

By: Representative Scott

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 219

1 AN ACT TO PROVIDE THAT ANY NURSING SCHOOL OR DEGREE PROGRAM
2 AT A STATE INSTITUTION OF HIGHER LEARNING OR A PUBLIC COMMUNITY OR
3 JUNIOR COLLEGE IN MISSISSIPPI THAT HAS AN ENROLLMENT OF 100%
4 DURING THE 2012-2013 ACADEMIC YEAR IS ELIGIBLE FOR STATE FUNDING
5 TO HIRE UP TO FOUR ADDITIONAL FACULTY MEMBERS FOR THE NURSING
6 SCHOOL OR PROGRAM BEGINNING WITH THE 2013-2014 ACADEMIC YEAR; TO
7 PROVIDE THAT IN ORDER TO RECEIVE THIS FUNDING, A NURSING SCHOOL OR
8 PROGRAM MUST INCREASE ITS ENROLLMENT PROPORTIONATELY FOR EACH
9 ADDITIONAL FACULTY MEMBER HIRED WITH THE FUNDING; TO AMEND
10 SECTIONS 37-4-3, 37-115-51, 37-129-1 AND 73-15-25, MISSISSIPPI
11 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO AMEND
12 SECTION 71-5-353, MISSISSIPPI CODE OF 1972, TO EXPAND THE PURPOSES
13 FOR WHICH MONIES IN THE MISSISSIPPI WORKFORCE ENHANCEMENT TRAINING
14 FUND MAY BE EXPENDED TO INCLUDE FUNDING TO NURSING SCHOOLS AND
15 DEGREE PROGRAMS AT STATE INSTITUTIONS OF HIGHER LEARNING AND AT
16 PUBLIC COMMUNITY AND JUNIOR COLLEGES TO HIRE ADDITIONAL FACULTY
17 MEMBERS FOR THE NURSING SCHOOL OR PROGRAM AS PROVIDED IN THIS ACT;
18 AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** (1) Any nursing school or degree program at a
21 state institution of higher learning or a public community or
22 junior college in Mississippi that has an enrollment of one
23 hundred percent (100%) during the 2012-2013 academic year is
24 eligible for funding from the Board of Trustees of State
25 Institutions of Higher Learning, the Mississippi Community College
26 Board or the State Department of Education, as the case may be, to



27 hire up to four (4) additional faculty members for the nursing
28 school or program beginning with the 2013-2014 academic year. In
29 order to receive the funding under this section, a nursing school
30 or program must increase the enrollment at the school or program
31 proportionately for each additional faculty member hired with this
32 funding.

33 (2) The Legislature shall appropriate or otherwise make
34 available to the Board of Trustees of State Institutions of Higher
35 Learning, the Mississippi Community College Board and the State
36 Department of Education the funds that are necessary to implement
37 the provisions of subsection (1) of this section.

38 **SECTION 2.** Section 37-4-3, Mississippi Code of 1972, is
39 amended as follows:

40 37-4-3. (1) * * * There shall be a * * * Mississippi
41 Community College Board which shall receive and distribute funds
42 appropriated by the Legislature for the use of the public
43 community and junior colleges and funds from federal and other
44 sources that are transmitted through the state governmental
45 organization for use by * * * those colleges. This board shall
46 provide general coordination of the public community and junior
47 colleges, assemble reports and such other duties as may be
48 prescribed by law.

49 (2) The board shall consist of ten (10) members of which
50 none shall be an elected official and none shall be engaged in the
51 educational profession. The Governor shall appoint two (2)



52 members from the First Mississippi Congressional District, one (1)
53 who shall serve an initial term of two (2) years and one (1) who
54 shall serve an initial term of five (5) years; two (2) members
55 from the Second Mississippi Congressional District, one (1) who
56 shall serve an initial term of five (5) years and one (1) who
57 shall serve an initial term of three (3) years; and two (2)
58 members from the Third Mississippi Congressional District, one (1)
59 who shall serve an initial term of four (4) years and one (1) who
60 shall serve an initial term of two (2) years; two (2) members from
61 the Fourth Mississippi Congressional District, one (1) who shall
62 serve an initial term of three (3) years and one (1) who shall
63 serve an initial term of four (4) years; and two (2) members from
64 the Fifth Mississippi Congressional District, one (1) who shall
65 serve an initial term of five (5) years and one (1) who shall
66 serve an initial term of two (2) years. All subsequent
67 appointments shall be for a term of six (6) years and continue
68 until their successors are appointed and qualify. An appointment
69 to fill a vacancy * * * that arises for reasons other than by
70 expiration of a term of office shall be for the unexpired term
71 only. No two (2) appointees shall reside in the same junior
72 college district. All members shall be appointed with the advice
73 and consent of the Senate.

74 (3) There shall be a chairman and vice chairman of the
75 board, elected by and from the membership of the board; and the
76 chairman shall be the presiding officer of the board. The board



77 shall adopt rules and regulations governing times and places for
78 meetings and governing the manner of conducting its business.

79 (4) The members of the board shall receive no annual salary,
80 but shall receive per diem compensation as authorized by Section
81 25-3-69, Mississippi Code of 1972, for each day devoted to the
82 discharge of official board duties and shall be entitled to
83 reimbursement for all actual and necessary expenses incurred in
84 the discharge of their duties, including mileage as authorized by
85 Section 25-3-41, Mississippi Code of 1972.

86 (5) The board shall name a director for the state system of
87 public junior and community colleges, who shall serve at the
88 pleasure of the board. * * * The director shall be the chief
89 executive officer of the board, give direction to the board staff,
90 carry out the policies set forth by the board, and work with the
91 presidents of the several community and junior colleges to assist
92 them in carrying out the mandates of the several boards of
93 trustees and in functioning within the state system and policies
94 established by the * * * Mississippi Community College Board.
95 The * * * Mississippi Community College Board shall set the salary
96 of the Director of the State System of Community and Junior
97 Colleges. The Legislature shall provide adequate funds for
98 the * * * Mississippi Community College Board, its activities and
99 its staff.

100 (6) The powers and duties of the * * * Mississippi Community
101 College Board shall be:



102 (a) To authorize disbursements of state appropriated
103 funds to community and junior colleges through orders in the
104 minutes of the board.

105 (b) To make studies of the needs of the state as they
106 relate to the mission of the community and junior colleges.

107 (c) To approve new, changes to and deletions of
108 vocational and technical programs to the various colleges.

109 (d) To require community and junior colleges to supply
110 such information as the board may request and compile, publish and
111 make available such reports based thereon as the board may deem
112 advisable.

113 (e) To approve proposed new attendance centers (campus
114 locations) as the local boards of trustees should determine to be
115 in the best interest of the district. * * * However, * * * no new
116 community/junior college branch campus shall be approved without
117 an authorizing act of the Legislature.

118 (f) To serve as the state approving agency for federal
119 funds for proposed contracts to borrow money for the purpose of
120 acquiring land, erecting, repairing, etc. dormitories, dwellings
121 or apartments for students and/or faculty, * * * the loans to be
122 paid from revenue produced by * * * those facilities as requested
123 by local boards of trustees.

124 (g) To approve applications from community and junior
125 colleges for state funds for vocational-technical education
126 facilities.



127 (h) To approve any university branch campus offering
128 lower undergraduate level courses for credit.

129 (i) To appoint members to the Post-Secondary
130 Educational Assistance Board.

131 (j) To appoint members to the Authority for Educational
132 Television.

133 (k) To contract with other boards, commissions,
134 governmental entities, foundations, corporations or individuals
135 for programs, services, grants and awards when such are needed for
136 the operation and development of the state public community and
137 junior college system.

138 (l) To fix standards for community and junior colleges
139 to qualify for appropriations, and qualifications for community
140 and junior college teachers.

141 (m) To have sign-off approval on the State Plan for
142 Vocational Education * * * that is developed in cooperation with
143 appropriate units of the State Department of Education.

144 (n) To approve or disapprove of any proposed inclusion
145 within municipal corporate limits of state-owned buildings and
146 grounds of any community college or junior college and to approve
147 or disapprove of land use development, zoning requirements,
148 building codes and delivery of governmental services applicable to
149 state-owned buildings and grounds of any community college or
150 junior college. Any agreement by a local board of trustees of a
151 community college or junior college to annexation of state-owned



152 property or other conditions described in this paragraph shall be
153 void unless approved by the board and by the board of supervisors
154 of the county in which the state-owned property is located.

155 (o) Under the provisions of Section 1 of this act,
156 provide funding to nursing schools and degree programs at public
157 community and junior colleges to hire additional faculty members
158 for the nursing school or program, and require any nursing school
159 or program that receives the funding to increase the enrollment at
160 the school or program proportionately for each additional faculty
161 member hired with the funding.

162 **SECTION 3.** Section 37-115-51, Mississippi Code of 1972, is
163 amended as follows:

164 37-115-51. The legislature * * * finds that there is great
165 need of additional and better trained nurses in Mississippi and
166 the purpose of this section is to meet that need to the
167 extent * * * provided in this section.

168 The board of trustees of state institutions of higher
169 learning * * * shall establish a school of nursing at the
170 University of Mississippi under the jurisdiction of the dean of
171 the school of medicine or such other authority as * * * the board
172 of trustees may determine, and other regularly constituted
173 administrative authorities of the university.

174 * * * The board of trustees shall provide for * * * the
175 school, such buildings and equipment, and such teaching staff and
176 other personnel as may be deemed appropriate for the establishment



177 and operation of * * * the school of nursing and for the
178 performance of the other functions * * * provided for in this
179 section, all of which shall, however, be done within the
180 appropriations made for * * * those purposes.

181 * * * The school of nursing shall, under the direction and
182 supervision of the dean of the school of medicine and the other
183 regularly constituted administrative authorities of the university
184 and of * * * the board of trustees and under curricula to be
185 prescribed by * * * the board, and beginning each of its functions
186 at such time as may be determined by * * * the board, carry on a
187 teaching course, looking to the conferring of bachelor's or
188 master's degrees in nursing.

189 * * * The school of nursing shall be under the same
190 direction, supervision, control and conditions as set forth in the
191 fourth paragraph * * * of this section, have authority, in its
192 discretion, to arrange and contract with hospitals, hospital
193 schools of nursing or other similar institutions, for students in
194 the school of nursing to take clinical training and practice
195 in * * * those institutions. It * * * also may contract with
196 hospitals, hospital schools of nursing or other similar
197 institutions with respect to providing to any such institution
198 instructors or instruction services from the university school of
199 nursing upon full or part time basis and upon such basis of
200 compensation or reimbursement of costs as may be deemed reasonable
201 and proper in view of the public interests involved.



202 Under the same supervision, direction, control and conditions
203 as are set forth in the fourth paragraph * * * of this section,
204 the school of nursing shall also administer such scholarship
205 programs in nursing education and such activities with respect to
206 recruitment of nursing students and counseling work with such
207 students and prospective students as may be provided for by the
208 Legislature from time to time.

209 The school of nursing at the University of Mississippi is
210 eligible for funding to hire additional faculty members under the
211 provisions of Section 1 of this act.

212 **SECTION 4.** Section 37-129-1, Mississippi Code of 1972, is
213 amended as follows:

214 37-129-1. In addition to all other powers and duties now
215 vested by law in the Board of Trustees of State Institutions of
216 Higher Learning of the State of Mississippi, * * * the board * * *
217 shall:

218 (a) Establish by rules and regulations and promulgate
219 uniform standards for accreditation of schools of nursing in the
220 State of Mississippi (i) insofar as concerns the eligibility of
221 graduates of * * * those schools to take the examination
222 prescribed by law to become registered nurses authorized to
223 practice the profession of nursing as registered nurses in
224 Mississippi, and (ii) insofar as concerns student nurses
225 attending * * * those schools being eligible to participate in any



226 student nurse scholarship program or other program of assistance
227 now existing or hereafter established by legislative enactment;

228 (b) Issue to * * * those schools of nursing upon an
229 annual basis certificates of accreditation as may be proper
230 under * * * those standards;

231 (c) Administer any scholarship program or other program
232 of assistance heretofore or hereafter established by legislative
233 enactment for the benefit of students attending accredited schools
234 of nursing in this state;

235 (d) Administer any other funds available or * * * that
236 may be made available for the promotion of nursing education in
237 the state, with the exception of nursing faculty supplement funds
238 to the public community and junior colleges, which funds shall be
239 appropriated to and administered by the * * * Mississippi
240 Community College Board;

241 (e) Adopt rules and regulations to provide that a nurse
242 in training may, during the two-year period in an approved
243 hospital, be allowed to transfer at any time with full credit
244 after six (6) months in training, to any other hospital of her
245 choice at which there is a vacancy; suitable provision shall be
246 made to protect him or her against coercion or intimidation
247 concerning such a contemplated transfer * * *;

248 (f) Under the provisions of Section 1 of this act,
249 provide funding to nursing schools and degree programs at state
250 institutions of higher learning to hire additional faculty members



251 for the nursing school or program, and require any nursing school
252 or program that receives the funding to increase the enrollment at
253 the school or program proportionately for each additional faculty
254 member hired with the funding.

255 In addition to other powers now vested by law in the Board of
256 Trustees of State Institutions of Higher Learning, * * * the
257 board * * * may establish and maintain a nurse-midwifery education
258 program that meets the accreditation standards of the American
259 College of Nurse-Midwives at a state institution of higher
260 learning under the jurisdiction of the board of trustees.

261 In order to implement paragraph (d) above, the Board of
262 Trustees of State Institutions of Higher Learning * * * shall
263 arrange and contract with hospitals, senior colleges and hospital
264 schools of nursing for the financial support of programs of
265 nursing education. The * * * board * * * may adopt * * * any
266 terms for contracts, and * * * any rules and regulations for
267 reimbursing contracting agencies for costs of instruction in
268 schools of nursing as may be feasible in accordance with
269 appropriations made by the Legislature for this purpose. However,
270 no reimbursement may be made to contracting agencies in excess of
271 the actual cost of instruction in the schools of nursing.

272 In addition to the powers now vested by law in the Board of
273 Trustees of State Institutions of Higher Learning and subject to
274 the availability of funds specifically appropriated
275 therefor, * * * the board * * * shall conduct a one-year



276 feasibility study and comprehensive plan for nursing schools in
277 Mississippi * * * that addresses the concept of shared utilization
278 of clinical simulation laboratories for all Mississippi schools of
279 nursing in order to provide computerized interactive learning
280 capabilities for all schools, utilizing the pooled resources or
281 mobile capability models from other states. The completed plan
282 shall be developed and a report made to the 2009 Regular Session
283 on or before December 1, 2008.

284 No provision of this section shall be construed to authorize
285 any department, agency, officer or employee of the State of
286 Mississippi to exercise any controls over the admissions policy of
287 any private educational institution offering a baccalaureate
288 degree in nursing.

289 **SECTION 5.** Section 73-15-25, Mississippi Code of 1972, is
290 amended as follows:

291 73-15-25. In addition to all other powers and duties now
292 vested by law in the State Department of Education, it * * *
293 shall, acting in this behalf by and through its Division of
294 Vocational Education * * *:

295 (* * * a) Contract with the * * * Mississippi Community
296 College Board to establish by rules and regulations and promulgate
297 uniform standards for the accreditation of schools of practical
298 nursing in this state insofar as concerns the eligibility of
299 graduates of * * * those schools to take the examination to become
300 licensed practical nurses;



301 (* * *b) Contract with the * * * Mississippi Community
302 College Board to issue to * * * those schools certificates of
303 accreditation as may be proper under * * * those standards.

304 **SECTION 6.** Section 71-5-353, Mississippi Code of 1972, is
305 amended as follows:

306 71-5-353. (1) Each employer shall pay contributions equal
307 to five and four-tenths percent (5.4%) of taxable wages paid by
308 him each calendar year, except as may be otherwise provided in
309 Section 71-5-361 and except that each newly subject employer shall
310 pay contributions at the rate of two and four-tenths percent
311 (2.4%) of taxable wages through December 31, 2010, and thereafter
312 one percent (1%) of taxable wages, for his first year of
313 liability, one and one-tenth percent (1.1%) of taxable wages for
314 his second year of liability, and one and two-tenths percent
315 (1.2%) of taxable wages for his third and subsequent years of
316 liability unless the employer's experience-rating record has been
317 chargeable throughout at least the twelve (12) consecutive
318 calendar months ending on the most recent computation date at the
319 time the rate for a year is determined; thereafter the employer's
320 contribution rate shall be determined in accordance with the
321 provisions of Section 71-5-355.

322 (2) From and after January 1, 2005, through December 31,
323 2009, contribution rates assigned to employers by the department,
324 as determined pursuant to Sections 71-5-351, 71-5-353 and
325 71-5-355, shall be reduced by three-tenths of one percent (.3%).



326 Such reduction shall only apply to employers whose contribution
327 rate, determined in accordance with Sections 71-5-353 and
328 71-5-355, is equal to or less than five and four-tenths percent
329 (5.4%), and shall include a three-tenths of one percent (.3%)
330 reduction to the rate as a result of violation of provisions of
331 this chapter. The reduction in rates provided for herein shall
332 not apply to state boards, instrumentalities and political
333 subdivisions of the State of Mississippi referred to in Sections
334 71-5-357 and 71-5-359, or to nonprofit employers providing
335 reimbursement to the department for the unemployment fund pursuant
336 to Section 71-5-357(a).

337 (3) (a) From and after January 1, 2005, through December
338 31, 2009, the workforce enhancement contributions shall be applied
339 at a rate of three-tenths of one percent (.3%) upon the taxable
340 wages, however, the workforce enhancement contribution shall not
341 be applied to state boards, instrumentalities and political
342 subdivisions of the State of Mississippi referred to in Sections
343 71-5-357 and 71-5-359, or to nonprofit employers providing
344 reimbursement to the department for the unemployment fund pursuant
345 to Section 71-5-357(a).

346 (b) There is hereby created in the Treasury of the
347 State of Mississippi a special fund to be known as the
348 "Mississippi Workforce Enhancement Training Fund," which consists
349 of funds collected pursuant to this subsection (3) and subsection
350 (4) of this section. Funds collected shall initially be deposited



351 into the Mississippi Department of Employment Security tax bank
352 account for clearing contribution collections and subsequently
353 transferred to the Mississippi Workforce Enhancement Training Fund
354 holding account described in Section 71-5-453. In the event any
355 employer pays an amount insufficient to cover the total
356 contributions due, the amounts due shall be satisfied in the
357 following order:

- 358 (i) Unemployment contributions;
- 359 (ii) Workforce enhancement training contributions;
- 360 (iii) Interest and damages; then
- 361 (iv) Legal and processing costs.

362 The amount of contributions due for any period will be the
363 amount due according to the actual computations unless the
364 employer is participating in the MLPP. In that event, the amount
365 due is the MLPP amount computed by the department.

366 Cost of collection and administration of the workforce
367 enhancement training contribution shall be allocated based on a
368 plan approved by the United States Department of Labor (USDOL) and
369 shall be paid to the Mississippi Department of Employment Security
370 semiannually by the * * * Mississippi Community College Board for
371 periods ending in December and June of each year. Payment shall
372 be made to the department no later than sixty (60) days after the
373 billing date.

374 (c) All monies collected will be initially deposited
375 into the Mississippi Department of Employment Security bank



376 account for clearing contribution collections and subsequently
377 transferred to the Mississippi Workforce Enhancement Training Fund
378 holding account and will be held by the Mississippi Department of
379 Employment Security in such account for a period of not less than
380 sixty (60) days. After such period, funds shall be transferred
381 within thirty (30) days to the Mississippi Workforce Enhancement
382 Training Fund in a manner determined by the department. Interest
383 earnings or interest credits on deposit amounts shall be retained
384 in the holding account to pay the banking costs of the account.
385 If after the period of twelve (12) months interest earnings less
386 banking costs exceeds Ten Thousand Dollars (\$10,000.00), such
387 excess amounts shall be transferred to the Mississippi Workforce
388 Enhancement Training Fund treasury account within thirty (30)
389 days. Such transfers shall occur once annually, during the month
390 of January.

391 (d) All enforcement procedures for the collection of
392 delinquent contributions contained in Sections 71-5-363 through
393 71-5-383 shall be applicable in all respects for collections of
394 delinquent contributions designated for the Unemployment
395 Compensation Fund and the Mississippi Workforce Enhancement
396 Training Fund.

397 (e) (i) Except as otherwise provided in subparagraph
398 (ii) of this paragraph (e), all monies deposited into the
399 Mississippi Workforce Enhancement Training Fund shall be utilized
400 exclusively by the * * * Mississippi Community College Board in



401 accordance with the Workforce Training Act of 1994 (Section
402 37-153-1 et seq.) and the annual plan developed by the State
403 Workforce Investment Board for the following purposes: to provide
404 training at no charge to employers and employees in order to
405 enhance employee productivity. * * * That training may be subject
406 to a minimal administrative fee to be paid from the Mississippi
407 Workforce Enhancement Training Fund as established by the State
408 Workforce Investment Board subject to the advice of the * * *
409 Mississippi Community College Board. The initial priority of
410 these funds shall be for the benefit of existing businesses
411 located within the state. Employers may request training for
412 existing employees and/or newly hired employees from the * * *
413 Mississippi Community College Board. The * * * Mississippi
414 Community College Board will be responsible for approving the
415 training.

416 (ii) In addition to the purposes prescribed in
417 subparagraph (i) of this paragraph for which the monies in the
418 Mississippi Workforce Enhancement Training Fund may be expended,
419 monies in the fund may be appropriated by the Legislature to
420 provide funding to nursing schools and degree programs at state
421 institutions of higher learning and at public community and junior
422 colleges to hire additional faculty members for the nursing school
423 or program, as provided in Section 1 of this act.

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



426 (a) Workforce enhancement training contributions shall
427 be collected at a rate of three-tenths of one percent (.3%)
428 through December 31, 2010, based upon taxable wages, and at a rate
429 of fifteen one-hundredths of one percent (.15%) thereafter, based
430 upon taxable wages. Training contributions shall be reduced by
431 the amount necessary to prevent any employer from having a
432 combined rate greater than five and four-tenths percent (5.4%).

433 (b) All workforce enhancement training contributions
434 collected shall be deposited initially into the Mississippi
435 Department of Employment Security bank account for clearing
436 contribution collections and shall within two (2) business days be
437 transferred to the Workforce Enhancement Training Fund holding
438 account. Any workforce enhancement training contribution
439 transactions from the Mississippi Department of Employment
440 Security account for clearing contribution collections that are
441 deposited into the Workforce Enhancement Training Fund holding
442 account and are not honored by a financial institution will be
443 transferred back to the Mississippi Department of Employment
444 Security account for clearing contribution collections out of
445 funds in the Workforce Enhancement Training Fund holding account.

446 (c) For rate years subsequent to December 31, 2009,
447 suspension of the workforce enhancement training contributions
448 required pursuant to this subsection (4) shall occur if the
449 insured unemployment rate exceeds an average of five and
450 five-tenths percent (5.5%) for the three (3) consecutive months



451 immediately preceding the effective date of the new rate year and
452 shall remain suspended throughout the duration of that rate year.
453 Such suspension shall continue until such time as the three (3)
454 consecutive months immediately preceding the effective date of any
455 subsequent rate year has an insured unemployment rate of less than
456 an average of four and five-tenths percent (4.5%).

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

461 **SECTION 7.** This act shall take effect and be in force from
462 and after July 1, 2013.

