

By: Representatives Bell (21st), McLean,
Anthony

To: Workforce Development

HOUSE BILL NO. 1414

1 AN ACT TO AMEND SECTIONS 71-5-353, 37-153-7 AND 71-5-453,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI OFFICE
3 OF WORKFORCE DEVELOPMENT SHALL ADMINISTER AND OVERSEE THE
4 MISSISSIPPI WORKFORCE ENHANCEMENT TRAINING FUND; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 71-5-353, Mississippi Code of 1972, is
8 amended as follows:

9 71-5-353. (1) (a) Each employer shall pay unemployment
10 insurance contributions equal to five and four-tenths percent
11 (5.4%) of taxable wages paid by him each calendar year, except as
12 may be otherwise provided in Section 71-5-361 and except that each
13 newly subject employer shall pay unemployment insurance
14 contributions at the rate of one percent (1%) of taxable wages,
15 for his first year of liability, one and one-tenth percent (1.1%)
16 of taxable wages for his second year of liability, and one and
17 two-tenths percent (1.2%) of taxable wages for his third and
18 subsequent years of liability unless the employer's
19 experience-rating record has been chargeable throughout at least



20 the twelve (12) consecutive calendar months ending on the most
21 recent computation date at the time the rate for a year is
22 determined; thereafter the employer's contribution rate shall be
23 determined in accordance with the provisions of Section 71-5-355.

24 (b) Notwithstanding the newly subject employer
25 contribution rate provided for in paragraph (a) of this
26 subsection, the contribution rate of all newly subject employers
27 shall be reduced by seven one-hundredths of one percent (.07%) for
28 calendar year 2013 only. The contribution rate of all newly
29 subject employers shall be reduced by three one-hundredths of one
30 percent (.03%) for calendar year 2014 only. For purposes of this
31 chapter, "newly subject employers" means employers whose
32 unemployment insurance experience-rating record has not been
33 chargeable throughout at least the twelve (12) consecutive
34 calendar months ending on the most recent computation date at the
35 time the contribution rate for a year is determined.

36 (2) (a) (i) There is hereby created in the Treasury of the
37 State of Mississippi special funds to be known as the "Mississippi
38 Workforce Enhancement Training Fund", the "Mississippi Works Fund"
39 and the "Mississippi Office of Workforce Development Fund" which
40 consist of funds collected pursuant to subsection (3) of this
41 section and any other monies that may be appropriated to the funds
42 from the Legislature.

43 (ii) Special funds collected shall initially be
44 deposited into the Mississippi Department of Employment Security



bank account for clearing contribution collections and subsequently appropriate amounts shall be transferred to the Mississippi Workforce Investment and Training Fund Holding Account described in Section 71-5-453. In the event any employer pays an amount insufficient to cover the total contributions due, the amounts due shall be satisfied in the following order:

1. Unemployment contributions;
2. Mississippi Workforce Enhancement Training contributions, Mississippi Office of Workforce Development contributions and the Mississippi Works contributions, known collectively as the Mississippi Workforce Investment and Training contributions, on a pro rata basis;
3. Interest and damages; then
4. Legal and processing costs.

The amount of unemployment insurance contributions due for any period will be the amount due according to the actual computations unless the employer is participating in the MLPP. In that event, the amount due is the MLPP amount computed by the department.

Cost of collection and administration of the Mississippi Workforce Enhancement Training contribution, the Mississippi Office of Workforce Development contribution and the Mississippi Works contribution shall be allocated based on a plan approved by the United States Department of Labor (USDOL). The * * * Mississippi Department of Employment Security shall pay the cost



70 of collecting the Mississippi Workforce Enhancement Training
71 contributions, * * * the Mississippi Office of Workforce
72 Development contributions and * * * the Mississippi Works
73 contributions. Payments shall be made semiannually with the cost
74 allocated to each based on a USDOL approved plan on a pro rata
75 basis, for periods ending in June and December of each year.
76 Payment shall be made by each organization to the department no
77 later than sixty (60) days after the billing date. Cost shall be
78 allocated under the USDOL's approved plan and in the same ratio as
79 each contribution type represents to the total authorized by
80 subparagraph (ii)2 of this paragraph to be collected for the
81 period.

82 (b) Mississippi Workforce Enhancement Training
83 contributions and Mississippi Office of Workforce Development
84 contributions shall be distributed for calendar years after
85 calendar year 2014 as follows, ninety-three and seventy-five
86 one-hundredths percent (93.75%) shall be distributed to the
87 Mississippi Workforce Enhancement Training Fund and the remainder
88 shall be distributed to the Mississippi Office of Workforce
89 Development Fund;

90 (c) All contributions collected for the State Workforce
91 Enhancement Training Fund, the Mississippi Office of Workforce
92 Development Fund and the Mississippi Works Fund will be initially
93 deposited into the Mississippi Department of Employment Security
94 bank account for clearing contribution collections and



95 subsequently transferred to the Workforce Investment and Training
96 Holding Account and will be held by the Mississippi Department of
97 Employment Security in such account for a period of not less than
98 thirty (30) days. After such period, the Mississippi Workforce
99 Enhancement Training contributions * * * and the Mississippi
100 Office of Workforce Development contributions shall be transferred
101 to the Mississippi Office of Workforce Development Treasury
102 Account and the Mississippi Works contributions shall be
103 transferred to the Mississippi Department of Employment Security
104 Mississippi Works Treasury Account. The Mississippi Office of
105 Workforce Development contributions and the Mississippi Works
106 contributions shall be transferred in the same ratio as each
107 contribution type represents to the total authorized by paragraph
108 (a)(ii)2 of this subsection to be collected for the period and
109 within the time frame determined by the department; however,
110 except in cases of extraordinary circumstances, these funds shall
111 be transferred within fifteen (15) days. Interest earnings or
112 interest credits on deposit amounts in the Workforce Investment
113 and Training Holding Account shall be retained in the account to
114 pay the banking costs of the account. If after the period of
115 twelve (12) months interest earnings less banking costs exceeds
116 Ten Thousand Dollars (\$10,000.00), such excess amounts shall be
117 transferred to the respective accounts within thirty (30) days
118 following the end of each calendar year on the basis described in
119 paragraph (b) of this subsection. Interest earnings and/or



120 interest credits for the Mississippi Office of Workforce
121 Development funds shall be used for the payment of banking costs
122 and excess amounts shall be used in accordance with the rules and
123 regulations of the Mississippi Office of Workforce Development
124 expenditure policies.

125 (d) All enforcement procedures for the collection of
126 delinquent unemployment contributions contained in Sections
127 71-5-363 through 71-5-383 shall be applicable in all respects for
128 collections of delinquent unemployment insurance contributions
129 designated for the Unemployment Compensation Fund, the Mississippi
130 Workforce Enhancement Training Fund, the Mississippi Office of
131 Workforce Development Fund and the Mississippi Works Fund.

132 (e) (i) Except as otherwise provided for in this
133 subparagraph (i), all monies deposited into the Mississippi
134 Workforce Enhancement Training Fund Treasury Account shall be
135 directed by the Mississippi Office of Workforce Development * * *
136 in accordance with the Workforce Training Act of 1994 (Section
137 37-153-1 et seq.) and under policies approved by the Mississippi
138 Office of Workforce Development for the following purposes: to
139 provide training in collaboration with the Mississippi Community
140 College Board and individual community and junior colleges to
141 employers and employees in order to enhance employee productivity.
142 The individual community and junior colleges shall be the primary
143 entity to facilitate training. Such training may be subject to a
144 minimal administrative fee of not more than five percent (5%) to



be paid from the Mississippi Workforce Enhancement Training Fund as established by the Office of Workforce Development. The initial priority of these funds shall be for the benefit of existing businesses located within the state. Employers may request training for existing employees and/or newly hired employees from the Mississippi Office of Workforce Development. The office * * * will be responsible for approving the training. A portion of the funds collected for the Mississippi Workforce Enhancement Training Fund shall be used for the development of performance measures to measure the effectiveness of the use of the Mississippi Workforce Enhancement Training Fund dollars. These performance measures shall be uniform for all training projects and shall be reported to the Governor, Lieutenant Governor, Speaker of the House, and members of the Legislature. Nothing in this section or elsewhere in law shall be interpreted as giving the Office of Workforce Development or State Workforce Investment Board authority to direct the Mississippi Community College Board or individual community or junior colleges on how to expend other funds, aside from funds appropriated to the Mississippi Workforce Enhancement Training Fund and Mississippi Works Fund, appropriated or received for workforce training. The Mississippi Office of Workforce Development, Mississippi Community College Board, individual community or junior colleges, State Workforce Investment Board, the Mississippi Department of Education and other agencies implementing or coordinating



170 state-funded workforce development programs under state law shall
171 cooperate with each other to promote effective workforce training
172 in Mississippi, under the direction of the office. Any subsequent
173 changes to these performance measures shall also be reported to
174 the Governor, Lieutenant Governor, Speaker of the House, and
175 members of the Legislature. A performance report for each
176 training project and community college, based upon these measures,
177 shall be submitted annually to the Governor, Lieutenant Governor,
178 Speaker of the House, and members of the Legislature.

179 (ii) Except as otherwise provided in this
180 paragraph (e), all funds deposited into the Mississippi Office of
181 Workforce Development Fund shall be used for any of the following
182 purposes: administration of State Workforce Investment Board
183 business, the Office of Workforce Development, grants related to
184 training, the Mississippi K-12 Workforce Development Grant
185 Program, and other projects as determined appropriate by the
186 Office of Workforce Development. * * *

187 (iii) All funds deposited into the Mississippi
188 Department of Employment Security Mississippi Works Fund shall be
189 disbursed exclusively by the Executive Director of the Mississippi
190 Department of Employment Security, in accordance with the rules
191 and regulations promulgated by the Office of Workforce
192 Development, in support of workforce training activities approved
193 by the Mississippi Office of Workforce Development in support of
194 economic development activities. Funds allocated by the executive



195 director under this subparagraph (iii) shall only be utilized for
196 the training of unemployed persons, for immediate training needs
197 for the net new jobs created by an employer, for the retention of
198 jobs, to create a work-ready applicant pool of Mississippians with
199 credentials and/or postsecondary education in accordance with the
200 state's Workforce Investment and Opportunity Act plan, or for the
201 support of local economic and community development activities
202 related to workforce development in the state. The Mississippi
203 Office of Workforce Development, in collaboration with the
204 Mississippi Public Community College System and its partners,
205 shall be the primary entity to facilitate training. Training
206 conducted utilizing these Mississippi Works funds may be subject
207 to a minimal administrative fee of not more than five percent (5%)
208 to be paid from the Mississippi Works Fund as authorized by the
209 Mississippi Office of Workforce Development. All costs associated
210 with the administration of these funds shall be reimbursed to the
211 Mississippi Department of Employment Security from the Mississippi
212 Works Fund.

213 (iv) 1. The Department of Employment Security
214 shall be the fiscal agent for the receipt and disbursement of all
215 funds remaining in the State Workforce Investment Board bank
216 account, subject to the administrative oversight of the Office of
217 Workforce Development. The Mississippi Department of Employment
218 Security shall be the fiscal agent for all funds appropriated to
219 it for use by the Office of Workforce Development.



220 2. The Office of Workforce Development, in
221 coordination with the Mississippi Department of Employment
222 Security as fiscal agent, shall ensure that any funds expended for
223 contractual services rendered to the Office of Workforce
224 Development over Five Thousand Dollars (\$5,000.00) shall be paid
225 only to service providers who have been selected on a competitive
226 basis. Any contract for services entered into using funds
227 appropriated to the Mississippi Department of Employment Security
228 for the Office of Workforce Development shall meet the
229 requirements established in policies approved by the State
230 Workforce Investment Board's executive committee deemed to be
231 practical, feasible and in the public interest.

232 3. Any commodities over Five Thousand Dollars
233 (\$5,000.00) procured for the office to further its purpose shall
234 be procured competitively, in accordance with office policies
235 approved by the State Workforce Investment Board's executive
236 committee deemed to be practical, feasible and in the public
237 interest.

238 (3) (a) (i) Mississippi Workforce Enhancement Training
239 contributions and Mississippi Office of Workforce Development
240 contributions shall be collected for calendar years after calendar
241 year 2016 at a rate of twenty one-hundredths percent (.20%), based
242 upon taxable wages, of which fifteen one-hundredths percent (.15%)
243 shall be the Workforce Enhancement Training contribution,
244 one-hundredths of one percent (.01%) shall be the Mississippi



Office of Workforce Development contribution and four one-hundredths percent (.04%) shall be the Mississippi Works contribution. The Mississippi Works contribution shall be collected for calendar years in which the general experience ratio, adjusted on the basis of the trust fund adjustment factor and reduced by fifty percent (50%), results in a general experience rate of less than two-tenths percent (.2%). In all other years the Mississippi Works contribution shall not be in effect.

(ii) The Mississippi Workforce Enhancement Training Fund contribution, the Mississippi Office of Workforce Development Fund contribution and the Mississippi Works contribution shall be in addition to the general experience rate plus the individual experience rate of all employers but shall not be charged to reimbursing or rate-paying political subdivisions or institutions of higher learning, or reimbursing nonprofit organizations, as described in Sections 71-5-357 and 71-5-359.

(b) All Mississippi Workforce Enhancement Training contributions, Mississippi Office of Workforce Development contributions and Mississippi Works contributions collected shall be deposited initially into the Mississippi Department of Employment Security bank account for clearing contribution collections and shall within two (2) business days be transferred to the Workforce Investment and Training Holding Account. Any Mississippi Workforce Enhancement Training Fund and/or Mississippi



270 Office of Workforce Development Fund and/or Mississippi Works Fund
271 transactions from the Mississippi Department of Employment
272 Security bank account for clearing contribution collections that
273 are deposited into the Workforce Investment and Training Fund
274 Holding Account and are not honored by a financial institution
275 will be transferred back to the Mississippi Department of
276 Employment Security bank account for clearing contribution
277 collections out of funds in the Mississippi Workforce Investment
278 and Training Fund Holding Account.

279 (c) Suspension of the Workforce Enhancement Training
280 Fund contributions required pursuant to this chapter shall occur
281 if the insured unemployment rate exceeds an average of five and
282 five-tenths percent (5.5%) for the three (3) consecutive months
283 immediately preceding the effective date of the new rate year
284 following such occurrence and shall remain suspended throughout
285 the duration of that rate year. Such suspension shall continue
286 until such time as the three (3) consecutive months immediately
287 preceding the effective date of the next rate year that has an
288 insured unemployment rate of less than an average of four and
289 five-tenths percent (4.5%). Upon such occurrence, reactivation
290 shall be effective upon the first day of the rate year following
291 the event that lifts suspension and shall be in effect for that
292 year and shall continue until such time as a subsequent suspension
293 event as described in this chapter occurs.



(d) Notwithstanding any other provision contained herein, contribution collections for the Mississippi Office of Workforce Development Fund, Mississippi Works Fund and Mississippi Workforce Enhancement Training Fund shall not be suspended, under any circumstances, for tax rate year 2021, and the resulting contribution rate of twenty one-hundredths percent (.20%) shall be added to the employer's general and individual experience rate to obtain the total unemployment insurance rate for 2021.

(4) All collections due or accrued prior to any suspension of the Mississippi Workforce Enhancement Training Fund will be collected based upon the law at the time the contributions accrued, regardless of when they are actually collected.

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

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

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

(a) The Governor, or his designee;



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

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

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

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

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

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



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

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

350 3. May include representatives of
351 community-based organizations, including organizations serving
352 veterans or providing or supporting competitive, integrated
353 employment for individuals with disabilities, who have
354 demonstrated experience and expertise in addressing employment,
355 training or education needs of individuals with barriers to
356 employment; and

357 4. May include representatives of
358 organizations, including organizations serving out-of-school
359 youth, who have demonstrated experience or expertise in addressing
360 the employment, training or education needs of eligible youth;

361 (iii) The balance shall include government
362 representatives, including the lead state officials with primary
363 responsibility for core programs, and chief elected officials
364 (collectively representing both cities and counties, where
365 appropriate);

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



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

(e) The following state officials or their designees:

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

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

(iii) The State Superintendent of Public Education;

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

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

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

(vii) The Commissioner of Higher Education.

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

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

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



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

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

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

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

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

(5) The Mississippi State Workforce Investment Board shall have the following duties, which are intended to be consistent with the scope of duties provided in the federal Workforce



Innovation and Opportunity Act, amendments and successor
legislation to this act, and other relevant federal law:

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

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

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

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

(c) Recommend to the office the designation of local
workforce investment areas as required in Section 116 of the
federal Workforce Investment Act of 1998 and the Workforce



Innovation and Opportunity Act of 2014. There shall be four (4) workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the local workforce investment boards aligned with the area and the local programs and activities as delivered by the one-stop employment and training system. The planning and development districts will perform this function through the provisions of the county cooperative service districts created under Sections 19-3-101 through 19-3-115; however, planning and development districts currently performing this function under the Interlocal Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may continue to do so;

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

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

(f) Assist the Governor in the establishment and management of a one-stop employment and training system conforming to the requirements of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014, as



468 amended, recommending policy for implementing the Governor's
469 approved plan for employment and training activities and services
470 within the state. In developing this one-stop career operating
471 system, the Mississippi State Workforce Investment Board, in
472 conjunction with local workforce investment boards, shall:

473 (i) Design broad guidelines for the delivery of
474 workforce development programs;

475 (ii) Identify all existing delivery agencies and
476 other resources;

477 (iii) Define appropriate roles of the various
478 agencies to include an analysis of service providers' strengths
479 and weaknesses;

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

482 (v) Develop a financial plan to support the
483 delivery system that shall, at a minimum, include an
484 accountability system;

485 (g) To provide authority, in accordance with any
486 executive order of the Governor, for developing the necessary
487 collaboration among state agencies at the highest level for
488 accomplishing the purposes of this article;

489 (h) To monitor the effectiveness of the workforce
490 development centers and WIN job centers;

491 (i) To advise the Governor, public schools, community
492 and junior colleges and institutions of higher learning on



effective school-to-work transition policies and programs that link students moving from high school to higher education and students moving between community colleges and four-year institutions in pursuit of academic and technical skills training;

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

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

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

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

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

(6) The Mississippi State Workforce Investment Board shall coordinate all training programs and funds within its purview, consistent with the federal Workforce Investment Act, Workforce



Innovation and Opportunity Act, amendments and successor
legislation to these acts, and other relevant federal law.

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

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

- (a) The Chair of the State Workforce Investment Board;
- (b) Two (2) business representatives currently serving
on the state board selected by the Governor;
- (c) The two (2) business representatives currently
serving on the state board appointed by the Lieutenant Governor;



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

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

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

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

(b) Perform the functions necessary for the daily operation and administration of the office, with oversight from the executive committee and the State Workforce Investment Board,



to fulfill the duties of the state board as described in Chapter 476, Laws of 2020;

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

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

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

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

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

* * *

(* * *9) The office shall file an annual and a quarterly report with the Governor, Secretary of State, President of the Senate, Speaker of the House, Chairman of the House Workforce Development Committee and Chairman of the Senate Economic and



591 Workforce Development Committee. The annual report shall be filed
592 not later than October 1 of each year regarding all funds approved
593 by the office to be expended on workforce training during the
594 prior calendar year. The quarterly and annual reports shall
595 include:

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

602 (b) With respect to specific workforce training
603 projects:

604 (i) The location of the training;

605 (ii) The amount allocated to the project;

606 (iii) The purpose of the project;

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

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

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

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



(i) The entity that was awarded the grant;

(ii) The amount allocated to the grant;

(iii) The purpose of the grant;

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

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

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

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

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

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

(e) All information concerning a proposed project which is provided to the executive director shall be kept confidential. Except as provided in subsections (13) and (14), such confidentiality shall not limit disclosure under the Mississippi Public Records Act of 1983 of records describing the nature,



641 quantity, cost or other pertinent information related to the
642 activities of, or services performed using, the Mississippi
643 Workforce Enhancement Training Fund or the Mississippi Works Fund.

644 (* * *10) In addition to other powers and duties provided
645 in this section, the Office of Workforce Development shall also
646 have the following powers and duties:

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

650 (b) The ability to enter into nondisclosure agreements
651 to effectively support economic development activities and the
652 proprietary nature of customized training for existing and new
653 industry;

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

658 (d) To receive contributions, donations, gifts,
659 bequests of money, other forms of financial assistance and
660 property, equipment, materials or manpower from persons,
661 foundations, trust funds, corporations, organizations and other
662 sources, public or private, made to the office, and may expend or
663 use the same in accordance with the conditions prescribed by the
664 donor, provided that no such condition is contrary to any
665 provision of law;



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

670 (f) To determine, subject to appropriation, the need
671 for and, if desired, the selection of tools and resources,
672 including necessary online platforms and similar systems in
673 furtherance of the mission of the office, through processes
674 established in policies adopted by the office that are deemed to
675 be practical, feasible and in the public interest. These
676 processes shall outline eligible entities that may provide such
677 services, such as companies, nonprofit organizations, or other
678 similar groups and shall ensure the office determines metrics for
679 success, including deliverables as required by the office;

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

682 (h) To provide career coaches with access to technology
683 to develop customized career pathways and connect students with
684 post-secondary and employment opportunities matching their skills
685 and interests; and

686 (i) To implement and oversee programs providing support
687 to community and junior colleges for training needs that may arise
688 when new businesses locate in Mississippi, to include providing
689 support to existing industries that may lose employees as a result
690 of the new business.



691 Through December 31, 2026, the provisions of Section 27-104-7
692 related to rental agreements or leasing of real property for the
693 purpose of conducting agency business shall not apply to the
694 office.

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

700 (* * *12) Any records of the office which contain client
701 information from the Mississippi Development Authority or local
702 economic development entities concerning development projects
703 shall be exempt from the provisions of the Mississippi Public
704 Records Act of 1983 for a period of two (2) years after receipt of
705 the information by the office. Confidential client information as
706 described in this section shall not include the information which
707 must be disclosed by the certified applicant related to a
708 qualified economic development project in the annual report
709 described in Section 57-1-759.

710 (* * *13) Confidential client information in public records
711 held by the office shall be exempt from the provisions of the
712 Mississippi Public Records Act of 1983 during any period of review
713 and negotiation on a project proposal facilitated by the
714 Mississippi Development Authority or local economic development
715 entities and for a period of thirty (30) days after approval,



disapproval or abandonment of the proposal not to exceed one (1) year.

SECTION 3. Section 71-5-453, Mississippi Code of 1972, is amended as follows:

71-5-453. The department shall be the treasurer and custodian of the fund, and shall administer such fund in accordance with the directions of the department, and shall issue its warrants upon it in accordance with such regulations as the department shall prescribe. The department shall maintain within the fund three (3) separate accounts: (a) a clearing account, (b) an unemployment trust fund account, and (c) a benefit payment account. All monies payable to the fund, upon receipt thereof by the department, shall be immediately deposited in the clearing account. Refunds payable pursuant to Section 71-5-383 may be paid from the clearing account by the department. Transfers pursuant to Section 71-5-114 of all interest, penalties and damages collected shall be made to the Special Employment Security Administration Fund as soon as practicable after the end of each calendar quarter. Workforce Enhancement Training contributions, Mississippi Office of Workforce Development contributions and Mississippi Works contributions shall be deposited into the Workforce Investment and Training Holding Account as described in this section. All other monies in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the Unemployment Trust Fund account



741 for the State of Mississippi, established and maintained pursuant
742 to Section 904 of the Social Security Act, as amended, any
743 provisions of law in this state relating to the deposit,
744 administration, release or disbursement of monies in the
745 possession or custody of this state to the contrary
746 notwithstanding. The benefit account shall consist of all monies
747 requisitioned from this state's account in the Unemployment Trust
748 Fund. Except as herein otherwise provided, monies in the clearing
749 and benefit accounts may be deposited by the department, in any
750 bank or public depository in which general funds of the state may
751 be deposited, but no public deposit insurance charge or premium
752 shall be paid out of the fund. The department shall be liable for
753 the faithful performance of its duties in connection with the
754 Unemployment Compensation Fund under this chapter. A Workforce
755 Investment and Training Holding Account shall be established by
756 and maintained under the control of the Mississippi Department of
757 Employment Security. Contributions collected pursuant to the
758 provisions in this chapter for the Workforce Enhancement Training
759 Fund, Mississippi Office of Workforce Development Fund and the
760 Mississippi Works Fund shall be transferred from the clearing
761 account into the Workforce Investment and Training Holding Account
762 on the same schedule and under the same conditions as funds
763 transferred to the Unemployment Compensation Fund. Such funds
764 shall remain on deposit in the holding account for a period of
765 thirty (30) days. After such period, Workforce Enhancement



766 Training contributions shall be transferred to the * * *
767 Mississippi Office of Workforce Development Treasury Account for
768 the Workforce Enhancement Training Fund. The Mississippi Office
769 of Workforce Development contributions shall be transferred to the
770 Mississippi Office of Workforce Development Treasury Account for
771 the Mississippi Office of Workforce Development Fund. The
772 Mississippi Works contributions shall be transferred to the
773 Mississippi Department of Employment Security Treasury Account for
774 the Mississippi Works Fund. Such transfers shall occur within
775 fifteen (15) days after the funds have resided in the Workforce
776 Investment and Training Holding Account for thirty (30) days. One
777 (1) such transfer shall be made monthly, but the department, in
778 its discretion, may make additional transfers in any month. In
779 the event such funds transferred are subsequently determined to be
780 erroneously paid or collected, or if deposit of such funds is
781 denied or rejected by the banking institution for any reason, or
782 deposits are unable to clear drawer's account for any reason, the
783 funds must be reimbursed by the recipient of such funds within
784 thirty (30) days of mailing of notice by the department demanding
785 such refund, unless funds are available in the Workforce
786 Investment and Training Holding Account. In that event such
787 amounts shall be immediately withdrawn from the Workforce
788 Investment and Training Holding Account by the department and
789 redeposited into the clearing account.



790 **SECTION 4.** This act shall take effect and be in force from
791 and after July 1, 2025.

