

By: Senator(s) Horhn

To: Economic and Workforce
Development

SENATE BILL NO. 2571

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 and a quarterly report
296 with the Governor, Secretary of State, President of the Senate,
297 Speaker of the House, Chairman of the House Workforce Development
298 Committee and Chairman of the Senate Economic and Workforce
299 Development Committee. The annual report shall be filed not later
300 than October 1 of each year regarding all funds approved by the
301 office to be expended on workforce training during the prior
302 calendar year. The quarterly and annual reports shall include:

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

309 (b) With respect to specific workforce training
310 projects:



311 (i) The location of the training;

312 (ii) The amount allocated to the project;

313 (iii) The purpose of the project;

314 (iv) The specific business entity that is the

315 beneficiary of the project;

316 (v) The number of employees intended to be trained

317 and actually trained, if applicable, in the course of the project;

318 and

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

320 (c) With respect to the grants that have been awarded

321 under the Mississippi K-12 Workforce Development Grant Program

322 created in Section 37-153-221:

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

324 (ii) The amount allocated to the grant;

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

326 (iv) How the grant has been used since it was

327 awarded; and

328 (d) With respect to the office's authority to select

329 tools and resources, including necessary online platforms and

330 similar systems in furtherance of the mission of the office:

331 (i) The policies that the office has adopted or

332 amended on the process for the selection of tools and resources,

333 including necessary online platforms and similar systems in

334 furtherance of the mission of the office;



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

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

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

343 (e) All information concerning a proposed project which
344 is provided to the executive director shall be kept confidential.
345 Except as provided in subsections (13) and (14), such
346 confidentiality shall not limit disclosure under the Mississippi
347 Public Records Act of 1983 of records describing the nature,
348 quantity, cost or other pertinent information related to the
349 activities of, or services performed using, the Mississippi
350 Workforce Enhancement Training Fund or the Mississippi Works Fund.

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

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

357 (b) The ability to enter into nondisclosure agreements
358 to effectively support economic development activities and the



359 proprietary nature of customized training for existing and new
360 industry;

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

365 (d) To receive contributions, donations, gifts,
366 bequests of money, other forms of financial assistance and
367 property, equipment, materials or manpower from persons,
368 foundations, trust funds, corporations, organizations and other
369 sources, public or private, made to the office, and may expend or
370 use the same in accordance with the conditions prescribed by the
371 donor, provided that no such condition is contrary to any
372 provision of law;

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

377 (f) To determine, subject to appropriation, the need
378 for and, if desired, the selection of tools and resources,
379 including necessary online platforms and similar systems in
380 furtherance of the mission of the office, through processes
381 established in policies adopted by the office that are deemed to
382 be practical, feasible and in the public interest. These
383 processes shall outline eligible entities that may provide such



384 services, such as companies, nonprofit organizations, or other
385 similar groups and shall ensure the office determines metrics for
386 success, including deliverables as required by the office;

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

389 (h) To provide career coaches with access to technology
390 to develop customized career pathways and connect students with
391 post-secondary and employment opportunities matching their skills
392 and interests; and

393 (i) To implement and oversee programs providing support
394 to community and junior colleges for training needs that may arise
395 when new businesses locate in Mississippi, to include providing
396 support to existing industries that may lose employees as a result
397 of the new business.

398 Through December 31, 2024, the provisions of Section 27-104-7
399 related to rental agreements or leasing of real property for the
400 purpose of conducting agency business shall not apply to the
401 office.

402 (12) Nothing in Chapter 476, Laws of 2020 [Senate Bill No.
403 2564] shall void or otherwise interrupt any contract, lease, grant
404 or other agreement previously entered into by the State Workforce
405 Investment Board, Mississippi Community College Board, individual
406 community or junior colleges, or other entities.

407 (13) Any records of the office which contain client
408 information from the Mississippi Development Authority or local



409 economic development entities concerning development projects
410 shall be exempt from the provisions of the Mississippi Public
411 Records Act of 1983 for a period of two (2) years after receipt of
412 the information by the office. Confidential client information as
413 described in this section shall not include the information which
414 must be disclosed by the certified applicant related to a
415 qualified economic development project in the annual report
416 described in Section 57-1-759.

417 (14) Confidential client information in public records held
418 by the office shall be exempt from the provisions of the
419 Mississippi Public Records Act of 1983 during any period of review
420 and negotiation on a project proposal facilitated by the
421 Mississippi Development Authority or local economic development
422 entities and for a period of thirty (30) days after approval,
423 disapproval or abandonment of the proposal not to exceed one (1)
424 year.

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

