

By: Moss

To: Labor; Ways and Means

HOUSE BILL NO. 720  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 71-5-19, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE PENALTIES FOR CERTAIN VIOLATIONS OF THE UNEMPLOYMENT  
3 COMPENSATION LAW; TO AMEND SECTION 71-5-355, MISSISSIPPI CODE OF  
4 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 71-5-19, Mississippi Code of 1972, is  
7 amended as follows:

8 71-5-19. (1) Whoever makes a false statement or  
9 representation knowing it to be false, or knowingly fails to  
10 disclose a material fact, to obtain or increase any benefit or  
11 other payment under this chapter or under an employment security  
12 law of any other state, of the federal government or of a foreign  
13 government, either for himself or for any other person, shall be  
14 punished by a fine of not less than One Hundred Dollars (\$100.00)  
15 nor more than Five Hundred Dollars (\$500.00), or by imprisonment  
16 for not longer than thirty (30) days, or by both such fine and  
17 imprisonment; and each such false statement or representation or  
18 failure to disclose a material fact shall constitute a separate  
19 offense.

20 (2) Any employing unit, any officer or agent of an employing  
21 unit or any other person who makes a false statement or  
22 representation knowing it to be false, or who knowingly fails to  
23 disclose a material fact, to prevent or reduce the payment of  
24 benefits to any individual entitled thereto, or to avoid becoming  
25 or remaining subject hereto, or to avoid or reduce any  
26 contribution or other payment required from any employing unit  
27 under this chapter, or who willfully fails or refuses to make any

28 such contribution or other payment, or to furnish any reports  
29 required hereunder or to produce or permit the inspection or  
30 copying of records as required hereunder, shall be punished by a  
31 fine of not less than One Hundred Dollars (\$100.00) nor more than  
32 One Thousand Dollars (\$1,000.00), or by imprisonment for not  
33 longer than sixty (60) days, or by both such fine and  
34 imprisonment; and each such false statement, or representation, or  
35 failure to disclose a material fact, and each day of such failure  
36 or refusal shall constitute a separate offense. In lieu of such  
37 fine and imprisonment, the employing unit or representative, or  
38 both employing unit and representative, if such representative is  
39 an employing unit in this state and is found to be a party to such  
40 violation, shall not be eligible for a contributions rate of less  
41 than five and four-tenths percent (5.4%) for the tax year in which  
42 such violation is discovered by the commission and for the next  
43 two (2) succeeding tax years.

44 (3) Any person who shall willfully violate any provision of  
45 this chapter or any other rule or regulation thereunder, the  
46 violation of which is made unlawful or the observance of which is  
47 required under the terms of this chapter and for which a penalty  
48 is neither prescribed herein nor provided by any other applicable  
49 statute, shall be punished by a fine of not less than One Hundred  
50 Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00),  
51 or by imprisonment for not longer than sixty (60) days, or by both  
52 such fine and imprisonment; and each day such violation continues  
53 shall be deemed to be a separate offense. In lieu of such fine  
54 and imprisonment, the employing unit or representative, or both  
55 employing unit and representative, if such representative is an  
56 employing unit in this state and is found to be a party to such  
57 violation, shall not be eligible for a contributions rate of less  
58 than five and four-tenths percent (5.4%) for the tax year in which  
59 the violation is discovered by the commission and for the next two  
60 (2) succeeding tax years.

61 (4) Any person who, by reason of the nondisclosure or  
62 misrepresentation by him or by another of a material fact,  
63 irrespective of whether such nondisclosure or misrepresentation  
64 was known or fraudulent, or who, for any other reason has received

65 any such benefits under this chapter, while any conditions for the  
66 receipt of benefits imposed by this chapter were not fulfilled in  
67 his case, or while he was disqualified from receiving benefits,  
68 shall, in the discretion of the commission, either be liable to  
69 have such sum deducted from any future benefits payable to him  
70 under this chapter or shall be liable to repay to the commission  
71 for the unemployment compensation fund a sum equal to the amount  
72 so received by him; and such sum shall be collectible in the  
73 manner provided in Sections 71-5-363 to 71-5-383 for the  
74 collection of past-due contributions. Provided, however, that no  
75 such deduction shall be made, nor shall any action be taken for  
76 the collection of any such overpayments, after five (5) years have  
77 elapsed from the date of the receipt of the benefits at issue;  
78 provided further that any such judgment against such person for  
79 collection of such overpayments shall not be a lien upon the  
80 property of the person for a longer period than five (5) years  
81 from the date of the filing of the lien, and any such notice of  
82 lien shall not be refiled by the commission.

83 (5) The commission, by agreement with another state or the  
84 United States, as provided under Section 303(g) of the Social  
85 Security Act, may recover any overpayment of benefits paid to any  
86 individual under the laws of this state or of another state or  
87 under an unemployment benefit program of the United States. Any  
88 overpayments subject to this subsection may be deducted from any  
89 future benefits payable to the individual under the laws of this  
90 state or of another state or under an unemployment program of the  
91 United States.

92 SECTION 2. Section 71-5-355, Mississippi Code of 1972, is  
93 amended as follows:

94 71-5-355. (1) As used in this section, the following words  
95 and phrases shall have the following meanings, unless the context  
96 clearly requires otherwise:

97 (a) "Tax year" means any period beginning on January 1

98 and ending on December 31 of a year.

99 (b) "Computation date" means June 30 of any calendar  
100 year immediately preceding the tax year during which the  
101 particular contribution rates are effective.

102 (c) "Effective date" means January 1 of the tax year.

103 (d) Except as hereinafter provided, "payroll" means the  
104 total of all wages paid for employment by an employer as defined  
105 in Section 71-5-11, subsection H, plus the total of all  
106 remuneration paid by such employer excluded from the definition of  
107 wages by Section 71-5-351. For the computation of modified rates,  
108 "payroll" means the total of all wages paid for employment by an  
109 employer as defined in Section 71-5-11, subsection H.

110 (e) For the computation of modified rates, "eligible  
111 employer" means an employer whose experience-rating record has  
112 been chargeable with benefits throughout the thirty-six (36)  
113 consecutive calendar-month period ending on the computation date,  
114 except that any employer who has not been subject to the  
115 Mississippi Employment Security Law for a period of time  
116 sufficient to meet the thirty-six (36) consecutive calendar-month  
117 requirement shall be an eligible employer if his experience-rating  
118 record has been chargeable throughout not less than the twelve  
119 (12) consecutive calendar-month period ending on the computation  
120 date. No employer shall be considered eligible for a contribution  
121 rate less than five and four-tenths percent (5.4%) with respect to  
122 any tax year, who has failed to file any two (2) quarterly reports  
123 within the qualifying period by September 30 following the  
124 computation date. No employer or employing unit shall be eligible  
125 for a contribution rate of less than five and four-tenths percent  
126 (5.4%) for the tax year in which the employing unit is found by  
127 the commission to be in violation of Section 71-5-19(2) or (3) and  
128 for the next two (2) succeeding tax years. No representative of  
129 such employing unit who was a party to a violation as described in  
130 Section 71-5-19(2) or (3), if such representative was or is an

131 employing unit in this state, shall be eligible for a  
132 contributions rate of less than five and four-tenths percent  
133 (5.4%) for the tax year in which such violation was detected by  
134 the commission and for the next two (2) succeeding tax years.

135 (f) With respect to any tax year, "reserve ratio" means  
136 the ratio which the total amount available for the payment of  
137 benefits in the Unemployment Compensation Fund, excluding any  
138 amount which has been credited to the account of this state under  
139 Section 903 of the Social Security Act, as amended, and which has  
140 been appropriated for the expenses of administration pursuant to  
141 Section 71-5-457 whether or not withdrawn from such account, on  
142 November 1 of each calendar year bears to the aggregate of the  
143 taxable payrolls of all employers for the twelve (12) calendar  
144 months ending on June 30 next preceding.

145 (g) "Modified rates" means the rates of employer  
146 contributions determined under the provisions of this chapter and  
147 the rates of newly subject employers, as provided in Section  
148 71-5-353.

149 (h) For the computation of modified rates, "qualifying  
150 period" means a period of not less than the thirty-six (36)  
151 consecutive calendar months ending on the computation date  
152 throughout which an employer's experience-rating record has been  
153 chargeable with benefits; except that with respect to any eligible  
154 employer who has not been subject to this article for a period of  
155 time sufficient to meet the thirty-six (36) consecutive  
156 calendar-month requirement, "qualifying period" means the period  
157 ending on the computation date throughout which his  
158 experience-rating record has been chargeable with benefits, but in  
159 no event less than the twelve (12) consecutive calendar-month  
160 period ending on the computation date throughout which his  
161 experience-rating record has been so chargeable.

162 (i) The "exposure criterion" (EC) is defined as the  
163 cash balance of the Unemployment Compensation Fund which is

164 available for the payment of benefits as of November 1 of each  
165 calendar year, divided by the total wages, exclusive of wages paid  
166 by all state agencies, all political subdivisions, reimbursable  
167 nonprofit corporations, and tax exempt public service employment,  
168 for the twelve-month period ending June 30 immediately preceding  
169 such date. The EC shall be computed to four (4) decimal places.

170 (j) The "cost rate criterion" (CRC) is defined as  
171 follows: Beginning with January 1974, the benefits paid for the  
172 twelve-month period ending December 1974 are summed and divided by  
173 the total wages for the twelve-month period ending on June 30,  
174 1975. Similar ratios are computed by subtracting the earliest  
175 month's benefit payments and adding the benefits of the next month  
176 in the sequence and dividing each sum of twelve (12) months'  
177 benefits by the total wages for the twelve-month period ending on  
178 the June 30 which is nearest to the final month of the period used  
179 to compute the numerator. If December is the final month of the  
180 period used to compute the numerator, then the twelve-month period  
181 ending the following June 30 will be used for the denominator.  
182 The highest value of these ratios beginning with the ratio for  
183 benefits paid in calendar year 1974 is the cost rate criterion.  
184 The cost rate criterion shall be computed to four (4) decimal  
185 places. Benefits and total wages used in the computation of the  
186 cost rate criterion shall exclude all benefits and total wages  
187 applicable to state agencies, political subdivisions, reimbursable  
188 nonprofit corporations, and tax exempt PSE employment.

189 (k) "Size of fund index" (SOFI) is defined as the ratio  
190 of the EC to the CRC.

191 (l) No employer's contribution rate shall exceed five  
192 and four-tenths percent (5.4%), nor be less than four-tenths of  
193 one percent (.4%).

194 (2) Modified rates:

195 (a) For any tax year, when the reserve ratio on the  
196 preceding November 1, in the case of any tax year, equals or

197 exceeds four percent (4%), the modified rates, as hereinafter  
198 prescribed, shall be in effect.

199 (b) Modified rates shall be determined for the tax year  
200 for each eligible employer on the basis of his experience-rating  
201 record in the following manner:

202 (i) The commission shall maintain an  
203 experience-rating record for each employer. Nothing in this  
204 chapter shall be construed to grant any employer or individuals  
205 performing services for him any prior claim or rights to the  
206 amounts paid by the employer into the fund.

207 (ii) Benefits paid to an eligible individual shall  
208 be charged against the experience-rating record of his base period  
209 employers in the proportion to which the wages paid by each base  
210 period employer bears to the total wages paid to the individual by  
211 all the base period employers, provided that benefits shall not be  
212 charged to an employer's experience-rating record if the  
213 commission finds that the individual:

214 1. Voluntarily left the employ of such  
215 employer without good cause attributable to the employer,

216 2. Was discharged by such employer for  
217 misconduct connected with his work,

218 3. Refused an offer of suitable work by such  
219 employer without good cause, and the commission further finds that  
220 such benefits are based on wages for employment for such employer  
221 prior to such voluntary leaving, discharge or refusal of suitable  
222 work, as the case may be, or

223 4. Had base period wages which included wages  
224 for previously uncovered services as defined in Section  
225 71-5-511(e) to the extent that the Unemployment Compensation Fund  
226 is reimbursed for such benefits pursuant to Section 121 of Public  
227 Law 94-566,

228 5. Extended benefits paid under the  
229 provisions of Section 71-5-541 which are not reimbursable from

230 federal funds shall be charged to the experience-rating record of  
231 base period employers,

232                   6. Is still working for such employer on a  
233 regular part-time basis under the same employment conditions as  
234 hired. Provided, however, that benefits shall be charged against  
235 an employer if an eligible individual is paid benefits who is  
236 still working for such employer on a part-time "as-needed" basis,

237                   7. Was hired to replace a United States  
238 serviceman or servicewoman called into active duty and was laid  
239 off upon the return to work by that serviceman or servicewoman,  
240 unless such employer is a state agency or other political  
241 subdivision or instrumentality of the state,

242                   8. Was paid benefits during any week while in  
243 training with the approval of the commission, under the provisions  
244 of Section 71-5-B, or for any week while in training approved  
245 under Section 236(a)(1) of the Trade Act of 1974, under the  
246 provisions of Section 71-5-C.

247                   9. Is not required to serve the one-week  
248 waiting period as described in Section 71-5-505(2). In that  
249 event, only the benefits paid in lieu of the waiting period week  
250 may be noncharged.

251                   (iii) The commission shall compute a benefit ratio  
252 for each eligible employer, which shall be the quotient obtained  
253 by dividing the total benefits charged to his experience-rating  
254 record during the period his experience-rating record has been  
255 chargeable, but not less than the twelve (12) consecutive  
256 calendar-month period nor more than the thirty-six (36)  
257 consecutive calendar-month period ending on the computation date,  
258 by his total taxable payroll for the same period on which all  
259 contributions due have been paid on or before the September 30  
260 immediately following the computation date. Such benefit ratio  
261 shall be computed to the tenth of a percent (.1%), rounding any  
262 remainder to the next higher tenth.



263 If for the calendar year 1995, or any calendar year  
264 thereafter, the size of fund index (SOFI), as defined in this  
265 section, shall have computed for such calendar year at 1.75 or  
266 above, for purposes of adjustment of the general experience rate  
267 for such calendar year, then Table 6 or one of the tables  
268 subsequent to Table 6 shall be applied, according to their  
269 provisions:

270 TABLE 1

271 ILLUSTRATES A .10% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE  
272 BASED ON A SOFI FACTOR OF 1.51 OR ABOVE BUT LESS THAN 1.55

273	A	B
274	If Benefit Ratio is	The Individual Experience Rate is
275	0.0%	0.10%
276	0.1	0.10
277	0.2	0.10
278	0.3	0.20
279	0.4	0.30
280	0.5	0.40
281	0.6	0.50
282	0.7	0.60
283	0.8	0.70
284	0.9	0.80
285	1.0	0.90
286	1.1	1.00
287	1.2	1.10
288	1.3	1.20
289	1.4	1.30
290	1.5	1.40
291	1.6	1.50
292	1.7	1.60
293	1.8	1.70
294	1.9	1.80
295	2.0	1.90

296	2.1	2.00
297	2.2	2.10
298	2.3	2.20
299	2.4	2.30
300	2.5	2.40
301	2.6	2.50
302	2.7	2.60
303	2.8	2.70
304	2.9	2.80
305	3.0	2.90
306	3.1	3.00
307	3.2	3.10
308	3.3	3.20
309	3.4	3.30
310	3.5	3.40
311	3.6	3.50
312	3.7	3.60
313	3.8	3.70
314	3.9	3.80
315	4.0	3.90
316	4.1	4.00
317	4.2	4.10
318	4.3	4.20
319	4.4	4.30
320	4.5	4.40
321	4.6	4.50
322	4.7	4.60
323	4.8	4.70
324	4.9	4.80
325	5.0	4.90
326	5.1	5.00
327	5.2	5.10
328	5.3	5.20

329 5.4 5.30

330 5.5 and above 5.40

331 TABLE 2

332 ILLUSTRATES A .20% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE

333 BASED ON A SOFI FACTOR OF 1.55 OR ABOVE BUT LESS THAN 1.60

334 A B

335 If Benefit Ratio is The Individual Experience Rate is

336 0.0% 0.10%

337 0.1 0.10

338 0.2 0.10

339 0.3 0.10

340 0.4 0.20

341 0.5 0.30

342 0.6 0.40

343 0.7 0.50

344 0.8 0.60

345 0.9 0.70

346 1.0 0.80

347 1.1 0.90

348 1.2 1.00

349 1.3 1.10

350 1.4 1.20

351 1.5 1.30

352 1.6 1.40

353 1.7 1.50

354 1.8 1.60

355 1.9 1.70

356 2.0 1.80

357 2.1 1.90

358 2.2 2.00

359 2.3 2.10

360 2.4 2.20

361 2.5 2.30

362	2.6	2.40
363	2.7	2.50
364	2.8	2.60
365	2.9	2.70
366	3.0	2.80
367	3.1	2.90
368	3.2	3.00
369	3.3	3.10
370	3.4	3.20
371	3.5	3.30
372	3.6	3.40
373	3.7	3.50
374	3.8	3.60
375	3.9	3.70
376	4.0	3.80
377	4.1	3.90
378	4.2	4.00
379	4.3	4.10
380	4.4	4.20
381	4.5	4.30
382	4.6	4.40
383	4.7	4.50
384	4.8	4.60
385	4.9	4.70
386	5.0	4.80
387	5.1	4.90
388	5.2	5.00
389	5.3	5.10
390	5.4	5.20
391	5.5	5.30
392	5.6 and above	5.40

TABLE 3

ILLUSTRATES A .30% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE

395            BASED ON A SOFI FACTOR OF 1.60 OR ABOVE BUT LESS THAN 1.65

396	A	B
397	If Benefit Ratio is	The Individual Experience Rate is
398	0.0%	0.10%
399	0.1	0.10
400	0.2	0.10
401	0.3	0.10
402	0.4	0.10
403	0.5	0.20
404	0.6	0.30
405	0.7	0.40
406	0.8	0.50
407	0.9	0.60
408	1.0	0.70
409	1.1	0.80
410	1.2	0.90
411	1.3	1.00
412	1.4	1.10
413	1.5	1.20
414	1.6	1.30
415	1.7	1.40
416	1.8	1.50
417	1.9	1.60
418	2.0	1.70
419	2.1	1.80
420	2.2	1.90
421	2.3	2.00
422	2.4	2.10
423	2.5	2.20
424	2.6	2.30
425	2.7	2.40
426	2.8	2.50
427	2.9	2.60

428	3.0	2.70
429	3.1	2.80
430	3.2	2.90
431	3.3	3.00
432	3.4	3.10
433	3.5	3.20
434	3.6	3.30
435	3.7	3.40
436	3.8	3.50
437	3.9	3.60
438	4.0	3.70
439	4.1	3.80
440	4.2	3.90
441	4.3	4.00
442	4.4	4.10
443	4.5	4.20
444	4.6	4.30
445	4.7	4.40
446	4.8	4.50
447	4.9	4.60
448	5.0	4.70
449	5.1	4.80
450	5.2	4.90
451	5.3	5.00
452	5.4	5.10
453	5.5	5.20
454	5.6	5.30
455	5.7 and above	5.40

TABLE 4

ILLUSTRATES A .40% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE  
BASED ON A SOFI FACTOR OF 1.65 OR ABOVE BUT LESS THAN 1.70

A B

If Benefit Ratio is The Individual Experience Rate is

461	0.0%	0.10%
462	0.1	0.10
463	0.2	0.10
464	0.3	0.10
465	0.4	0.10
466	0.5	0.10
467	0.6	0.20
468	0.7	0.30
469	0.8	0.40
470	0.9	0.50
471	1.0	0.60
472	1.1	0.70
473	1.2	0.80
474	1.3	0.90
475	1.4	1.00
476	1.5	1.10
477	1.6	1.20
478	1.7	1.30
479	1.8	1.40
480	1.9	1.50
481	2.0	1.60
482	2.1	1.70
483	2.2	1.80
484	2.3	1.90
485	2.4	2.00
486	2.5	2.10
487	2.6	2.20
488	2.7	2.30
489	2.8	2.40
490	2.9	2.50
491	3.0	2.60
492	3.1	2.70
493	3.2	2.80

494	3.3	2.90
495	3.4	3.00
496	3.5	3.10
497	3.6	3.20
498	3.7	3.30
499	3.8	3.40
500	3.9	3.50
501	4.0	3.60
502	4.1	3.70
503	4.2	3.80
504	4.3	3.90
505	4.4	4.00
506	4.5	4.10
507	4.6	4.20
508	4.7	4.30
509	4.8	4.40
510	4.9	4.50
511	5.0	4.60
512	5.1	4.70
513	5.2	4.80
514	5.3	4.90
515	5.4	5.00
516	5.5	5.10
517	5.6	5.20
518	5.7	5.30
519	5.8 and above	5.40

TABLE 5

ILLUSTRATES A .50% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE  
BASED ON A SOFI FACTOR OF 1.70 OR ABOVE BUT LESS THAN 1.75

	A	B
524	If Benefit Ratio is	The Individual Experience Rate is
525	0.0%	0.10%
526	0.1	0.10



527	0.2	0.10
528	0.3	0.10
529	0.4	0.10
530	0.5	0.10
531	0.6	0.10
532	0.7	0.20
533	0.8	0.30
534	0.9	0.40
535	1.0	0.50
536	1.1	0.60
537	1.2	0.70
538	1.3	0.80
539	1.4	0.90
540	1.5	1.00
541	1.6	1.10
542	1.7	1.20
543	1.8	1.30
544	1.9	1.40
545	2.0	1.50
546	2.1	1.60
547	2.2	1.70
548	2.3	1.80
549	2.4	1.90
550	2.5	2.00
551	2.6	2.10
552	2.7	2.20
553	2.8	2.30
554	2.9	2.40
555	3.0	2.50
556	3.1	2.60
557	3.2	2.70
558	3.3	2.80
559	3.4	2.90

560	3.5	3.00
561	3.6	3.10
562	3.7	3.20
563	3.8	3.30
564	3.9	3.40
565	4.0	3.50
566	4.1	3.60
567	4.2	3.70
568	4.3	3.80
569	4.4	3.90
570	4.5	4.00
571	4.6	4.10
572	4.7	4.20
573	4.8	4.30
574	4.9	4.40
575	5.0	4.50
576	5.1	4.60
577	5.2	4.70
578	5.3	4.80
579	5.4	4.90
580	5.5	5.00
581	5.6	5.10
582	5.7	5.20
583	5.8	5.30
584	5.9 and above	5.40

TABLE 6

ILLUSTRATES A .60% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE  
BASED ON A SOFI FACTOR OF 1.75 OR ABOVE BUT LESS THAN 1.80

	A	B
	If Benefit Ratio is	The Individual Experience Rate is
589		
590	0.0%	0.10%
591	0.1	0.10
592	0.2	0.10

593	0.3	0.10
594	0.4	0.10
595	0.5	0.10
596	0.6	0.10
597	0.7	0.10
598	0.8	0.20
599	0.9	0.30
600	1.0	0.40
601	1.1	0.50
602	1.2	0.60
603	1.3	0.70
604	1.4	0.80
605	1.5	0.90
606	1.6	1.00
607	1.7	1.10
608	1.8	1.20
609	1.9	1.30
610	2.0	1.40
611	2.1	1.50
612	2.2	1.60
613	2.3	1.70
614	2.4	1.80
615	2.5	1.90
616	2.6	2.00
617	2.7	2.10
618	2.8	2.20
619	2.9	2.30
620	3.0	2.40
621	3.1	2.50
622	3.2	2.60
623	3.3	2.70
624	3.4	2.80
625	3.5	2.90

626	3.6	3.00
627	3.7	3.10
628	3.8	3.20
629	3.9	3.30
630	4.0	3.40
631	4.1	3.50
632	4.2	3.60
633	4.3	3.70
634	4.4	3.80
635	4.5	3.90
636	4.6	4.00
637	4.7	4.10
638	4.8	4.20
639	4.9	4.30
640	5.0	4.40
641	5.1	4.50
642	5.2	4.60
643	5.3	4.70
644	5.4	4.80
645	5.5	4.90
646	5.6	5.00
647	5.7	5.10
648	5.8	5.20
649	5.9	5.30
650	6.0 and above	5.40

TABLE 7

ILLUSTRATES A .70% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE  
BASED ON A SOFI FACTOR OF 1.80 OR ABOVE BUT LESS THAN 1.85

	A	B
	If Benefit Ratio is	The Individual Experience Rate is
656	0.0%	0.10%
657	0.1	0.10
658	0.2	0.10

659	0.3	0.10
660	0.4	0.10
661	0.5	0.10
662	0.6	0.10
663	0.7	0.10
664	0.8	0.10
665	0.9	0.20
666	1.0	0.30
667	1.1	0.40
668	1.2	0.50
669	1.3	0.60
670	1.4	0.70
671	1.5	0.80
672	1.6	0.90
673	1.7	1.00
674	1.8	1.10
675	1.9	1.20
676	2.0	1.30
677	2.1	1.40
678	2.2	1.50
679	2.3	1.60
680	2.4	1.70
681	2.5	1.80
682	2.6	1.90
683	2.7	2.00
684	2.8	2.10
685	2.9	2.20
686	3.0	2.30
687	3.1	2.40
688	3.2	2.50
689	3.3	2.60
690	3.4	2.70
691	3.5	2.80

692	3.6	2.90
693	3.7	3.00
694	3.8	3.10
695	3.9	3.20
696	4.0	3.30
697	4.1	3.40
698	4.2	3.50
699	4.3	3.60
700	4.4	3.70
701	4.5	3.80
702	4.6	3.90
703	4.7	4.00
704	4.8	4.10
705	4.9	4.20
706	5.0	4.30
707	5.1	4.40
708	5.2	4.50
709	5.3	4.60
710	5.4	4.70
711	5.5	4.80
712	5.6	4.90
713	5.7	5.00
714	5.8	5.10
715	5.9	5.20
716	6.0	5.30
717	6.1 and above	5.40

TABLE 8

ILLUSTRATES A .80% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE  
BASED ON A SOFI FACTOR OF 1.85 OR ABOVE BUT LESS THAN 1.90

	A	B
	If Benefit Ratio is	The Individual Experience Rate is
723	0.0%	0.10%
724	0.1	0.10

725	0.2	0.10
726	0.3	0.10
727	0.4	0.10
728	0.5	0.10
729	0.6	0.10
730	0.7	0.10
731	0.8	0.10
732	0.9	0.10
733	1.0	0.20
734	1.1	0.30
735	1.2	0.40
736	1.3	0.50
737	1.4	0.60
738	1.5	0.70
739	1.6	0.80
740	1.7	0.90
741	1.8	1.00
742	1.9	1.10
743	2.0	1.20
744	2.1	1.30
745	2.2	1.40
746	2.3	1.50
747	2.4	1.60
748	2.5	1.70
749	2.6	1.80
750	2.7	1.90
751	2.8	2.00
752	2.9	2.10
753	3.0	2.20
754	3.1	2.30
755	3.2	2.40
756	3.3	2.50
757	3.4	2.60

758	3.5	2.70
759	3.6	2.80
760	3.7	2.90
761	3.8	3.00
762	3.9	3.10
763	4.0	3.20
764	4.1	3.30
765	4.2	3.40
766	4.3	3.50
767	4.4	3.60
768	4.5	3.70
769	4.6	3.80
770	4.7	3.90
771	4.8	4.00
772	4.9	4.10
773	5.0	4.20
774	5.1	4.30
775	5.2	4.40
776	5.3	4.50
777	5.4	4.60
778	5.5	4.70
779	5.6	4.80
780	5.7	4.90
781	5.8	5.00
782	5.9	5.10
783	6.0	5.20
784	6.1	5.30
785	6.2 and above	5.40

TABLE 9

ILLUSTRATES A .90% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE  
BASED ON A SOFI FACTOR OF 1.90 OR ABOVE BUT LESS THAN 1.95

A B

If Benefit Ratio is The Individual Experience Rate is



791	0.0%	0.10%
792	0.1	0.10
793	0.2	0.10
794	0.3	0.10
795	0.4	0.10
796	0.5	0.10
797	0.6	0.10
798	0.7	0.10
799	0.8	0.10
800	0.9	0.10
801	1.0	0.10
802	1.1	0.20
803	1.2	0.30
804	1.3	0.40
805	1.4	0.50
806	1.5	0.60
807	1.6	0.70
808	1.7	0.80
809	1.8	0.90
810	1.9	1.00
811	2.0	1.10
812	2.1	1.20
813	2.2	1.30
814	2.3	1.40
815	2.4	1.50
816	2.5	1.60
817	2.6	1.70
818	2.7	1.80
819	2.8	1.90
820	2.9	2.00
821	3.0	2.10
822	3.1	2.20
823	3.2	2.30

824	3.3	2.40
825	3.4	2.50
826	3.5	2.60
827	3.6	2.70
828	3.7	2.80
829	3.8	2.90
830	3.9	3.00
831	4.0	3.10
832	4.1	3.20
833	4.2	3.30
834	4.3	3.40
835	4.4	3.50
836	4.5	3.60
837	4.6	3.70
838	4.7	3.80
839	4.8	3.90
840	4.9	4.00
841	5.0	4.10
842	5.1	4.20
843	5.2	4.30
844	5.3	4.40
845	5.4	4.50
846	5.5	4.60
847	5.6	4.70
848	5.7	4.80
849	5.8	4.90
850	5.9	5.00
851	6.0	5.10
852	6.1	5.20
853	6.2	5.30
854	6.3 and above	5.40

TABLE 10

ILLUSTRATES A 1.00% REDUCTION OF THE INDIVIDUAL EXPERIENCE RATE

857                    BASED ON A SOFI FACTOR OF 1.95 OR ABOVE		
858	A	B
859	If Benefit Ratio is	The Individual Experience Rate is
860	0.0%	0.10%
861	0.1	0.10
862	0.2	0.10
863	0.3	0.10
864	0.4	0.10
865	0.5	0.10
866	0.6	0.10
867	0.7	0.10
868	0.8	0.10
869	0.9	0.10
870	1.0	0.10
871	1.1	0.10
872	1.2	0.20
873	1.3	0.30
874	1.4	0.40
875	1.5	0.50
876	1.6	0.60
877	1.7	0.70
878	1.8	0.80
879	1.9	0.90
880	2.0	1.00
881	2.1	1.10
882	2.2	1.20
883	2.3	1.30
884	2.4	1.40
885	2.5	1.50
886	2.6	1.60
887	2.7	1.70
888	2.8	1.80
889	2.9	1.90

890	3.0	2.00
891	3.1	2.10
892	3.2	2.20
893	3.3	2.30
894	3.4	2.40
895	3.5	2.50
896	3.6	2.60
897	3.7	2.70
898	3.8	2.80
899	3.9	2.90
900	4.0	3.00
901	4.1	3.10
902	4.2	3.20
903	4.3	3.30
904	4.4	3.40
905	4.5	3.50
906	4.6	3.60
907	4.7	3.70
908	4.8	3.80
909	4.9	3.90
910	5.0	4.00
911	5.1	4.10
912	5.2	4.20
913	5.3	4.30
914	5.4	4.40
915	5.5	4.50
916	5.6	4.60
917	5.7	4.70
918	5.8	4.80
919	5.9	4.90
920	6.0	5.00
921	6.1	5.10
922	6.2	5.20

923 6.3 5.30

924 6.4 and above 5.40

925 (iv) 1. The contribution rate for each eligible  
926 employer shall be the sum of two (2) rates: His individual  
927 experience rate in the range from zero percent (0%) to five and  
928 four-tenths percent (5.4%), plus a general experience rate. In no  
929 event shall the resulting rate be in excess of five and  
930 four-tenths percent (5.4%).

931 2. The employer's individual experience rate  
932 shall be equal to his benefit ratio as computed under subsection  
933 (2)(b)(iii) above.

934 3. The general experience rate shall be  
935 determined in the following manner: The commission shall  
936 determine annually, for the thirty-six (36) consecutive  
937 calendar-month period ending on the computation date, the amount  
938 of benefits which were not charged to the record of any employer  
939 and of benefits which were ineffectively charged to the employer's  
940 experience-rating record. For the purposes of subsection  
941 (2)(b)(iv)3, the term "ineffectively charged benefits" shall  
942 include:

943 The total of the amounts of benefits charged to the  
944 experience-rating records of all eligible employers which caused  
945 their benefit ratios to exceed five and four-tenths percent  
946 (5.4%), the total of the amounts of benefits charged to the  
947 experience-rating records of all ineligible employers which would  
948 cause their benefit ratios to exceed five and four-tenths percent  
949 (5.4%) if they were eligible employers, and the total of the  
950 amounts of benefits charged or chargeable to the experience-rating  
951 record of any employer who has discontinued his business or whose  
952 coverage has been terminated within such period; provided, that  
953 solely for the purposes of determining the amounts of  
954 ineffectively charged benefits as herein defined, a "benefit  
955 ratio" shall be computed for each ineligible employer, which shall

956 be the quotient obtained by dividing the total benefits charged to  
957 his experience-rating record throughout the period ending on the  
958 computation date, during which his experience-rating record has  
959 been chargeable with benefits, by his total taxable payroll for  
960 the same period on which all contributions due have been paid on  
961 or before the September 30 immediately following the computation  
962 date; and provided further, that such benefit ratio shall be  
963 computed to the tenth of one percent (.1%) and any remainder shall  
964 be rounded to the next higher tenth. The ratio of the sum of  
965 these amounts to the taxable wages paid during the same period by  
966 all eligible employers whose benefit ratio did not exceed five and  
967 four-tenths percent (5.4%), computed to the next higher tenth of  
968 one percent (.1%), shall be the general experience rate.

969           4. The general experience rate shall be  
970 adjusted by use of the size of fund index factor. This factor may  
971 be positive or negative, and shall be determined as follows: From  
972 the target SOFI of 1.50, subtract the simple average of the  
973 current and preceding years' exposure criterions divided by the  
974 cost rate criterion. The result is then multiplied by the product  
975 of the CRC and total wages for the twelve-month period ending June  
976 30 divided by the taxable wages for the twelve-month period ending  
977 June 30. This is the percentage positive or negative added to the  
978 general experience rate. This percentage is computed to one (1)  
979 decimal place, and rounded to the next higher tenth.

980           5. Notwithstanding any other provisions of  
981 subsection (2)(b)(iv), if the general experience rate for any tax  
982 year as computed and adjusted on the basis of the size of fund  
983 index is a negative percentage, it shall be disregarded.

984           6. The commission shall include in its annual  
985 rate notice to employers a brief explanation of the elements of  
986 the general experience rate, and shall include in its regular  
987 publications an annual analysis of benefits not charged to the  
988 record of any employer, and of the benefit experience of employers

989 by industry group whose benefit ratio exceeds four percent (4%),  
990 and of any other factors which may affect the size of the general  
991 experience rate.

992 (v) When any employing unit in any manner succeeds  
993 to or acquires the organization, trade, business or substantially  
994 all the assets thereof of an employer, excepting any assets  
995 retained by such employer incident to the liquidation of his  
996 obligations, whether or not such acquiring employing unit was an  
997 employer within the meaning of Section 71-5-11, subsection H,  
998 prior to such acquisition, and continues such organization, trade  
999 or business, the experience-rating and payroll records of the  
1000 predecessor employer shall be transferred as of the date of  
1001 acquisition to the successor employer for the purpose of rate  
1002 determination.

1003 (vi) When any employing unit succeeds to or  
1004 acquires a distinct and severable portion of an organization,  
1005 trade or business, the experience-rating and payroll records of  
1006 such portion, if separately identifiable, shall be transferred to  
1007 the successor upon:

- 1008 1. The mutual consent of the predecessor and  
1009 the successor,
- 1010 2. Approval of the commission,
- 1011 3. Continued operation of the transferred  
1012 portion by the successor after transfer, and
- 1013 4. The execution and the filing with the  
1014 commission by the predecessor employer of a waiver relinquishing  
1015 all rights to have the experience-rating and payroll records of  
1016 the transferred portion used for the purpose of determining  
1017 modified rates of contribution for such predecessor.

1018 (vii) If the successor was an employer subject to  
1019 this chapter prior to the date of acquisition, it shall continue  
1020 to pay contributions at the rate applicable to it from the date  
1021 the acquisition occurred until the end of the then current tax

1022 year. If the successor was not an employer prior to the date of  
1023 acquisition, it shall pay contributions at the rate applicable to  
1024 the predecessor or, if more than one (1) predecessor and the same  
1025 rate is applicable to both, the rate applicable to the predecessor  
1026 or predecessors, from the date the acquisition occurred until the  
1027 end of the then current tax year. If the successor was not an  
1028 employer prior to the date the acquisition occurred and  
1029 simultaneously acquires the businesses of two (2) or more  
1030 employers to whom different rates of contributions are applicable,  
1031 it shall pay contributions from the date of the acquisition until  
1032 the end of the current tax year at a rate computed on the basis of  
1033 the combined experience-rating and payroll records of the  
1034 predecessors as of the computation date for such tax year. In all  
1035 cases the rate of contributions applicable to such successor for  
1036 each succeeding tax year shall be computed on the basis of the  
1037 combined experience-rating and payroll records of the successor  
1038 and the predecessor or predecessors.

1039 (viii) The commission shall notify each employer  
1040 quarterly of the benefits paid and charged to his  
1041 experience-rating record; and such notification, in the absence of  
1042 an application for redetermination filed within thirty (30) days  
1043 after the date of the mailing of such notice, shall be final,  
1044 conclusive and binding upon the employer for all purposes. A  
1045 redetermination, made after notice and opportunity for a fair  
1046 hearing, by a hearing officer designated by the commission who  
1047 shall consider and decide these and related applications and  
1048 protests; and the finding of fact in connection therewith may be  
1049 introduced into any subsequent administrative or judicial  
1050 proceedings involving the determination of the rate of  
1051 contributions of any employer for any tax year, and shall be  
1052 entitled to the same finality as is provided in this subsection  
1053 with respect to the findings of fact in proceedings to redetermine  
1054 the contribution rate of an employer.



1055                   (ix) The commission shall notify each employer of  
1056 his rate of contribution as determined for any tax year as soon as  
1057 reasonably possible after November 1 of the preceding year. Such  
1058 determination shall be final, conclusive and binding upon such  
1059 employer unless, within thirty (30) days after the date of the  
1060 mailing of such notice to his last known address, the employer  
1061 files with the commission an application for review and  
1062 redetermination of his contribution rate, setting forth his  
1063 reasons therefor. If the commission grants such review, the  
1064 employer shall be promptly notified thereof and shall be afforded  
1065 an opportunity for a fair hearing by a hearing officer designated  
1066 by the commission who shall consider and decide these and related  
1067 applications and protests; but no employer shall be allowed, in  
1068 any proceeding involving his rate of contributions or contribution  
1069 liability, to contest the chargeability to his account of any  
1070 benefits paid in accordance with a determination, redetermination  
1071 or decision pursuant to Sections 71-5-515 through 71-5-533 except  
1072 upon the ground that the services on the basis of which such  
1073 benefits were found to be chargeable did not constitute services  
1074 performed in employment for him, and then only in the event that  
1075 he was not a party to such determination, redetermination,  
1076 decision or to any other proceedings provided in this chapter in  
1077 which the character of such services was determined. The employer  
1078 shall be promptly notified of the denial of this application or of  
1079 the redetermination, both of which shall become final unless,  
1080 within ten (10) days after the date of mailing of notice thereof,  
1081 there shall be an appeal to the commission itself. Any such  
1082 appeal shall be on the record before said designated hearing  
1083 officer, and the decision of said commission shall become final  
1084 unless, within thirty (30) days after the date of mailing of  
1085 notice thereof to the employer's last known address, there shall  
1086 be an appeal to the Circuit Court of the First Judicial District  
1087 of Hinds County, Mississippi, in accordance with the provisions of

1088 law with respect to review of civil causes by certiorari.

1089 SECTION 3. This act shall take effect and be in force from  
1090 and after July 1, 2000.