

By: Representative Williams-Barnes

To: Workforce Development;
Judiciary A

HOUSE BILL NO. 771

1 AN ACT TO AMEND SECTION 31-5-37, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE CONTRACTORS SUBMITTING BIDS ON PUBLIC WORKS PROJECTS TO
3 SUBMIT A SIGNED AGREEMENT ACKNOWLEDGING THEIR AWARENESS OF CERTAIN
4 STATUTORY HIRING POLICIES; TO REQUIRE THE SIGNED AGREEMENT TO BE
5 SUBMITTED WITH THE CONTRACTOR'S BID AND EMPLOYMENT PLAN; TO AMEND
6 SECTION 37-153-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
7 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 31-5-37, Mississippi Code of 1972, is
10 amended as follows:

11 31-5-37. (1) All public works projects utilizing funds
12 received by state or local governmental entities resulting from a
13 federally declared disaster or a spill of national significance,
14 including damages, penalties, fines or supplemental projects paid
15 or financed by responsible parties pursuant to a court order,
16 negotiated settlement, or other instrument, including under any
17 law distributing such fines and penalties including the federal
18 Resources and Ecosystems Sustainability, Tourist Opportunities and
19 Revived Economy of the Gulf Coast Act of 2011 (R.E.S.T.O.R.E.),
20 the Oil Pollution Act of 1990 or the Federal Water Pollution



21 Control Act or similar legislation, shall be subject to the hiring
22 policies established by this section.

23 (2) Contractors submitting bids for public works projects
24 that involve an expenditure of Five Thousand Dollars (\$5,000.00)
25 or more and that are financed, in whole or in part, through the
26 use of funds described in subsection (1) of this section shall
27 submit * * * a signed agreement acknowledging awareness of this
28 section and its requirements, which must be submitted with the
29 contractor's bid and employment plan. The contractor shall submit
30 to the agency or governing authority that solicited the bid and
31 the Mississippi Department of Employment Security an employment
32 plan within seven (7) days after the award of the contract which
33 shall include the following:

34 (a) The types of jobs involved in the public works
35 project;

36 (b) The skill level of the jobs involved in the
37 project;

38 (c) Wage information on the jobs involved in the
39 project;

40 (d) The number of vacant positions that the contractor
41 and any subcontractor needs to fill;

42 (e) How the contractor and any subcontractor will
43 recruit, low-wage and unemployed individuals for job vacancies;

44 (f) Such other information as may be required by the
45 Mississippi Department of Employment Security; and



46 (g) Proof of registration with the Mississippi
47 Department of Employment Security for taxation in accordance with
48 the provisions of Title 71.

49 (3) From the date written notice of the contract award is
50 received and until ten (10) business days after the receipt of the
51 employment plan by the Mississippi Department of Employment
52 Security, the contractor and any subcontractor shall not hire any
53 personnel to fill vacant positions necessary for the public works
54 project except residents of the State of Mississippi who are to be
55 verified by the Mississippi Department of Employment Security
56 and/or those qualified individuals who are submitted by the
57 Mississippi Department of Employment Security. For purposes of
58 this subsection, the contractor or subcontractor is authorized to
59 employ Mississippi residents to begin work immediately, and such
60 persons are to be verified by the Mississippi Department of
61 Employment Security after employment by the contractor or
62 subcontractor. During the ten-day period, the Mississippi
63 Department of Employment Security shall submit qualified
64 individuals to the contractor to consider for the vacant
65 positions. The contractor shall review the individuals submitted
66 by the department before hiring individuals who are not submitted
67 by the department. The contract award shall be vacated if the
68 contractor fails to comply with the provisions of this subsection.

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



71 37-153-7. (1) There is created the Mississippi State
72 Workforce Investment Board. The Mississippi State Workforce
73 Investment Board shall be composed of forty-one (41) voting
74 members, of which a majority shall be representatives of business
75 and industry in accordance with the federal Workforce Investment
76 Act.

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

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

81 (ii) The Executive Director of the Mississippi
82 Municipal League;

83 (iii) One (1) elected mayor;

84 (iv) One (1) representative of an apprenticeship
85 program in the state;

86 (v) One (1) representative of labor organizations,
87 who has been nominated by state labor federations;

88 (vi) One (1) representative of individuals and
89 organizations that has experience with respect to youth
90 activities;

91 (vii) One (1) representative of the Mississippi
92 Association of Planning and Development Districts;

93 (viii) One (1) representative from each of the
94 four (4) workforce areas in the state, who has been nominated by
95 the community colleges in each respective area, with the consent



96 of the elected county supervisors within the respective workforce
97 area;

98 (ix) The chair of the Mississippi Association of
99 Community and Junior Colleges; and

100 (x) Twenty-one (21) representatives of business
101 owners nominated by business and industry organizations, which may
102 include representatives of the various planning and development
103 districts in Mississippi.

104 (b) The following state officials shall be members of
105 the board:

106 (i) The Executive Director of the Mississippi
107 Department of Employment Security;

108 (ii) The Executive Director of the Department of
109 Rehabilitation Services;

110 (iii) The State Superintendent of Public
111 Education;

112 (iv) The Executive Director of the Mississippi
113 Development Authority;

114 (v) The Executive Director of the Mississippi
115 Department of Human Services;

116 (vi) The Executive Director of the Mississippi
117 Community College Board; and

118 (vii) The Commissioner of the Institutions of
119 Higher Learning.



120 (c) The Governor, or his designee, shall serve as a
121 member.

122 (d) Four (4) legislators, who shall serve in a
123 nonvoting capacity, two (2) of whom shall be appointed by the
124 Lieutenant Governor from the membership of the Mississippi Senate,
125 and two (2) of whom shall be appointed by the Speaker of the House
126 from the membership of the Mississippi House of Representatives.

127 (e) The membership of the board shall reflect the
128 diversity of the State of Mississippi.

129 (f) The Governor shall designate the Chairman of the
130 Mississippi State Workforce Investment Board from among the voting
131 members of the board, and a quorum of the board shall consist of a
132 majority of the voting members of the board.

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

137 (2) The Mississippi Department of Employment Security shall
138 establish limits on administrative costs for each portion of
139 Mississippi's workforce development system consistent with the
140 federal Workforce Investment Act or any future federal workforce
141 legislation.

142 (3) The Mississippi State Workforce Investment Board shall
143 have the following duties:



144 (a) Develop and submit to the Governor a strategic plan
145 for an integrated state workforce development system that aligns
146 resources and structures the system to more effectively and
147 efficiently meet the demands of Mississippi's employers and job
148 seekers. This plan will comply with the federal Workforce
149 Investment Act of 1998, as amended, the federal Workforce
150 Innovation and Opportunity Act of 2014 and amendments and
151 successor legislation to these acts;

152 (b) Assist the Governor in the development and
153 continuous improvement of the statewide workforce investment
154 system that shall include:

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

157 (ii) Review local workforce development plans that
158 reflect the use of funds from the federal Workforce Investment
159 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser
160 Act and the amendment or successor legislation to the acts, and
161 the Mississippi Comprehensive Workforce Training and Education
162 Consolidation Act;

163 (c) Recommend the designation of local workforce
164 investment areas as required in Section 116 of the federal
165 Workforce Investment Act of 1998 and the Workforce Innovation and
166 Opportunity Act of 2014. There shall be four (4) workforce
167 investment areas that are generally aligned with the planning and
168 development district structure in Mississippi. Planning and



169 development districts will serve as the fiscal agents to manage
170 Workforce Investment Act funds, oversee and support the local
171 workforce investment boards aligned with the area and the local
172 programs and activities as delivered by the one-stop employment
173 and training system. The planning and development districts will
174 perform this function through the provisions of the county
175 cooperative service districts created under Sections 19-3-101
176 through 19-3-115; however, planning and development districts
177 currently performing this function under the Interlocal
178 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may
179 continue to do so;

180 (d) Assist the Governor in the development of an
181 allocation formula for the distribution of funds for adult
182 employment and training activities and youth activities to local
183 workforce investment areas;

184 (e) Recommend comprehensive, results-oriented measures
185 that shall be applied to all of Mississippi's workforce
186 development system programs;

187 (f) Assist the Governor in the establishment and
188 management of a one-stop employment and training system conforming
189 to the requirements of the federal Workforce Investment Act of
190 1998 and the Workforce Innovation and Opportunity Act of 2014, as
191 amended, recommending policy for implementing the Governor's
192 approved plan for employment and training activities and services
193 within the state. In developing this one-stop career operating



194 system, the Mississippi State Workforce Investment Board, in
195 conjunction with local workforce investment boards, shall:

196 (i) Design broad guidelines for the delivery of
197 workforce development programs;

198 (ii) Identify all existing delivery agencies and
199 other resources;

200 (iii) Define appropriate roles of the various
201 agencies to include an analysis of service providers' strengths
202 and weaknesses;

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

205 (v) Develop a financial plan to support the
206 delivery system that shall, at a minimum, include an
207 accountability system;

208 (g) Assist the Governor in reducing duplication of
209 services by urging the local workforce investment boards to
210 designate the local community/junior college as the operator of
211 the WIN Job Center. Incentive grants of Two Hundred Thousand
212 Dollars (\$200,000.00) from federal Workforce Investment Act funds
213 may be awarded to the local workforce boards where the
214 community/junior college district is designated as the WIN Job
215 Center. These grants must be provided to the community and junior
216 colleges for the extraordinary costs of coordinating with the
217 Workforce Investment Act, advanced technology centers and advanced
218 skills centers. In no case shall these funds be used to supplant



219 state resources being used for operation of workforce development
220 programs;

221 (h) * * * Provide authority, in accordance with any
222 executive order of the Governor, for developing the necessary
223 collaboration among state agencies at the highest level for
224 accomplishing the purposes of this chapter;

225 (i) * * * Monitor the effectiveness of the workforce
226 development centers and WIN job centers;

227 (j) * * * Advise the Governor, public schools,
228 community/junior colleges and institutions of higher learning on
229 effective school-to-work transition policies and programs that
230 link students moving from high school to higher education and
231 students moving between community colleges and four-year
232 institutions in pursuit of academic and technical skills training;

233 (k) * * * Work with industry to identify barriers that
234 inhibit the delivery of quality workforce education and the
235 responsiveness of educational institutions to the needs of
236 industry;

237 (l) * * * Provide periodic assessments on effectiveness
238 and results of the overall Mississippi comprehensive workforce
239 development system and district councils; * * *

240 (m) * * * Assist the Governor in carrying out any other
241 responsibility required by the federal Workforce Investment Act of
242 1998, as amended and the Workforce Innovation and Opportunity Act,
243 successor legislation and amendments * * *; and



244 (n) Assist the Mississippi Department of Employment
245 Security in performing the duties required in Section 31-5-37.

246 (4) The Mississippi State Workforce Investment Board shall
247 coordinate all training programs and funds in the State of
248 Mississippi.

249 Each state agency director responsible for workforce training
250 activities shall advise the Mississippi State Workforce Investment
251 Board of appropriate federal and state requirements. Each such
252 state agency director shall remain responsible for the actions of
253 his agency; however, each state agency and director shall work
254 cooperatively, and shall be individually and collectively
255 responsible to the Governor for the successful implementation of
256 the statewide workforce investment system. The Governor, as the
257 Chief Executive Officer of the state, shall have complete
258 authority to enforce cooperation among all entities within the
259 state that utilize federal or state funding for the conduct of
260 workforce development activities.

261 (5) The State Workforce Investment Board shall establish a
262 Rules Committee. The Rules Committee, in consultation with the
263 full board, shall be designated as the body with the sole
264 authority to promulgate rules and regulations for distribution of
265 Mississippi Works Funds created in Section 71-5-353. The State
266 Workforce Investment Board Rules Committee shall develop and
267 submit rules and regulations in accordance with the Mississippi
268 Administrative Procedures Act, within sixty (60) days of March 21,



269 2016. The State Workforce Investment Board Rules Committee shall
270 consist of the following State Workforce Investment Board members:

271 (a) The Executive Director of the Mississippi
272 Development Authority;

273 (b) The Executive Director of the Mississippi
274 Department of Employment Security;

275 (c) The Executive Director of the Mississippi Community
276 College Board;

277 (d) The Chair of the Mississippi Association of
278 Community and Junior Colleges;

279 (e) The Chair of the State Workforce Investment Board;

280 (f) A representative from the workforce areas selected
281 by the Mississippi Association of Workforce Areas, Inc.;

282 (g) A business representative currently serving on the
283 board, selected by the Chairman of the State Workforce Investment
284 Board; and

285 (h) Two (2) legislators, who shall serve in a nonvoting
286 capacity, one (1) of whom shall be appointed by the Lieutenant
287 Governor from the membership of the Mississippi Senate and one (1)
288 of whom shall be appointed by the Speaker of the House of
289 Representatives from the membership of the Mississippi House of
290 Representatives.

291 (6) The Mississippi State Workforce Investment Board shall
292 create and implement performance metrics for the Mississippi Works
293 Fund to determine the added value to the local and state economy



294 and the contribution to the future growth of the state economy. A
295 report on the performance of the fund shall be made to the
296 Governor, Lieutenant Governor and Speaker of the House of
297 Representatives annually, throughout the life of the fund.

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

