

**Pending  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 849**

**BY: Committee**

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

8           **SECTION 1.** Section 37-153-5, Mississippi Code of 1972, is  
9 brought forward as follows:

10           37-153-5. For purposes of this chapter, the following words  
11 and phrases shall have the meanings respectively ascribed in this  
12 section unless the context clearly indicates otherwise:

13           (a) "State board" or "board" means the Mississippi  
14 State Workforce Investment Board.

15           (b) "District councils" means the Local Workforce  
16 Development Councils.



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

(d) "Office" means the Mississippi Office of Workforce Development, housed at the Department of Finance and Administration.

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

37-153-7. (1) There is created the Mississippi Office of Workforce Development and the Mississippi State Workforce Investment Board, which shall serve as the advisory board for the office. The Mississippi State Workforce Investment Board shall be composed of thirty-one (31) voting members, of which a majority shall be representatives of business and industry in accordance with the federal Workforce Innovation and Opportunity Act, or any successive acts.

(2) The members of the State Workforce Investment Board shall include:

(a) The Governor, or his designee;

(b) Nineteen (19) members, appointed by the Governor, of whom:

(i) A majority shall be representatives of businesses in the state, who:

1. Are owners of businesses, chief executives or operating officers of businesses, or other business executives



or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and Opportunity Act. At least two (2) of the members appointed under this item 1. shall be small business owners, chief executives or operating officers of businesses with less than fifty (50) employees;

2. Represent businesses, including small businesses, or organizations representing businesses, which provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in high-demand industry sectors or occupations in the state; and

3. Are appointed from among individuals nominated by state business organizations and business trade associations;

(ii) Not less than twenty percent (20%) shall consist of representatives of the workforce within the state, which:

1. Includes labor organization representatives who have been nominated by state labor federations;

2. Includes a labor organization member or training director from an apprenticeship program in the state, which shall be a joint labor-management apprenticeship program if such a program exists in the state;



67                   3. May include representatives of  
68 community-based organizations, including organizations serving  
69 veterans or providing or supporting competitive, integrated  
70 employment for individuals with disabilities, who have  
71 demonstrated experience and expertise in addressing employment,  
72 training or education needs of individuals with barriers to  
73 employment; and

74                   4. May include representatives of  
75 organizations, including organizations serving out-of-school  
76 youth, who have demonstrated experience or expertise in addressing  
77 the employment, training or education needs of eligible youth;

78                   (iii) The balance shall include government  
79 representatives, including the lead state officials with primary  
80 responsibility for core programs, and chief elected officials  
81 (collectively representing both cities and counties, where  
82 appropriate);

83                   (c) Two (2) representatives of businesses in the state  
84 appointed by the Lieutenant Governor;

85                   (d) Two (2) representatives of businesses in the state,  
86 one (1) appointed by the Governor \* \* \* and one (1) appointed by  
87 the Lieutenant Governor, both appointments after consultation with  
88 the Speaker of the House; and

89                   (e) The following state officials:

90                   (i) The Executive Director of the Mississippi  
91 Department of Employment Security;



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

(iii) The State Superintendent of Public  
Education;

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

(v) The Executive Director of the Mississippi  
Community College Board;

(vi) The President of the Community College  
Association; and

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

(f) One (1) senator, appointed by the Lieutenant  
Governor, and one (1) representative, appointed by the Speaker of  
the House, shall serve on the state board in a nonvoting capacity.

(g) The Governor may appoint additional members if  
required by the federal Workforce Innovation and Opportunity Act,  
or any successive acts.

(h) Members of the board shall serve a term of four (4)  
years, and shall not serve more than three (3) consecutive terms.

(i) The membership of the board shall reflect the  
diversity of the State of Mississippi.

(j) The Governor shall designate the Chairman of the  
Mississippi State Workforce Investment Board from among the  
business and industry voting members of the board, and a quorum of



the board shall consist of a majority of the voting members of the board.

(k) The voting members of the board who are not state employees shall be entitled to reimbursement of their reasonable expenses in the manner and amount specified in Section 25-3-41 and shall be entitled to receive per diem compensation as authorized in Section 25-3-69.

(3) Members of the state board may be recalled by their appointing authority for cause, including a felony conviction, fraudulent or dishonest acts or gross abuse of discretion, failure to meet board member qualifications, or chronic failure to attend board meetings.

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

(5) The Mississippi State Workforce Investment Board shall have the following duties. These duties are intended to be consistent with the scope of duties provided in the federal Workforce Innovation and Opportunity Act, amendments and successor legislation to this act, and other relevant federal law:

(a) Through the office, develop and submit to the Governor, Lieutenant Governor and Speaker of the House a strategic plan for an integrated state workforce development system that



aligns resources and structures the system to more effectively and efficiently meet the demands of Mississippi's employers and job seekers. This plan will comply with the federal Workforce Investment Act of 1998, as amended, the federal Workforce Innovation and Opportunity Act of 2014 and amendments and successor legislation to these acts;

(b) Assist the Governor, Lieutenant Governor and Speaker of the House in the development and continuous improvement of the statewide workforce investment system that shall include:

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

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

(c) Recommend to the office the designation of local workforce investment areas as required in Section 116 of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014. There shall be four (4) workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the



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

176 (d) Assist the Governor in the development of an  
177 allocation formula for the distribution of funds for adult  
178 employment and training activities and youth activities to local  
179 workforce investment areas;

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

183 (f) Assist the Governor in the establishment and  
184 management of a one-stop employment and training system conforming  
185 to the requirements of the federal Workforce Investment Act of  
186 1998 and the Workforce Innovation and Opportunity Act of 2014, as  
187 amended, recommending policy for implementing the Governor's  
188 approved plan for employment and training activities and services  
189 within the state. In developing this one-stop career operating  
190 system, the Mississippi State Workforce Investment Board, in  
191 conjunction with local workforce investment boards, shall:





192 (i) Design broad guidelines for the delivery of  
193 workforce development programs;

194 (ii) Identify all existing delivery agencies and  
195 other resources;

196 (iii) Define appropriate roles of the various  
197 agencies to include an analysis of service providers' strengths  
198 and weaknesses;

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

201 (v) Develop a financial plan to support the  
202 delivery system that shall, at a minimum, include an  
203 accountability system;

204 (g) To provide authority, in accordance with any  
205 executive order of the Governor, for developing the necessary  
206 collaboration among state agencies at the highest level for  
207 accomplishing the purposes of this chapter;

208 (h) To monitor the effectiveness of the workforce  
209 development centers and WIN job centers;

210 (i) To advise the Governor, public schools,  
211 community/junior colleges and institutions of higher learning on  
212 effective school-to-work transition policies and programs that  
213 link students moving from high school to higher education and  
214 students moving between community colleges and four-year  
215 institutions in pursuit of academic and technical skills training;



216 (j) To work with industry to identify barriers that  
217 inhibit the delivery of quality workforce education and the  
218 responsiveness of educational institutions to the needs of  
219 industry;

220 (k) To provide periodic assessments on effectiveness  
221 and results of the overall Mississippi comprehensive workforce  
222 development system and district councils;

223 (l) Develop broad statewide development goals,  
224 including a goal to raise the state's labor force participation  
225 rate;

226 (m) Perform a comprehensive review of Mississippi's  
227 workforce development efforts, including the amount spent and  
228 effectiveness of programs supported by state or federal money; and

229 (n) To assist the Governor in carrying out any other  
230 responsibility required by the federal Workforce Investment Act of  
231 1998, as amended and the Workforce Innovation and Opportunity Act,  
232 successor legislation and amendments.

233 (6) The Mississippi State Workforce Investment Board shall  
234 coordinate all training programs and funds within its purview,  
235 consistent with the federal Workforce Investment Act, Workforce  
236 Innovation and Opportunity Act, amendments and successor  
237 legislation to these acts, and other relevant federal law.

238 Each state agency director responsible for workforce training  
239 activities shall advise the Mississippi Office of Workforce  
240 Development and the State Workforce Investment Board of



241 appropriate federal and state requirements. Each state agency,  
242 department and institution shall report any monies received for  
243 workforce training activities or career and technical education  
244 and a detailed itemization of how those monies were spent to the  
245 state board. The board shall compile the data and provide a  
246 report of the monies and expenditures to the Chairs of the House  
247 and Senate Appropriations Committee, the Chair of the House  
248 Workforce Development Committee and the Chair of the Senate  
249 Economic and Workforce Development Committee by October 1 of each  
250 year. Each such state agency director shall remain responsible  
251 for the actions of his agency; however, each state agency and  
252 director shall work cooperatively to fulfill the state's goals.

253 (7) The State Workforce Investment Board shall establish an  
254 executive committee, which shall consist of the following State  
255 Workforce Investment Board members:

- 256 (a) The Chair of the State Workforce Investment Board;
- 257 (b) Two (2) business representatives currently serving  
258 on the state board selected by the Governor;
- 259 (c) The two (2) business representatives currently  
260 serving on the state board appointed by the Lieutenant Governor;
- 261 (d) The two (2) business representatives currently  
262 serving on the state board, one (1) appointed by the  
263 Governor \* \* \* and one (1) appointed by the Lieutenant Governor,  
264 both appointments after consultation with the Speaker of the  
265 House;



266 (e) The two (2) legislators, who shall serve in a  
267 nonvoting capacity, one (1) of whom shall be appointed by the  
268 Lieutenant Governor from the membership of the Mississippi Senate  
269 and one (1) of whom shall be appointed by the Speaker of the House  
270 of Representatives from the membership of the Mississippi House of  
271 Representatives.

272 (8) The executive committee shall select an executive  
273 director of the Office of Workforce Development, with the advice  
274 and consent of a majority of the State Workforce Investment Board.  
275 The executive committee shall seek input from economic development  
276 organizations across the state when selecting the executive  
277 director. The executive director shall:

278 (a) Be a person with extensive experience in  
279 development of economic, human and physical resources, and  
280 promotion of industrial and commercial development. The executive  
281 director shall have a bachelor's degree from a state-accredited  
282 institution and no less than eight (8) years of professional  
283 experience related to workforce or economic development;

284 (b) Perform the functions necessary for the daily  
285 operation and administration of the office, with oversight from  
286 the executive committee and the State Workforce Investment Board,  
287 to fulfill the duties of the state board as described in Chapter  
288 476, Laws of 2020;

289 (c) Hire staff needed for the performance of his or her  
290 duties under this act. The executive director, with approval from



the executive committee, shall set the compensation of any hired employees from any funds made available for that purpose;

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

(e) Serve at the will and pleasure of the executive committee;

(f) Promulgate rules and regulations, subject to oversight by the executive committee, not inconsistent with this chapter, as may be necessary to enforce the provisions in this act; and

(g) Perform any other actions he or she, in consultation with the executive committee, deems necessary to fulfill the duties under Chapter 476, Laws of 2020.

(9) The Office of Workforce Development and Mississippi Community College Board shall collaborate in the administration and oversight of the Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund, as described in Section 71-5-353. The executive director shall maintain complete and exclusive operational control of the office's functions.

(10) The office shall file an annual report with the Governor, Secretary of State, President of the Senate, Secretary of the Senate, Speaker of the House, and Clerk of the House not later than October 1 of each year regarding all funds approved by



the office to be expended on workforce training during the prior calendar year. The report shall include:

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

(b) With respect to specific workforce training projects:

(i) The location of the training;

(ii) The amount allocated to the project;

(iii) The purpose of the project;

(iv) The specific business entity that is the beneficiary of the project; and

(v) The number of employees intended to be trained and actually trained, if applicable, in the course of the project.

(c) All information concerning a proposed project which is provided to the executive director shall be kept confidential. Such confidentiality shall not limit disclosure under the Mississippi Public Records Act of 1983 of records describing the nature, quantity, cost or other pertinent information related to the activities of, or services performed using, the Mississippi Workforce Enhancement Training Fund or the Mississippi Works Fund.



340           (11) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.  
341 2564] shall void or otherwise interrupt any contract, lease, grant  
342 or other agreement previously entered into by the State Workforce  
343 Investment Board, Mississippi Community College Board, individual  
344 community or junior colleges, or other entities.

345           **SECTION 3.** This act shall take effect and be in force from  
346 and after July 1, 2021, and shall stand repealed on June 30, 2021.

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

1           AN ACT TO BRING FORWARD SECTION 37-153-5, MISSISSIPPI CODE OF  
2 1972, WHICH PROVIDES THE DEFINITIONS FOR THE WORKFORCE TRAINING  
3 AND EDUCATION CONSOLIDATION ACT FOR THE PURPOSE OF POSSIBLE  
4 AMENDMENT; TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972, TO  
5 REVISE APPOINTMENTS TO THE STATE WORKFORCE INVESTMENT BOARD; AND  
6 FOR RELATED PURPOSES.

