

By: Representatives Gadd, Frierson

To: County Affairs

HOUSE BILL NO. 1469

1 AN ACT TO AMEND SECTION 25-15-101, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE BOARD OF SUPERVISORS OF EACH COUNTY TO PAY THE FULL
3 COST OF GROUP HEALTH INSURANCE COVERAGE FOR THE CONSTABLES IN THE
4 COUNTY; 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 junior college district, and the governing board or head of any
11 institution, department or agency of any county or municipality
12 may negotiate for and secure for all or specified groups of
13 employees and their dependents of such county or municipality, or
14 institution, department or agency of such county or municipality,
15 or municipal separate school district, other school district or
16 junior college district, a policy or policies of group insurance
17 covering the life, (except as hereinafter provided), salary
18 protection, health, accident and hospitalization, as well as a
19 group contract or contracts covering hospital and/or medical
20 and/or surgical services or benefits (including surgical costs,
21 so-called "hospital extras," medical expenses, allied coverages,
22 and major medical costs) of such of its employees and their
23 dependents as may desire such insurance and other coverage under
24 such service or benefit contracts, and who shall authorize in
25 writing the deduction from the salary or wages of such employees
26 of the proportionate part of the costs thereof attributable to
27 such employees. However, beginning with the 1984-1985 school
28 year, school districts shall provide the policies of group

29 insurance to certificated personnel. Beginning October 1, 2004,
30 the board of supervisors of each county shall pay, out of any
31 available funds, one hundred percent (100%) of the cost of group
32 health insurance coverage for each of the constables in the county
33 who are elected in accordance with Section 19-19-2. Any employee
34 who desires to reallocate or reduce any part of his or her salary
35 or wages for a cafeteria fringe benefit plan in accordance with
36 current requirements of Section 125 et seq. of the Internal
37 Revenue Code for himself or herself and/or for his or her
38 dependent(s) shall authorize, in writing, the deduction from the
39 salary or wages of such employee the proportionate part of the
40 costs thereof attributable to such employee. Any amount so
41 deducted shall be transferred into the general fund or contingent
42 fund of such county or municipality, or the operating fund of such
43 institution, department or agency of the county or municipality,
44 or the maintenance fund of such municipal separate school
45 district, other school district or junior college district, as the
46 case may be, and shall be supplemented by funds from the general
47 fund, contingent fund, maintenance fund, or operating fund, as the
48 case may be, in an amount to be determined by the governing board
49 or head of such political subdivision, school district, junior
50 college district, institution, department or agency, in their
51 discretion, in order to pay the full costs. In no instances shall
52 the amount of contributions by any governing board or head of a
53 political subdivision, school district, junior college district,
54 institution, department or agency hereinabove mentioned exceed an
55 average of one hundred percent (100%) of the cost of all such
56 group coverages for employees.

57 The governing board or head of such political subdivision,
58 school district, junior college district, institution, department
59 or agency is authorized to pay such full costs direct to the
60 insurance company and to the hospital and/or medical and/or
61 surgical service association from the general fund, contingent

62 fund, or the maintenance fund of such county or municipality, or
63 the operating fund of such institution, department, or agency of
64 the county or municipality, or the maintenance fund of such
65 municipal separate school district, other school district or
66 junior college district, as the case may be, and to do all acts
67 necessary and proper for the purpose of carrying out the
68 provisions of Sections 25-15-101 and 25-15-103 and of effectuating
69 the purposes hereof. The rates for any and all costs covered by
70 the sections shall be in keeping with promulgated schedules, and
71 the rates for such costs shall be approved by the Insurance
72 Commissioner of the State of Mississippi. This section shall not
73 be construed to prevent changes in rates based on experience, nor
74 the granting of dividends or rate reductions or 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; however, in order to qualify as a
93 self-insurer a group, whether consisting of one or more employers,
94 shall consist of not less than one hundred fifty (150) employees.

95 The governing board of any political subdivision or other entity
96 set forth in this section having at least fifty (50) employees but
97 less than one hundred fifty (150) employees may self-insure all or
98 any part of a benefit program with benefits authorized to be
99 insured or self-insured under this section in an amount not to
100 exceed Two Thousand Dollars (\$2,000.00) per year per employee; and
101 any such political subdivision or other entity may join with any
102 one or more other such political subdivisions or entities, such
103 political subdivisions and entities having at least fifty (50)
104 employees but less than one hundred fifty (150) employees in the
105 aggregate, to pool the risks authorized to be insured or
106 self-insured under this section. However, any such self-insurance
107 plan or pooled risk plan involving at least fifty (50) employees
108 but less than one hundred fifty (150) employees shall be certified
109 by the Mississippi Department of Insurance as being actuarially
110 sound.

111 Any political subdivision or other entity that provides any
112 plan of group insurance or other coverage under this section does
113 not waive, but expressly reserves, its sovereign immunity under
114 the laws of the State of Mississippi; and all plans and agreements
115 executed by political subdivisions and other entities providing
116 insurance or other coverage under this section shall contain a
117 provision expressly limiting liability for the payment of all
118 benefits for single or multiple claims to the extent of the
119 insurance carried or to the extent of funds available under the
120 self-insurance fund.

121 Nothing in Sections 25-15-101 and 25-15-103 shall be
122 construed to apply to agencies financed entirely by federally
123 granted administrative funds.

124 The restrictions in this section on the amount which
125 employers may pay for group insurance and other coverage for their
126 employees shall not be applicable to municipalities.

127 Any governing board or head of any political subdivision or
128 other entity that provides any plan of group insurance or other
129 coverage under this section, and any person with whom such
130 governing board, head of a political subdivision or other entity
131 contracts in the performance of any duty or authority prescribed
132 under this section, shall be liable civilly for the loss or
133 misappropriation of any public funds resulting from their failure
134 to comply with any provision of this section, such funds to be
135 recovered in the manner provided under Section 7-7-211.

136 **SECTION 2.** This act shall take effect and be in force from
137 and after July 1, 2004.