

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 336**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

29        **SECTION 1. Definitions.** When used in this chapter, unless  
30 the context indicates otherwise:

31               (a) "Department" means the Mississippi Department of  
32 Workforce Development.

33               (b) "Board" means the board of directors of the  
34 department.

35               (c) "Executive director" means the Executive Director  
36 of Workforce Development.

37               (d) "Programs" means workforce training programs  
38 established or administered under this act. This shall not



39 include adult education or career and technical education programs  
40 administered by the Mississippi Community College Board or  
41 individual community and junior colleges.

42 **SECTION 2. Establishment of the Department of Workforce**

43 **Development.** (1) There is established the Mississippi Department  
44 of Workforce Development. The department shall be a subdivision  
45 housed within, but independent of, the Mississippi Community  
46 College Board. The executive director shall maintain complete and  
47 exclusive operational control of the department's functions.

48 (2) State-funded workforce programs, as designated in this  
49 section, which are administered by the Mississippi State Workforce  
50 Investment Board, Mississippi Community College Board, individual  
51 community or junior colleges, or other relevant state agencies or  
52 organizations before the effective date of this act shall be  
53 transferred to the department. This specifically includes  
54 programs administered through the Mississippi Workforce  
55 Enhancement Training Fund and the Mississippi Works Fund, as  
56 described in Section 71-5-353.

57 (3) The department shall facilitate the coordination,  
58 consolidation and promotion of workforce development and training  
59 activities statewide.

60 **SECTION 3. Duties.** (1) The department shall be headed by

61 the Executive Director of Workforce Development, who shall be a  
62 person with extensive experience in development of economic, human  
63 and physical resources, and promotion of industrial and commercial



64 development. The executive director shall have a master's degree  
65 or juris doctorate from an accredited institution of higher  
66 learning and have no less than five (5) years of professional  
67 experience related to workforce or economic development.

68 (2) The executive director shall:

69 (a) Perform the functions necessary for the daily  
70 operation and administration of the department, with oversight  
71 from the board;

72 (b) Consult with the Executive Director of the  
73 Mississippi Community College Board on past and current workforce  
74 development efforts, and the transition of certain workforce  
75 development programs as described in this section to the  
76 department;

77 (c) Perform a comprehensive review of Mississippi's  
78 workforce development efforts, including programs supported with  
79 state or federal money;

80 (d) Develop broad statewide workforce development  
81 goals, including a goal to raise the state's labor force  
82 participation rate, in collaboration with the board, Mississippi  
83 State Workforce Investment Board, Mississippi Development  
84 Authority, Mississippi Department of Education, Mississippi  
85 Community College Board, Mississippi Institutions of Higher  
86 Learning, Mississippi Department of Employment Security,  
87 Mississippi Department of Rehabilitation Services and other  
88 relevant agencies and arms of the state;



89 (e) Communicate the state's broad workforce goals to  
90 targeted audiences who may be eligible for programs, to businesses  
91 and to the wider public;

92 (f) Develop metrics by which to analyze whether  
93 workforce development programs administered by the department are  
94 effectively moving the state toward workforce development goals  
95 developed by the department, and transparency measures to report  
96 progress to the public;

97 (g) Identify and recommend other state or federal  
98 programs, aside from those described in this section, which should  
99 be moved to the purview of the department in the future with the  
100 goal of consolidating workforce development, making workforce  
101 efforts more efficient and decreasing the size of government; and

102 (h) Report on the status of workforce development  
103 efforts and the progress toward meeting the goals developed by the  
104 department, to include increasing the labor force participation  
105 rate, to the Governor, the Speaker of the House, and the President  
106 of the Senate, who may disseminate the report to the appropriate  
107 members of the legislature.

108 **SECTION 4. Authority.** In fulfilling the responsibilities of  
109 this act, the executive director may, subject to available  
110 appropriations and with oversight from the board:

111 (a) Hire staff needed for the performance of his or her  
112 duties under this act. The executive director shall set the  
113 compensation of any hired employees from any funds made available



114 for that purpose. The Mississippi Community College Board, upon  
115 request from the executive director, shall supplement the  
116 administrative and support staff of the department;

117 (b) Enter any part of the Mississippi Community College  
118 Board, individual community and junior colleges, or other  
119 workforce training facilities operated by the state or its  
120 subdivisions;

121 (c) Access services, documents, records, programs and  
122 materials as necessary to assess the status of workforce  
123 development in the state;

124 (d) Communicate with any governmental entity as is  
125 necessary to fulfill the coordinator's duties under this act; and

126 (e) Perform any other actions the executive director  
127 deems necessary to fulfill his or her duties under this act.

128 **SECTION 5. Board of directors.** (1) The executive director  
129 shall be appointed by, and serve at the will and pleasure of, a  
130 board of directors, made up of representatives from the business  
131 community across the state. Initial appointments to the board  
132 shall be made no later than July 31, 2020, and appointments to  
133 vacant seats shall be made within two (2) months of the vacancy.  
134 No member shall serve on the board more than two (2) consecutive  
135 terms. The board shall be constituted as follows:

136 (a) Three (3) members shall be appointed by the  
137 Governor, with one from each Supreme Court district. Upon their  
138 initial appointment, one (1) of the members shall be appointed for



139 a term of one (1) year; one (1) for a term of two (2) years; and  
140 one (1) for a term of three (3) years; thereafter, each member  
141 shall be appointed and shall hold office for a term of four (4)  
142 years.

143 (b) Two (2) at-large members shall be appointed by the  
144 Lieutenant Governor. Upon their initial appointment, one (1) of  
145 the members shall be appointed for a term of two (2) years; and  
146 one (1) for a term of three (3) years; thereafter, each member  
147 shall be appointed and shall hold office for a term of four (4)  
148 years.

149 (c) Two (2) at-large members, who may be selected from  
150 five (5) individuals recommended by the Speaker, shall be  
151 appointed by the Lieutenant Governor. Upon their initial  
152 appointment and thereafter, each member shall be appointed and  
153 shall hold office for a term of four (4) years.

154 (d) Additionally, one (1) legislator from the Senate,  
155 appointed by the President of the Senate, and one (1) legislator  
156 from the House of Representatives, appointed by the Speaker of the  
157 House, shall serve on the board as nonvoting members whose terms  
158 end concurrently with the end of the four-year legislative term.

159 (2) The board shall elect a chair from its membership at the  
160 first meeting of the original board members and every year  
161 thereafter. A majority of the membership of the board shall  
162 constitute a quorum for the transaction of any business. The  
163 board shall meet regularly once a month at such time as shall be



164 designated by an order entered upon the minutes thereof. Special  
165 meetings of the board shall be held upon call of the chair or upon  
166 the call of a majority of the members. The board shall hold its  
167 sessions at the seat of government, or at a location in the state  
168 designated by an order entered upon the minutes.

169 (3) Members of the board shall be reimbursed for expenses in  
170 the manner and amount specified in Section 25-3-41 and shall be  
171 entitled to receive per diem compensation as authorized in Section  
172 25-3-69.

173 (4) Board members may be recalled by their appointing  
174 authority for cause, including as the result of a felony  
175 conviction, fraudulent or dishonest acts or gross abuse of  
176 discretion, failure to meet board member qualifications, or  
177 chronic failure to attend board meetings.

178 **SECTION 6. State Workforce Investment Board.** The  
179 Mississippi State Workforce Investment Board, established and  
180 administered pursuant to federal law and Sections 37-153-1 through  
181 37-153-13, from the effective date of this act forward shall be a  
182 subdivision housed within, but independent of, the Mississippi  
183 Department of Workforce Development. This section shall not alter  
184 the organization or duties of the Mississippi State Workforce  
185 Investment Board as required by federal law.

186 **SECTION 7. Other funds.** (1) The Mississippi Workforce  
187 Enhancement Training Fund and the Mississippi Works Fund,  
188 established and administered pursuant to Section 71-5-353, are



189 transferred to the administrative authority and oversight of the  
190 department.

191 (2) All contracts, leases, grants and agreements previously  
192 entered into by the Mississippi State Workforce Investment Board,  
193 Mississippi Community College Board, individual community or  
194 junior colleges, or other entities shall continue in full force  
195 and effect without modification or interruption by the provisions  
196 of this section.

197 **SECTION 8. Reporting requirements.** The department shall  
198 file an annual report with the Governor, Secretary of State,  
199 President of the Senate, Secretary of the Senate, Speaker of the  
200 House, and Clerk of the House not later than October 1 of each  
201 year regarding all funds approved by the department to be expended  
202 on workforce training during the prior calendar year. The report  
203 shall include:

204 (a) Information on the performance of the Mississippi  
205 Workforce Enhancement Training Fund and the Mississippi Works  
206 Fund, in terms of adding value to the local and state economy, the  
207 contribution to future growth of the state economy, and movement  
208 toward state goals, including increasing the labor force  
209 participation rate; and

210 (b) With respect to specific workforce training  
211 projects:

212 (i) The location of the training;

213 (ii) The amount allocated to the project;





- 214 (iii) The purpose of the project;
- 215 (iv) The specific business entity that is the
- 216 beneficiary of the project; and
- 217 (v) The number of employees intended to be trained
- 218 and actually trained, if applicable, in the course of the project.

219 **SECTION 9. Limitations.** All information concerning a

220 proposed project which is provided to the executive director shall

221 be kept confidential. Such confidentiality shall not limit

222 disclosure under the Mississippi Public Records Act of 1983 of

223 records describing the nature, quantity, cost or other pertinent

224 information related to the activities of, or services performed

225 using, the Mississippi Workforce Enhancement Training Fund or the

226 Mississippi Works Fund.

227 **SECTION 10. Authority to promulgate regulations.** The

228 department shall have the authority to promulgate rules and

229 regulations, not inconsistent with this chapter, as it may deem

230 necessary to enforce its provisions.

231 **SECTION 11.** Section 71-5-353, Mississippi Code of 1972, is

232 amended as follows:

233 71-5-353. (1) (a) Each employer shall pay unemployment

234 insurance contributions equal to five and four-tenths percent

235 (5.4%) of taxable wages paid by him each calendar year, except as

236 may be otherwise provided in Section 71-5-361 and except that each

237 newly subject employer shall pay unemployment insurance

238 contributions at the rate of one percent (1%) of taxable wages,



239 for his first year of liability, one and one-tenth percent (1.1%)  
240 of taxable wages for his second year of liability, and one and  
241 two-tenths percent (1.2%) of taxable wages for his third and  
242 subsequent years of liability unless the employer's  
243 experience-rating record has been chargeable throughout at least  
244 the twelve (12) consecutive calendar months ending on the most  
245 recent computation date at the time the rate for a year is  
246 determined; thereafter the employer's contribution rate shall be  
247 determined in accordance with the provisions of Section 71-5-355.

248 (b) Notwithstanding the newly subject employer  
249 contribution rate provided for in paragraph (a) of this  
250 subsection, the contribution rate of all newly subject employers  
251 shall be reduced by seven one-hundredths of one percent (.07%) for  
252 calendar year 2013 only. The contribution rate of all newly  
253 subject employers shall be reduced by three one-hundredths of one  
254 percent (.03%) for calendar year 2014 only. For purposes of this  
255 chapter, "newly subject employers" means employers whose  
256 unemployment insurance experience-rating record has not been  
257 chargeable throughout at least the twelve (12) consecutive  
258 calendar months ending on the most recent computation date at the  
259 time the contribution rate for a year is determined.

260 (2) (a) (i) There is hereby created in the Treasury of the  
261 State of Mississippi special funds to be known as the "Mississippi  
262 Workforce Enhancement Training Fund" and the "Mississippi Works



263 Fund" which consist of funds collected pursuant to subsection (3)  
264 of this section.

265 (ii) Funds collected shall initially be deposited  
266 into the Mississippi Department of Employment Security bank  
267 account for clearing contribution collections and subsequently  
268 appropriate amounts shall be transferred to the Mississippi  
269 Workforce Investment and Training Fund Holding Account described  
270 in Section 71-5-453. In the event any employer pays an amount  
271 insufficient to cover the total contributions due, the amounts due  
272 shall be satisfied in the following order:

- 273 1. Unemployment contributions;
- 274 2. Mississippi Workforce Enhancement Training  
275 contributions, State Workforce Investment contributions and the  
276 Mississippi Works contributions, known collectively as the  
277 Mississippi Workforce Investment and Training contributions, on a  
278 pro rata basis;
- 279 3. Interest and damages; then
- 280 4. Legal and processing costs.

281 The amount of unemployment insurance contributions due for  
282 any period will be the amount due according to the actual  
283 computations unless the employer is participating in the MLPP. In  
284 that event, the amount due is the MLPP amount computed by the  
285 department.

286 Cost of collection and administration of the Mississippi  
287 Workforce Enhancement Training contribution, the State Workforce



288 Investment contribution and the Mississippi Works contribution  
289 shall be allocated based on a plan approved by the United States  
290 Department of Labor (USDOL). The Mississippi \* \* \* Department of  
291 Workforce Development shall pay the cost of collecting the  
292 Mississippi Workforce Enhancement Training contributions, the  
293 State Workforce Investment Board shall pay the cost of collecting  
294 the State Workforce Investment contributions and the Mississippi  
295 Department of Employment Security shall pay the cost of collecting  
296 the Mississippi Works contributions. Payments shall be made  
297 semiannually with the cost allocated to each based on a USDOL  
298 approved plan on a pro rata basis, for periods ending in June and  
299 December of each year. Payment shall be made by each organization  
300 to the department no later than sixty (60) days after the billing  
301 date. Cost shall be allocated under the USDOL's approved plan and  
302 in the same ratio as each contribution type represents to the  
303 total authorized by subparagraph (ii) \* \* \* 2 of this paragraph to  
304 be collected for the period.

305 (b) Mississippi Workforce Enhancement Training  
306 contributions and State Workforce Investment contributions shall  
307 be distributed as follows:

308 (i) For calendar year 2014, ninety-four and  
309 seventy-five one-hundredths percent (94.75%) shall be distributed  
310 to the Mississippi Workforce Enhancement Training Fund and the  
311 remainder shall be distributed to the State Workforce Investment  
312 Board bank account;



313 (ii) For calendar years subsequent to calendar  
314 year 2014, ninety-three and seventy-five one-hundredths percent  
315 (93.75%) shall be distributed to the Mississippi Workforce  
316 Enhancement Training Fund and the remainder shall be distributed  
317 to the State Workforce Investment Board bank account;

318 (iii) Workforce Enhancement Training contributions  
319 and State Workforce Investment contributions for calendar years  
320 2014 and 2015 shall be distributed as provided in subparagraphs  
321 (i) and (ii) of this paragraph regardless of when the  
322 contributions were collected.

323 (c) All contributions collected for the State Workforce  
324 Enhancement Training Fund, the State Workforce Investment Fund and  
325 the Mississippi Works Fund will be initially deposited into the  
326 Mississippi Department of Employment Security bank account for  
327 clearing contribution collections and subsequently transferred to  
328 the Workforce Investment and Training Holding Account and will be  
329 held by the Mississippi Department of Employment Security in such  
330 account for a period of not less than thirty (30) days. After  
331 such period, the Mississippi Workforce Enhancement Training  
332 contributions shall be transferred to the Mississippi \* \* \*  
333 Department of Workforce Development Treasury Account, the State  
334 Workforce Investment contributions and the Mississippi Works  
335 contributions shall be transferred to the Mississippi Department  
336 of Employment Security Mississippi Works Treasury Account in the  
337 same ratio as each contribution type represents to the total



338 authorized by paragraph (a)(ii) \* \* \*2 of this subsection to be  
339 collected for the period and within the time frame determined by  
340 the department; however, except in cases of extraordinary  
341 circumstances, these funds shall be transferred within fifteen  
342 (15) days. Interest earnings or interest credits on deposit  
343 amounts in the Workforce Investment and Training Holding Account  
344 shall be retained in the account to pay the banking costs of the  
345 account. If after the period of twelve (12) months interest  
346 earnings less banking costs exceeds Ten Thousand Dollars  
347 (\$10,000.00), such excess amounts shall be transferred to the  
348 respective accounts within thirty (30) days following the end of  
349 each calendar year on the basis described in paragraph (b) of this  
350 subsection. Interest earnings and/or interest credits for the  
351 State Workforce Investments funds shall be used for the payment of  
352 banking costs and excess amounts shall be used in accordance with  
353 the rules and regulations of the State Workforce Investment Board  
354 expenditure policies.

355 (d) All enforcement procedures for the collection of  
356 delinquent unemployment contributions contained in Sections  
357 71-5-363 through 71-5-383 shall be applicable in all respects for  
358 collections of delinquent unemployment insurance contributions  
359 designated for the Unemployment Compensation Fund, the Mississippi  
360 Workforce Enhancement Training Fund, the State Workforce  
361 Investment Board Fund and the Mississippi Works Fund.



362 (e) (i) Except as otherwise provided for in this  
363 subparagraph (i), all monies deposited into the Mississippi  
364 Workforce Enhancement Training Fund Treasury Account shall be  
365 utilized exclusively by the Mississippi \* \* \* Department of  
366 Workforce Development in accordance with the Workforce Training  
367 Act of 1994 (Section 37-153-1 et seq.) \* \* \* and under policies  
368 approved by the Mississippi \* \* \* Department of Workforce  
369 Development for the following \* \* \* purpose: to provide  
370 training \* \* \* in collaboration with the Mississippi Community  
371 College Board and individual community and junior colleges to  
372 employers and employees in order to enhance employee productivity.  
373 Such training may be subject to a minimal administrative fee to be  
374 paid from the Mississippi Workforce Enhancement Training Fund as  
375 established by the \* \* \* Department of Workforce Development. The  
376 initial priority of these funds shall be for the benefit of  
377 existing businesses located within the state. Employers may  
378 request training for existing employees and/or newly hired  
379 employees from the Mississippi \* \* \* Department of Workforce  
380 Development. The Department of Workforce Development, in  
381 consultation with the Mississippi Community College Board, will be  
382 responsible for approving the training. A portion of the funds  
383 collected for the Mississippi Workforce Enhancement Training Fund  
384 shall be used for the development of performance measures to  
385 measure the effectiveness of the use of the Mississippi Workforce  
386 Enhancement Training Fund dollars. These performance measures



387 shall be uniform for all \* \* \* training projects and shall be  
388 reported to the Governor, Lieutenant Governor, Speaker of the  
389 House, and members of the Legislature. Nothing in this section or  
390 elsewhere in law shall be interpreted as giving the Department of  
391 Workforce Development or State Workforce Investment Board  
392 authority to direct the Mississippi Community College Board or  
393 individual community or junior colleges on how to expend \* \* \*  
394 other funds, aside from funds appropriated to the Mississippi  
395 Workforce Enhancement Training Fund and Mississippi Works Fund,  
396 appropriated or received for workforce training \* \* \*. The  
397 Mississippi Department of Workforce Development, Mississippi  
398 Community College Board, individual community or junior  
399 colleges \* \* \*, State Workforce Investment Board and other  
400 agencies implementing or coordinating state-funded workforce  
401 development programs under state law shall cooperate with each  
402 other \* \* \* to promote effective workforce training in  
403 Mississippi, under the coordination of the Mississippi Department  
404 of Workforce Development. Any subsequent changes to these  
405 performance measures shall also be reported to the Governor,  
406 Lieutenant Governor, Speaker of the House, and members of the  
407 Legislature. A performance report for each training project and  
408 community college, based upon these measures, shall be submitted  
409 annually to the Governor, Lieutenant Governor, Speaker of the  
410 House, and members of the Legislature.





411 (ii) Except as otherwise provided in this  
412 paragraph (e), all funds deposited into the State Workforce  
413 Investment Board bank account shall be used for administration of  
414 State Workforce Investment Board business, grants related to  
415 training, and other projects as determined appropriate by the  
416 State Workforce Investment Board and shall be nonexpiring.  
417 Policies for grants and other projects shall be approved through a  
418 majority vote of the State Workforce Investment Board.

419 (iii) All funds deposited into the Mississippi  
420 Department of Employment Security Mississippi Works Fund shall be  
421 disbursed exclusively by the Executive Director of the Mississippi  
422 Department of Employment Security, in accordance with the rules  
423 and regulations promulgated by the \* \* \* Department of Workforce  
424 Development in support of workforce training activities approved  
425 by the Mississippi \* \* \* Department of Workforce Development in  
426 support of economic development activities. Funds allocated by  
427 the executive director under this subparagraph (iii) shall only be  
428 utilized for the training of unemployed persons, for immediate  
429 training needs for the net new jobs created by an employer, for  
430 the retention of jobs or to create a work-ready applicant pool of  
431 Mississippians with credentials and/or postsecondary education in  
432 accordance with the state's Workforce Investment and Opportunity  
433 Act plan. The Executive Director of the Mississippi Department of  
434 Workforce Development shall give priority to the training of  
435 unemployed persons. Not more than twenty-five percent (25%) of



436 the funds may be allocated for the retention of jobs and/or  
437 creation of a work-ready applicant pool. Not more than Five  
438 Hundred Thousand Dollars (\$500,000.00) may be allocated annually  
439 for the training needs of any one (1) employer. The Mississippi  
440 Department of Workforce Development, in collaboration with the  
441 Mississippi Public Community College System and its partners,  
442 shall be the primary \* \* \* entity to facilitate training. In no  
443 case shall these funds be used to supplant workforce funds  
444 available from any other sources, including, but not limited to,  
445 local, state or federal sources that are available for workforce  
446 training and development. Training conducted utilizing these  
447 Mississippi Works funds may be subject to a minimal administrative  
448 fee to be paid from the Mississippi Works Fund as authorized by  
449 the Mississippi Department of \* \* \* Workforce Development. All  
450 costs associated with the administration of these funds shall be  
451 reimbursed to the Mississippi Department of Employment Security  
452 from the Mississippi Works Fund.

453 (iv) 1. The Department of Employment Security  
454 shall be the fiscal agent for the receipt and disbursement of all  
455 funds in the State Workforce Investment Board bank account,  
456 subject to the administrative oversight of the Mississippi  
457 Department of Workforce Development.

458 2. In managing the State Workforce Investment  
459 Board bank account, the department shall ensure that any funds  
460 expended for contractual services rendered to the State Workforce



461 Investment Board shall be paid only to service providers who have  
462 been selected on a competitive basis. Any contract for services  
463 entered into using funds from the Workforce Investment Fund bank  
464 account shall contain the deliverables stated in terms that allow  
465 for the assessment of work performance against measurable  
466 performance standards and shall include milestones for completion  
467 of each deliverable under the contract. For each contract for  
468 services entered into by the State Workforce Investment Board, the  
469 board shall develop a quality assurance surveillance plan that  
470 specifies quality control obligations of the contractor as well as  
471 measurable inspection and acceptance criteria corresponding to the  
472 performance standards contained in the contract's statement of  
473 work.

474                   3. Any commodities procured for the board  
475 shall be procured in accordance with the provisions of Section  
476 31-7-13.

477                   (v) In addition to other expenditures, the  
478 department shall expend from the State Workforce Investment Board  
479 bank account for the use and benefit of the State Workforce  
480 Investment Board, such funds as are necessary to prepare and  
481 develop a study of workforce development needs that will consist  
482 of the following:

483                   1. An identification of the state's workforce  
484 development needs through a well-documented quantitative and  
485 qualitative analysis of:



486                   a. The current and projected workforce  
487 training needs of existing and identified potential Mississippi  
488 industries, with priority given to assessing the needs of existing  
489 in-state industry and business. Where possible, the analysis  
490 should include a verification and expansion of existing  
491 information previously developed by workforce training and service  
492 providers, as well as analysis of existing workforce data, such as  
493 the data collected through the Statewide Longitudinal Data System.

494                   b. The needs of the state's workers and  
495 residents requiring additional workforce training to improve their  
496 work skills in order to compete for better employment  
497 opportunities, including a priority-based analysis of the critical  
498 factors currently limiting the state's ability to provide a  
499 trained and ready workforce.

500                   c. The needs of workforce service and  
501 training providers in improving their ability to offer  
502 industry-relevant training, including an assessment of the  
503 practical limits of keeping training programs on the leading edge  
504 and eliminating those programs with marginal workforce relevance.

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

508                   a. Development of a list of  
509 strengths/weaknesses/opportunities/threats (SWOT) of the current



510 workforce development delivery system relative to the identified  
511 needs;

512                                   b. Identification of strategic options  
513 for workforce development services based on the results of the  
514 SWOT analysis; and

515                                   c. Development of results-oriented  
516 measures for each option that can be baselined and, if  
517 implemented, tracked over time, with quantifiable milestones and  
518 goals.

519                                   3. Preparation of a report presenting all  
520 subjects set out in this subparagraph to be delivered to the  
521 Lieutenant Governor, Speaker of the House of Representatives,  
522 Chairman of the Senate Finance Committee and Chairman of the House  
523 Appropriations Committee no later than February 1, 2015.

524                                   4. Following the preparation of the report,  
525 the State Workforce Investment Board shall make a recommendation  
526 to the House and Senate Appropriations Committees on future uses  
527 of funds deposited to the State Workforce Investment Fund account.  
528 Such future uses may include:

529                                   a. The development of promotion  
530 strategies for workforce development programs;

531                                   b. Initiatives designed to reduce the  
532 state's dropout rate, including the development of a statewide  
533 career awareness program;



534 c. The long-term monitoring of the  
535 state's workforce development programs to determine whether they  
536 are addressing the needs of business, industry, and the workers of  
537 the state; and

538 d. The study of the potential  
539 restructuring of the state's workforce programs and delivery  
540 systems.

541 (3) (a) (i) Mississippi Workforce Enhancement Training  
542 contributions and State Workforce Investment contributions shall  
543 be collected at the following rates:

544 1. For calendar year 2014 only, the rate of  
545 nineteen one-hundredths of one percent (.19%) based upon taxable  
546 wages of which eighteen one-hundredths of one percent (.18%) shall  
547 be the Workforce Enhancement Training contribution and  
548 one-hundredths of one percent (.01%) shall be the State Workforce  
549 Investment contribution; and

550 2. For calendar year 2015 only, the rate of  
551 sixteen one-hundredths of one percent (.16%), based upon taxable  
552 wages of which fifteen one-hundredths of one percent (.15%) shall  
553 be the Workforce Enhancement Training contribution and  
554 one-hundredths of one percent (.01%) shall be the State Workforce  
555 Investment contribution.

556 (ii) Mississippi Workforce Enhancement Training  
557 contributions, State Workforce Investment contributions and



558 Mississippi Works contributions shall be collected at the  
559 following rates:

560                   1. For calendar year 2016 only, at a rate of  
561 twenty-four one-hundredths percent (.24%), based upon taxable  
562 wages, of which fifteen one-hundredths percent (.15%) shall be the  
563 Workforce Enhancement Training contribution, one-hundredths of one  
564 percent (.01%) shall be the State Workforce Investment  
565 contribution and eight one-hundredths percent (.08%) shall be the  
566 Mississippi Works contribution.

567                   2. For calendar years subsequent to calendar  
568 year 2016, at a rate of twenty one-hundredths percent (.20%),  
569 based upon taxable wages, of which fifteen one-hundredths percent  
570 (.15%) shall be the Workforce Enhancement Training contribution,  
571 one-hundredths of one percent (.01%) shall be the State Workforce  
572 Investment contribution and four one-hundredths percent (.04%)  
573 shall be the Mississippi Works contribution. The Mississippi  
574 Works contribution shall be collected for calendar years in which  
575 the general experience ratio, adjusted on the basis of the trust  
576 fund adjustment factor and reduced by fifty percent (50%), results  
577 in a general experience rate of less than two-tenths percent  
578 (.2%). In all other years the Mississippi Works contribution  
579 shall not be in effect.

580                   (iii) The Mississippi Workforce Enhancement  
581 Training Fund contribution, the State Workforce Investment  
582 contribution and the Mississippi Works contribution shall be in



583 addition to the general experience rate plus the individual  
584 experience rate of all employers but shall not be charged to  
585 reimbursing or rate-paying political subdivisions or institutions  
586 of higher learning, or reimbursing nonprofit organizations, as  
587 described in Sections 71-5-357 and 71-5-359.

588 (b) All Mississippi Workforce Enhancement Training  
589 contributions, State Workforce Investment contributions and  
590 Mississippi Works contributions collected shall be deposited  
591 initially into the Mississippi Department of Employment Security  
592 bank account for clearing contribution collections and shall  
593 within two (2) business days be transferred to the Workforce  
594 Investment and Training Holding Account. Any Mississippi  
595 Workforce Enhancement Training Fund and/or State Workforce  
596 Investment Board bank account and/or Mississippi Works Fund  
597 transactions from the Mississippi Department of Employment  
598 Security bank account for clearing contribution collections that  
599 are deposited into the Workforce Investment and Training Fund  
600 Holding Account and are not honored by a financial institution  
601 will be transferred back to the Mississippi Department of  
602 Employment Security bank account for clearing contribution  
603 collections out of funds in the Mississippi Workforce Investment  
604 and Training Fund Holding Account.

605 (c) Suspension of the Workforce Enhancement Training  
606 Fund contributions required pursuant to this chapter shall occur  
607 if the insured unemployment rate exceeds an average of five and





608 five-tenths percent (5.5%) for the three (3) consecutive months  
609 immediately preceding the effective date of the new rate year  
610 following such occurrence and shall remain suspended throughout  
611 the duration of that rate year. Such suspension shall continue  
612 until such time as the three (3) consecutive months immediately  
613 preceding the effective date of the next rate year that has an  
614 insured unemployment rate of less than an average of four and  
615 five-tenths percent (4.5%). Upon such occurrence, reactivation  
616 shall be effective upon the first day of the rate year following  
617 the event that lifts suspension and shall be in effect for that  
618 year and shall continue until such time as a subsequent suspension  
619 event as described in this chapter occurs.

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

624 **SECTION 12.** Section 71-5-453, Mississippi Code of 1972, is  
625 amended as follows:

626 71-5-453. The department shall be the treasurer and  
627 custodian of the fund, and shall administer such fund in  
628 accordance with the directions of the department, and shall issue  
629 its warrants upon it in accordance with such regulations as the  
630 department shall prescribe. The department shall maintain within  
631 the fund three (3) separate accounts: (a) a clearing account, (b)  
632 an unemployment trust fund account, and (c) a benefit payment



633 account. All monies payable to the fund, upon receipt thereof by  
634 the department, shall be immediately deposited in the clearing  
635 account. Refunds payable pursuant to Section 71-5-383 may be paid  
636 from the clearing account by the department. Transfers pursuant  
637 to Section 71-5-114 of all interest, penalties and damages  
638 collected shall be made to the Special Employment Security  
639 Administration Fund as soon as practicable after the end of each  
640 calendar quarter. Workforce Enhancement Training contributions,  
641 State Workforce Investment contributions and Mississippi Works  
642 contributions shall be deposited into the Workforce Investment and  
643 Training Holding Account as described in this section. All other  
644 monies in the clearing account shall be immediately deposited with  
645 the Secretary of the Treasury of the United States of America to  
646 the Unemployment Trust Fund account for the State of Mississippi,  
647 established and maintained pursuant to Section 904 of the Social  
648 Security Act, as amended, any provisions of law in this state  
649 relating to the deposit, administration, release or disbursement  
650 of monies in the possession or custody of this state to the  
651 contrary notwithstanding. The benefit account shall consist of  
652 all monies requisitioned from this state's account in the  
653 Unemployment Trust Fund. Except as herein otherwise provided,  
654 monies in the clearing and benefit accounts may be deposited by  
655 the department, in any bank or public depository in which general  
656 funds of the state may be deposited, but no public deposit  
657 insurance charge or premium shall be paid out of the fund. The



658 department shall be liable for the faithful performance of its  
659 duties in connection with the Unemployment Compensation Fund under  
660 this chapter. A Workforce Investment and Training Holding Account  
661 shall be established by and maintained under the control of the  
662 Mississippi Department of Employment Security. Contributions  
663 collected pursuant to the provisions in this chapter for the  
664 Workforce Enhancement Training Fund, State Workforce Investment  
665 Fund and the Mississippi Works Fund shall be transferred from the  
666 clearing account into the Workforce Investment and Training  
667 Holding Account on the same schedule and under the same conditions  
668 as funds transferred to the Unemployment Compensation Fund. Such  
669 funds shall remain on deposit in the holding account for a period  
670 of thirty (30) days. After such period, Workforce Enhancement  
671 Training contributions shall be transferred to the appropriate  
672 Mississippi \* \* \* Department of Workforce Development Treasury  
673 Account by the department. The State Workforce Investment  
674 contributions shall be transferred to the State Workforce  
675 Investment Board bank account established by the department, and  
676 the department shall have the authority to deposit and disburse  
677 funds from the State Workforce Investment Board bank account as  
678 directed by the State Workforce Investment Board. The Mississippi  
679 Works contributions shall be transferred to the Mississippi  
680 Department of Employment Security Treasury Account for the  
681 Mississippi Works Fund. Such transfers shall occur within fifteen  
682 (15) days after the funds have resided in the Workforce Investment



683 and Training Holding Account for thirty (30) days. One (1) such  
684 transfer shall be made monthly, but the department, in its  
685 discretion, may make additional transfers in any month. In the  
686 event such funds transferred are subsequently determined to be  
687 erroneously paid or collected, or if deposit of such funds is  
688 denied or rejected by the banking institution for any reason, or  
689 deposits are unable to clear drawer's account for any reason, the  
690 funds must be reimbursed by the recipient of such funds within  
691 thirty (30) days of mailing of notice by the department demanding  
692 such refund, unless funds are available in the Workforce  
693 Investment and Training Holding Account. In that event such  
694 amounts shall be immediately withdrawn from the Workforce  
695 Investment and Training Holding Account by the department and  
696 redeposited into the clearing account.

697 **SECTION 13.** Section 37-153-7, Mississippi Code of 1972, is  
698 amended as follows:

699 37-153-7. (1) There is created the Mississippi State  
700 Workforce Investment Board, which shall be a subdivision housed  
701 within, but independent of, the Mississippi Department of  
702 Workforce Development. The Mississippi State Workforce Investment  
703 Board shall be composed of forty-one (41) voting members, of which  
704 a majority shall be representatives of business and industry in  
705 accordance with the federal Workforce Investment Act.

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



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

710                   (ii) The Executive Director of the Mississippi  
711 Municipal League;

712                   (iii) One (1) elected mayor;

713                   (iv) One (1) representative of an apprenticeship  
714 program in the state;

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

717                   (vi) One (1) representative of individuals and  
718 organizations that has experience with respect to youth  
719 activities;

720                   (vii) One (1) representative of the Mississippi  
721 Association of Planning and Development Districts;

722                   (viii) One (1) representative from each of the  
723 four (4) workforce areas in the state, who has been nominated by  
724 the community colleges in each respective area, with the consent  
725 of the elected county supervisors within the respective workforce  
726 area;

727                   (ix) The chair of the Mississippi Association of  
728 Community and Junior Colleges; and

729                   (x) Twenty-one (21) representatives of business  
730 owners nominated by business and industry organizations, which may  
731 include representatives of the various planning and development  
732 districts in Mississippi.



733                   (b) The following state officials shall be members of  
734 the board:

735                   (i) The Executive Director of the Mississippi  
736 Department of Employment Security;

737                   (ii) The Executive Director of the Department of  
738 Rehabilitation Services;

739                   (iii) The State Superintendent of Public  
740 Education;

741                   (iv) The Executive Director of the Mississippi  
742 Development Authority;

743                   (v) The Executive Director of the Mississippi  
744 Department of Human Services;

745                   (vi) The Executive Director of the Mississippi  
746 Community College Board; and

747                   (vii) The Commissioner of the Institutions of  
748 Higher Learning.

749                   (c) The Governor, or his designee, shall serve as a  
750 member.

751                   (d) Four (4) legislators, who shall serve in a  
752 nonvoting capacity, two (2) of whom shall be appointed by the  
753 Lieutenant Governor from the membership of the Mississippi Senate,  
754 and two (2) of whom shall be appointed by the Speaker of the House  
755 from the membership of the Mississippi House of Representatives.

756                   (e) The membership of the board shall reflect the  
757 diversity of the State of Mississippi.



758           (f) The Governor shall designate the Chairman of the  
759 Mississippi State Workforce Investment Board from among the  
760 business and industry voting members of the board, and a quorum of  
761 the board shall consist of a majority of the voting members of the  
762 board.

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

767           (2) The Mississippi Department of Employment Security shall  
768 establish limits on administrative costs for each portion of  
769 Mississippi's workforce development system consistent with the  
770 federal Workforce Investment Act or any future federal workforce  
771 legislation.

772           (3) The Mississippi State Workforce Investment Board shall  
773 have the following duties. These duties are intended to be  
774 consistent with the scope of duties provided in the federal  
775 Workforce Investment Act, Workforce Innovation and Opportunity  
776 Act, amendments and successor legislation to these acts, and other  
777 relevant federal law:

778           (a) Develop and submit to the Governor a strategic plan  
779 for an integrated state workforce development system that aligns  
780 resources and structures the system to more effectively and  
781 efficiently meet the demands of Mississippi's employers and job  
782 seekers. This plan will comply with the federal Workforce



783 Investment Act of 1998, as amended, the federal Workforce  
784 Innovation and Opportunity Act of 2014 and amendments and  
785 successor legislation to these acts;

786 (b) Assist the Governor in the development and  
787 continuous improvement of the statewide workforce investment  
788 system that shall include:

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

791 (ii) Review local workforce development plans that  
792 reflect the use of funds from the federal Workforce Investment  
793 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser  
794 Act and the amendment or successor legislation to the acts, and  
795 the Mississippi Comprehensive Workforce Training and Education  
796 Consolidation Act;

797 (c) Recommend the designation of local workforce  
798 investment areas as required in Section 116 of the federal  
799 Workforce Investment Act of 1998 and the Workforce Innovation and  
800 Opportunity Act of 2014. There shall be four (4) workforce  
801 investment areas that are generally aligned with the planning and  
802 development district structure in Mississippi. Planning and  
803 development districts will serve as the fiscal agents to manage  
804 Workforce Investment Act funds, oversee and support the local  
805 workforce investment boards aligned with the area and the local  
806 programs and activities as delivered by the one-stop employment  
807 and training system. The planning and development districts will





808 perform this function through the provisions of the county  
809 cooperative service districts created under Sections 19-3-101  
810 through 19-3-115; however, planning and development districts  
811 currently performing this function under the Interlocal  
812 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
813 continue to do so;

814 (d) Assist the Governor in the development of an  
815 allocation formula for the distribution of funds for adult  
816 employment and training activities and youth activities to local  
817 workforce investment areas;

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

821 (f) Assist the Governor in the establishment and  
822 management of a one-stop employment and training system conforming  
823 to the requirements of the federal Workforce Investment Act of  
824 1998 and the Workforce Innovation and Opportunity Act of 2014, as  
825 amended, recommending policy for implementing the Governor's  
826 approved plan for employment and training activities and services  
827 within the state. In developing this one-stop career operating  
828 system, the Mississippi State Workforce Investment Board, in  
829 conjunction with local workforce investment boards, shall:

830 (i) Design broad guidelines for the delivery of  
831 workforce development programs;



832                   (ii) Identify all existing delivery agencies and  
833 other resources;

834                   (iii) Define appropriate roles of the various  
835 agencies to include an analysis of service providers' strengths  
836 and weaknesses;

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

839                   (v) Develop a financial plan to support the  
840 delivery system that shall, at a minimum, include an  
841 accountability system;

842                   (g) Assist the Governor in reducing duplication of  
843 services by urging the local workforce investment boards to  
844 designate the local community/junior college as the operator of  
845 the WIN Job Center. Incentive grants of Two Hundred Thousand  
846 Dollars (\$200,000.00) from federal Workforce Investment Act funds  
847 may be awarded to the local workforce boards where the  
848 community/junior college district is designated as the WIN Job  
849 Center. These grants must be provided to the community and junior  
850 colleges for the extraordinary costs of coordinating with the  
851 Workforce Investment Act, advanced technology centers and advanced  
852 skills centers. In no case shall these funds be used to supplant  
853 state resources being used for operation of workforce development  
854 programs;

855                   (h) To provide authority, in accordance with any  
856 executive order of the Governor, for developing the necessary



857 collaboration among state agencies at the highest level for  
858 accomplishing the purposes of this chapter;

859 (i) To monitor the effectiveness of the workforce  
860 development centers and WIN job centers;

861 (j) To advise the Governor, public schools,  
862 community/junior colleges and institutions of higher learning on  
863 effective school-to-work transition policies and programs that  
864 link students moving from high school to higher education and  
865 students moving between community colleges and four-year  
866 institutions in pursuit of academic and technical skills training;

867 (k) To work with industry to identify barriers that  
868 inhibit the delivery of quality workforce education and the  
869 responsiveness of educational institutions to the needs of  
870 industry;

871 (l) To provide periodic assessments on effectiveness  
872 and results of the overall Mississippi comprehensive workforce  
873 development system and district councils; and

874 (m) To assist the Governor in carrying out any other  
875 responsibility required by the federal Workforce Investment Act of  
876 1998, as amended and the Workforce Innovation and Opportunity Act,  
877 successor legislation and amendments.

878 (4) The Mississippi State Workforce Investment Board shall  
879 coordinate all training programs and funds \* \* \* within its  
880 purview, consistent with the federal Workforce Investment Act,



881 Workforce Innovation and Opportunity Act, amendments and successor  
882 legislation to these acts, and other relevant federal law.

883 Each state agency director responsible for workforce training  
884 activities shall advise the Mississippi Department of Workforce  
885 Development and the State Workforce Investment Board of  
886 appropriate federal and state requirements. Each such state  
887 agency director shall remain responsible for the actions of his  
888 agency; however, each state agency and director shall work  
889 cooperatively \* \* \* to fulfill the state's goals.

890 (5) The State Workforce Investment Board shall establish a  
891 Rules Committee. \* \* \* The State Workforce Investment Board Rules  
892 Committee shall develop and submit rules and regulations in  
893 accordance with the Mississippi Administrative Procedures Act,  
894 within sixty (60) days of March 21, 2016. The State Workforce  
895 Investment Board Rules Committee shall consist of the following  
896 State Workforce Investment Board members:

897 (a) The Executive Director of the Mississippi  
898 Development Authority;

899 (b) The Executive Director of the Mississippi  
900 Department of Employment Security;

901 (c) The Executive Director of the Mississippi Community  
902 College Board;

903 (d) The Chair of the Mississippi Association of  
904 Community and Junior Colleges;

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



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

908 (g) A business representative currently serving on the  
909 board, selected by the Chairman of the State Workforce Investment  
910 Board; and

911 (h) Two (2) legislators, who shall serve in a nonvoting  
912 capacity, one (1) of whom shall be appointed by the Lieutenant  
913 Governor from the membership of the Mississippi Senate and one (1)  
914 of whom shall be appointed by the Speaker of the House of  
915 Representatives from the membership of the Mississippi House of  
916 Representatives.

917 \* \* \*

918 **SECTION 14.** Section 37-153-11, Mississippi Code of 1972, is  
919 amended as follows:

920 37-153-11. (1) There are created workforce development  
921 centers to provide assessment, training and placement services to  
922 individuals needing retraining, training and upgrading for small  
923 business and local industry. Each workforce development center  
924 shall be affiliated with a separate public community or junior  
925 college district and shall coordinate with the Mississippi  
926 Department of Workforce Development.

927 (2) Each workforce development center shall be staffed and  
928 organized locally by the affiliated community college. The  
929 workforce development center shall serve as staff to the  
930 affiliated district council.



931           (3) Each workforce development center, working in concert  
932 with its affiliated district council, shall offer and arrange  
933 services to accomplish the purposes of this chapter, including,  
934 but not limited to, the following:

935           (a) For individuals needing training and retraining:

936                   (i) Recruiting, assessing, counseling and  
937 referring to training or jobs;

938                   (ii) Preemployment training for those with no  
939 experience in the private enterprise system;

940                   (iii) Basic literacy skills training and high  
941 school equivalency education;

942                   (iv) Vocational and technical training, full-time  
943 or part-time; and

944                   (v) Short-term skills training for educationally  
945 and economically disadvantaged adults in cooperation with  
946 federally established employment and training programs;

947           (b) For specific small businesses, industries or firms  
948 within the district:

949                   (i) Job analysis, testing and curriculum  
950 development;

951                   (ii) Development of specific long-range training  
952 plans;

953                   (iii) Industry or firm-related preemployment  
954 training;

955                   (iv) Workplace basic skills and literacy training;



956 (v) Customized skills training;

957 (vi) Assistance in developing the capacity for  
958 total quality management training;

959 (vii) Technology transfer information and referral  
960 services to business of local applications of new research in  
961 cooperation with the University Research Center, the state's  
962 universities and other laboratories; and

963 (viii) Development of business plans;

964 (c) For public schools within the district technical  
965 assistance to secondary schools in curriculum coordination,  
966 development of tech prep programs, instructional development and  
967 resource coordination; and

968 (d) For economic development, a local forum and  
969 resource center for all local industrial development groups to  
970 meet and promote regional economic development.

971 (4) Each workforce development center shall compile and make  
972 accessible to the Department of Workforce Development and  
973 Mississippi State Workforce Investment Board necessary information  
974 for use in evaluating outcomes of its efforts and in improving the  
975 quality of programs at each community college, and shall include  
976 information on literacy initiatives. Each workforce development  
977 center shall, through an interagency management information  
978 system, maintain records on new small businesses, placement,  
979 length of time on the job after placement and wage rates of those



980 placed in a form containing such information as established by the  
981 state council.

982 (5) The Mississippi Community College Board is authorized to  
983 designate one or more workforce development centers at the request  
984 of affiliated community or junior colleges to provide skills  
985 training to individuals to enhance their ability to be employed in  
986 the motion picture industry in this state.

987 **SECTION 15.** Section 37-153-13, Mississippi Code of 1972, is  
988 amended as follows:

989 37-153-13. The Mississippi Community College Board, in  
990 collaboration with the Mississippi Department of Workforce  
991 Development, is designated as the primary support agency to the  
992 workforce development centers. The Mississippi Community College  
993 Board, in consultation with the Mississippi Department of  
994 Workforce Development, may exercise the following powers:

995 (a) To provide the workforce development centers the  
996 assistance necessary to accomplish the purposes of this chapter;

997 (b) To provide the workforce development centers  
998 consistent standards and benchmarks to guide development of the  
999 local workforce development system and to provide a means by which  
1000 the outcomes of local services can be measured;

1001 (c) To develop the staff capacity to provide, broker or  
1002 contract for the provision of technical assistance to the  
1003 workforce development centers, including, but not limited to:





1004 (i) Training local staff in methods of recruiting,  
1005 assessment and career counseling;

1006 (ii) Establishing rigorous and comprehensive local  
1007 preemployment training programs;

1008 (iii) Developing local institutional capacity to  
1009 deliver total quality management training;

1010 (iv) Developing local institutional capacity to  
1011 transfer new technologists into the marketplace;

1012 (v) Expanding the Skills Enhancement Program and  
1013 improving the quality of adult literacy programs; and

1014 (vi) Developing data for strategic planning;

1015 (d) To collaborate with the Mississippi Development  
1016 Authority, Mississippi Department of Workforce Development,  
1017 individual community and junior colleges, and other economic  
1018 development organizations to increase the \* \* \* economic  
1019 development potential and the state's labor force participation  
1020 rate;

1021 (e) To administer presented and approved certification  
1022 programs by the community colleges for tax credits and partnership  
1023 funding for corporate training;

1024 (f) To create and maintain an evaluation team that  
1025 examines which kinds of curricula and programs and what forms of  
1026 quality control of training are most productive so that the  
1027 knowledge developed at one (1) institution of education can be  
1028 transferred to others;



1029 (g) To develop internal capacity to provide services  
1030 and to contract for services from universities and other providers  
1031 directly to local institutions;

1032 (h) To develop and administer an incentive  
1033 certification program;

1034 (i) To develop and hire staff and purchase equipment  
1035 necessary to accomplish the goals set forth in this section; and

1036 (j) To collaborate, partner and contract for services  
1037 with community-based organizations and disadvantaged businesses in  
1038 the delivery of workforce training and career information  
1039 especially to youth, as defined by the federal Workforce  
1040 Investment Act, and to those adults who are in low income jobs or  
1041 whose individual skill levels are so low as to be unable initially  
1042 to be aided by a workforce development center. Community-based  
1043 organizations and disadvantaged businesses must meet  
1044 performance-based certification requirements set by the  
1045 Mississippi Community College Board, in collaboration with the  
1046 Mississippi Department of Workforce Development.

1047 **SECTION 16.** Section 60, Chapter 572, Laws of 2004, as  
1048 amended by Section 58, Chapter 30, Laws of the First Extraordinary  
1049 Session of 2008, as amended by Section 58, Chapter 559, Laws of  
1050 2010 Regular Session, as amended by Section 59, Chapter 471, Laws  
1051 of 2011, as amended by Section 58, Chapter 515, Laws of 2012, as  
1052 amended by Section 58, Chapter 451, Laws of 2019, is amended as  
1053 follows:



1054 Section 60. Sections 8 through 59 of this act shall stand  
1055 repealed on July 1, 2023.

1056 **SECTION 17.** The following shall be codified as Section  
1057 37-153-17, Mississippi Code of 1972:

1058 37-153-17. Sections 37-153-1, 37-153-3, 37-153-5, 37-153-7,  
1059 37-153-9, 37-153-11, 37-153-13 and 37-153-15 shall stand repealed  
1060 on July 1, 2023.

1061 **SECTION 18.** Section 37-153-1, Mississippi Code of 1972, is  
1062 brought forward as follows:

1063 37-153-1. This chapter shall be known and may be cited as  
1064 the "Mississippi Comprehensive Workforce Training and Education  
1065 Consolidation Act of 2004."

1066 **SECTION 19.** Section 37-153-3, Mississippi Code of 1972, is  
1067 brought forward as follows:

1068 37-153-3. It is the intent of the Legislature by the passage  
1069 of Chapter 572, Laws of 2004, to establish one (1) comprehensive  
1070 workforce development system in the State of Mississippi that is  
1071 focused on achieving results, using resources efficiently and  
1072 ensuring that workers and employers can easily access needed  
1073 services. This system shall reflect a consolidation of the  
1074 Mississippi Workforce Development Advisory Council and the  
1075 Mississippi State Workforce Investment Act Board. The purpose of  
1076 Chapter 572, Laws of 2004, is to provide workforce activities,  
1077 through a statewide system that maximizes cooperation among state  
1078 agencies, that increase the employment, retention and earnings of



1079 participants, and increase occupational skill attainment by  
1080 participants and as a result, improve the quality of the  
1081 workforce, reduce welfare dependency and enhance the productivity  
1082 and competitiveness of the State of Mississippi.

1083       **SECTION 20.** Section 37-153-5, Mississippi Code of 1972, is  
1084 brought forward as follows:

1085       37-153-5. For purposes of this chapter, the following words  
1086 and phrases shall have the meanings respectively ascribed in this  
1087 section unless the context clearly indicates otherwise:

1088           (a) "State board" means the Mississippi State Workforce  
1089 Investment Board;

1090           (b) "District councils" means the Local Workforce  
1091 Development Councils;

1092           (c) "Local workforce investment board" means the board  
1093 that oversees the workforce development activities of local  
1094 workforce areas under the federal Workforce Investment Act.

1095       **SECTION 21.** Section 37-153-9, Mississippi Code of 1972, is  
1096 brought forward as follows:

1097       37-153-9. (1) In accordance with the federal Workforce  
1098 Investment Act of 1998, there shall be established, for each of  
1099 the four (4) state workforce areas prescribed in Section 37-153-3  
1100 (2)(c), a local workforce investment board to set policy for the  
1101 portion of the state workforce investment system within the local  
1102 area and carry out the provisions of the Workforce Investment Act.



1103           (2) Each community college district shall have an affiliated  
1104 District Workforce Development Council. The district council  
1105 shall be composed of a diverse group of fifteen (15) persons  
1106 appointed by the board of trustees of the affiliated public  
1107 community or junior college. The members of each district council  
1108 shall be selected from persons recommended by the chambers of  
1109 commerce, employee groups, industrial foundations, community  
1110 organizations and local governments located in the community  
1111 college district of the affiliated community college with one (1)  
1112 appointee being involved in basic literacy training. However, at  
1113 least eight (8) members of each district council shall be chief  
1114 executive officers, plant managers that are representatives of  
1115 employers in that district or service sector executives. The  
1116 District Workforce Development Council affiliated with each  
1117 respective community or junior college shall advise the president  
1118 of the community or junior college on the operation of its  
1119 workforce development center/one-stop center.

1120           The Workforce Development Council shall have the following  
1121 advisory duties:

1122                   (a) To develop an integrated and coordinated district  
1123 workforce investment strategic plan that:

1124                           (i) Identifies workforce investment needs through  
1125 job and employee assessments of local business and industry;



1126 (ii) Sets short-term and long-term goals for  
1127 industry-specific training and upgrading and for general  
1128 development of the workforce; and

1129 (iii) Provides for coordination of all training  
1130 programs, including ABE/High School Equivalency Diploma, Skills  
1131 Enhancement and Industrial Services, and shall work  
1132 collaboratively with the State Literacy Resource Center;

1133 (b) To coordinate and integrate delivery of training as  
1134 provided by the workforce development plan;

1135 (c) To assist business and industry management in the  
1136 transition to a high-powered, quality organization;

1137 (d) To encourage continuous improvement through  
1138 evaluation and assessment; and

1139 (e) To oversee development of an extensive marketing  
1140 plan to the employer community.

1141 **SECTION 22.** Section 37-153-15, Mississippi Code of 1972, is  
1142 brought forward as follows:

1143 37-153-15. (1) As used in this chapter:

1144 (a) The words "industry certification" mean a voluntary  
1145 process through which students are assessed by an independent,  
1146 third-party certifying entity using predetermined standards for  
1147 knowledge, skills and competencies, resulting in the award of a  
1148 credential that is nationally recognized and must be at least one  
1149 (1) of the following:



1150 (i) Within an industry that addresses a critical  
1151 local, regional or statewide economic need;

1152 (ii) Linked to an occupation that is included in  
1153 the State Department of Employment Security's occupations in  
1154 high-demand list; or

1155 (iii) Linked to an occupation that is identified  
1156 as emerging.

1157 (b) The words "qualifying industry certification" mean  
1158 an industry certification that is linked to an occupation with  
1159 wages of at least seventy percent (70%) of the average annual wage  
1160 in this state unless the industry certification is stackable to  
1161 another postsecondary or professional credential which is linked  
1162 to an occupation which meets the wage criterion.

1163 (2) The State Workforce Investment Board shall provide the  
1164 State Board of Education annually with a list of qualifying  
1165 industry certifications. If the occupations identified in the  
1166 list are not substantially the same as those occupations  
1167 identified in the prior year, the State Board of Education shall  
1168 provide reasonable notice of the changes to school districts.

1169 (3) Beginning in fiscal year 2019-2020 and subject to  
1170 available funding, the Department of Education shall pay a career  
1171 and technical education incentive grant to the public school for  
1172 each student enrolled in the public school who earns a qualifying  
1173 industry certification. The amount per student for the career and  
1174 technical education incentive grant shall be Six Hundred Dollars



1175 (\$600.00). If the statewide sum of the career and technical  
1176 education incentive grants awarded pursuant to this section  
1177 exceeds the amount of available funds appropriated for the grants,  
1178 the grants per student shall be reduced proportionately to cover  
1179 all eligible grants under this section.

1180 (4) The grants may be used for qualifying industry  
1181 certification examination fees, professional development for  
1182 teachers in career and technical education programs under this  
1183 section, student instructional support for programs that lead to  
1184 qualifying industry certifications, or to increase access to  
1185 qualifying industry certifications. Any grants awarded under this  
1186 section may not be used to supplant funds provided for the basic  
1187 operation of the career and technical education programs.

1188 (5) On or before July 1 of each year, the Department of  
1189 Education shall submit a report to the Governor, the Lieutenant  
1190 Governor, the Speaker of the House of Representatives, the  
1191 Chairmen of the House and Senate Education Committees, the  
1192 Chairman of the House Workforce Development Committee and the  
1193 Chairman of the Senate Labor Committee on the following:

1194 (a) The number of students who enrolled in a career and  
1195 technical education course or program that leads to a qualifying  
1196 industry certification.

1197 (b) The number of students who earned a qualifying  
1198 industry certification by certification.





1199 (c) The amount of career and technical education  
1200 incentive grants awarded by the school.

1201 (d) The amount of career and technical education  
1202 incentive grants awarded per student.

1203 (e) Aggregated demographic data on the students who  
1204 earned a qualifying industry certification, including the  
1205 qualifying industry certifications earned by rural and urban  
1206 students.

1207 **SECTION 23.** This act shall take effect and be in force from  
1208 and after July 1, 2020, and shall stand repealed on June 30, 2020.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO ESTABLISH THE MISSISSIPPI DEPARTMENT OF WORKFORCE  
2 DEVELOPMENT; TO MAKE THE DEPARTMENT RESPONSIBLE FOR THE  
3 ADMINISTRATION OF CERTAIN WORKFORCE PROGRAMS ADMINISTERED BY THE  
4 MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD, THE MISSISSIPPI  
5 COMMUNITY COLLEGE BOARD AND INDIVIDUAL COMMUNITY OR JUNIOR  
6 COLLEGES, INCLUDING PROGRAMS ADMINISTERED THROUGH THE MISSISSIPPI  
7 WORKFORCE ENHANCEMENT TRAINING FUND AND THE MISSISSIPPI WORKS  
8 FUND; TO PROVIDE FOR THE DEPARTMENT TO BE HEADED BY THE EXECUTIVE  
9 DIRECTOR OF WORKFORCE DEVELOPMENT, TO SERVE AT THE WILL AND  
10 PLEASURE OF THE BOARD OF DIRECTORS; TO PROVIDE FOR THE  
11 CONSTITUTION OF THE BOARD'S MEMBERSHIP AND THE TERMS OF OFFICE OF  
12 THE MEMBERS; TO PROVIDE REPORTING REQUIREMENTS FOR THE DEPARTMENT;  
13 TO PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN INFORMATION  
14 SUBMITTED TO THE EXECUTIVE DIRECTOR CONCERNING WORKFORCE TRAINING  
15 PROJECTS; TO AUTHORIZE THE DEPARTMENT TO PROMULGATE RULES AND  
16 REGULATIONS; TO AMEND SECTIONS 71-5-353, 71-5-453, 37-153-7,  
17 37-153-11 AND 37-153-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
18 THERETO; TO AMEND SECTION 60, CHAPTER 572, LAWS OF 2004, AS LAST  
19 AMENDED BY SECTION 58, CHAPTER 451, LAWS OF 2019, WHICH IS THE  
20 REPEALER FOR THE CHAPTER, TO EXCLUDE THE SECTIONS OF THE CHAPTER  
21 CORRESPONDING TO SECTIONS 37-153-1 THROUGH 37-153-13; TO CREATE  
22 NEW SECTION 37-153-17, MISSISSIPPI CODE OF 1972, TO CODIFY THE  
23 REPEALER OF SECTIONS 37-153-1 THROUGH 37-153-13, AND TO ADD  
24 SECTION 37-153-15 AS SUBJECT TO THE REPEALER; TO BRING FORWARD



25 SECTIONS 37-153-1, 37-153-3, 37-153-5, 37-153-9 AND 37-153-15,  
26 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
27 AND FOR RELATED PURPOSES.

