

By: Representative Smith (59th)

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 1372

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 2003-2004 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 2004-2005 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 SECTION
10 37-115-51, 37-129-1 AND 73-15-25, MISSISSIPPI CODE OF 1972, TO
11 CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) Any nursing school or degree program at a
14 state institution of higher learning or a public community or
15 junior college in Mississippi that has an enrollment of one
16 hundred percent (100%) during the 2003-2004 academic year is
17 eligible for funding from the State Board of State Institutions of
18 Higher Learning, the State Board for Community and Junior Colleges
19 or the State Department of Education, as the case may be, to hire
20 up to four (4) additional faculty members for the nursing school
21 or program beginning with the 2004-2005 academic year. In order
22 to receive the funding under this section, a nursing school or
23 program must increase the enrollment at the school or program
24 proportionately for each additional faculty member hired with this
25 funding.

26 (2) The Legislature shall appropriate or otherwise make
27 available to the State Board of State Institutions of Higher
28 Learning, the State Board for Community and Junior Colleges and
29 the State Department of Education the funds that are necessary to
30 implement the provisions of subsection (1) of this section.

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

33 37-4-3. (1) From and after July 1, 1986, there shall be a
34 State Board for Community and Junior Colleges which shall receive
35 and distribute funds appropriated by the Legislature for the use
36 of the public community and junior colleges and funds from federal
37 and other sources that are transmitted through the state
38 governmental organization for use by those colleges. This board
39 shall provide general coordination of the public community and
40 junior colleges, assemble reports and such other duties as may be
41 prescribed by law.

42 (2) The board shall consist of ten (10) members of which
43 none shall be an elected official and none shall be engaged in the
44 educational profession. The Governor shall appoint two (2)
45 members from the First Mississippi Congressional District, one (1)
46 who shall serve an initial term of two (2) years and one (1) who
47 shall serve an initial term of five (5) years; two (2) members
48 from the Second Mississippi Congressional District, one (1) who
49 shall serve an initial term of five (5) years and one (1) who
50 shall serve an initial term of three (3) years; and two (2)
51 members from the Third Mississippi Congressional District, one (1)
52 who shall serve an initial term of four (4) years and one (1) who
53 shall serve an initial term of two (2) years; two (2) members from
54 the Fourth Mississippi Congressional District, one (1) who shall
55 serve an initial term of three (3) years and one (1) who shall
56 serve an initial term of four (4) years; and two (2) members from
57 the Fifth Mississippi Congressional District, one (1) who shall
58 serve an initial term of five (5) years and one (1) who shall
59 serve an initial term of two (2) years. All subsequent
60 appointments shall be for a term of six (6) years and continue
61 until their successors are appointed and qualify. An appointment
62 to fill a vacancy that arises for reasons other than by expiration
63 of a term of office shall be for the unexpired term only. No two

64 (2) appointees shall reside in the same junior college district.
65 All members shall be appointed with the advice and consent of the
66 Senate.

67 (3) There shall be a chairman and vice chairman of the
68 board, elected by and from the membership of the board; and the
69 chairman shall be the presiding officer of the board. The board
70 shall adopt rules and regulations governing times and places for
71 meetings and governing the manner of conducting its business.

72 (4) The members of the board shall receive no annual salary,
73 but shall receive per diem compensation as authorized by Section
74 25-3-69 for each day devoted to the discharge of official board
75 duties and shall be entitled to reimbursement for all actual and
76 necessary expenses incurred in the discharge of their duties,
77 including mileage as authorized by Section 25-3-41.

78 (5) The board shall name a director for the state system of
79 public junior and community colleges, who shall serve at the
80 pleasure of the board. The director shall be the chief executive
81 officer of the board, give direction to the board staff, carry out
82 the policies set forth by the board, and work with the presidents
83 of the several community and junior colleges to assist them in
84 carrying out the mandates of the several boards of trustees and in
85 functioning within the state system and policies established by
86 the State Board for Community and Junior Colleges. The State
87 Board for Community and Junior Colleges shall set the salary of
88 the Director of the State System of Community and Junior Colleges.
89 The Legislature shall provide adequate funds for the State Board
90 for Community and Junior Colleges, its activities and its staff.

91 (6) The powers and duties of the State Board for Community
92 and Junior Colleges shall be:

93 (a) To authorize disbursements of state appropriated
94 funds to community and junior colleges through orders in the
95 minutes of the board.

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

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

100 (d) To require community and junior colleges to supply
101 such information as the board may request and compile, publish and
102 make available such reports based thereon as the board may deem
103 advisable.

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

109 (f) To serve as the state approving agency for federal
110 funds for proposed contracts to borrow money for the purpose of
111 acquiring land, erecting, repairing, etc. dormitories, dwellings
112 or apartments for students and/or faculty, the loans to be paid
113 from revenue produced by those facilities as requested by local
114 boards of trustees.

115 (g) To approve applications from community and junior
116 colleges for state funds for vocational-technical education
117 facilities.

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

120 (i) To appoint members to the Post-Secondary
121 Educational Assistance Board.

122 (j) To appoint members to the Authority for Educational
123 Television.

124 (k) To contract with other boards, commissions,
125 governmental entities, foundations, corporations or individuals
126 for programs, services, grants and awards when such are needed for
127 the operation and development of the state public community and
128 junior college system.

129 (1) To fix standards for community and junior colleges
130 to qualify for appropriations, and qualifications for community
131 and junior college teachers.

132 (m) To have sign-off approval on the State Plan for
133 Vocational Education that is developed in cooperation with
134 appropriate units of the State Department of Education.

135 (n) To approve or disapprove of any proposed inclusion
136 within municipal corporate limits of state-owned buildings and
137 grounds of any community college or junior college and to approve
138 or disapprove of land use development, zoning requirements,
139 building codes and delivery of governmental services applicable to
140 state-owned buildings and grounds of any community college or
141 junior college. Any agreement by a local board of trustees of a
142 community college or junior college to annexation of state-owned
143 property or other conditions described in this paragraph shall be
144 void unless approved by the board and by the board of supervisors
145 of the county in which the state-owned property is located.

146 (o) Under the provisions of Section 1 of this act,
147 provide funding to nursing schools and degree programs at public
148 community and junior colleges to hire additional faculty members
149 for the nursing school or program, and require any nursing school
150 or program that receives the funding to increase the enrollment at
151 the school or program proportionately for each additional faculty
152 member hired with the funding.

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

155 37-115-51. The Legislature * * * finds that there is great
156 need of additional and better trained nurses in Mississippi and
157 the purpose of this section is to meet that need to the extent
158 * * * provided in this section.

159 The Board of Trustees of State Institutions of Higher
160 Learning shall establish a school of nursing at the University of
161 Mississippi under the jurisdiction of the Dean of the School of

162 Medicine or such other authority as the board of trustees may
163 determine, and other regularly constituted administrative
164 authorities of the university.

165 The board of trustees shall provide for the school, such
166 buildings and equipment, and such teaching staff and other
167 personnel as may be deemed appropriate for the establishment and
168 operation of the school of nursing and for the performance of the
169 other functions * * * provided for in this section, all of which
170 shall, however, be done within the appropriations made for those
171 purposes.

172 The school of nursing shall, under the direction and
173 supervision of the Dean of the School of Medicine and the other
174 regularly constituted administrative authorities of the university
175 and of the board of trustees and under curricula to be prescribed
176 by the board, and beginning each of its functions at such time as
177 may be determined by the board, carry on a teaching course,
178 looking to the conferring of bachelor's or master's degrees in
179 nursing.

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

193 Under the same supervision, direction, control and conditions
194 as are set forth in the fourth paragraph of this section, the

195 school of nursing shall also administer such scholarship programs
196 in nursing education and such activities with respect to
197 recruitment of nursing students and counseling work with such
198 students and prospective students as may be provided for by the
199 Legislature from time to time.

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

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

205 37-129-1. In addition to all other powers and duties now
206 vested by law in the Board of Trustees of State Institutions of
207 Higher Learning of the State of Mississippi, the board shall:

208 (a) Establish by rules and regulations and promulgate
209 uniform standards for accreditation of schools of nursing in the
210 State of Mississippi (i) insofar as concerns the eligibility of
211 graduates of those schools to take the examination prescribed by
212 law to become registered nurses authorized to practice the
213 profession of nursing as registered nurses in Mississippi, and
214 (ii) insofar as concerns student nurses attending those schools
215 being eligible to participate in any student nurse scholarship
216 program or other program of assistance now existing or hereafter
217 established by legislative enactment;

218 (b) Issue to those schools of nursing upon an annual
219 basis certificates of accreditation as may be proper under those
220 standards;

221 (c) Administer any scholarship program or other program
222 of assistance heretofore or hereafter established by legislative
223 enactment for the benefit of students attending accredited schools
224 of nursing in this state;

225 (d) Administer any other funds available or that may be
226 made available for the promotion of nursing education in the
227 state, with the exception of nursing faculty supplement funds to

228 the public junior colleges, which funds shall be appropriated to
229 and administered by the Division of Junior Colleges of the State
230 Department of Education;

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

238 (f) Under the provisions of Section 1 of this act,
239 provide funding to nursing schools and degree programs at state
240 institutions of higher learning to hire additional faculty members
241 for the nursing school or program, and require any nursing school
242 or program that receives the funding to increase the enrollment at
243 the school or program proportionately for each additional faculty
244 member hired with the funding.

245 In addition to other powers now vested by law in the Board of
246 Trustees of State Institutions of Higher Learning, the board may
247 establish and maintain a nurse-midwifery education program that
248 meets the accreditation standards of the American College of
249 Nurse-Midwives at a state institution of higher learning under the
250 jurisdiction of the board of trustees.

251 In order to implement paragraph (d) above, the Board of
252 Trustees of State Institutions of Higher Learning shall arrange
253 and contract with hospitals, senior colleges and hospital schools
254 of nursing for the financial support of programs of nursing
255 education. The * * * board may adopt such terms for contracts,
256 and such rules and regulations for reimbursing contracting
257 agencies for costs of instruction in schools of nursing as may be
258 feasible in accordance with appropriations made by the Legislature
259 for this purpose. However, no reimbursement may be made to

260 contracting agencies in excess of the actual cost of instruction
261 in the schools of nursing.

262 No provision of this section shall be construed to authorize
263 any department, agency, officer or employee of the State of
264 Mississippi to exercise any controls over the admissions policy of
265 any private educational institution offering a baccalaureate
266 degree in nursing.

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

269 73-15-25. In addition to all other powers and duties now
270 vested by law in the State Department of Education, it shall,
271 acting in this behalf by and through its Division of Vocational
272 Education * * *:

273 (a) Establish by rules and regulations and promulgate
274 uniform standards for the accreditation of schools of practical
275 nursing in this state insofar as concerns the eligibility of
276 graduates of those schools to take the examination to become
277 licensed practical nurses;

278 (b) Issue to those schools, upon an annual basis,
279 certificates of accreditation as may be proper under those
280 standards;

281 (c) Under the provisions of Section 1 of this act,
282 provide funding to nursing schools and degree programs for
283 practical nursing to hire additional faculty members for the
284 nursing school or program, and require any nursing school or
285 program that receives the funding to increase the enrollment at
286 the school or program proportionately for each additional faculty
287 member hired with the funding.

288 **SECTION 6.** This act shall take effect and be in force from
289 and after July 1, 2004.