

By: Representatives Scott, Clark, Wooten

To: Appropriations;
Universities and Colleges

HOUSE BILL NO. 254

1 AN ACT TO PROVIDE THAT THE STATE BOARD FOR COMMUNITY AND
2 JUNIOR COLLEGES SHALL ESTABLISH AND IMPLEMENT AN ONLINE PROGRAM OF
3 NURSING EDUCATION THROUGH THE PUBLIC COMMUNITY AND JUNIOR COLLEGES
4 IN THE STATE TO ALLOW LICENSED PRACTICAL NURSES TO RECEIVE THE
5 REQUIRED ADDITIONAL ACADEMIC TRAINING TO OBTAIN AN ASSOCIATE
6 DEGREE IN NURSING; TO AUTHORIZE THE BOARD TO EXPEND MONIES IN THE
7 MISSISSIPPI WORKFORCE ENHANCEMENT TRAINING FUND TO DEFRAY THE COST
8 OF ESTABLISHING AND IMPLEMENTING THE ONLINE PROGRAM AND TO PROVIDE
9 SCHOLARSHIPS TO STUDENTS IN THE ONLINE PROGRAM; TO AMEND SECTION
10 71-5-353, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
11 OF THIS ACT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) The State Board for Community and Junior
14 Colleges shall establish and implement an online program of
15 nursing education, the purpose of which will be to allow licensed
16 practical nurses to receive the additional academic training that
17 is required to obtain an associate degree in nursing. The online
18 program shall be delivered via the Internet by the public
19 community and junior colleges in the state.

20 (2) The State Board for Community and Junior Colleges shall
21 be authorized to expend monies in the Mississippi Workforce
22 Enhancement Training Fund to (a) defray the cost of establishing
23 and implementing the online program of nursing education, and (b)
24 to provide full or partial scholarships to students in the online
25 program to defray the costs of tuition and other expenses of
26 participating in the online program.

27 **SECTION 2.** Section 71-5-353, Mississippi Code of 1972, is
28 amended as follows:

29 71-5-353. (1) Each employer shall pay contributions equal
30 to five and four-tenths percent (5.4%) of taxable wages paid by
31 him each calendar year, except as may be otherwise provided in



32 Section 71-5-361 and except that each newly subject employer shall
33 pay contributions at the rate of two and four-tenths percent
34 (2.4%) of taxable wages through December 31, 2010, and thereafter
35 one percent (1%) of taxable wages, for his first year of
36 liability, one and one-tenth percent (1.1%) of taxable wages for
37 his second year of liability, and one and two-tenths percent
38 (1.2%) of taxable wages for his third and subsequent years of
39 liability unless the employer's experience-rating record has been
40 chargeable throughout at least the twelve (12) consecutive
41 calendar months ending on the most recent computation date at the
42 time the rate for a year is determined; thereafter the employer's
43 contribution rate shall be determined in accordance with the
44 provisions of Section 71-5-355.

45 (2) From and after January 1, 2005, through December 31,
46 2009, contribution rates assigned to employers by the department,
47 as determined pursuant to Sections 71-5-351, 71-5-353 and
48 71-5-355, shall be reduced by three-tenths of one percent (.3%).
49 Such reduction shall only apply to employers whose contribution
50 rate, determined in accordance with Sections 71-5-353 and
51 71-5-355, is equal to or less than five and four-tenths percent
52 (5.4%), and shall include a three-tenths of one percent (.3%)
53 reduction to the rate as a result of violation of provisions of
54 this chapter. The reduction in rates provided for herein shall
55 not apply to state boards, instrumentalities and political
56 subdivisions of the State of Mississippi referred to in Sections
57 71-5-357 and 71-5-359, or to nonprofit employers providing
58 reimbursement to the department for the unemployment fund pursuant
59 to Section 71-5-357(a).

60 (3) (a) From and after January 1, 2005, through December
61 31, 2009, the workforce enhancement contributions shall be applied
62 at a rate of three-tenths of one percent (.3%) upon the taxable
63 wages, however, the workforce enhancement contribution shall not
64 be applied to state boards, instrumentalities and political



65 subdivisions of the State of Mississippi referred to in Sections
66 71-5-357 and 71-5-359, or to nonprofit employers providing
67 reimbursement to the department for the unemployment fund pursuant
68 to Section 71-5-357(a).

69 (b) There is hereby created in the Treasury of the
70 State of Mississippi a special fund to be known as the
71 "Mississippi Workforce Enhancement Training Fund," which consists
72 of funds collected pursuant to this subsection (3) and subsection
73 (4) of this section. Funds collected shall initially be deposited
74 into the Mississippi Department of Employment Security tax bank
75 account for clearing contribution collections and subsequently
76 transferred to the Mississippi Workforce Enhancement Training Fund
77 holding account described in Section 71-5-453. In the event any
78 employer pays an amount insufficient to cover the total
79 contributions due, the amounts due shall be satisfied in the
80 following order:

- 81 (i) Unemployment contributions;
- 82 (ii) Workforce enhancement training contributions;
- 83 (iii) Interest and damages; then
- 84 (iv) Legal and processing costs.

85 The amount of contributions due for any period will be the
86 amount due according to the actual computations unless the
87 employer is participating in the MLPP. In that event, the amount
88 due is the MLPP amount computed by the department.

89 Cost of collection and administration of the workforce
90 enhancement training contribution shall be allocated based on a
91 plan approved by the United States Department of Labor (USDOL) and
92 shall be paid to the Mississippi Department of Employment Security
93 semiannually by the State Board for Community and Junior Colleges
94 for periods ending in December and June of each year. Payment
95 shall be made to the department no later than sixty (60) days
96 after the billing date.



97 (c) All monies collected will be initially deposited
98 into the Mississippi Department of Employment Security bank
99 account for clearing contribution collections and subsequently
100 transferred to the Mississippi Workforce Enhancement Training Fund
101 holding account and will be held by the Mississippi Department of
102 Employment Security in such account for a period of not less than
103 sixty (60) days. After such period, funds shall be transferred
104 within thirty (30) days to the Mississippi Workforce Enhancement
105 Training Fund in a manner determined by the department. Interest
106 earnings or interest credits on deposit amounts shall be retained
107 in the holding account to pay the banking costs of the account.
108 If after the period of twelve (12) months interest earnings less
109 banking costs exceeds Ten Thousand Dollars (\$10,000.00), such
110 excess amounts shall be transferred to the Mississippi Workforce
111 Enhancement Training Fund treasury account within thirty (30)
112 days. Such transfers shall occur once annually, during the month
113 of January.

114 (d) All enforcement procedures for the collection of
115 delinquent contributions contained in Sections 71-5-363 through
116 71-5-383 shall be applicable in all respects for collections of
117 delinquent contributions designated for the Unemployment
118 Compensation Fund and the Mississippi Workforce Enhancement
119 Training Fund.

120 (e) (i) Except as otherwise provided in subparagraph
121 (ii) of this paragraph (e), all monies deposited into the
122 Mississippi Workforce Enhancement Training Fund shall be used
123 exclusively by the State Board for Community and Junior Colleges
124 in accordance with the Workforce Training Act of 1994 (Section
125 37-153-1 et seq.) and the annual plan developed by the State
126 Workforce Investment Board for the following purposes: to provide
127 training at no charge to employers and employees in order to
128 enhance employee productivity. That training may be subject to a
129 minimal administrative fee to be paid from the Mississippi



130 Workforce Enhancement Training Fund as established by the State
131 Workforce Investment Board subject to the advice of the State
132 Board for Community and Junior Colleges. The initial priority of
133 these funds shall be for the benefit of existing businesses
134 located within the state. Employers may request training for
135 existing employees and/or newly hired employees from the State
136 Board for Community and Junior Colleges. The State Board for
137 Community and Junior Colleges will be responsible for approving
138 the training.

139 (ii) In addition to the purposes prescribed in
140 subparagraph (i) of this paragraph for which the monies in the
141 Mississippi Workforce Enhancement Training Fund may be expended,
142 the State Board for Community and Junior Colleges may expend
143 monies in the fund to defray the costs of an online program of
144 nursing education and to provide scholarships to students in the
145 program, as provided in Section 1 of this act.

146 (4) The following procedure shall apply for tax years
147 subsequent to December 31, 2009:

148 (a) Workforce enhancement training contributions shall
149 be collected at a rate of three-tenths of one percent (.3%)
150 through December 31, 2010, based upon taxable wages, and at a rate
151 of fifteen one-hundredths of one percent (.15%) thereafter, based
152 upon taxable wages. Training contributions shall be reduced by
153 the amount necessary to prevent any employer from having a
154 combined rate greater than five and four-tenths percent (5.4%).

155 (b) All workforce enhancement training contributions
156 collected shall be deposited initially into the Mississippi
157 Department of Employment Security bank account for clearing
158 contribution collections and shall within two (2) business days be
159 transferred to the Workforce Enhancement Training Fund holding
160 account. Any workforce enhancement training contribution
161 transactions from the Mississippi Department of Employment
162 Security account for clearing contribution collections that are



163 deposited into the Workforce Enhancement Training Fund holding
164 account and are not honored by a financial institution will be
165 transferred back to the Mississippi Department of Employment
166 Security account for clearing contribution collections out of
167 funds in the Workforce Enhancement Training Fund holding account.

168 (c) For rate years subsequent to December 31, 2009,
169 suspension of the workforce enhancement training contributions
170 required pursuant to this subsection (4) shall occur if the
171 insured unemployment rate exceeds an average of five and
172 five-tenths percent (5.5%) for the three (3) consecutive months
173 immediately preceding the effective date of the new rate year and
174 shall remain suspended throughout the duration of that rate year.
175 Such suspension shall continue until such time as the three (3)
176 consecutive months immediately preceding the effective date of any
177 subsequent rate year has an insured unemployment rate of less than
178 an average of four and five-tenths percent (4.5%).

179 (5) All collections due or accrued prior to any suspension
180 of the Workforce Enhancement Training Fund will be collected based
181 upon the law at the time the contributions accrued, regardless of
182 when they are actually due or collected.

183 **SECTION 3.** This act shall take effect and be in force from
184 and after July 1, 2012.

