

By: Representatives Gibbs (72nd), Clark, Hines, Butler-Washington, Gibbs (36th), Holloway (27th), Holloway (76th), James-Jones, Nelson

To: Workforce Development

HOUSE BILL NO. 720

1 AN ACT TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT TWO MISSISSIPPIANS WHO ARE THIRTY-FIVE YEARS OLD
3 OR YOUNGER, ONE APPOINTED BY THE GOVERNOR AND ONE APPOINTED BY THE
4 LIEUTENANT GOVERNOR, SHALL SERVE ON THE STATE WORKFORCE INVESTMENT
5 BOARD AND THE STATE WORKFORCE INVESTMENT BOARD EXECUTIVE COMMITTEE
6 IN A NONVOTING CAPACITY; AND FOR RELATED PURPOSES.

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

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

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

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

20 (a) The Governor, or his designee;



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

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

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

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

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

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



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

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

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

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

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

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



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

73 (e) The following state officials:

74 (i) The Executive Director of the Mississippi
75 Department of Employment Security;

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

78 (iii) The State Superintendent of Public
79 Education;

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

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

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

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

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

91 (g) Two Mississippians who are thirty-five (35) years
92 old or younger, one (1) appointed by the Governor and one (1)
93 appointed by the Lieutenant Governor, shall serve on the state
94 board in a nonvoting capacity.



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

98 (* * *i) Members of the board shall serve a term of
99 four (4) years, and shall not serve more than three (3)
100 consecutive terms.

101 (* * *j) The membership of the board shall reflect the
102 diversity of the State of Mississippi.

103 (* * *k) The Governor shall designate the Chairman of
104 the Mississippi State Workforce Investment Board from among the
105 business and industry voting members of the board, and a quorum of
106 the board shall consist of a majority of the voting members of the
107 board.

108 (* * *l) The voting members of the board who are not
109 state employees shall be entitled to reimbursement of their
110 reasonable expenses in the manner and amount specified in Section
111 25-3-41 and shall be entitled to receive per diem compensation as
112 authorized in Section 25-3-69.

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

118 (4) The Mississippi Department of Employment Security shall
119 establish limits on administrative costs for each portion of



120 Mississippi's workforce development system consistent with the
121 federal Workforce Investment Act or any future federal workforce
122 legislation.

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

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

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

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

142 (ii) Review local workforce development plans that
143 reflect the use of funds from the federal Workforce Investment
144 Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser



145 Act and the amendment or successor legislation to the acts, and
146 the Mississippi Comprehensive Workforce Training and Education
147 Consolidation Act;

148 (c) Recommend to the office the designation of local
149 workforce investment areas as required in Section 116 of the
150 federal Workforce Investment Act of 1998 and the Workforce
151 Innovation and Opportunity Act of 2014. There shall be four (4)
152 workforce investment areas that are generally aligned with the
153 planning and development district structure in Mississippi.
154 Planning and development districts will serve as the fiscal agents
155 to manage Workforce Investment Act funds, oversee and support the
156 local workforce investment boards aligned with the area and the
157 local programs and activities as delivered by the one-stop
158 employment and training system. The planning and development
159 districts will perform this function through the provisions of the
160 county cooperative service districts created under Sections
161 19-3-101 through 19-3-115; however, planning and development
162 districts currently performing this function under the Interlocal
163 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may
164 continue to do so;

165 (d) Assist the Governor in the development of an
166 allocation formula for the distribution of funds for adult
167 employment and training activities and youth activities to local
168 workforce investment areas;



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

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

181 (i) Design broad guidelines for the delivery of
182 workforce development programs;

183 (ii) Identify all existing delivery agencies and
184 other resources;

185 (iii) Define appropriate roles of the various
186 agencies to include an analysis of service providers' strengths
187 and weaknesses;

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

190 (v) Develop a financial plan to support the
191 delivery system that shall, at a minimum, include an
192 accountability system;



193 (g) To provide authority, in accordance with any
194 executive order of the Governor, for developing the necessary
195 collaboration among state agencies at the highest level for
196 accomplishing the purposes of this article;

197 (h) To monitor the effectiveness of the workforce
198 development centers and WIN job centers;

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

205 (j) To work with industry to identify barriers that
206 inhibit the delivery of quality workforce education and the
207 responsiveness of educational institutions to the needs of
208 industry;

209 (k) To provide periodic assessments on effectiveness
210 and results of the overall Mississippi comprehensive workforce
211 development system and district councils;

212 (l) Develop broad statewide development goals,
213 including a goal to raise the state's labor force participation
214 rate;

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



218 (n) To assist the Governor in carrying out any other
219 responsibility required by the federal Workforce Investment Act of
220 1998, as amended and the Workforce Innovation and Opportunity Act,
221 successor legislation and amendments.

222 (6) The Mississippi State Workforce Investment Board shall
223 coordinate all training programs and funds within its purview,
224 consistent with the federal Workforce Investment Act, Workforce
225 Innovation and Opportunity Act, amendments and successor
226 legislation to these acts, and other relevant federal law.

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



242 (7) The State Workforce Investment Board shall establish an
243 executive committee, which shall consist of the following State
244 Workforce Investment Board members:

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

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

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

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

253 (e) The two (2) legislators, who shall serve in a
254 nonvoting capacity, one (1) of whom shall be appointed by the
255 Lieutenant Governor from the membership of the Mississippi Senate
256 and one (1) of whom shall be appointed by the Speaker of the House
257 of Representatives from the membership of the Mississippi House of
258 Representatives * * *;

259 (f) The two Mississippians who are thirty-five (35)
260 years old or younger, who shall serve in a nonvoting capacity, one
261 (1) appointed by the Governor and one (1) appointed by the
262 Lieutenant Governor.

263 (8) The executive committee shall select an executive
264 director of the Office of Workforce Development, with the advice
265 and consent of a majority of the State Workforce Investment Board.
266 The executive committee shall seek input from economic development



267 organizations across the state when selecting the executive
268 director. The executive director shall:

269 (a) Be a person with extensive experience in
270 development of economic, human and physical resources, and
271 promotion of industrial and commercial development. The executive
272 director shall have a bachelor's degree from a state-accredited
273 institution and no less than eight (8) years of professional
274 experience related to workforce or economic development;

275 (b) Perform the functions necessary for the daily
276 operation and administration of the office, with oversight from
277 the executive committee and the State Workforce Investment Board,
278 to fulfill the duties of the state board as described in Chapter
279 476, Laws of 2020;

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

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

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



291 (f) Promulgate rules and regulations, subject to
292 oversight by the executive committee, not inconsistent with this
293 article, as may be necessary to enforce the provisions in Chapter
294 476, Laws of 2020; and

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

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

304 (10) The office shall file an annual and a quarterly report
305 with the Governor, Secretary of State, President of the Senate,
306 Speaker of the House, Chairman of the House Workforce Development
307 Committee and Chairman of the Senate Economic and Workforce
308 Development Committee. The annual report shall be filed not later
309 than October 1 of each year regarding all funds approved by the
310 office to be expended on workforce training during the prior
311 calendar year. The quarterly and annual reports shall include:

312 (a) Information on the performance of the Mississippi
313 Workforce Enhancement Training Fund and the Mississippi Works
314 Fund, in terms of adding value to the local and state economy, the
315 contribution to future growth of the state economy, and movement



316 toward state goals, including increasing the labor force
317 participation rate;

318 (b) With respect to specific workforce training
319 projects:

320 (i) The location of the training;

321 (ii) The amount allocated to the project;

322 (iii) The purpose of the project;

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

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

328 (vi) The types of funds used for the project;

329 (c) With respect to the grants that have been awarded
330 under the Mississippi K-12 Workforce Development Grant Program
331 created in Section 37-153-221:

332 (i) The entity that was awarded the grant;

333 (ii) The amount allocated to the grant;

334 (iii) The purpose of the grant; * * *

335 (iv) How the grant has been used since it was
336 awarded; and

337 (d) With respect to the office's authority to select
338 tools and resources, including necessary online platforms and
339 similar systems in furtherance of the mission of the office:



340 (i) The policies that the office has adopted or
341 amended on the process for the selection of tools and resources,
342 including necessary online platforms and similar systems in
343 furtherance of the mission of the office;

344 (ii) The eligible entities that the office
345 determined may provide services, such as companies, nonprofit
346 organizations, or other similar groups;

347 (iii) Any tools and resources, including necessary
348 online platforms and similar systems in furtherance of the mission
349 of the office, that have been selected by the office; and

350 (iv) What entity received the benefit of the tools
351 and resources that were selected.

352 (e) All information concerning a proposed project which
353 is provided to the executive director shall be kept confidential.
354 Except as provided in subsections (13) and (14), such
355 confidentiality shall not limit disclosure under the Mississippi
356 Public Records Act of 1983 of records describing the nature,
357 quantity, cost or other pertinent information related to the
358 activities of, or services performed using, the Mississippi
359 Workforce Enhancement Training Fund or the Mississippi Works Fund.

360 (11) In addition to other powers and duties provided in this
361 section, the Office of Workforce Development shall also have the
362 following powers and duties:



363 (a) Direct access to accounting and banking statements
364 for all funds under its direction to ensure accurate and efficient
365 management of funds and to improve internal control;

366 (b) The ability to enter into nondisclosure agreements
367 to effectively support economic development activities and the
368 proprietary nature of customized training for existing and new
369 industry;

370 (c) To adopt and promulgate such rules and regulations
371 as may be necessary or desirable for the purpose of implementing
372 the Mississippi K-12 Workforce Development Grant Program created
373 in Section 37-153-221;

374 (d) To receive contributions, donations, gifts,
375 bequests of money, other forms of financial assistance and
376 property, equipment, materials or manpower from persons,
377 foundations, trust funds, corporations, organizations and other
378 sources, public or private, made to the office, and may expend or
379 use the same in accordance with the conditions prescribed by the
380 donor, provided that no such condition is contrary to any
381 provision of law;

382 (e) To contract with state agencies, governing
383 authorities or economic and workforce development entities for
384 shared programmatic efforts and support service or joint
385 employment of personnel in order to further the office's purposes;

386 (f) To determine, subject to appropriation, the need
387 for and, if desired, the selection of tools and resources,



388 including necessary online platforms and similar systems in
389 furtherance of the mission of the office, through processes
390 established in policies adopted by the office that are deemed to
391 be practical, feasible and in the public interest. These
392 processes shall outline eligible entities that may provide such
393 services, such as companies, nonprofit organizations, or other
394 similar groups and shall ensure the office determines metrics for
395 success, including deliverables as required by the office;

396 (g) To implement the career coaching program provided
397 for in Section 37-73-3;

398 (h) To provide career coaches with access to technology
399 to develop customized career pathways and connect students with
400 post-secondary and employment opportunities matching their skills
401 and interests; and

402 (i) To implement and oversee programs providing support
403 to community and junior colleges for training needs that may arise
404 when new businesses locate in Mississippi, to include providing
405 support to existing industries that may lose employees as a result
406 of the new business.

407 Through December 31, 2024, the provisions of Section 27-104-7
408 related to rental agreements or leasing of real property for the
409 purpose of conducting agency business shall not apply to the
410 office.

411 (12) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.
412 2564] shall void or otherwise interrupt any contract, lease, grant



413 or other agreement previously entered into by the State Workforce
414 Investment Board, Mississippi Community College Board, individual
415 community or junior colleges, or other entities.

416 (13) Any records of the office which contain client
417 information from the Mississippi Development Authority or local
418 economic development entities concerning development projects
419 shall be exempt from the provisions of the Mississippi Public
420 Records Act of 1983 for a period of two (2) years after receipt of
421 the information by the office. Confidential client information as
422 described in this section shall not include the information which
423 must be disclosed by the certified applicant related to a
424 qualified economic development project in the annual report
425 described in Section 57-1-759.

426 (14) Confidential client information in public records held
427 by the office shall be exempt from the provisions of the
428 Mississippi Public Records Act of 1983 during any period of review
429 and negotiation on a project proposal facilitated by the
430 Mississippi Development Authority or local economic development
431 entities and for a period of thirty (30) days after approval,
432 disapproval or abandonment of the proposal not to exceed one (1)
433 year.

434 **SECTION 2.** This act shall take effect and be in force from
435 and after July 1, 2024.

