

By: Senator(s) Sparks

To: Economic and Workforce
Development

SENATE BILL NO. 2570

1 AN ACT TO AMEND SECTIONS 27-104-7 AND 37-153-7, MISSISSIPPI
2 CODE OF 1972, TO EXTEND THE TIME PERIOD OF THE EXEMPTION FOR THE
3 OFFICE OF WORKFORCE DEVELOPMENT FROM CERTAIN PUBLIC PROCUREMENT
4 REVIEW BOARD PROVISIONS RELATED TO RENTAL AGREEMENTS OR LEASING OF
5 REAL PROPERTY FOR THE PURPOSE OF CONDUCTING AGENCY BUSINESS; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 27-104-7, Mississippi Code of 1972, is
9 amended as follows:

10 27-104-7. (1) (a) There is created the Public Procurement
11 Review Board, which shall be reconstituted on January 1, 2018, and
12 shall be composed of the following members:

13 (i) Three (3) individuals appointed by the
14 Governor with the advice and consent of the Senate;

15 (ii) Two (2) individuals appointed by the
16 Lieutenant Governor with the advice and consent of the Senate; and

17 (iii) The Executive Director of the Department of
18 Finance and Administration, serving as an ex officio and nonvoting
19 member.



20 (b) The initial terms of each appointee shall be as
21 follows:

22 (i) One (1) member appointed by the Governor to
23 serve for a term ending on June 30, 2019;

24 (ii) One (1) member appointed by the Governor to
25 serve for a term ending on June 30, 2020;

26 (iii) One (1) member appointed by the Governor to
27 serve for a term ending on June 30, 2021;

28 (iv) One (1) member appointed by the Lieutenant
29 Governor to serve for a term ending on June 30, 2019; and

30 (v) One (1) member appointed by the Lieutenant
31 Governor to serve for a term ending on June 30, 2020.

32 After the expiration of the initial terms, all appointed
33 members' terms shall be for a period of four (4) years from the
34 expiration date of the previous term, and until such time as the
35 member's successor is duly appointed and qualified.

36 (c) When appointing members to the Public Procurement
37 Review Board, the Governor and Lieutenant Governor shall take into
38 consideration persons who possess at least five (5) years of
39 management experience in general business, health care or finance
40 for an organization, corporation or other public or private
41 entity. Any person, or any employee or owner of a company, who
42 receives any grants, procurements or contracts that are subject to
43 approval under this section shall not be appointed to the Public
44 Procurement Review Board. Any person, or any employee or owner of



45 a company, who is a principal of the source providing a personal
46 or professional service shall not be appointed to the Public
47 Procurement Review Board if the principal owns or controls a
48 greater than five percent (5%) interest or has an ownership value
49 of One Million Dollars (\$1,000,000.00) in the source's business,
50 whichever is smaller. No member shall be an officer or employee
51 of the State of Mississippi while serving as a voting member on
52 the Public Procurement Review Board.

53 (d) Members of the Public Procurement Review Board
54 shall be entitled to per diem as authorized by Section 25-3-69 and
55 travel reimbursement as authorized by Section 25-3-41.

56 (e) The members of the Public Procurement Review Board
57 shall elect a chair from among the membership, and he or she shall
58 preside over the meetings of the board. The board shall annually
59 elect a vice chair, who shall serve in the absence of the chair.
60 No business shall be transacted, including adoption of rules of
61 procedure, without the presence of a quorum of the board. Three
62 (3) members shall be a quorum. No action shall be valid unless
63 approved by a majority of the members present and voting, entered
64 upon the minutes of the board and signed by the chair. Necessary
65 clerical and administrative support for the board shall be
66 provided by the Department of Finance and Administration. Minutes
67 shall be kept of the proceedings of each meeting, copies of which
68 shall be filed on a monthly basis with the chairs of the
69 Accountability, Efficiency and Transparency Committees of the



70 Senate and House of Representatives and the chairs of the
71 Appropriations Committees of the Senate and House of
72 Representatives.

73 (2) The Public Procurement Review Board shall have the
74 following powers and responsibilities:

75 (a) Approve all purchasing regulations governing the
76 purchase or lease by any agency, as defined in Section 31-7-1, of
77 commodities and equipment, except computer equipment acquired
78 pursuant to Sections 25-53-1 through 25-53-29;

79 (b) Adopt regulations governing the approval of
80 contracts let for the construction and maintenance of state
81 buildings and other state facilities as well as related contracts
82 for architectural and engineering services.

83 The provisions of this paragraph (b) shall not apply to such
84 contracts involving buildings and other facilities of state
85 institutions of higher learning which are self-administered as
86 provided under this paragraph (b) or Section 37-101-15(m);

87 (c) Adopt regulations governing any lease or rental
88 agreement by any state agency or department, including any state
89 agency financed entirely by federal funds, for space outside the
90 buildings under the jurisdiction of the Department of Finance and
91 Administration. These regulations shall require each agency
92 requesting to lease such space to provide the following
93 information that shall be published by the Department of Finance
94 and Administration on its website: the agency to lease the space;



95 the terms of the lease; the approximate square feet to be leased;
96 the use for the space; a description of a suitable space; the
97 general location desired for the leased space; the contact
98 information for a person from the agency; the deadline date for
99 the agency to have received a lease proposal; any other specific
100 terms or conditions of the agency; and any other information
101 deemed appropriate by the Division of Real Property Management of
102 the Department of Finance and Administration or the Public
103 Procurement Review Board. The information shall be provided
104 sufficiently in advance of the time the space is needed to allow
105 the Division of Real Property Management of the Department of
106 Finance and Administration to review and preapprove the lease
107 before the time for advertisement begins;

108 (d) Adopt, in its discretion, regulations to set aside
109 at least five percent (5%) of anticipated annual expenditures for
110 the purchase of commodities from minority businesses; however, all
111 such set-aside purchases shall comply with all purchasing
112 regulations promulgated by the department and shall be subject to
113 all bid requirements. Set-aside purchases for which competitive
114 bids are required shall be made from the lowest and best minority
115 business bidder; however, if no minority bid is available or if
116 the minority bid is more than two percent (2%) higher than the
117 lowest bid, then bids shall be accepted and awarded to the lowest
118 and best bidder. However, the provisions in this paragraph shall
119 not be construed to prohibit the rejection of a bid when only one



120 (1) bid is received. Such rejection shall be placed in the
121 minutes. For the purposes of this paragraph, the term "minority
122 business" means a business which is owned by a person who is a
123 citizen or lawful permanent resident of the United States and who
124 is:

125 (i) Black: having origins in any of the black
126 racial groups of Africa;

127 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
128 Central or South American, or other Spanish or Portuguese culture
129 or origin regardless of race;

130 (iii) Asian-American: having origins in any of
131 the original people of the Far East, Southeast Asia, the Indian
132 subcontinent, or the Pacific Islands;

133 (iv) American Indian or Alaskan Native: having
134 origins in any of the original people of North America; or

135 (v) Female;

136 (e) In consultation with and approval by the Chairs of
137 the Senate and House Public Property Committees, approve leases,
138 for a term not to exceed eighteen (18) months, entered into by
139 state agencies for the purpose of providing parking arrangements
140 for state employees who work in the Woolfolk Building, the Carroll
141 Gartin Justice Building or the Walter Sillers Office Building;

142 (f) (i) Except as otherwise provided in subparagraph
143 (ii) of this paragraph, promulgate rules and regulations governing
144 the solicitation and selection of contractual services personnel,



145 including personal and professional services contracts for any
146 form of consulting, policy analysis, public relations, marketing,
147 public affairs, legislative advocacy services or any other
148 contract that the board deems appropriate for oversight, with the
149 exception of:

150 1. Any personal service contracts entered
151 into by any agency that employs only nonstate service employees as
152 defined in Section 25-9-107(c);

153 2. Any personal service contracts entered
154 into for computer or information technology-related services
155 governed by the Mississippi Department of Information Technology
156 Services;

157 3. Any personal service contracts entered
158 into by the individual state institutions of higher learning;

159 4. Any personal service contracts entered
160 into by the Mississippi Department of Transportation;

161 5. Any personal service contracts entered
162 into by the Department of Human Services through June 30, 2019,
163 which the Executive Director of the Department of Human Services
164 determines would be useful in establishing and operating the
165 Department of Child Protection Services;

166 6. Any personal service contracts entered
167 into by the Department of Child Protection Services through June
168 30, 2019;



169 7. Any contracts for entertainers and/or
170 performers at the Mississippi State Fairgrounds entered into by
171 the Mississippi Fair Commission;

172 8. Any contracts entered into by the
173 Department of Finance and Administration when procuring aircraft
174 maintenance, parts, equipment and/or services;

175 9. Any contract entered into by the
176 Department of Public Safety for service on specialized equipment
177 and/or software required for the operation of such specialized
178 equipment for use by the Office of Forensics Laboratories;

179 10. Any personal or professional service
180 contract entered into by the Mississippi Department of Health or
181 the Department of Revenue solely in connection with their
182 respective responsibilities under the Mississippi Medical Cannabis
183 Act from February 2, 2022, through June 30, 2026;

184 11. Any contract for attorney, accountant,
185 actuary auditor, architect, engineer, anatomical pathologist, or
186 utility rate expert services;

187 12. Any personal service contracts approved
188 by the Executive Director of the Department of Finance and
189 Administration and entered into by the Coordinator of Mental
190 Health Accessibility through June 30, 2022;

191 13. Any personal or professional services
192 contract entered into by the State Department of Health in
193 carrying out its responsibilities under the ARPA Rural Water



194 Associations Infrastructure Grant Program through June 30, 2026;
195 and

196 14. And any personal or professional services
197 contract entered into by the Mississippi Department of
198 Environmental Quality in carrying out its responsibilities under
199 the Mississippi Municipality and County Water Infrastructure Grant
200 Program Act of 2022, through June 30, 2026.

201 Any such rules and regulations shall provide for maintaining
202 continuous internal audit covering the activities of such agency
203 affecting its revenue and expenditures as required under Section
204 7-7-3(6) (d). Any rules and regulation changes related to personal
205 and professional services contracts that the Public Procurement
206 Review Board may propose shall be submitted to the Chairs of the
207 Accountability, Efficiency and Transparency Committees of the
208 Senate and House of Representatives and the Chairs of the
209 Appropriation Committees of the Senate and House of
210 Representatives at least fifteen (15) days before the board votes
211 on the proposed changes, and those rules and regulation changes,
212 if adopted, shall be promulgated in accordance with the
213 Mississippi Administrative Procedures Act.

214 (ii) From and after July 1, 2024, the Public
215 Procurement Review Board shall promulgate rules and regulations
216 that require the Department of Finance and Administration to
217 conduct personal and professional services solicitations as
218 provided in subparagraph (i) of this paragraph for those services



219 in excess of Seventy-five Thousand Dollars (\$75,000.00) for the
220 Department of Marine Resources, the Department of Wildlife,
221 Fisheries and Parks, the Mississippi Emergency Management Agency
222 and the Mississippi Development Authority, with assistance to be
223 provided from these entities. Any powers that have been conferred
224 upon agencies in order to comply with the provisions of this
225 section for personal and professional services solicitations shall
226 be conferred upon the Department of Finance and Administration to
227 conduct personal and professional services solicitations for the
228 Department of Marine Resources, the Department of Wildlife,
229 Fisheries and Parks, the Mississippi Emergency Management Agency
230 and the Mississippi Development Authority for those services in
231 excess of Seventy-five Thousand Dollars (\$75,000.00). The
232 Department of Finance and Administration shall make any
233 submissions that are required to be made by other agencies to the
234 Public Procurement Review Board for the Department of Marine
235 Resources, the Department of Wildlife, Fisheries and Parks, the
236 Mississippi Emergency Management Agency and the Mississippi
237 Development Authority.

238 The provisions of this subparagraph (ii) shall stand repealed
239 on June 30, 2027;

240 (g) Approve all personal and professional services
241 contracts involving the expenditures of funds in excess of
242 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
243 paragraph (f) of this subsection (2) and in subsection (8);



244 (h) Develop mandatory standards with respect to
245 contractual services personnel that require invitations for public
246 bid, requests for proposals, record keeping and financial
247 responsibility of contractors. The Public Procurement Review
248 Board shall, unless exempted under this paragraph (h) or under
249 paragraph (i) or (o) of this subsection (2), require the agency
250 involved to submit the procurement to a competitive procurement
251 process, and may reserve the right to reject any or all resulting
252 procurements;

253 (i) Prescribe certain circumstances by which agency
254 heads may enter into contracts for personal and professional
255 services without receiving prior approval from the Public
256 Procurement Review Board. The Public Procurement Review Board may
257 establish a preapproved list of providers of various personal and
258 professional services for set prices with which state agencies may
259 contract without bidding or prior approval from the board;

260 (i) Agency requirements may be fulfilled by
261 procuring services performed incident to the state's own programs.
262 The agency head shall determine in writing whether the price
263 represents a fair market value for the services. When the
264 procurements are made from other governmental entities, the
265 private sector need not be solicited; however, these contracts
266 shall still be submitted for approval to the Public Procurement
267 Review Board * * *;



268 (ii) Contracts between two (2) state agencies,
269 both under Public Procurement Review Board purview, shall not
270 require Public Procurement Review Board approval. However, the
271 contracts shall still be entered into the enterprise resource
272 planning system;

273 (j) Provide standards for the issuance of requests for
274 proposals, the evaluation of proposals received, consideration of
275 costs and quality of services proposed, contract negotiations, the
276 administrative monitoring of contract performance by the agency
277 and successful steps in terminating a contract;

278 (k) Present recommendations for governmental
279 privatization and to evaluate privatization proposals submitted by
280 any state agency;

281 (l) Authorize personal and professional service
282 contracts to be effective for more than one (1) year provided a
283 funding condition is included in any such multiple year contract,
284 except the State Board of Education, which shall have the
285 authority to enter into contractual agreements for student
286 assessment for a period up to ten (10) years. The State Board of
287 Education shall procure these services in accordance with the
288 Public Procurement Review Board procurement regulations;

289 (m) Request the State Auditor to conduct a performance
290 audit on any personal or professional service contract;

291 (n) Prepare an annual report to the Legislature
292 concerning the issuance of personal and professional services



293 contracts during the previous year, collecting any necessary
294 information from state agencies in making such report;

295 (o) Develop and implement the following standards and
296 procedures for the approval of any sole source contract for
297 personal and professional services regardless of the value of the
298 procurement:

299 (i) For the purposes of this paragraph (o), the
300 term "sole source" means only one (1) source is available that can
301 provide the required personal or professional service.

302 (ii) An agency that has been issued a binding,
303 valid court order mandating that a particular source or provider
304 must be used for the required service must include a copy of the
305 applicable court order in all future sole source contract reviews
306 for the particular personal or professional service referenced in
307 the court order.

308 (iii) Any agency alleging to have a sole source
309 for any personal or professional service, other than those
310 exempted under paragraph (f) of this subsection (2) and subsection
311 (8), shall publish on the procurement portal website established
312 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
313 days, the terms of the proposed contract for those services. In
314 addition, the publication shall include, but is not limited to,
315 the following information:

316 1. The personal or professional service
317 offered in the contract;



318 2. An explanation of why the personal or
319 professional service is the only one that can meet the needs of
320 the agency;

321 3. An explanation of why the source is the
322 only person or entity that can provide the required personal or
323 professional service;

324 4. An explanation of why the amount to be
325 expended for the personal or professional service is reasonable;
326 and

327 5. The efforts that the agency went through
328 to obtain the best possible price for the personal or professional
329 service.

330 (iv) If any person or entity objects and proposes
331 that the personal or professional service published under
332 subparagraph (iii) of this paragraph (o) is not a sole source
333 service and can be provided by another person or entity, then the
334 objecting person or entity shall notify the Public Procurement
335 Review Board and the agency that published the proposed sole
336 source contract with a detailed explanation of why the personal or
337 professional service is not a sole source service.

338 (v) 1. If the agency determines after review that
339 the personal or professional service in the proposed sole source
340 contract can be provided by another person or entity, then the
341 agency must withdraw the sole source contract publication from the
342 procurement portal website and submit the procurement of the



343 personal or professional service to an advertised competitive bid
344 or selection process.

345 2. If the agency determines after review that
346 there is only one (1) source for the required personal or
347 professional service, then the agency may appeal to the Public
348 Procurement Review Board. The agency has the burden of proving
349 that the personal or professional service is only provided by one
350 (1) source.

351 3. If the Public Procurement Review Board has
352 any reasonable doubt as to whether the personal or professional
353 service can only be provided by one (1) source, then the agency
354 must submit the procurement of the personal or professional
355 service to an advertised competitive bid or selection process. No
356 action taken by the Public Procurement Review Board in this appeal
357 process shall be valid unless approved by a majority of the
358 members of the Public Procurement Review Board present and voting.

359 (vi) The Public Procurement Review Board shall
360 prepare and submit a quarterly report to the House of
361 Representatives and Senate Accountability, Efficiency and
362 Transparency Committees that details the sole source contracts
363 presented to the Public Procurement Review Board and the reasons
364 that the Public Procurement Review Board approved or rejected each
365 contract. These quarterly reports shall also include the
366 documentation and memoranda required in subsection (4) of this
367 section. An agency that submitted a sole source contract shall be



368 prepared to explain the sole source contract to each committee by
369 December 15 of each year upon request by the committee;

370 (p) Assess any fines and administrative penalties
371 provided for in Sections 31-7-401 through 31-7-423.

372 (3) All submissions shall be made sufficiently in advance of
373 each monthly meeting of the Public Procurement Review Board as
374 prescribed by the Public Procurement Review Board. If the Public
375 Procurement Review Board rejects any contract submitted for review
376 or approval, the Public Procurement Review Board shall clearly set
377 out the reasons for its action, including, but not limited to, the
378 policy that the agency has violated in its submitted contract and
379 any corrective actions that the agency may take to amend the
380 contract to comply with the rules and regulations of the Public
381 Procurement Review Board.

382 (4) All sole source contracts for personal and professional
383 services awarded by state agencies, other than those exempted
384 under Section 27-104-7(2)(f) and (8), whether approved by an
385 agency head or the Public Procurement Review Board, shall contain
386 in the procurement file a written determination for the approval,
387 using a request form furnished by the Public Procurement Review
388 Board. The written determination shall document the basis for the
389 determination, including any market analysis conducted in order to
390 ensure that the service required was practicably available from
391 only one (1) source. A memorandum shall accompany the request
392 form and address the following four (4) points:



393 (a) Explanation of why this service is the only service
394 that can meet the needs of the purchasing agency;

395 (b) Explanation of why this vendor is the only
396 practicably available source from which to obtain this service;

397 (c) Explanation of why the price is considered
398 reasonable; and

399 (d) Description of the efforts that were made to
400 conduct a noncompetitive negotiation to get the best possible
401 price for the taxpayers.

402 (5) In conjunction with the State Personnel Board, the
403 Public Procurement Review Board shall develop and promulgate rules
404 and regulations to define the allowable legal relationship between
405 contract employees and the contracting departments, agencies and
406 institutions of state government under the jurisdiction of the
407 State Personnel Board, in compliance with the applicable rules and
408 regulations of the federal Internal Revenue Service (IRS) for
409 federal employment tax purposes. Under these regulations, the
410 usual common law rules are applicable to determine and require
411 that such worker is an independent contractor and not an employee,
412 requiring evidence of lawful behavioral control, lawful financial
413 control and lawful relationship of the parties. Any state
414 department, agency or institution shall only be authorized to
415 contract for personnel services in compliance with those
416 regulations.



417 (6) No member of the Public Procurement Review Board shall
418 use his or her official authority or influence to coerce, by
419 threat of discharge from employment, or otherwise, the purchase of
420 commodities, the contracting for personal or professional
421 services, or the contracting for public construction under this
422 chapter.

423 (7) Notwithstanding any other laws or rules to the contrary,
424 the provisions of subsection (2) of this section shall not be
425 applicable to the Mississippi State Port Authority at Gulfport.

426 (8) Nothing in this section shall impair or limit the
427 authority of the Board of Trustees of the Public Employees'
428 Retirement System to enter into any personal or professional
429 services contracts directly related to their constitutional
430 obligation to manage the trust funds, including, but not limited
431 to, actuarial, custodial banks, cash management, investment
432 consultant and investment management contracts. Nothing in this
433 section shall impair or limit the authority of the State Treasurer
434 to enter into any personal or professional services contracts
435 involving the management of trust funds, including, but not
436 limited to, actuarial, custodial banks, cash management,
437 investment consultant and investment management contracts.

438 (9) Through December 31, * * * 2025, the provisions of this
439 section related to rental agreements or leasing of real property
440 for the purpose of conducting agency business shall not apply to
441 the Office of Workforce Development created in Section 37-153-7.



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

444 37-153-7. (1) There is created the Mississippi Office of
445 Workforce Development and the Mississippi State Workforce
446 Investment Board, which shall serve as the advisory board for the
447 office. The Mississippi State Workforce Investment Board shall be
448 composed of thirty-one (31) voting members, of which a majority
449 shall be representatives of business and industry in accordance
450 with the federal Workforce Innovation and Opportunity Act, or any
451 successive acts.

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

454 (a) The Governor, or his designee;

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

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

459 1. Are owners of businesses, chief executives
460 or operating officers of businesses, or other business executives
461 or employers with optimum policymaking or hiring authority, and
462 who, in addition, may be members of a local board described in
463 Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and
464 Opportunity Act. At least two (2) of the members appointed under
465 this item 1. shall be small business owners, chief executives or



466 operating officers of businesses with less than fifty (50)
467 employees;

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

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

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

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

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

486 3. May include representatives of
487 community-based organizations, including organizations serving
488 veterans or providing or supporting competitive, integrated
489 employment for individuals with disabilities, who have
490 demonstrated experience and expertise in addressing employment,



491 training or education needs of individuals with barriers to
492 employment; and

493 4. May include representatives of
494 organizations, including organizations serving out-of-school
495 youth, who have demonstrated experience or expertise in addressing
496 the employment, training or education needs of eligible youth;

497 (iii) The balance shall include government
498 representatives, including the lead state officials with primary
499 responsibility for core programs, and chief elected officials
500 (collectively representing both cities and counties, where
501 appropriate);

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

504 (d) Two (2) representatives of businesses in the state
505 appointed by the Governor from a list of three (3) recommendations
506 from the Speaker of the House; * * *

507 (e) The following state officials:

508 (i) The Executive Director of the Mississippi
509 Department of Employment Security;

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

512 (iii) The State Superintendent of Public
513 Education;

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



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

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

520 (vii) The Commissioner of the Institutions of
521 Higher Learning * * *;

522 (f) One (1) senator, appointed by the Lieutenant
523 Governor, and one (1) representative, appointed by the Speaker of
524 the House, shall serve on the state board in a nonvoting
525 capacity * * *;

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

529 (h) Members of the board shall serve a term of four (4)
530 years, and shall not serve more than three (3) consecutive
531 terms * * *;

532 (i) The membership of the board shall reflect the
533 diversity of the State of Mississippi * * *;

534 (j) The Governor shall designate the Chairman of the
535 Mississippi State Workforce Investment Board from among the
536 business and industry voting members of the board, and a quorum of
537 the board shall consist of a majority of the voting members of the
538 board * * *;

539 (k) The voting members of the board who are not state
540 employees shall be entitled to reimbursement of their reasonable



541 expenses in the manner and amount specified in Section 25-3-41 and
542 shall be entitled to receive per diem compensation as authorized
543 in Section 25-3-69.

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

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

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

559 (a) Through the office, develop and submit to the
560 Governor, Lieutenant Governor and Speaker of the House a strategic
561 plan for an integrated state workforce development system that
562 aligns resources and structures the system to more effectively and
563 efficiently meet the demands of Mississippi's employers and job
564 seekers. This plan will comply with the federal Workforce
565 Investment Act of 1998, as amended, the federal Workforce



566 Innovation and Opportunity Act of 2014 and amendments and
567 successor legislation to these acts;

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

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

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

579 (c) Recommend to the office the designation of local
580 workforce investment areas as required in Section 116 of the
581 federal Workforce Investment Act of 1998 and the Workforce
582 Innovation and Opportunity Act of 2014. There shall be four (4)
583 workforce investment areas that are generally aligned with the
584 planning and development district structure in Mississippi.
585 Planning and development districts will serve as the fiscal agents
586 to manage Workforce Investment Act funds, oversee and support the
587 local workforce investment boards aligned with the area and the
588 local programs and activities as delivered by the one-stop
589 employment and training system. The planning and development
590 districts will perform this function through the provisions of the



591 county cooperative service districts created under Sections
592 19-3-101 through 19-3-115; however, planning and development
593 districts currently performing this function under the Interlocal
594 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may
595 continue to do so;

596 (d) Assist the Governor in the development of an
597 allocation formula for the distribution of funds for adult
598 employment and training activities and youth activities to local
599 workforce investment areas;

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

603 (f) Assist the Governor in the establishment and
604 management of a one-stop employment and training system conforming
605 to the requirements of the federal Workforce Investment Act of
606 1998 and the Workforce Innovation and Opportunity Act of 2014, as
607 amended, recommending policy for implementing the Governor's
608 approved plan for employment and training activities and services
609 within the state. In developing this one-stop career operating
610 system, the Mississippi State Workforce Investment Board, in
611 conjunction with local workforce investment boards, shall:

612 (i) Design broad guidelines for the delivery of
613 workforce development programs;

614 (ii) Identify all existing delivery agencies and
615 other resources;



616 (iii) Define appropriate roles of the various
617 agencies to include an analysis of service providers' strengths
618 and weaknesses;

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

621 (v) Develop a financial plan to support the
622 delivery system that shall, at a minimum, include an
623 accountability system;

624 (g) To provide authority, in accordance with any
625 executive order of the Governor, for developing the necessary
626 collaboration among state agencies at the highest level for
627 accomplishing the purposes of this article;

628 (h) To monitor the effectiveness of the workforce
629 development centers and WIN job centers;

630 (i) To advise the Governor, public schools,
631 community/junior colleges and institutions of higher learning on
632 effective school-to-work transition policies and programs that
633 link students moving from high school to higher education and
634 students moving between community colleges and four-year
635 institutions in pursuit of academic and technical skills training;

636 (j) To work with industry to identify barriers that
637 inhibit the delivery of quality workforce education and the
638 responsiveness of educational institutions to the needs of
639 industry;



640 (k) To provide periodic assessments on effectiveness
641 and results of the overall Mississippi comprehensive workforce
642 development system and district councils;

643 (l) Develop broad statewide development goals,
644 including a goal to raise the state's labor force participation
645 rate;

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

649 (n) To assist the Governor in carrying out any other
650 responsibility required by the federal Workforce Investment Act of
651 1998, as amended and the Workforce Innovation and Opportunity Act,
652 successor legislation and amendments.

653 (6) The Mississippi State Workforce Investment Board shall
654 coordinate all training programs and funds within its purview,
655 consistent with the federal Workforce Investment Act, Workforce
656 Innovation and Opportunity Act, amendments and successor
657 legislation to these acts, and other relevant federal law.

658 Each state agency director responsible for workforce training
659 activities shall advise the Mississippi Office of Workforce
660 Development and the State Workforce Investment Board of
661 appropriate federal and state requirements. Each state agency,
662 department and institution shall report any monies received for
663 workforce training activities or career and technical education
664 and a detailed itemization of how those monies were spent to the



665 state board. The board shall compile the data and provide a
666 report of the monies and expenditures to the Chairs of the House
667 and Senate Appropriations Committee, the Chair of the House
668 Workforce Development Committee and the Chair of the Senate
669 Economic and Workforce Development Committee by October 1 of each
670 year. Each such state agency director shall remain responsible
671 for the actions of his agency; however, each state agency and
672 director shall work cooperatively to fulfill the state's goals.

673 (7) The State Workforce Investment Board shall establish an
674 executive committee, which shall consist of the following State
675 Workforce Investment Board members:

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

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

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

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

684 (e) The two (2) legislators, who shall serve in a
685 nonvoting capacity, one (1) of whom shall be appointed by the
686 Lieutenant Governor from the membership of the Mississippi Senate
687 and one (1) of whom shall be appointed by the Speaker of the House
688 of Representatives from the membership of the Mississippi House of
689 Representatives.



690 (8) The executive committee shall select an executive
691 director of the Office of Workforce Development, with the advice
692 and consent of a majority of the State Workforce Investment Board.
693 The executive committee shall seek input from economic development
694 organizations across the state when selecting the executive
695 director. The executive director shall:

696 (a) Be a person with extensive experience in
697 development of economic, human and physical resources, and
698 promotion of industrial and commercial development. The executive
699 director shall have a bachelor's degree from a state-accredited
700 institution and no less than eight (8) years of professional
701 experience related to workforce or economic development;

702 (b) Perform the functions necessary for the daily
703 operation and administration of the office, with oversight from
704 the executive committee and the State Workforce Investment Board,
705 to fulfill the duties of the state board as described in Chapter
706 476, Laws of 2020;

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

712 (d) Enter any part of the Mississippi Community College
713 Board, individual community and junior colleges, or other



714 workforce training facilities operated by the state or its
715 subdivisions;

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

718 (f) Promulgate rules and regulations, subject to
719 oversight by the executive committee, not inconsistent with this
720 article, as may be necessary to enforce the provisions in Chapter
721 476, Laws of 2020; and

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

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

731 (10) The office shall file an annual and a quarterly report
732 with the Governor, Secretary of State, President of the Senate,
733 Speaker of the House, Chairman of the House Workforce Development
734 Committee and Chairman of the Senate Economic and Workforce
735 Development Committee. The annual report shall be filed not later
736 than October 1 of each year regarding all funds approved by the
737 office to be expended on workforce training during the prior
738 calendar year. The quarterly and annual reports shall include:



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

745 (b) With respect to specific workforce training
746 projects:

747 (i) The location of the training;

748 (ii) The amount allocated to the project;

749 (iii) The purpose of the project;

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

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

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

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

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

760 (ii) The amount allocated to the grant;

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

762 (iv) How the grant has been used since it was
763 awarded; and



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

767 (i) The policies that the office has adopted or
768 amended on the process for the selection of tools and resources,
769 including necessary online platforms and similar systems in
770 furtherance of the mission of the office;

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

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

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

779 (e) All information concerning a proposed project which
780 is provided to the executive director shall be kept confidential.
781 Except as provided in subsections (13) and (14), such
782 confidentiality shall not limit disclosure under the Mississippi
783 Public Records Act of 1983 of records describing the nature,
784 quantity, cost or other pertinent information related to the
785 activities of, or services performed using, the Mississippi
786 Workforce Enhancement Training Fund or the Mississippi Works Fund.



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

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

793 (b) The ability to enter into nondisclosure agreements
794 to effectively support economic development activities and the
795 proprietary nature of customized training for existing and new
796 industry;

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

801 (d) To receive contributions, donations, gifts,
802 bequests of money, other forms of financial assistance and
803 property, equipment, materials or manpower from persons,
804 foundations, trust funds, corporations, organizations and other
805 sources, public or private, made to the office, and may expend or
806 use the same in accordance with the conditions prescribed by the
807 donor, provided that no such condition is contrary to any
808 provision of law;

809 (e) To contract with state agencies, governing
810 authorities or economic and workforce development entities for



811 shared programmatic efforts and support service or joint
812 employment of personnel in order to further the office's purposes;

813 (f) To determine, subject to appropriation, the need
814 for and, if desired, the selection of tools and resources,
815 including necessary online platforms and similar systems in
816 furtherance of the mission of the office, through processes
817 established in policies adopted by the office that are deemed to
818 be practical, feasible and in the public interest. These
819 processes shall outline eligible entities that may provide such
820 services, such as companies, nonprofit organizations, or other
821 similar groups and shall ensure the office determines metrics for
822 success, including deliverables as required by the office;

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

825 (h) To provide career coaches with access to technology
826 to develop customized career pathways and connect students with
827 post-secondary and employment opportunities matching their skills
828 and interests; and

829 (i) To implement and oversee programs providing support
830 to community and junior colleges for training needs that may arise
831 when new businesses locate in Mississippi, to include providing
832 support to existing industries that may lose employees as a result
833 of the new business.

834 Through December 31, * * * 2025, the provisions of Section
835 27-104-7 related to rental agreements or leasing of real property



836 for the purpose of conducting agency business shall not apply to
837 the office.

838 (12) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.
839 2564] shall void or otherwise interrupt any contract, lease, grant
840 or other agreement previously entered into by the State Workforce
841 Investment Board, Mississippi Community College Board, individual
842 community or junior colleges, or other entities.

843 (13) Any records of the office which contain client
844 information from the Mississippi Development Authority or local
845 economic development entities concerning development projects
846 shall be exempt from the provisions of the Mississippi Public
847 Records Act of 1983 for a period of two (2) years after receipt of
848 the information by the office. Confidential client information as
849 described in this section shall not include the information which
850 must be disclosed by the certified applicant related to a
851 qualified economic development project in the annual report
852 described in Section 57-1-759.

853 (14) Confidential client information in public records held
854 by the office shall be exempt from the provisions of the
855 Mississippi Public Records Act of 1983 during any period of review
856 and negotiation on a project proposal facilitated by the
857 Mississippi Development Authority or local economic development
858 entities and for a period of thirty (30) days after approval,
859 disapproval or abandonment of the proposal not to exceed one (1)
860 year.



861 **SECTION 3.** This act shall take effect and be in force from
862 and after July 1, 2024.

