

By: Representative Scott

To: Universities and  
Colleges; Appropriations

HOUSE BILL NO. 436

1 AN ACT TO PROVIDE THAT THE MISSISSIPPI COMMUNITY COLLEGE  
 2 BOARD SHALL ESTABLISH AND IMPLEMENT AN ONLINE PROGRAM OF NURSING  
 3 EDUCATION THROUGH THE PUBLIC COMMUNITY AND JUNIOR COLLEGES IN THE  
 4 STATE TO ALLOW LICENSED PRACTICAL NURSES TO RECEIVE THE REQUIRED  
 5 ADDITIONAL ACADEMIC TRAINING TO OBTAIN AN ASSOCIATE DEGREE IN  
 6 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 Mississippi Community College Board  
 14 shall establish and implement an online program of nursing  
 15 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 Mississippi Community College Board shall be  
 21 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) (a) Each employer shall pay unemployment  
30 insurance contributions equal to five and four-tenths percent  
31 (5.4%) of taxable wages paid by him each calendar year, except as  
32 may be otherwise provided in Section 71-5-361 and except that each  
33 newly subject employer shall pay unemployment insurance  
34 contributions at the rate of one percent (1%) of taxable wages,  
35 for his first year of liability, one and one-tenth percent (1.1%)  
36 of taxable wages for his second year of liability, and one and  
37 two-tenths percent (1.2%) of taxable wages for his third and  
38 subsequent years of liability unless the employer's  
39 experience-rating record has been chargeable throughout at least  
40 the twelve (12) consecutive calendar months ending on the most  
41 recent computation date at the time the rate for a year is  
42 determined; thereafter the employer's contribution rate shall be  
43 determined in accordance with the provisions of Section 71-5-355.

44 (b) Notwithstanding the newly subject employer  
45 contribution rate provided for in paragraph (a) of this  
46 subsection, the contribution rate of all newly subject employers  
47 shall be reduced by seven one-hundredths of one percent (.07%) for



48 calendar year 2013 only. The contribution rate of all newly  
49 subject employers shall be reduced by three one-hundredths of one  
50 percent (.03%) for calendar year 2014 only. For purposes of this  
51 chapter, "newly subject employers" means employers whose  
52 unemployment insurance experience-rating record has not been  
53 chargeable throughout at least the twelve (12) consecutive  
54 calendar months ending on the most recent computation date at the  
55 time the contribution rate for a year is determined.

56 (2) (a) (i) There is hereby created in the Treasury of the  
57 State of Mississippi special funds to be known as the "Mississippi  
58 Workforce Enhancement Training Fund" and the "Mississippi Works  
59 Fund" which consist of funds collected pursuant to subsection (3)  
60 of this section.

61 (ii) Funds collected shall initially be deposited  
62 into the Mississippi Department of Employment Security bank  
63 account for clearing contribution collections and subsequently  
64 appropriate amounts shall be transferred to the Mississippi  
65 Workforce Investment and Training Fund Holding Account described  
66 in Section 71-5-453. In the event any employer pays an amount  
67 insufficient to cover the total contributions due, the amounts due  
68 shall be satisfied in the following order:

- 69 1. Unemployment contributions;  
70 2. Mississippi Workforce Enhancement Training  
71 contributions, State Workforce Investment contributions and the  
72 Mississippi Works contributions, known collectively as the



73 Mississippi Workforce Investment and Training contributions, on a  
74 pro rata basis;

75                   3. Interest and damages; then

76                   4. Legal and processing costs.

77           The amount of unemployment insurance contributions due for  
78 any period will be the amount due according to the actual  
79 computations unless the employer is participating in the MLPP. In  
80 that event, the amount due is the MLPP amount computed by the  
81 department.

82           Cost of collection and administration of the Mississippi  
83 Workforce Enhancement Training contribution, the State Workforce  
84 Investment contribution and the Mississippi Works contribution  
85 shall be allocated based on a plan approved by the United States  
86 Department of Labor (USDOL). The Mississippi Community College  
87 Board shall pay the cost of collecting the Mississippi Workforce  
88 Enhancement Training contributions, the State Workforce Investment  
89 Board shall pay the cost of collecting the State Workforce  
90 Investment contributions and the Mississippi Department of  
91 Employment Security shall pay the cost of collecting the  
92 Mississippi Works contributions. Payments shall be made  
93 semiannually with the cost allocated to each based on a USDOL  
94 approved plan on a pro rata basis, for periods ending in June and  
95 December of each year. Payment shall be made by each organization  
96 to the department no later than sixty (60) days after the billing  
97 date. Cost shall be allocated under the USDOL's approved plan and



98 in the same ratio as each contribution type represents to the  
99 total authorized by subparagraph (ii)(2) of this paragraph to be  
100 collected for the period.

101 (b) Mississippi Workforce Enhancement Training  
102 contributions and State Workforce Investment contributions shall  
103 be distributed as follows:

104 (i) For calendar year 2014, ninety-four and  
105 seventy-five one-hundredths percent (94.75%) shall be distributed  
106 to the Mississippi Workforce Enhancement Training Fund and the  
107 remainder shall be distributed to the State Workforce Investment  
108 Board bank account;

109 (ii) For calendar years subsequent to calendar  
110 year 2014, ninety-three and seventy-five one-hundredths percent  
111 (93.75%) shall be distributed to the Mississippi Workforce  
112 Enhancement Training Fund and the remainder shall be distributed  
113 to the State Workforce Investment Board bank account;

114 (iii) Workforce Enhancement Training contributions  
115 and State Workforce Investment contributions for calendar years  
116 2014 and 2015 shall be distributed as provided in subparagraphs  
117 (i) and (ii) of this paragraph regardless of when the  
118 contributions were collected.

119 (c) All contributions collected for the State Workforce  
120 Enhancement Training Fund, the State Workforce Investment Fund and  
121 the Mississippi Works Fund will be initially deposited into the  
122 Mississippi Department of Employment Security bank account for



123 clearing contribution collections and subsequently transferred to  
124 the Workforce Investment and Training Holding Account and will be  
125 held by the Mississippi Department of Employment Security in such  
126 account for a period of not less than thirty (30) days. After  
127 such period, the Mississippi Workforce Enhancement Training  
128 contributions shall be transferred to the Mississippi Community  
129 College Board Treasury Account, the State Workforce Investment  
130 contributions and the Mississippi Works contributions shall be  
131 transferred to the Mississippi Department of Employment Security  
132 Mississippi Works Treasury Account in the same ratio as each  
133 contribution type represents to the total authorized by paragraph  
134 (a) (ii) (2) of this subsection to be collected for the period and  
135 within the time frame determined by the department; however,  
136 except in cases of extraordinary circumstances, these funds shall  
137 be transferred within fifteen (15) days. Interest earnings or  
138 interest credits on deposit amounts in the Workforce Investment  
139 and Training Holding Account shall be retained in the account to  
140 pay the banking costs of the account. If after the period of  
141 twelve (12) months interest earnings less banking costs exceeds  
142 Ten Thousand Dollars (\$10,000.00), such excess amounts shall be  
143 transferred to the respective accounts within thirty (30) days  
144 following the end of each calendar year on the basis described in  
145 paragraph (b) of this subsection. Interest earnings and/or  
146 interest credits for the State Workforce Investments funds shall  
147 be used for the payment of banking costs and excess amounts shall



148 be used in accordance with the rules and regulations of the State  
149 Workforce Investment Board expenditure policies.

150 (d) All enforcement procedures for the collection of  
151 delinquent unemployment contributions contained in Sections  
152 71-5-363 through 71-5-383 shall be applicable in all respects for  
153 collections of delinquent unemployment insurance contributions  
154 designated for the Unemployment Compensation Fund, the Mississippi  
155 Workforce Enhancement Training Fund, the State Workforce  
156 Investment Board Fund and the Mississippi Works Fund.

157 (e) (i) Except as otherwise provided for in this  
158 subparagraph (i) and subparagraph (vi) of this paragraph (e), all  
159 monies deposited into the Mississippi Workforce Enhancement  
160 Training Fund Treasury Account shall be utilized exclusively by  
161 the Mississippi Community College Board in accordance with the  
162 Workforce Training Act of 1994 (Section 37-153-1 et seq.),  
163 policies approved by the Mississippi Community College Board and  
164 the annual plan developed by the State Workforce Investment Board  
165 for the following purposes: to provide training at no charge to  
166 employers and employees in order to enhance employee productivity.  
167 Such training may be subject to a minimal administrative fee to be  
168 paid from the Mississippi Workforce Enhancement Training Fund as  
169 established by the State Workforce Investment Board subject to the  
170 advice of the Mississippi Community College Board. The initial  
171 priority of these funds shall be for the benefit of existing  
172 businesses located within the state. Employers may request



173 training for existing employees and/or newly hired employees from  
174 the Mississippi Community College Board. The Mississippi  
175 Community College Board will be responsible for approving the  
176 training. A portion of the funds collected for the Mississippi  
177 Workforce Enhancement Training Fund shall be used for the  
178 development of performance measures to measure the effectiveness  
179 of the use of the Mississippi Workforce Enhancement Training Fund  
180 dollars. These performance measures shall be uniform for all  
181 community colleges and shall be reported to the Governor,  
182 Lieutenant Governor and members of the Legislature. Nothing in  
183 this section or elsewhere in law shall be interpreted as giving  
184 the State Workforce Investment Board authority to direct the  
185 Mississippi Community College Board or individual community or  
186 junior colleges on how to expend money for workforce training,  
187 whether such money comes from the Mississippi Workforce  
188 Enhancement Training Fund, is appropriated by the Legislature to  
189 the Mississippi Community College Board for workforce training or  
190 comes from other sources. The Mississippi Community College  
191 Board, individual community or junior colleges and the State  
192 Workforce Investment Board shall cooperate with each other and  
193 with other state agencies to promote effective workforce training  
194 in Mississippi. Any subsequent changes to these performance  
195 measures shall also be reported to the Governor, Lieutenant  
196 Governor and members of the Legislature. A performance report for  
197 each community college, based upon these measures, shall be





198 submitted annually to the Governor, Lieutenant Governor and  
199 members of the Legislature.

200 (ii) Except as otherwise provided in this  
201 paragraph (e), all funds deposited into the State Workforce  
202 Investment Board bank account shall be used for administration of  
203 State Workforce Investment Board business, grants related to  
204 training, and other projects as determined appropriate by the  
205 State Workforce Investment Board and shall be nonexpiring.  
206 Policies for grants and other projects shall be approved through a  
207 majority vote of the State Workforce Investment Board.

208 (iii) All funds deposited into the Mississippi  
209 Department of Employment Security Mississippi Works Fund shall be  
210 disbursed exclusively by the Executive Director of the Mississippi  
211 Department of Employment Security, in accordance with the rules  
212 and regulations promulgated by the State Workforce Investment  
213 Board Rules Committee in support of workforce training activities  
214 approved by the Mississippi Development Authority in support of  
215 economic development activities. Funds allocated by the executive  
216 director under this subparagraph (iii) shall only be utilized for  
217 the training of unemployed persons, for immediate training needs  
218 for the net new jobs created by an employer, for the retention of  
219 jobs or to create a work-ready applicant pool of Mississippians  
220 with credentials and/or postsecondary education in accordance with  
221 the state's Workforce Investment and Opportunity Act plan. The  
222 executive director shall give priority to the training of



223 unemployed persons. Not more than twenty-five percent (25%) of  
224 the funds may be allocated for the retention of jobs and/or  
225 creation of a work-ready applicant pool. Not more than Five  
226 Hundred Thousand Dollars (\$500,000.00) may be allocated annually  
227 for the training needs of any one (1) employer. The Mississippi  
228 Public Community College System and its partners shall be the  
229 primary entities to facilitate training. In no case shall these  
230 funds be used to supplant workforce funds available from any other  
231 sources, including, but not limited to, local, state or federal  
232 sources that are available for workforce training and development.  
233 Training conducted utilizing these Mississippi Works funds may be  
234 subject to a minimal administrative fee to be paid from the  
235 Mississippi Works Fund as authorized by the Mississippi Department  
236 of Employment Security. All costs associated with the  
237 administration of these funds shall be reimbursed to the  
238 Mississippi Department of Employment Security from the Mississippi  
239 Works Fund.

240 (iv) 1. The Department of Employment Security  
241 shall be the fiscal agent for the receipt and disbursement of all  
242 funds in the State Workforce Investment Board bank account.

243 2. In managing the State Workforce Investment  
244 Board bank account, the department shall ensure that any funds  
245 expended for contractual services rendered to the State Workforce  
246 Investment Board shall be paid only to service providers who have  
247 been selected on a competitive basis. Any contract for services



248 entered into using funds from the Workforce Investment Fund bank  
249 account shall contain the deliverables stated in terms that allow  
250 for the assessment of work performance against measurable  
251 performance standards and shall include milestones for completion  
252 of each deliverable under the contract. For each contract for  
253 services entered into by the State Workforce Investment Board, the  
254 board shall develop a quality assurance surveillance plan that  
255 specifies quality control obligations of the contractor as well as  
256 measurable inspection and acceptance criteria corresponding to the  
257 performance standards contained in the contract's statement of  
258 work.

259                   3. Any commodities procured for the board  
260 shall be procured in accordance with the provisions of Section  
261 31-7-13.

262                   (v) In addition to other expenditures, the  
263 department shall expend from the State Workforce Investment Board  
264 bank account for the use and benefit of the State Workforce  
265 Investment Board, such funds as are necessary to prepare and  
266 develop a study of workforce development needs that will consist  
267 of the following:

268                   1. An identification of the state's workforce  
269 development needs through a well-documented quantitative and  
270 qualitative analysis of:

271                   a. The current and projected workforce  
272 training needs of existing and identified potential Mississippi



273 industries, with priority given to assessing the needs of existing  
274 in-state industry and business. Where possible, the analysis  
275 should include a verification and expansion of existing  
276 information previously developed by workforce training and service  
277 providers, as well as analysis of existing workforce data, such as  
278 the data collected through the Statewide Longitudinal Data System.

279           b. The needs of the state's workers and  
280 residents requiring additional workforce training to improve their  
281 work skills in order to compete for better employment  
282 opportunities, including a priority-based analysis of the critical  
283 factors currently limiting the state's ability to provide a  
284 trained and ready workforce.

285           c. The needs of workforce service and  
286 training providers in improving their ability to offer  
287 industry-relevant training, including an assessment of the  
288 practical limits of keeping training programs on the leading edge  
289 and eliminating those programs with marginal workforce relevance.

290           2. An assessment of Mississippi's current  
291 workforce development service delivery structure relative to the  
292 needs quantified in this subparagraph, including:

293           a. Development of a list of  
294 strengths/weaknesses/opportunities/threats (SWOT) of the current  
295 workforce development delivery system relative to the identified  
296 needs;



297                                   b. Identification of strategic options  
298 for workforce development services based on the results of the  
299 SWOT analysis; and

300                                   c. Development of results-oriented  
301 measures for each option that can be baselined and, if  
302 implemented, tracked over time, with quantifiable milestones and  
303 goals.

304                                   3. Preparation of a report presenting all  
305 subjects set out in this subparagraph to be delivered to the  
306 Lieutenant Governor, Speaker of the House of Representatives,  
307 Chairman of the Senate Finance Committee and Chairman of the House  
308 Appropriations Committee no later than February 1, \* \* \* 2018.

309                                   4. Following the preparation of the report,  
310 the State Workforce Investment Board shall make a recommendation  
311 to the House and Senate Appropriations Committees on future uses  
312 of funds deposited to the State Workforce Investment Fund account.  
313 Such future uses may include:

314                                   a. The development of promotion  
315 strategies for workforce development programs;

316                                   b. Initiatives designed to reduce the  
317 state's dropout rate including the development of a statewide  
318 career awareness program;

319                                   c. The long-term monitoring of the  
320 state's workforce development programs to determine whether they



321 are addressing the needs of business, industry, and the workers of  
322 the state; and

323                                   d. The study of the potential  
324 restructuring of the state's workforce programs and delivery  
325 systems.

326                                   (vi) In addition to the purposes described in this  
327 paragraph (e) for which the monies in the Mississippi Workforce  
328 Enhancement Training Fund may be expended, the Mississippi  
329 Community College Board may expend monies in the fund to defray  
330 the costs of an online program of nursing education and to provide  
331 scholarships to students in the program, as provided in Section 1  
332 of this act.

333           (3)   (a)   (i) Mississippi Workforce Enhancement Training  
334 contributions and State Workforce Investment contributions shall  
335 be collected at the following rates:

336                                   1. For calendar year 2014 only, the rate of  
337 nineteen one-hundredths of one percent (.19%) based upon taxable  
338 wages of which eighteen one-hundredths of one percent (.18%) shall  
339 be the Workforce Enhancement Training contribution and  
340 one-hundredths of one percent (.01%) shall be the State Workforce  
341 Investment contribution; and

342                                   2. For calendar year 2015 only, the rate of  
343 sixteen one-hundredths of one percent (.16%), based upon taxable  
344 wages of which fifteen one-hundredths of one percent (.15%) shall  
345 be the Workforce Enhancement Training contribution and



346 one-hundredths of one percent (.01%) shall be the State Workforce  
347 Investment contribution.

348 (ii) Mississippi Workforce Enhancement Training  
349 contributions, State Workforce Investment contributions and  
350 Mississippi Works contributions shall be collected at the  
351 following rates:

352 1. For calendar year 2016 only, at a rate of  
353 twenty-four one-hundredths percent (.24%), based upon taxable  
354 wages, of which fifteen one-hundredths percent (.15%) shall be the  
355 Workforce Enhancement Training contribution, one-hundredths of one  
356 percent (.01%) shall be the State Workforce Investment  
357 contribution and eight one-hundredths percent (.08%) shall be the  
358 Mississippi Works contribution.

359 2. For calendar years subsequent to calendar  
360 year 2016, at a rate of twenty one-hundredths percent (.20%),  
361 based upon taxable wages, of which fifteen one-hundredths percent  
362 (.15%) shall be the Workforce Enhancement Training contribution,  
363 one-hundredths of one percent (.01%) shall be the State Workforce  
364 Investment contribution and four one-hundredths percent (.04%)  
365 shall be the Mississippi Works contribution. The Mississippi  
366 Works contribution shall be collected for calendar years in which  
367 the general experience ratio, adjusted on the basis of the trust  
368 fund adjustment factor and reduced by fifty percent (50%), results  
369 in a general experience rate of less than two-tenths percent



370 (.2%). In all other years the Mississippi Works contribution  
371 shall not be in effect.

372 (iii) The Mississippi Workforce Enhancement  
373 Training Fund contribution, the State Workforce Investment  
374 contribution and the Mississippi Works contribution shall be in  
375 addition to the general experience rate plus the individual  
376 experience rate of all employers but shall not be charged to  
377 reimbursing or rate-paying political subdivisions or institutions  
378 of higher learning, or reimbursing nonprofit organizations, as  
379 described in Sections 71-5-357 and 71-5-359.

380 (b) All Mississippi Workforce Enhancement Training  
381 contributions, State Workforce Investment contributions and  
382 Mississippi Works contributions collected shall be deposited  
383 initially into the Mississippi Department of Employment Security  
384 bank account for clearing contribution collections and shall  
385 within two (2) business days be transferred to the Workforce  
386 Investment and Training Holding Account. Any Mississippi  
387 Workforce Enhancement Training Fund and/or State Workforce  
388 Investment Board bank account and/or Mississippi Works Fund  
389 transactions from the Mississippi Department of Employment  
390 Security bank account for clearing contribution collections that  
391 are deposited into the Workforce Investment and Training Fund  
392 Holding Account and are not honored by a financial institution  
393 will be transferred back to the Mississippi Department of  
394 Employment Security bank account for clearing contribution





395 collections out of funds in the Mississippi Workforce Investment  
396 and Training Fund Holding Account.

397 (c) Suspension of the Workforce Enhancement Training  
398 Fund contributions required pursuant to this chapter shall occur  
399 if the insured unemployment rate exceeds an average of five and  
400 five-tenths percent (5.5%) for the three (3) consecutive months  
401 immediately preceding the effective date of the new rate year  
402 following such occurrence and shall remain suspended throughout  
403 the duration of that rate year. Such suspension shall continue  
404 until such time as the three (3) consecutive months immediately  
405 preceding the effective date of the next rate year that has an  
406 insured unemployment rate of less than an average of four and  
407 five-tenths percent (4.5%). Upon such occurrence, reactivation  
408 shall be effective upon the first day of the rate year following  
409 the event that lifts suspension and shall be in effect for that  
410 year and shall continue until such time as a subsequent suspension  
411 event as described in this chapter occurs.

412 (4) All collections due or accrued prior to any suspension  
413 of the Mississippi Workforce Enhancement Training Fund will be  
414 collected based upon the law at the time the contributions  
415 accrued, regardless of when they are actually collected.

416 **SECTION 3.** This act shall take effect and be in force from  
417 and after July 1, 2018.

