

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2478

1 AN ACT TO AMEND SECTION 7-1-355, MISSISSIPPI CODE OF 1972, TO  
2 TRANSFER THE RESPONSIBILITY TO ADMINISTER THE FEDERAL WORKFORCE  
3 INVESTMENT ACT FROM THE MISSISSIPPI DEVELOPMENT AUTHORITY TO THE  
4 DEPARTMENT OF EMPLOYMENT SECURITY, OFFICE OF THE GOVERNOR; TO  
5 AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972, TO REVISE THE  
6 MEMBERSHIP OF MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD; AND  
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 7-1-355, Mississippi Code of 1972, is  
10 amended as follows:

11 7-1-355. (1) The Mississippi Department of Employment  
12 Security, Office of the Governor, is designated as the sole  
13 administrator of all programs for which the state is the prime  
14 sponsor under Title 1(B) of Public Law 105-220, Workforce  
15 Investment Act of 1998, and the regulations promulgated  
16 thereunder, and may take all necessary action to secure to this  
17 state the benefits of that legislation. The Mississippi  
18 Department of Employment Security, Office of the Governor, may  
19 receive and disburse funds for those programs that become  
20 available to it from any source.

21 (2) The Mississippi Department of Employment Security,  
22 Office of the Governor, shall establish guidelines on the amount  
23 and/or percentage of indirect and/or administrative expenses by  
24 the local fiscal agent or the Workforce Development Center  
25 operator. The Mississippi Department of Employment Security,  
26 Office of the Governor, shall develop an accountability system and  
27 make an annual report to the Legislature before December 31 of  
28 each year on Workforce Investment Act activities. The report  
29 shall include, but is not limited to, the following:

30 (a) The total number of individuals served through the  
31 Workforce Development Centers and the percentage and number of  
32 individuals for which a quarterly follow up is provided;

33 (b) The number of individuals who receive core services  
34 by each center;

35 (c) The number of individuals who receive intensive  
36 services by each center;

37 (d) The number of Workforce Investment Act vouchers  
38 issued by the Workforce Development Centers including:

39 (i) A list of schools and colleges to which these  
40 vouchers were issued and the average cost per school of the  
41 vouchers; and

42 (ii) A list of the types of programs for which  
43 these vouchers were issued;

44 (e) The number of individuals placed in a job through  
45 Workforce Development Centers;

46 (f) The monies and the amount retained for  
47 administrative and other costs received from Workforce Investment  
48 Act funds for each agency or organization that Workforce  
49 Investment Act funds flow through as a percentage and actual  
50 dollar amount of all Workforce Investment Act funds received.

51 **SECTION 2.** Section 37-153-7, Mississippi Code of 1972, is  
52 amended as follows:

53 37-153-7. (1) There is created the Mississippi State  
54 Workforce Investment Board. The Mississippi State Workforce  
55 Investment Board shall be composed of thirty-nine (39) voting  
56 members, of which a majority shall be representatives of business  
57 and industry in accordance with the federal Workforce Investment  
58 Act.

59 (a) The Governor shall appoint the following members of  
60 the board to serve a term of four (4) years:

61 (i) The Executive Director of the Mississippi  
62 Association of Supervisors, or his/her designee;

- 63                   (ii) The Executive Director of the Mississippi  
64 Municipal League;
- 65                   (iii) One (1) elected mayor;
- 66                   (iv) One (1) elected county supervisor;
- 67                   (v) Two (2) representatives of \* \* \* labor  
68 organizations, who have been nominated by state labor federations;
- 69                   (vi) Two (2) representatives of individuals and  
70 organizations that have experience with respect to youth  
71 activities;
- 72                   (vii) One (1) representative of the Mississippi  
73 Association of Planning and Development Districts;
- 74                   (viii) One (1) representative from each of the  
75 four (4) workforce areas in the state, who has been nominated by  
76 the community colleges in each respective area, with the consent  
77 of the elected county supervisors within the respective workforce  
78 area; and
- 79                   (ix) Nineteen (19) representatives of business  
80 owners nominated by business and industry organizations, which may  
81 include representatives of the various planning and development  
82 districts in Mississippi.
- 83                   (b) The following state officials shall be members of  
84 the board:
- 85                   (i) The Executive Director of the Mississippi  
86 Department of Employment Security;
- 87                   (ii) The Executive Director of the Department of  
88 Rehabilitation Services;
- 89                   (iii) The State Superintendent of Public  
90 Education;
- 91                   (iv) The Executive Director of the Mississippi  
92 Development Authority;
- 93                   (v) The Executive Director of the Mississippi  
94 Department of Human Services;

95                   (vi) The Executive Director of the State Board for  
96 Community and Junior Colleges.

97                   (c) The Governor, or his designee, shall serve as a  
98 member.

99                   (d) Four (4) legislators, who shall serve in a  
100 nonvoting capacity, two (2) of whom shall be appointed by the  
101 Lieutenant Governor from the membership of the Mississippi Senate,  
102 and two (2) of whom shall be appointed by the Speaker of the House  
103 from the membership of the Mississippi House of Representatives.

104                   (e) The membership of the board shall reflect the  
105 diversity of the State of Mississippi.

106                   (f) The Governor shall designate the Chairman of the  
107 Mississippi State Workforce Investment Board from among the voting  
108 members of the board, and a quorum of the board shall consist of a  
109 majority of the voting members of the board.

110                   (g) The voting members of the board who are not state  
111 employees shall be entitled to reimbursement of their reasonable  
112 expenses incurred in carrying out their duties under this chapter,  
113 from any funds available for that purpose.

114                   (h) The Mississippi Department of Employment Security  
115 shall be responsible for providing necessary administrative,  
116 clerical and budget support for the State Workforce Investment  
117 Board.

118                   (2) The Mississippi Department of Employment Security shall  
119 establish limits on administrative costs for each portion of  
120 Mississippi's Workforce Development System consistent with the  
121 federal Workforce Investment Act or any future federal workforce  
122 legislation.

123                   (3) The Mississippi State Workforce Investment Board shall  
124 have the following duties:

125                   (a) Develop and submit to the Governor a strategic plan  
126 for an integrated state workforce development system that aligns  
127 resources and structures the system to more effectively and

128 efficiently meet the demands of Mississippi's employers and job  
129 seekers. This plan will comply with the federal Workforce  
130 Investment Act of 1998, as amended.

131 (b) Assist the Governor in the development and  
132 continuous improvement of the statewide workforce investment  
133 system that shall include:

134 (i) Development of linkages in order to assure  
135 coordination and nonduplication among programs and activities; and

136 (ii) Review local workforce development plans that  
137 reflect the use of funds from the federal Workforce Investment  
138 Act, Wagner-Peyser Act and the Mississippi Comprehensive Workforce  
139 Training and Education Consolidation Act.

140 (c) Recommend the designation of local workforce  
141 investment areas as required in Section 116 of the federal  
142 Workforce Investment Act of 1998. There shall be four (4)  
143 workforce investment areas that are generally aligned with the  
144 planning and development district structure in Mississippi.  
145 Planning and development districts will serve as the fiscal agents  
146 to manage Workforce Investment Act funds, oversee and support the  
147 local workforce investment boards aligned with the area and the  
148 local programs and activities as delivered by the one-stop  
149 employment and training system. The planning and development  
150 districts will perform this function through the provisions of the  
151 county cooperative service districts created under Sections  
152 19-3-101 through 19-3-115; however, planning and development  
153 districts currently performing this function under the Interlocal  
154 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
155 continue to do so.

156 (d) Assist the Governor in the development of an  
157 allocation formula for the distribution of funds for adult  
158 employment and training activities and youth activities to local  
159 workforce investment areas.

160           (e) Recommend comprehensive, results-oriented measures  
161 that shall be applied to all Mississippi's workforce development  
162 system programs.

163           (f) Assist the Governor in the establishment and  
164 management of a one-stop employment and training system conforming  
165 to the requirements of the federal Workforce Investment Act of  
166 1998, as amended, recommending policy for implementing the  
167 Governor's approved plan for employment and training activities  
168 and services within the state. In developing this one-stop career  
169 operating system, the Mississippi State Workforce Investment  
170 Board, in conjunction with local workforce investment boards,  
171 shall:

172                   (i) Design broad guidelines for the delivery of  
173 workforce development programs;

174                   (ii) Identify all existing delivery agencies and  
175 other resources;

176                   (iii) Define appropriate roles of the various  
177 agencies to include an analysis of service providers' strengths  
178 and weaknesses;

179                   (iv) Determine the best way to utilize the various  
180 agencies to deliver services to recipients; and

181                   (v) Develop a financial plan to support the  
182 delivery system that shall, at a minimum, include an  
183 accountability system.

184           (g) Assist the Governor in reducing duplication of  
185 services by urging the Local Workforce Investment Boards to  
186 designate the local community/junior college as the operator of  
187 the WIN Job Center. Incentive grants of Two Hundred Thousand  
188 Dollars (\$200,000.00) from federal Workforce Investment Act funds  
189 may be awarded to the local workforce boards where the  
190 community/junior college district is designated as the WIN Job  
191 Center. These grants must be provided to the community and junior  
192 colleges for the extraordinary costs of coordinating with the

193 Workforce Investment Act, advanced technology centers and advanced  
194 skills centers. In no case shall these funds be used to supplant  
195 state resources being used for operation of workforce development  
196 programs.

197 (h) To provide authority, in accordance with any  
198 executive order of the Governor, for developing the necessary  
199 collaboration among state agencies at the highest level for  
200 accomplishing the purposes of this chapter;

201 (i) To monitor the effectiveness of the workforce  
202 development centers and WIN job centers;

203 (j) To advise the Governor, public schools,  
204 community/junior colleges and institutions of higher learning on  
205 effective school-to-work transition policies and programs that  
206 link students moving from high school to higher education and  
207 students moving between community colleges and four-year  
208 institutions in pursuit of academic and technical skills training;

209 (k) To work with industry to identify barriers that  
210 inhibit the delivery of quality workforce education and the  
211 responsiveness of educational institutions to the needs of  
212 industry;

213 (l) To provide periodic assessments on effectiveness  
214 and results of the overall Mississippi comprehensive workforce  
215 development system and district councils; and

216 (m) To assist the Governor in carrying out any other  
217 responsibility required by the federal Workforce Investment Act of  
218 1998, as amended.

219 (4) The Mississippi State Workforce Investment Board shall  
220 coordinate all training programs and funds in the State of  
221 Mississippi.

222 Each state agency director responsible for workforce training  
223 activities shall advise the Mississippi State Workforce Investment  
224 Board of appropriate federal and state requirements. Each such  
225 state agency director shall remain responsible for the actions of

226 his agency; however, each state agency and director shall work  
227 cooperatively, and shall be individually and collectively  
228 responsible to the Governor for the successful implementation of  
229 the statewide workforce investment system. The Governor, as the  
230 Chief Executive Officer of the state, shall have complete  
231 authority to enforce cooperation among all entities within the  
232 state that utilize federal or state funding for the conduct of  
233 workforce development activities.

234         **SECTION 3.** This act shall take effect and be in force from  
235 and after July 1, 2005.