

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:

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;



(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, and Hinds County shall be a separate local workforce investment area with its own local workforce investment board. 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 amended, recommending policy for implementing the Governor's approved plan for employment and training activities and services within the state. In developing this one-stop career operating system, the Mississippi State Workforce Investment Board, in conjunction with local workforce investment boards, shall:

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

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

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

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

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

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

(h) To monitor the effectiveness of the workforce 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 (l) 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

212 (n) To assist the Governor in carrying out any other
213 responsibility required by the federal Workforce Investment Act of
214 1998, as amended and the Workforce Innovation and Opportunity Act,
215 successor legislation and amendments.

216 (6) The Mississippi State Workforce Investment Board shall
217 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 of Workforce Development and Mississippi
Community College Board shall collaborate in the administration
and oversight of the Mississippi Workforce Enhancement Training
Fund and Mississippi Works Fund, as described in Section 71-5-353.



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

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

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

(b) With respect to specific workforce training projects:

(i) The location of the training;

(ii) The amount allocated to the project;

(iii) The purpose of the project;

(iv) The specific business entity that is the 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



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

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

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

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

(c) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the Mississippi K-12 Workforce Development Grant Program created 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

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

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.

