

By: Senator(s) Horhn

To: Economic and Workforce  
Development

SENATE BILL NO. 2329

1 AN ACT TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT HINDS COUNTY SHALL BE A SEPARATE WORKFORCE  
3 INVESTMENT AREA UNDER THE FEDERAL WORKFORCE INVESTMENT ACT; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-153-7, Mississippi Code of 1972, is  
7 amended as follows:

8 37-153-7. (1) There is created the Mississippi Office of  
9 Workforce Development and the Mississippi State Workforce  
10 Investment Board, which shall serve as the advisory board for the  
11 office. The Mississippi State Workforce Investment Board shall be  
12 composed of thirty-one (31) voting members, of which a majority  
13 shall be representatives of business and industry in accordance  
14 with the federal Workforce Innovation and Opportunity Act, or any  
15 successive acts.

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

18 (a) The Governor, or his designee;



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

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

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

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

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

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



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

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

50                   3. May include representatives of  
51 community-based organizations, including organizations serving  
52 veterans or providing or supporting competitive, integrated  
53 employment for individuals with disabilities, who have  
54 demonstrated experience and expertise in addressing employment,  
55 training or education needs of individuals with barriers to  
56 employment; and

57                   4. May include representatives of  
58 organizations, including organizations serving out-of-school  
59 youth, who have demonstrated experience or expertise in addressing  
60 the employment, training or education needs of eligible youth;

61                   (iii) The balance shall include government  
62 representatives, including the lead state officials with primary  
63 responsibility for core programs, and chief elected officials  
64 (collectively representing both cities and counties, where  
65 appropriate);

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



68 (d) Two (2) representatives of businesses in the state  
69 appointed by the Governor from a list of three (3) recommendations  
70 from the Speaker of the House; and

71 (e) The following state officials:

72 (i) The Executive Director of the Mississippi  
73 Department of Employment Security;

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

76 (iii) The State Superintendent of Public  
77 Education;

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

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

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

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

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

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



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

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

96 (j) The Governor shall designate the Chairman of the  
97 Mississippi State Workforce Investment Board from among the  
98 business and industry voting members of the board, and a quorum of  
99 the board shall consist of a majority of the voting members of the  
100 board.

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

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

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



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

121 (a) Through the office, develop and submit to the  
122 Governor, Lieutenant Governor and Speaker of the House a strategic  
123 plan for an integrated state workforce development system that  
124 aligns resources and structures the system to more effectively and  
125 efficiently meet the demands of Mississippi's employers and job  
126 seekers. This plan will comply with the federal Workforce  
127 Investment Act of 1998, as amended, the federal Workforce  
128 Innovation and Opportunity Act of 2014 and amendments and  
129 successor legislation to these acts;

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

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

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



141           (c) Recommend to the office the designation of local  
142 workforce investment areas as required in Section 116 of the  
143 federal Workforce Investment Act of 1998 and the Workforce  
144 Innovation and Opportunity Act of 2014. There shall be four (4)  
145 workforce investment areas that are generally aligned with the  
146 planning and development district structure in Mississippi, and  
147 Hinds County shall be a separate local workforce investment area  
148 with its own local workforce investment board. Planning and  
149 development districts will serve as the fiscal agents to manage  
150 Workforce Investment Act funds, oversee and support the local  
151 workforce investment boards aligned with the area and the local  
152 programs and activities as delivered by the one-stop employment  
153 and training system. The planning and development districts will  
154 perform this function through the provisions of the county  
155 cooperative service districts created under Sections 19-3-101  
156 through 19-3-115; however, planning and development districts  
157 currently performing this function under the Interlocal  
158 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
159 continue to do so;

160           (d) Assist the Governor in the development of an  
161 allocation formula for the distribution of funds for adult  
162 employment and training activities and youth activities to local  
163 workforce investment areas;



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

167 (f) Assist the Governor in the establishment and  
168 management of a one-stop employment and training system conforming  
169 to the requirements of the federal Workforce Investment Act of  
170 1998 and the Workforce Innovation and Opportunity Act of 2014, as  
171 amended, recommending policy for implementing the Governor's  
172 approved plan for employment and training activities and services  
173 within the state. In developing this one-stop career operating  
174 system, the Mississippi State Workforce Investment Board, in  
175 conjunction with local workforce investment boards, shall:

176 (i) Design broad guidelines for the delivery of  
177 workforce development programs;

178 (ii) Identify all existing delivery agencies and  
179 other resources;

180 (iii) Define appropriate roles of the various  
181 agencies to include an analysis of service providers' strengths  
182 and weaknesses;

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

185 (v) Develop a financial plan to support the  
186 delivery system that shall, at a minimum, include an  
187 accountability system;





188           (g) To provide authority, in accordance with any  
189 executive order of the Governor, for developing the necessary  
190 collaboration among state agencies at the highest level for  
191 accomplishing the purposes of this article;

192           (h) To monitor the effectiveness of the workforce  
193 development centers and WIN job centers;

194           (i) To advise the Governor, public schools,  
195 community/junior colleges and institutions of higher learning on  
196 effective school-to-work transition policies and programs that  
197 link students moving from high school to higher education and  
198 students moving between community colleges and four-year  
199 institutions in pursuit of academic and technical skills training;

200           (j) To work with industry to identify barriers that  
201 inhibit the delivery of quality workforce education and the  
202 responsiveness of educational institutions to the needs of  
203 industry;

204           (k) To provide periodic assessments on effectiveness  
205 and results of the overall Mississippi comprehensive workforce  
206 development system and district councils;

207           (l) Develop broad statewide development goals,  
208 including a goal to raise the state's labor force participation  
209 rate;

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



213           (n) To assist the Governor in carrying out any other  
214 responsibility required by the federal Workforce Investment Act of  
215 1998, as amended and the Workforce Innovation and Opportunity Act,  
216 successor legislation and amendments.

217           (6) The Mississippi State Workforce Investment Board shall  
218 coordinate all training programs and funds within its purview,  
219 consistent with the federal Workforce Investment Act, Workforce  
220 Innovation and Opportunity Act, amendments and successor  
221 legislation to these acts, and other relevant federal law.

222           Each state agency director responsible for workforce training  
223 activities shall advise the Mississippi Office of Workforce  
224 Development and the State Workforce Investment Board of  
225 appropriate federal and state requirements. Each state agency,  
226 department and institution shall report any monies received for  
227 workforce training activities or career and technical education  
228 and a detailed itemization of how those monies were spent to the  
229 state board. The board shall compile the data and provide a  
230 report of the monies and expenditures to the Chairs of the House  
231 and Senate Appropriations Committee, the Chair of the House  
232 Workforce Development Committee and the Chair of the Senate  
233 Economic and Workforce Development Committee by October 1 of each  
234 year. Each such state agency director shall remain responsible  
235 for the actions of his agency; however, each state agency and  
236 director shall work cooperatively to fulfill the state's goals.



237 (7) The State Workforce Investment Board shall establish an  
238 executive committee, which shall consist of the following State  
239 Workforce Investment Board members:

240 (a) The Chair of the State Workforce Investment Board;

241 (b) Two (2) business representatives currently serving  
242 on the state board selected by the Governor;

243 (c) The two (2) business representatives currently  
244 serving on the state board appointed by the Lieutenant Governor;

245 (d) The two (2) business representatives currently  
246 serving on the state board appointed by the Governor from a list  
247 of three (3) recommendations from the Speaker of the House;

248 (e) The two (2) legislators, who shall serve in a  
249 nonvoting capacity, one (1) of whom shall be appointed by the  
250 Lieutenant Governor from the membership of the Mississippi Senate  
251 and one (1) of whom shall be appointed by the Speaker of the House  
252 of Representatives from the membership of the Mississippi House of  
253 Representatives.

254 (8) The executive committee shall select an executive  
255 director of the Office of Workforce Development, with the advice  
256 and consent of a majority of the State Workforce Investment Board.  
257 The executive committee shall seek input from economic development  
258 organizations across the state when selecting the executive  
259 director. The executive director shall:

260 (a) Be a person with extensive experience in  
261 development of economic, human and physical resources, and



262 promotion of industrial and commercial development. The executive  
263 director shall have a bachelor's degree from a state-accredited  
264 institution and no less than eight (8) years of professional  
265 experience related to workforce or economic development;

266 (b) Perform the functions necessary for the daily  
267 operation and administration of the office, with oversight from  
268 the executive committee and the State Workforce Investment Board,  
269 to fulfill the duties of the state board as described in Chapter  
270 476, Laws of 2020;

271 (c) Hire staff needed for the performance of his or her  
272 duties under Chapter 476, Laws of 2020. The executive director,  
273 with approval from the executive committee, shall set the  
274 compensation of any hired employees from any funds made available  
275 for that purpose;

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

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

282 (f) Promulgate rules and regulations, subject to  
283 oversight by the executive committee, not inconsistent with this  
284 article, as may be necessary to enforce the provisions in Chapter  
285 476, Laws of 2020; and



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

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

295 (10) The office shall file an annual report with the  
296 Governor, Secretary of State, President of the Senate, Secretary  
297 of the Senate, Speaker of the House, and Clerk of the House not  
298 later than October 1 of each year regarding all funds approved by  
299 the office to be expended on workforce training during the prior  
300 calendar year. The report shall include:

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

307 (b) With respect to specific workforce training  
308 projects:

309 (i) The location of the training;

310 (ii) The amount allocated to the project;



311 (iii) The purpose of the project;  
312 (iv) The specific business entity that is the  
313 beneficiary of the project; and  
314 (v) The number of employees intended to be trained  
315 and actually trained, if applicable, in the course of the project.

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

323 (11) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.  
324 2564] shall void or otherwise interrupt any contract, lease, grant  
325 or other agreement previously entered into by the State Workforce  
326 Investment Board, Mississippi Community College Board, individual  
327 community or junior colleges, or other entities.

328 **SECTION 2.** This act shall take effect and be in force from  
329 and after July 1, 2023.

