

ATTACHMENT C

TITLE 25. PUBLIC OFFICERS AND EMPLOYEES; PUBLIC RECORDS
CHAPTER 15. GROUP INSURANCE FOR PUBLIC EMPLOYEES
ARTICLE 3. GROUP INSURANCE FOR EMPLOYEES OF LOCAL GOVERNMENTS AND THEIR
INSTITUTIONS AND AGENCIES

Miss. Code Ann. § 25-15-101 (2017)

§ 25-15-101. Administration of insurance program; self-insurance; liability for payment of benefits and loss or misappropriation of funds.

The governing board of any county, municipality, municipal separate school district, other school district or community/junior college district, and the governing board or head of any institution, department or agency of any county or municipality may negotiate for and secure for all or specified groups of employees and their dependents of such county or municipality, or institution, department or agency of such county or municipality, or municipal separate school district, other school district or community/junior college district, a policy or policies of group insurance covering the life, except as hereinafter provided, salary protection, health, accident and hospitalization, as well as a group contract or contracts covering hospital and/or medical and/or surgical services or benefits (including surgical costs, so-called "hospital extras," medical expenses, allied coverages and major medical costs) of such of its employees and their dependents as may desire such insurance and other coverage under such service or benefit contracts, and who shall authorize in writing the deduction from the salary or wages of such employees of the proportionate part of the costs thereof attributable to such employees. However, beginning with the 1984-1985 school year, school districts shall provide the policies of group insurance to certificated personnel. Any employee who desires to reallocate or reduce any part of his or her salary or wages for a cafeteria fringe benefit plan in accordance with current requirements of Section 125 et seq. of the Internal Revenue Code for himself or herself and/or for his or her dependent(s) shall authorize, in writing, the deduction from the salary or wages of such employee the proportionate part of the costs thereof attributable to such employee. Any amount so deducted shall be transferred into the general fund or contingent fund of such county or municipality, or the operating fund of such institution, department or agency of the county or municipality, or the maintenance fund of such municipal separate school district, other school district or community/junior college district, as the case may be, and shall be supplemented by funds from the general fund, contingent fund, maintenance fund or operating fund, as the case may be, in an amount to be determined by the governing board or head of such political subdivision, school district, community/junior college district, institution, department or agency, in their discretion, in order to pay the full costs. In no instances shall the amount of contributions by any governing board or head of a political subdivision, school district, community/junior college district, institution, department or agency hereinabove mentioned exceed an average of one hundred percent (100%) of the cost of all such group coverages for employees.

The governing board or head of such political subdivision, school district, community/junior college district, institution, department or agency is authorized to pay such full costs direct to the insurance company and to the hospital and/or medical and/or surgical service association from the general fund, contingent fund, or the maintenance fund of such county or municipality, or the operating fund of such institution, department, or agency of the county or municipality, or the maintenance fund of such municipal separate school district, other school district or community/junior college district, as the case may be, and to do all acts necessary and proper for the purpose of carrying out the provisions of

Sections 25-15-101 and 25-15-103 and of effectuating the purposes hereof. The rates for any and all costs covered by the sections shall be in keeping with promulgated schedules, and the rates for such costs shall be approved by the Insurance Commissioner of the State of Mississippi. This section shall not be construed to prevent changes in rates based on experience, nor the granting of dividends or rate reductions or credits.

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

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

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

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

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

HISTORY: SOURCES: Codes, 1942, § 5649; Laws, 1940, ch. 141; Laws, 1950, ch. 417, § 3; Laws, 1956, ch. 335, § 2; Laws, 1958, ch. 435, § 3; Laws, 1962, ch. 454, §§ 3, 4; Laws, 1964, ch. 469, §§ 2, 3 [subs. 1, 2]; Laws, 1966, ch. 521, § 2; Laws, 1968, ch. 477, §§ 1-4; Laws, 1970, ch. 447, § 1; Laws, 1970, ch. 448, § 1; Laws, 1971, ch. 523, § 15; Laws, 1971, ch. 523, § 14; Laws, 1974, ch. 535, § 1; Laws, 1977, ch. 496, § 1; Laws, 1982, ch. 362, § 2; Laws, 1982, Ex Sess, ch. 17, § 28; Laws, 1985, ch. 466, § 2; Laws, 1986, ch. 477; Laws, 1988, ch. 460, § 1; Laws, 1991, ch. 558, § 10; Laws, 1991, ch. 566, § 1; Laws, 1995, ch. 492, § 1; Laws, 2009, ch. 439, § 1; Laws, 2015, ch. 365, § 1, eff from and after July 1, 2015.