

By: Representative Scott

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 508

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 2017-2018 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 2018-2019 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 AND 37-129-1, MISSISSIPPI CODE OF 1972,
11 TO CONFORM TO THE PRECEDING PROVISIONS; TO AMEND SECTION 71-5-353,
12 MISSISSIPPI CODE OF 1972, TO EXPAND THE PURPOSES FOR WHICH MONIES
13 IN THE MISSISSIPPI WORKFORCE ENHANCEMENT TRAINING FUND MAY BE
14 EXPENDED TO INCLUDE FUNDING TO NURSING SCHOOLS AND DEGREE PROGRAMS
15 AT STATE INSTITUTIONS OF HIGHER LEARNING AND AT PUBLIC COMMUNITY
16 AND JUNIOR COLLEGES TO HIRE ADDITIONAL FACULTY MEMBERS FOR THE
17 NURSING SCHOOL OR PROGRAM AS PROVIDED IN THIS ACT; AND FOR RELATED
18 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 2017-2018 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 2018-2019 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) From and after July 1, 1986, there shall be a
41 Mississippi Community College Board which shall receive and
42 distribute funds appropriated by the Legislature for the use of
43 the public community and junior colleges and funds from federal
44 and other sources that are transmitted through the state
45 governmental organization for use by * * * those colleges. This
46 board shall provide general coordination of the public community
47 and junior colleges, assemble reports and such other duties as may
48 be 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 which 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. Such director shall be the chief executive
89 officer of the board, give direction to the board staff, carry out
90 the policies set forth by the board, and work with the presidents
91 of the several community and junior colleges to assist them in
92 carrying out the mandates of the several boards of trustees and in
93 functioning within the state system and policies established by
94 the Mississippi Community College Board. The Mississippi
95 Community College Board shall set the salary of the director of
96 the board. The Legislature shall provide adequate funds for the
97 Mississippi Community College Board, its activities and its staff.

98 (6) The powers and duties of the Mississippi Community
99 College Board shall be:



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

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

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

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

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

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

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



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

127 (i) To appoint members to the Post-Secondary
128 Educational Assistance Board.

129 (j) To appoint members to the Authority for Educational
130 Television.

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

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

139 (m) To have sign-off approval on the State Plan for
140 Vocational Education which is developed in cooperation with
141 appropriate units of the State Department of Education.

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



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

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

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

162 37-115-51. The Legislature * * * finds that there is great
163 need of additional and better trained nurses in Mississippi and
164 the purpose of this section is to meet that need to the
165 extent * * * provided in this section.

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

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



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

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

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



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

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

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

212 37-129-1. In addition to all other powers and duties now
213 vested by law in the Board of Trustees of State Institutions of
214 Higher Learning of the State of Mississippi, * * * the board * * *
215 shall:

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



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

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

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

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

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

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



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

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

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

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



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

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

287 **SECTION 5.** Section 71-5-353, Mississippi Code of 1972, is
288 amended as follows:

289 71-5-353. (1) (a) Each employer shall pay unemployment
290 insurance contributions equal to five and four-tenths percent
291 (5.4%) of taxable wages paid by him each calendar year, except as
292 may be otherwise provided in Section 71-5-361 and except that each
293 newly subject employer shall pay unemployment insurance
294 contributions at the rate of one percent (1%) of taxable wages,
295 for his first year of liability, one and one-tenth percent (1.1%)
296 of taxable wages for his second year of liability, and one and
297 two-tenths percent (1.2%) of taxable wages for his third and
298 subsequent years of liability unless the employer's



299 experience-rating record has been chargeable throughout at least
300 the twelve (12) consecutive calendar months ending on the most
301 recent computation date at the time the rate for a year is
302 determined; thereafter the employer's contribution rate shall be
303 determined in accordance with the provisions of Section 71-5-355.

304 (b) Notwithstanding the newly subject employer
305 contribution rate provided for in paragraph (a) of this
306 subsection, the contribution rate of all newly subject employers
307 shall be reduced by seven one-hundredths of one percent (.07%) for
308 calendar year 2013 only. The contribution rate of all newly
309 subject employers shall be reduced by three one-hundredths of one
310 percent (.03%) for calendar year 2014 only. For purposes of this
311 chapter, "newly subject employers" means employers whose
312 unemployment insurance experience-rating record has not been
313 chargeable throughout at least the twelve (12) consecutive
314 calendar months ending on the most recent computation date at the
315 time the contribution rate for a year is determined.

316 (2) (a) (i) There is hereby created in the Treasury of the
317 State of Mississippi special funds to be known as the "Mississippi
318 Workforce Enhancement Training Fund" and the "Mississippi Works
319 Fund" which consist of funds collected pursuant to subsection (3)
320 of this section.

321 (ii) Funds collected shall initially be deposited
322 into the Mississippi Department of Employment Security bank
323 account for clearing contribution collections and subsequently



324 appropriate amounts shall be transferred to the Mississippi
325 Workforce Investment and Training Fund Holding Account described
326 in Section 71-5-453. In the event any employer pays an amount
327 insufficient to cover the total contributions due, the amounts due
328 shall be satisfied in the following order:

- 329 1. Unemployment contributions;
- 330 2. Mississippi Workforce Enhancement Training
331 contributions, State Workforce Investment contributions and the
332 Mississippi Works contributions, known collectively as the
333 Mississippi Workforce Investment and Training contributions, on a
334 pro rata basis;
- 335 3. Interest and damages; then
- 336 4. Legal and processing costs.

337 The amount of unemployment insurance contributions due for
338 any period will be the amount due according to the actual
339 computations unless the employer is participating in the MLPP. In
340 that event, the amount due is the MLPP amount computed by the
341 department.

342 Cost of collection and administration of the Mississippi
343 Workforce Enhancement Training contribution, the State Workforce
344 Investment contribution and the Mississippi Works contribution
345 shall be allocated based on a plan approved by the United States
346 Department of Labor (USDOL). The Mississippi Community College
347 Board shall pay the cost of collecting the Mississippi Workforce
348 Enhancement Training contributions, the State Workforce Investment



349 Board shall pay the cost of collecting the State Workforce
350 Investment contributions and the Mississippi Department of
351 Employment Security shall pay the cost of collecting the
352 Mississippi Works contributions. Payments shall be made
353 semiannually with the cost allocated to each based on a USDOL
354 approved plan on a pro rata basis, for periods ending in June and
355 December of each year. Payment shall be made by each organization
356 to the department no later than sixty (60) days after the billing
357 date. Cost shall be allocated under the USDOL's approved plan and
358 in the same ratio as each contribution type represents to the
359 total authorized by subparagraph (ii) (2) of this paragraph to be
360 collected for the period.

361 (b) Mississippi Workforce Enhancement Training
362 contributions and State Workforce Investment contributions shall
363 be distributed as follows:

364 (i) For calendar year 2014, ninety-four and
365 seventy-five one-hundredths percent (94.75%) shall be distributed
366 to the Mississippi Workforce Enhancement Training Fund and the
367 remainder shall be distributed to the State Workforce Investment
368 Board bank account;

369 (ii) For calendar years subsequent to calendar
370 year 2014, ninety-three and seventy-five one-hundredths percent
371 (93.75%) shall be distributed to the Mississippi Workforce
372 Enhancement Training Fund and the remainder shall be distributed
373 to the State Workforce Investment Board bank account;



374 (iii) Workforce Enhancement Training contributions
375 and State Workforce Investment contributions for calendar years
376 2014 and 2015 shall be distributed as provided in subparagraphs
377 (i) and (ii) of this paragraph regardless of when the
378 contributions were collected.

379 (c) All contributions collected for the State Workforce
380 Enhancement Training Fund, the State Workforce Investment Fund and
381 the Mississippi Works Fund will be initially deposited into the
382 Mississippi Department of Employment Security bank account for
383 clearing contribution collections and subsequently transferred to
384 the Workforce Investment and Training Holding Account and will be
385 held by the Mississippi Department of Employment Security in such
386 account for a period of not less than thirty (30) days. After
387 such period, the Mississippi Workforce Enhancement Training
388 contributions shall be transferred to the Mississippi Community
389 College Board Treasury Account, the State Workforce Investment
390 contributions and the Mississippi Works contributions shall be
391 transferred to the Mississippi Department of Employment Security
392 Mississippi Works Treasury Account in the same ratio as each
393 contribution type represents to the total authorized by paragraph
394 (a) (ii) (2) of this subsection to be collected for the period and
395 within the time frame determined by the department; however,
396 except in cases of extraordinary circumstances, these funds shall
397 be transferred within fifteen (15) days. Interest earnings or
398 interest credits on deposit amounts in the Workforce Investment



399 and Training Holding Account shall be retained in the account to
400 pay the banking costs of the account. If after the period of
401 twelve (12) months interest earnings less banking costs exceeds
402 Ten Thousand Dollars (\$10,000.00), such excess amounts shall be
403 transferred to the respective accounts within thirty (30) days
404 following the end of each calendar year on the basis described in
405 paragraph (b) of this subsection. Interest earnings and/or
406 interest credits for the State Workforce Investments funds shall
407 be used for the payment of banking costs and excess amounts shall
408 be used in accordance with the rules and regulations of the State
409 Workforce Investment Board expenditure policies.

410 (d) All enforcement procedures for the collection of
411 delinquent unemployment contributions contained in Sections
412 71-5-363 through 71-5-383 shall be applicable in all respects for
413 collections of delinquent unemployment insurance contributions
414 designated for the Unemployment Compensation Fund, the Mississippi
415 Workforce Enhancement Training Fund, the State Workforce
416 Investment Board Fund and the Mississippi Works Fund.

417 (e) (i) Except as otherwise provided for in this
418 subparagraph (i), all monies deposited into the Mississippi
419 Workforce Enhancement Training Fund Treasury Account shall be
420 utilized exclusively by the Mississippi Community College Board in
421 accordance with the Workforce Training Act of 1994 (Section
422 37-153-1 et seq.), policies approved by the Mississippi Community
423 College Board and the annual plan developed by the State Workforce



424 Investment Board for the following purposes: to provide training
425 at no charge to employers and employees in order to enhance
426 employee productivity. Such training may be subject to a minimal
427 administrative fee to be paid from the Mississippi Workforce
428 Enhancement Training Fund as established by the State Workforce
429 Investment Board subject to the advice of the Mississippi
430 Community College Board. The initial priority of these funds
431 shall be for the benefit of existing businesses located within the
432 state. Employers may request training for existing employees
433 and/or newly hired employees from the Mississippi Community
434 College Board. The Mississippi Community College Board will be
435 responsible for approving the training. A portion of the funds
436 collected for the Mississippi Workforce Enhancement Training Fund
437 shall be used for the development of performance measures to
438 measure the effectiveness of the use of the Mississippi Workforce
439 Enhancement Training Fund dollars. These performance measures
440 shall be uniform for all community colleges and shall be reported
441 to the Governor, Lieutenant Governor and members of the
442 Legislature. Nothing in this section or elsewhere in law shall be
443 interpreted as giving the State Workforce Investment Board
444 authority to direct the Mississippi Community College Board or
445 individual community or junior colleges on how to expend money for
446 workforce training, whether such money comes from the Mississippi
447 Workforce Enhancement Training Fund, is appropriated by the
448 Legislature to the Mississippi Community College Board for



449 workforce training or comes from other sources. The Mississippi
450 Community College Board, individual community or junior colleges
451 and the State Workforce Investment Board shall cooperate with each
452 other and with other state agencies to promote effective workforce
453 training in Mississippi. Any subsequent changes to these
454 performance measures shall also be reported to the Governor,
455 Lieutenant Governor and members of the Legislature. A performance
456 report for each community college, based upon these measures,
457 shall be submitted annually to the Governor, Lieutenant Governor
458 and members of the Legislature.

459 (ii) Except as otherwise provided in this
460 paragraph (e), all funds deposited into the State Workforce
461 Investment Board bank account shall be used for administration of
462 State Workforce Investment Board business, grants related to
463 training, and other projects as determined appropriate by the
464 State Workforce Investment Board and shall be nonexpiring.
465 Policies for grants and other projects shall be approved through a
466 majority vote of the State Workforce Investment Board.

467 (iii) All funds deposited into the Mississippi
468 Department of Employment Security Mississippi Works Fund shall be
469 disbursed exclusively by the Executive Director of the Mississippi
470 Department of Employment Security, in accordance with the rules
471 and regulations promulgated by the State Workforce Investment
472 Board Rules Committee in support of workforce training activities
473 approved by the Mississippi Development Authority in support of



474 economic development activities. Funds allocated by the executive
475 director under this subparagraph (iii) shall only be utilized for
476 the training of unemployed persons, for immediate training needs
477 for the net new jobs created by an employer, for the retention of
478 jobs or to create a work-ready applicant pool of Mississippians
479 with credentials and/or postsecondary education in accordance with
480 the state's Workforce Investment and Opportunity Act plan. The
481 executive director shall give priority to the training of
482 unemployed persons. Not more than twenty-five percent (25%) of
483 the funds may be allocated for the retention of jobs and/or
484 creation of a work-ready applicant pool. Not more than Five
485 Hundred Thousand Dollars (\$500,000.00) may be allocated annually
486 for the training needs of any one (1) employer. The Mississippi
487 Public Community College System and its partners shall be the
488 primary entities to facilitate training. In no case shall these
489 funds be used to supplant workforce funds available from any other
490 sources, including, but not limited to, local, state or federal
491 sources that are available for workforce training and development.
492 Training conducted utilizing these Mississippi Works funds may be
493 subject to a minimal administrative fee to be paid from the
494 Mississippi Works Fund as authorized by the Mississippi Department
495 of Employment Security. All costs associated with the
496 administration of these funds shall be reimbursed to the
497 Mississippi Department of Employment Security from the Mississippi
498 Works Fund.



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

502 2. In managing the State Workforce
503 Investment Board bank account, the department shall ensure that
504 any funds expended for contractual services rendered to the State
505 Workforce Investment Board shall be paid only to service providers
506 who have been selected on a competitive basis. Any contract for
507 services entered into using funds from the Workforce Investment
508 Fund bank account shall contain the deliverables stated in terms
509 that allow for the assessment of work performance against
510 measurable performance standards and shall include milestones for
511 completion of each deliverable under the contract. For each
512 contract for services entered into by the State Workforce
513 Investment Board, the board shall develop a quality assurance
514 surveillance plan that specifies quality control obligations of
515 the contractor as well as measurable inspection and acceptance
516 criteria corresponding to the performance standards contained in
517 the contract's statement of work.

518 3. Any commodities procured for the board
519 shall be procured in accordance with the provisions of Section
520 31-7-13.

521 (v) In addition to other expenditures, the
522 department shall expend from the State Workforce Investment Board
523 bank account for the use and benefit of the State Workforce



524 Investment Board, such funds as are necessary to prepare and
525 develop a study of workforce development needs that will consist
526 of the following:

527 1. An identification of the state's
528 workforce development needs through a well-documented quantitative
529 and qualitative analysis of:

530 a. The current and projected workforce
531 training needs of existing and identified potential Mississippi
532 industries, with priority given to assessing the needs of existing
533 in-state industry and business. Where possible, the analysis
534 should include a verification and expansion of existing
535 information previously developed by workforce training and service
536 providers, as well as analysis of existing workforce data, such as
537 the data collected through the Statewide Longitudinal Data System.

538 b. The needs of the state's workers and
539 residents requiring additional workforce training to improve their
540 work skills in order to compete for better employment
541 opportunities, including a priority-based analysis of the critical
542 factors currently limiting the state's ability to provide a
543 trained and ready workforce.

544 c. The needs of workforce service and
545 training providers in improving their ability to offer
546 industry-relevant training, including an assessment of the
547 practical limits of keeping training programs on the leading edge
548 and eliminating those programs with marginal workforce relevance.



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

552 a. Development of a list of
553 strengths/weaknesses/opportunities/threats (SWOT) of the current
554 workforce development delivery system relative to the identified
555 needs;

556 b. Identification of strategic options
557 for workforce development services based on the results of the
558 SWOT analysis; and

559 c. Development of results-oriented
560 measures for each option that can be baselined and, if
561 implemented, tracked over time, with quantifiable milestones and
562 goals.

563 3. Preparation of a report presenting all
564 subjects set out in this subparagraph to be delivered to the
565 Lieutenant Governor, Speaker of the House of Representatives,
566 Chairman of the Senate Finance Committee and Chairman of the House
567 Appropriations Committee no later than February 1, * * * 2019, and
568 each year thereafter.

569 4. Following the preparation of the report,
570 the State Workforce Investment Board shall make a recommendation
571 to the House and Senate Appropriations Committees on future uses
572 of funds deposited to the State Workforce Investment Fund account.
573 Such future uses may include:



574 a. The development of promotion
575 strategies for workforce development programs;
576 b. Initiatives designed to reduce the
577 state's dropout rate including the development of a statewide
578 career awareness program;
579 c. The long-term monitoring of the
580 state's workforce development programs to determine whether they
581 are addressing the needs of business, industry, and the workers of
582 the state; and
583 d. The study of the potential
584 restructuring of the state's workforce programs and delivery
585 systems.

586 (vi) In addition to the other purposes prescribed
587 in this paragraph (e) for which the monies in the Mississippi
588 Workforce Enhancement Training Fund may be expended, monies in the
589 fund may be appropriated by the Legislature to provide funding to
590 nursing schools and degree programs at state institutions of
591 higher learning and at public community and junior colleges to
592 hire additional faculty members for the nursing school or program,
593 as provided in Section 1 of this act.

594 (3) (a) (i) Mississippi Workforce Enhancement Training
595 contributions and State Workforce Investment contributions shall
596 be collected at the following rates:

597 1. For calendar year 2014 only, the rate of
598 nineteen one-hundredths of one percent (.19%) based upon taxable



599 wages of which eighteen one-hundredths of one percent (.18%) shall
600 be the Workforce Enhancement Training contribution and
601 one-hundredths of one percent (.01%) shall be the State Workforce
602 Investment contribution; and

603 2. For calendar year 2015 only, the rate of
604 sixteen one-hundredths of one percent (.16%), based upon taxable
605 wages of which fifteen one-hundredths of one percent (.15%) shall
606 be the Workforce Enhancement Training contribution and
607 one-hundredths of one percent (.01%) shall be the State Workforce
608 Investment contribution.

609 (ii) Mississippi Workforce Enhancement Training
610 contributions, State Workforce Investment contributions and
611 Mississippi Works contributions shall be collected at the
612 following rates:

613 1. For calendar year 2016 only, at a rate of
614 twenty-four one-hundredths percent (.24%), based upon taxable
615 wages, of which fifteen one-hundredths percent (.15%) shall be the
616 Workforce Enhancement Training contribution, one-hundredths of one
617 percent (.01%) shall be the State Workforce Investment
618 contribution and eight one-hundredths percent (.08%) shall be the
619 Mississippi Works contribution.

620 2. For calendar years subsequent to calendar
621 year 2016, at a rate of twenty one-hundredths percent (.20%),
622 based upon taxable wages, of which fifteen one-hundredths percent
623 (.15%) shall be the Workforce Enhancement Training contribution,



624 one-hundredths of one percent (.01%) shall be the State Workforce
625 Investment contribution and four one-hundredths percent (.04%)
626 shall be the Mississippi Works contribution. The Mississippi
627 Works contribution shall be collected for calendar years in which
628 the general experience ratio, adjusted on the basis of the trust
629 fund adjustment factor and reduced by fifty percent (50%), results
630 in a general experience rate of less than two-tenths percent
631 (.2%). In all other years the Mississippi Works contribution
632 shall not be in effect.

633 (iii) The Mississippi Workforce Enhancement
634 Training Fund contribution, the State Workforce Investment
635 contribution and the Mississippi Works contribution shall be in
636 addition to the general experience rate plus the individual
637 experience rate of all employers but shall not be charged to
638 reimbursing or rate-paying political subdivisions or institutions
639 of higher learning, or reimbursing nonprofit organizations, as
640 described in Sections 71-5-357 and 71-5-359.

641 (b) All Mississippi Workforce Enhancement Training
642 contributions, State Workforce Investment contributions and
643 Mississippi Works contributions collected shall be deposited
644 initially into the Mississippi Department of Employment Security
645 bank account for clearing contribution collections and shall
646 within two (2) business days be transferred to the Workforce
647 Investment and Training Holding Account. Any Mississippi
648 Workforce Enhancement Training Fund and/or State Workforce



649 Investment Board bank account and/or Mississippi Works Fund
650 transactions from the Mississippi Department of Employment
651 Security bank account for clearing contribution collections that
652 are deposited into the Workforce Investment and Training Fund
653 Holding Account and are not honored by a financial institution
654 will be transferred back to the Mississippi Department of
655 Employment Security bank account for clearing contribution
656 collections out of funds in the Mississippi Workforce Investment
657 and Training Fund Holding Account.

658 (c) Suspension of the Workforce Enhancement Training
659 Fund contributions required pursuant to this chapter shall occur
660 if the insured unemployment rate exceeds an average of five and
661 five-tenths percent (5.5%) for the three (3) consecutive months
662 immediately preceding the effective date of the new rate year
663 following such occurrence and shall remain suspended throughout
664 the duration of that rate year. Such suspension shall continue
665 until such time as the three (3) consecutive months immediately
666 preceding the effective date of the next rate year that has an
667 insured unemployment rate of less than an average of four and
668 five-tenths percent (4.5%). Upon such occurrence, reactivation
669 shall be effective upon the first day of the rate year following
670 the event that lifts suspension and shall be in effect for that
671 year and shall continue until such time as a subsequent suspension
672 event as described in this chapter occurs.



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

677 **SECTION 6.** This act shall take effect and be in force from
678 and after July 1, 2018.

