

By: Senator(s) Horhn

To: Economic and Workforce Development

SENATE BILL NO. 2284

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:

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;

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 or their designees:

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 Higher Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

166 (f) Assist the Governor in the establishment and
167 management of a one-stop employment and training system conforming

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

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

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

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

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

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

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

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

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

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

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

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

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

216 (6) The Mississippi State Workforce Investment Board shall
217 coordinate all training programs and funds within its purview,

218 consistent with the federal Workforce Investment Act, Workforce
219 Innovation and Opportunity Act, amendments and successor
220 legislation to these acts, and other relevant federal law.

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

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

239 (a) The Chair of the State Workforce Investment Board;
240 (b) Two (2) business representatives currently serving
241 on the state board selected by the Governor;

242 (c) The two (2) business representatives currently
243 serving on the state board appointed by the Lieutenant Governor;
244 (d) The two (2) business representatives currently
245 serving on the state board appointed by the Governor from a list
246 of three (3) recommendations from the Speaker of the House;
247 (e) The two (2) legislators, who shall serve in a
248 nonvoting capacity, one (1) of whom shall be appointed by the
249 Lieutenant Governor from the membership of the Mississippi Senate
250 and one (1) of whom shall be appointed by the Speaker of the House
251 of Representatives from the membership of the Mississippi House of
252 Representatives.

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

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

265 (b) Perform the functions necessary for the daily
266 operation and administration of the office, with oversight from



267 the executive committee and the State Workforce Investment Board,
268 to fulfill the duties of the state board as described in Chapter
269 476, Laws of 2020;

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

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

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

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

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

288 (9) The Office of Workforce Development and Mississippi
289 Community College Board shall collaborate in the administration
290 and oversight of the Mississippi Workforce Enhancement Training
291 Fund and Mississippi Works Fund, as described in Section 71-5-353.



292 The executive director shall maintain complete and exclusive
293 operational control of the office's functions.

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

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

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

310 (i) The location of the training;
311 (ii) The amount allocated to the project;
312 (iii) The purpose of the project;
313 (iv) The specific business entity that is the
314 beneficiary of the project;

315 (v) The number of employees intended to be trained
316 and actually trained, if applicable, in the course of the project;
317 and

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

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

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

323 (ii) The amount allocated to the grant;

324 (iii) The purpose of the grant;

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

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

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

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

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

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

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

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

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

356 (b) The ability to enter into nondisclosure agreements
357 to effectively support economic development activities and the
358 proprietary nature of customized training for existing and new
359 industry;

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



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

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

376 (f) To determine, subject to appropriation, the need
377 for and, if desired, the selection of tools and resources,
378 including necessary online platforms and similar systems in
379 furtherance of the mission of the office, through processes
380 established in policies adopted by the office that are deemed to
381 be practical, feasible and in the public interest. These
382 processes shall outline eligible entities that may provide such
383 services, such as companies, nonprofit organizations, or other
384 similar groups and shall ensure the office determines metrics for
385 success, including deliverables as required by the office;

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



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

397 Through December 31, 2026, the provisions of Section 27-104-7
398 related to rental agreements or leasing of real property for the
399 purpose of conducting agency business shall not apply to the
400 office.

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

406 (13) Any records of the office which contain client
407 information from the Mississippi Development Authority or local
408 economic development entities concerning development projects
409 shall be exempt from the provisions of the Mississippi Public
410 Records Act of 1983 for a period of two (2) years after receipt of
411 the information by the office. Confidential client information as
412 described in this section shall not include the information which



413 must be disclosed by the certified applicant related to a
414 qualified economic development project in the annual report
415 described in Section 57-1-759.

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

424 **SECTION 2.** This act shall take effect and be in force from
425 and after July 1, 2025.

