods
135 of service of that member. The receipt of the compensation shall
136 not entitle any member of a school board to receive or be eligible
137 for any state employee * * * retirement or other fringe benefits.
138 However, each member shall be eligible to receive state employee
139 group insurance benefits coverage, provided that, upon a decision
140 of the board to allow insurance coverage to its members, the
141 qualified electors who are residents of the school district in
142 which the members serve elect to provide such insurance coverage,
143 in the manner prescribed in Section 1 of this act. Each member
144 shall be reimbursed for the necessary expenses and mileage in
145 attending meetings of the school board. In addition to the
146 foregoing, all members may be reimbursed for mileage and actual
147 expenses incurred in the further performance of their duties,
148 including attendance at any mandatory school board training
149 session or at regional and national education meetings, when such
150 mileage and other expenses are authorized by the board prior to
151 the date on which they occur. Detailed vouchers shall be



152 submitted for reimbursement for all expenses authorized by this
153 section. Such reimbursement shall be in accordance with Section
154 25-3-41.

155 Such expenses shall be paid on order of the school board by
156 pay certificates issued by the superintendent of the school
157 district involved against the funds available for payment of the
158 administrative expense of the district.

159 (2) (a) If a member of a school board misses twenty percent
160 (20%) or more of the meetings of the school board during a
161 calendar year, except for absences caused by required military
162 duty, the member must reimburse the school district that portion
163 of the total salary paid to the member that year which is
164 proportionate to the number of meetings missed by the member in
165 relation to the total number of school board meetings held during
166 that year. For purposes of this subsection, consideration may be
167 given only to meetings of which public notice is required.

168 (b) Before February 1 of each year, the president of
169 each local school board shall submit a report to the State Board
170 of Education containing the names of any members of the school
171 board who missed twenty percent (20%) or more of the school board
172 meetings during the preceding calendar year.

173 **SECTION 3.** Section 25-15-3, Mississippi Code of 1972, is
174 amended as follows:

175 25-15-3. For the purposes of this article, the words and
176 phrases used herein shall have the following meanings:



177 (a) "Employee" means a person who works full time for
178 the State of Mississippi and receives his compensation in a direct
179 payment from a department, agency or institution of the state
180 government and any person who works full time for any school
181 district, community/junior college, public library or
182 university-based program authorized under Section 37-23-31 for
183 deaf, aphasic and emotionally disturbed children or any regular
184 nonstudent bus driver. This shall include legislators, employees
185 of the legislative branch and the judicial branch of the state and
186 "employees" shall include full-time salaried judges and full-time
187 district attorneys and their staff * * *, full-time compulsory
188 school attendance officers and select school board members under
189 the authority of Section 37-6-13 and Section 1 of this act. For
190 the purposes of this article, any "employee" making contributions
191 to the State of Mississippi retirement plan shall be considered a
192 full-time employee.

193 (b) "Department" means the Department of Finance and
194 Administration.

195 (c) "Plan" means the State and School Employees Life
196 and Health Insurance Plan created under this article.

197 (d) "Fund" means the State and School Employees
198 Insurance Fund set up under this article.

199 (e) "Retiree" means any employee retired under the
200 Mississippi retirement plan.



201 (f) "Board" means the State and School Employees Health
202 Insurance Management Board created under Section 25-15-303.

203 **SECTION 4.** Section 25-15-13, Mississippi Code of 1972, is
204 brought forward as follows:

205 25-15-13. Each eligible employee may participate in the
206 plan by signing up for the plan at the time of employment. Each
207 eligible employee who declines coverage under the plan must sign a
208 waiver of coverage. After acceptance in the plan, the employee
209 may cease his or her participation by filing a specific disclaimer
210 with the board. Forms for this purpose shall be prescribed and
211 issued by the board. All eligible employees will be eligible to
212 participate in the plan on the effective date of the plan or on
213 the date on which they are employed by the state, whichever is
214 later, provided they make the necessary contributions as provided
215 in this article. Spouses of employees, unmarried dependent
216 children from birth to age nineteen (19) years, unmarried
217 dependent children who are full-time students up to age
218 twenty-five (25) years, and physically or mentally handicapped
219 children, regardless of age, are eligible under the plan as of the
220 date the employee becomes eligible. If both spouses are eligible
221 employees who participate in the plan, the benefits shall apply
222 individually to each spouse by virtue of his or her participation
223 in the plan. If those spouses also have one or more eligible
224 dependents participating in the plan, the cost of their dependents
225 shall be calculated at a special family plan rate. The cost for



226 participation by the dependents shall be paid by the spouse who
227 elects to carry such dependents under his or her coverage.

228 **SECTION 5.** Section 25-15-15, Mississippi Code of 1972, is
229 amended as follows:

230 25-15-15. (1) The board is authorized to determine the
231 manner in which premiums and contributions by the state agencies,
232 local school districts, colleges, universities, community/junior
233 colleges and public libraries shall be collected to provide the
234 self-insured health insurance program for employees as provided
235 under this article. The state shall provide fifty percent (50%)
236 of the cost of the above life insurance plan for all active
237 full-time employees. The state shall provide one hundred percent
238 (100%) of the cost of the health insurance plan for active
239 full-time employees initially employed before January 1, 2006,
240 except as otherwise provided in this section. For active
241 full-time employees initially employed on or after January 1,
242 2006, the state shall provide one hundred percent (100%) of the
243 cost of a basic level of health insurance, except as otherwise
244 provided in this section, and the employees may pay additional
245 amounts to purchase additional benefits or levels of coverage
246 offered under the plan. The board, if determined to be necessary,
247 may assess active full-time employees a portion of the active
248 employee premium in an amount not to exceed Twenty Dollars
249 (\$20.00) per month, notwithstanding any language in this section
250 to the contrary. All active full-time employees shall be given



251 the opportunity to purchase coverage for their eligible dependents
252 with the premiums for such dependent coverage, as well as the
253 employee's fifty percent (50%) share for his life insurance
254 coverage, to be deductible from the employee's salary by the
255 agency, department or institution head, which deductions, together
256 with the fifty percent (50%) share of such life insurance premiums
257 of such employing agency, department or institution head from
258 funds appropriated to or authorized to be expended by the
259 employing agency, department or institution head, shall be
260 deposited directly into a depository bank or special fund in the
261 State Treasury, as determined by the board. These funds and
262 interest earned on these funds may be used for the disbursement of
263 claims and shall be exempt from the appropriation process.

264 (2) The state shall provide annually, by line item in the
265 Mississippi Library Commission appropriation bill, such funds to
266 pay one hundred percent (100%) of the cost of health insurance
267 under the State and School Employees Health Insurance Plan, or any
268 lesser percentage of the cost that is not assessed to the
269 employees by the board, for full-time library staff members in
270 each public library in Mississippi initially employed before
271 January 1, 2006. For full-time library staff members initially
272 employed on or after January 1, 2006, the state shall provide one
273 hundred percent (100%) of the cost of a basic level of health
274 insurance under the State and School Employees Health Insurance
275 Plan, or any lesser percentage of the cost that is not assessed to



276 the employees by the board, and the employees may pay additional
277 amounts to purchase additional benefits or levels of coverage
278 offered under the plan. The commission shall allot to each public
279 library a sufficient amount of those funds appropriated to pay the
280 costs of insurance for eligible employees. Any funds so
281 appropriated by line item which are not expended during the fiscal
282 year for which such funds were appropriated shall be carried
283 forward for the same purposes during the next succeeding fiscal
284 year. If any premiums for the health insurance and/or late
285 charges and interest penalties are not paid by a public library in
286 a timely manner, as defined by the board, the Mississippi Library
287 Commission, upon notice by the board, shall immediately withhold
288 all subsequent disbursements of funds to that public library.

289 (3) The state shall annually provide one hundred percent
290 (100%) of the cost of the health insurance plan, or any lesser
291 percentage of the cost that is not assessed to the employees by
292 the board, for public school district employees who work no less
293 than twenty (20) hours during each week, select school board
294 members under the authority of Section 37-6-13 and Section 1 of
295 this act and regular nonstudent school bus drivers, if such
296 employees and school bus drivers were initially employed and such
297 school board members in continual service were initially elected
298 or appointed before January 1, 2006. For such employees and
299 school bus drivers initially employed and such school board
300 members in continual service were initially elected or appointed



301 on or after January 1, 2006, the state shall provide one hundred
302 percent (100%) of the cost of a basic level of health insurance
303 under the State and School Employees Health Insurance Plan, or any
304 lesser percentage of the cost that is not assessed to the
305 employees or school board members by the board, and the employees
306 or school board members may pay additional amounts to purchase
307 additional benefits or levels of coverage offered under the plan.
308 Where federal funding is allowable to defray, in full or in part,
309 the cost of participation in the program by district employees who
310 work no less than twenty (20) hours during the week, select school
311 board members under the authority of Section 37-6-13 and Section 1
312 of this act and regular nonstudent bus drivers, whose salaries are
313 paid, in full or in part, by federal funds, the allowance under
314 this section shall be reduced to the extent of such federal
315 funding. Where the use of federal funds is allowable but not
316 available, it is the intent of the Legislature that school
317 districts contribute the cost of participation for such employees
318 and select school board members from local funds, except that
319 parent fees for child nutrition programs shall not be increased to
320 cover such cost.

321 (4) The state shall provide annually, by line item in the
322 community/junior college appropriation bill, such funds to pay one
323 hundred percent (100%) of the cost of the health insurance plan,
324 or any lesser percentage of the cost that is not assessed to the
325 employees by the board, for community/junior college district



326 employees initially employed before January 1, 2006, who work no
327 less than twenty (20) hours during each week. For such employees
328 initially employed on or after January 1, 2006, the state shall
329 provide one hundred percent (100%) of the cost of a basic level of
330 health insurance under the State and School Employees Health
331 Insurance Plan, or any lesser percentage of the cost that is not
332 assessed to the employees by the board, and the employees may pay
333 additional amounts to purchase additional benefits or levels of
334 coverage offered under the plan.

335 (5) When the use of federal funding is allowable to defray,
336 in full or in part, the cost of participation in the insurance
337 plan by community/junior college district employees who work no
338 less than twenty (20) hours during each week, whose salaries are
339 paid, in full or in part, by federal funds, the allowance under
340 this section shall be reduced to the extent of the federal
341 funding. Where the use of federal funds is allowable but not
342 available, it is the intent of the Legislature that
343 community/junior college districts contribute the cost of
344 participation for such employees from local funds.

345 (6) Any community/junior college district may contribute to
346 the cost of coverage for any district employee from local
347 community/junior college district funds, and any public school
348 district may contribute to the cost of coverage for any district
349 employee from nonminimum program funds. Any part of the cost of
350 such coverage for participating employees of public school



351 districts and public community/junior college districts that is
352 not paid by the state shall be paid by the participating
353 employees, which shall be deducted from the salaries of the
354 employees in a manner determined by the board.

355 (7) Any funds appropriated for the cost of insurance by line
356 item in the community/junior colleges appropriation bill which are
357 not expended during the fiscal year for which such funds were
358 appropriated shall be carried forward for the same purposes during
359 the next succeeding fiscal year.

360 (8) The board may establish and enforce late charges and
361 interest penalties or other penalties for the purpose of requiring
362 the prompt payment of all premiums for life and health insurance
363 permitted under this chapter. All funds in excess of the amount
364 needed for disbursement of claims shall be deposited in a special
365 fund in the State Treasury to be known as the State and School
366 Employees Insurance Fund. The State Treasurer shall invest all
367 funds in the State and School Employees Insurance Fund and all
368 interest earned shall be credited to the State and School
369 Employees Insurance Fund. Such funds shall be placed with one or
370 more depositories of the state and invested on the first day such
371 funds are available for investment in certificates of deposit,
372 repurchase agreements or in United States Treasury bills or as
373 otherwise authorized by law for the investment of Public
374 Employees' Retirement System funds, as long as such investment is
375 made from competitive offering and at the highest and best market



376 rate obtainable consistent with any available investment
377 alternatives; however, such investments shall not be made in
378 shares of stock, common or preferred, or in any other investments
379 which would mature more than one (1) year from the date of
380 investment. The board shall have the authority to draw from this
381 fund periodically such funds as are necessary to operate the
382 self-insurance plan or to pay to the insurance carrier the cost of
383 operation of this plan, it being the purpose to limit the amount
384 of participation by the state to fifty percent (50%) of the cost
385 of the life insurance program and not to limit the contracting for
386 additional benefits where the cost will be paid in full by the
387 employee. The state shall not share in the cost of coverage for
388 retired employees.

389 (9) The board shall also provide for the creation of an
390 Insurance Reserve Fund and funds therein shall be invested by the
391 State Treasurer with all interest earned credited to the State and
392 School Employees Insurance Fund.

393 (10) Any retired employee electing to purchase retired life
394 and health insurance will have the full cost of such insurance
395 deducted monthly from his State of Mississippi retirement plan
396 check or direct billed for the cost of the premium if the
397 retirement check is insufficient to pay for the premium. If the
398 board determines actuarially that the premium paid by the
399 participating retirees adversely affects the overall cost of the
400 plan to the state, then the board may impose a premium surcharge,



401 not to exceed fifteen percent (15%), upon such participating
402 retired employees who are under the age for Medicare eligibility
403 and who were initially employed before January 1, 2006. For
404 participating retired employees who are under the age for Medicare
405 eligibility and who were initially employed on or after January 1,
406 2006, the board may impose a premium surcharge in an amount the
407 board determines actuarially to cover the full cost of insurance.

408 (11) This section shall stand repealed on July 1, 2026.

409 **SECTION 6.** This act shall take effect and be in force from
410 and after July 1, 2023.

