

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2478

1 AN ACT TO AMEND SECTION 7-1-355, MISSISSIPPI CODE OF 1972, TO
2 TRANSFER THE RESPONSIBILITY TO ADMINISTER THE FEDERAL WORKFORCE
3 INVESTMENT ACT FROM THE MISSISSIPPI DEVELOPMENT AUTHORITY TO THE
4 DEPARTMENT OF EMPLOYMENT SECURITY, OFFICE OF THE GOVERNOR; TO
5 AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972, TO REVISE THE
6 MEMBERSHIP OF MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 7-1-355, Mississippi Code of 1972, is
10 amended as follows:

11 7-1-355. (1) The Mississippi Department of Employment
12 Security, Office of the Governor, is designated as the sole
13 administrator of all programs for which the state is the prime
14 sponsor under Title 1(B) of Public Law 105-220, Workforce
15 Investment Act of 1998, and the regulations promulgated
16 thereunder, and may take all necessary action to secure to this
17 state the benefits of that legislation. The Mississippi
18 Department of Employment Security, Office of the Governor, may
19 receive and disburse funds for those programs that become
20 available to it from any source.

21 (2) The Mississippi Department of Employment Security,
22 Office of the Governor, shall establish guidelines on the amount
23 and/or percentage of indirect and/or administrative expenses by
24 the local fiscal agent or the Workforce Development Center
25 operator. The Mississippi Department of Employment Security,
26 Office of the Governor, shall develop an accountability system and
27 make an annual report to the Legislature before December 31 of
28 each year on Workforce Investment Act activities. The report
29 shall include, but is not limited to, the following:

30 (a) The total number of individuals served through the
31 Workforce Development Centers and the percentage and number of
32 individuals for which a quarterly follow up is provided;

33 (b) The number of individuals who receive core services
34 by each center;

35 (c) The number of individuals who receive intensive
36 services by each center;

37 (d) The number of Workforce Investment Act vouchers
38 issued by the Workforce Development Centers including:

39 (i) A list of schools and colleges to which these
40 vouchers were issued and the average cost per school of the
41 vouchers; and

42 (ii) A list of the types of programs for which
43 these vouchers were issued;

44 (e) The number of individuals placed in a job through
45 Workforce Development Centers;

46 (f) The monies and the amount retained for
47 administrative and other costs received from Workforce Investment
48 Act funds for each agency or organization that Workforce
49 Investment Act funds flow through as a percentage and actual
50 dollar amount of all Workforce Investment Act funds received.

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

53 37-153-7. (1) There is created the Mississippi State
54 Workforce Investment Board. The Mississippi State Workforce
55 Investment Board shall be composed of thirty-nine (39) voting
56 members, of which a majority shall be representatives of business
57 and industry in accordance with the federal Workforce Investment
58 Act.

59 (a) The Governor shall appoint the following members of
60 the board to serve a term of four (4) years:

61 (i) The Executive Director of the Mississippi
62 Association of Supervisors, or his/her designee;

63 (ii) The Executive Director of the Mississippi
64 Municipal League;

65 (iii) One (1) elected mayor;

66 (iv) One (1) elected county supervisor;

67 (v) Two (2) representatives of * * * labor
68 organizations, who have been nominated by state labor federations;

69 (vi) Two (2) representatives of individuals and
70 organizations that have experience with respect to youth
71 activities;

72 (vii) One (1) representative of the Mississippi
73 Association of Planning and Development Districts;

74 (viii) One (1) representative from each of the
75 four (4) workforce areas in the state, who has been nominated by
76 the community colleges in each respective area, with the consent
77 of the elected county supervisors within the respective workforce
78 area; and

79 (ix) Nineteen (19) representatives of business
80 owners nominated by business and industry organizations, which may
81 include representatives of the various planning and development
82 districts in Mississippi.

83 (b) The following state officials shall be members of
84 the board:

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

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

89 (iii) The State Superintendent of Public
90 Education;

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

93 (v) The Executive Director of the Mississippi
94 Department of Human Services;

95 (vi) The Executive Director of the State Board for
96 Community and Junior Colleges.

97 (c) The Governor, or his designee, shall serve as a
98 member.

99 (d) Four (4) legislators, who shall serve in a
100 nonvoting capacity, two (2) of whom shall be appointed by the
101 Lieutenant Governor from the membership of the Mississippi Senate,
102 and two (2) of whom shall be appointed by the Speaker of the House
103 from the membership of the Mississippi House of Representatives.

104 (e) The membership of the board shall reflect the
105 diversity of the State of Mississippi.

106 (f) The Governor shall designate the Chairman of the
107 Mississippi State Workforce Investment Board from among the voting
108 members of the board, and a quorum of the board shall consist of a
109 majority of the voting members of the board.

110 (g) The voting members of the board who are not state
111 employees shall be entitled to reimbursement of their reasonable
112 expenses incurred in carrying out their duties under this chapter,
113 from any funds available for that purpose.

114 (h) The Mississippi Department of Employment Security
115 shall be responsible for providing necessary administrative,
116 clerical and budget support for the State Workforce Investment
117 Board.

118 (2) The Mississippi Department of Employment Security shall
119 establish limits on administrative costs for each portion of
120 Mississippi's Workforce Development System consistent with the
121 federal Workforce Investment Act or any future federal workforce
122 legislation.

123 (3) The Mississippi State Workforce Investment Board shall
124 have the following duties:

125 (a) Develop and submit to the Governor a strategic plan
126 for an integrated state workforce development system that aligns
127 resources and structures the system to more effectively and

128 efficiently meet the demands of Mississippi's employers and job
129 seekers. This plan will comply with the federal Workforce
130 Investment Act of 1998, as amended.

131 (b) Assist the Governor in the development and
132 continuous improvement of the statewide workforce investment
133 system that shall include:

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

136 (ii) Review local workforce development plans that
137 reflect the use of funds from the federal Workforce Investment
138 Act, Wagner-Peyser Act and the Mississippi Comprehensive Workforce
139 Training and Education Consolidation Act.

140 (c) Recommend the designation of local workforce
141 investment areas as required in Section 116 of the federal
142 Workforce Investment Act of 1998. There shall be four (4)
143 workforce investment areas that are generally aligned with the
144 planning and development district structure in Mississippi.
145 Planning and development districts will serve as the fiscal agents
146 to manage Workforce Investment Act funds, oversee and support the
147 local workforce investment boards aligned with the area and the
148 local programs and activities as delivered by the one-stop
149 employment and training system. The planning and development
150 districts will perform this function through the provisions of the
151 county cooperative service districts created under Sections
152 19-3-101 through 19-3-115; however, planning and development
153 districts currently performing this function under the Interlocal
154 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may
155 continue to do so.

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

160 (e) Recommend comprehensive, results-oriented measures
161 that shall be applied to all Mississippi's workforce development
162 system programs.

163 (f) Assist the Governor in the establishment and
164 management of a one-stop employment and training system conforming
165 to the requirements of the federal Workforce Investment Act of
166 1998, as amended, recommending policy for implementing the
167 Governor's approved plan for employment and training activities
168 and services within the state. In developing this one-stop career
169 operating system, the Mississippi State Workforce Investment
170 Board, in conjunction with local workforce investment boards,
171 shall:

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

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

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

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

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

184 (g) Assist the Governor in reducing duplication of
185 services by urging the Local Workforce Investment Boards to
186 designate the local community/junior college as the operator of
187 the WIN Job Center. Incentive grants of Two Hundred Thousand
188 Dollars (\$200,000.00) from federal Workforce Investment Act funds
189 may be awarded to the local workforce boards where the
190 community/junior college district is designated as the WIN Job
191 Center. These grants must be provided to the community and junior
192 colleges for the extraordinary costs of coordinating with the

193 Workforce Investment Act, advanced technology centers and advanced
194 skills centers. In no case shall these funds be used to supplant
195 state resources being used for operation of workforce development
196 programs.

197 (h) To provide authority, in accordance with any
198 executive order of the Governor, for developing the necessary
199 collaboration among state agencies at the highest level for
200 accomplishing the purposes of this chapter;

201 (i) To monitor the effectiveness of the workforce
202 development centers and WIN job centers;

203 (j) To advise the Governor, public schools,
204 community/junior colleges and institutions of higher learning on
205 effective school-to-work transition policies and programs that
206 link students moving from high school to higher education and
207 students moving between community colleges and four-year
208 institutions in pursuit of academic and technical skills training;

209 (k) To work with industry to identify barriers that
210 inhibit the delivery of quality workforce education and the
211 responsiveness of educational institutions to the needs of
212 industry;

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

216 (m) To assist the Governor in carrying out any other
217 responsibility required by the federal Workforce Investment Act of
218 1998, as amended.

219 (4) The Mississippi State Workforce Investment Board shall
220 coordinate all training programs and funds in the State of
221 Mississippi.

222 Each state agency director responsible for workforce training
223 activities shall advise the Mississippi State Workforce Investment
224 Board of appropriate federal and state requirements. Each such
225 state agency director shall remain responsible for the actions of

226 his agency; however, each state agency and director shall work
227 cooperatively, and shall be individually and collectively
228 responsible to the Governor for the successful implementation of
229 the statewide workforce investment system. The Governor, as the
230 Chief Executive Officer of the state, shall have complete
231 authority to enforce cooperation among all entities within the
232 state that utilize federal or state funding for the conduct of
233 workforce development activities.

234 **SECTION 3.** This act shall take effect and be in force from
235 and after July 1, 2005.