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To: Economic and Workforce  
Development

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2564

1 AN ACT TO ESTABLISH THE MISSISSIPPI DEPARTMENT OF WORKFORCE  
2 DEVELOPMENT; TO MAKE THE DEPARTMENT RESPONSIBLE FOR THE  
3 ADMINISTRATION OF WORKFORCE PROGRAMS ADMINISTERED BY THE  
4 MISSISSIPPI STATE WORKFORCE INVESTMENT BOARD, THE MISSISSIPPI  
5 COMMUNITY COLLEGE BOARD AND INDIVIDUAL COMMUNITY OR JUNIOR  
6 COLLEGES, INCLUDING PROGRAMS ADMINISTERED THROUGH THE MISSISSIPPI  
7 WORKFORCE ENHANCEMENT TRAINING FUND AND THE MISSISSIPPI WORKS  
8 FUND; TO PROVIDE FOR THE DEPARTMENT TO BE HEADED BY THE EXECUTIVE  
9 DIRECTOR OF WORKFORCE DEVELOPMENT, TO SERVE AT THE WILL AND  
10 PLEASURE OF THE BOARD OF DIRECTORS; TO PROVIDE FOR THE  
11 CONSTITUTION OF THE BOARD'S MEMBERSHIP AND THE TERMS OF OFFICE OF  
12 THE MEMBERS; TO PROVIDE REPORTING REQUIREMENTS FOR THE DEPARTMENT;  
13 TO PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN INFORMATION  
14 SUBMITTED TO THE EXECUTIVE DIRECTOR CONCERNING WORKFORCE TRAINING  
15 PROJECTS; TO AUTHORIZE THE DEPARTMENT TO PROMULGATE RULES AND  
16 REGULATIONS; TO AMEND SECTIONS 71-5-353, 71-5-453, 37-153-7,  
17 37-153-11 AND 37-153-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
18 THERETO; TO AMEND SECTION 60, CHAPTER 572, LAWS OF 2004, AS LAST  
19 AMENDED BY SECTION 58, CHAPTER 451, LAWS OF 2019, WHICH IS THE  
20 REPEALER FOR THE CHAPTER, TO EXCLUDE THE SECTIONS OF THE CHAPTER  
21 CORRESPONDING TO SECTIONS 37-153-1 THROUGH 37-153-13; TO CREATE  
22 NEW SECTION 37-153-17, MISSISSIPPI CODE OF 1972, TO CODIFY THE  
23 REPEALER OF SECTIONS 37-153-1 THROUGH 37-153-13, AND TO ADD  
24 SECTION 37-153-15 AS SUBJECT TO THE REPEALER; TO BRING FORWARD  
25 SECTIONS 37-153-1, 37-153-3, 37-153-5, 37-153-9 AND 37-153-15,  
26 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
27 AND FOR RELATED PURPOSES.

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

29 **SECTION 1. Definitions.** When used in this chapter, unless  
30 the context indicates otherwise:



(a) "Department" means the Mississippi Department of Workforce Development.

(b) "Board" means the board of directors of the department.

(c) "Executive director" means the Executive Director of Workforce Development.

(d) "Programs" means workforce training programs established or administered under this act.

**SECTION 2. Establishment of the Department of Workforce**

**Development.** (1) There is established the Mississippi Department of Workforce Development. The department shall be a subdivision housed within, but independent of, the Mississippi Community College Board. The executive director shall maintain complete and exclusive operational control of the department's functions.

(2) State-funded workforce programs, as designated in this section, which are administered by the Mississippi State Workforce Investment Board, Mississippi Community College Board, individual community or junior colleges, or other relevant state agencies or organizations before the effective date of this act shall be transferred to the department. This specifically includes programs administered through the Mississippi Workforce Enhancement Training Fund and the Mississippi Works Fund, as described in Section 71-5-353.



(3) The department shall facilitate the coordination, consolidation and promotion of workforce development and training activities statewide.

**SECTION 3. Duties.** (1) The department shall be headed by the Executive Director of Workforce Development, who shall 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 master's degree or juris doctorate from an accredited institution of higher learning and have no less than five (5) years of professional experience related to workforce or economic development.

(2) The executive director shall:

(a) Perform the functions necessary for the daily operation and administration of the department, with oversight from the board;

(b) Consult with the Executive Director of the Mississippi Community College Board on past and current workforce development efforts, and the transition of certain workforce development programs as described in this section to the department;

(c) Perform a comprehensive review of Mississippi's workforce development efforts, including programs supported with state or federal money;

(d) Develop broad statewide workforce development goals, including a goal to raise the state's labor force



79 participation rate, in collaboration with the board, Mississippi  
80 State Workforce Investment Board, Mississippi Development  
81 Authority, Mississippi Department of Education, Mississippi  
82 Community College Board, Mississippi Institutions of Higher  
83 Learning, Mississippi Department of Employment Security,  
84 Mississippi Department of Rehabilitation Services and other  
85 relevant agencies and arms of the state;

86           (e) Communicate the state's broad workforce goals to  
87 targeted audiences who may be eligible for programs, to businesses  
88 and to the wider public;

89           (f) Develop metrics by which to analyze whether  
90 workforce development programs administered by the department are  
91 effectively moving the state toward workforce development goals  
92 developed by the department, and transparency measures to report  
93 progress to the public;

94           (g) Identify and recommend other state or federal  
95 programs, aside from those described in this section, which should  
96 be moved to the purview of the department in the future with the  
97 goal of consolidating workforce development, making workforce  
98 efforts more efficient and decreasing the size of government; and

99           (h) Report on the status of workforce development  
100 efforts and the progress toward meeting the goals developed by the  
101 department, to include increasing the labor force participation  
102 rate, to the Governor, the Speaker of the House, and the President



of the Senate, who may disseminate the report to the appropriate members of the legislature.

**SECTION 4. Authority.** In fulfilling the responsibilities of this act, the executive director may, subject to available appropriations and with oversight from the board:

(a) Hire the deputies, assistants and staff needed for the performance of his or her duties under this act. The executive director, in consultation with the State Personnel Board, shall set the compensation of any hired employees from any funds made available for that purpose. The Mississippi Community College Board, upon request from the executive director, shall supplement the administrative and support staff of the department. The executive director shall have complete and exclusive operational control over any staff provided by the Mississippi Community College Board when such staff member provides duties of the department;

(b) 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;

(c) Access services, documents, records, programs and materials as necessary to assess the status of workforce development in the state;

(d) Communicate with any governmental entity as is necessary to fulfill the coordinator's duties under this act; and



(e) Perform any other actions the executive director deems necessary to fulfill his or her duties under this act.

**SECTION 5. Board of Directors.** (1) The executive director shall be appointed by, and serve at the will and pleasure of, a board of directors, made up of representatives from the business community across the state. Initial appointments to the board shall be made no later than July 31, 2020, and appointments to vacant seats shall be made within two (2) months of the vacancy. No member shall serve on the board more than two (2) consecutive terms. The board shall be constituted as follows:

(a) Three (3) members shall be appointed by the Governor, with one from each Supreme Court district. Upon their initial appointment, one (1) of the members shall be appointed for a term of one (1) year; one (1) for a term of two (2) years; and one (1) for a term of three (3) years; thereafter, each member shall be appointed and shall hold office for a term of four (4) years.

(b) Two (2) at-large members shall be appointed by the President of the Senate. Upon their initial appointment, one (1) of the members shall be appointed for a term of two (2) years; and one (1) for a term of three (3) years; thereafter, each member shall be appointed and shall hold office for a term of four (4) years.

(c) Two (2) at-large members shall be appointed by the President of the Senate, with the advice and consent of the House



of Representatives. Upon their initial appointment and thereafter, each member shall be appointed and shall hold office for a term of four (4) years.

(d) Additionally, one (1) legislator from the Senate, appointed by the President of the Senate, and one (1) legislator from the House of Representatives, appointed by the Speaker of the House, shall serve on the board as non-voting members whose terms end concurrently with the end of the four-year legislative term.

(2) The board shall elect a chair from its membership at the first meeting of the original board members and every year thereafter. A majority of the membership of the board shall constitute a quorum for the transaction of any business. The board shall meet regularly once a month at such time as shall be designated by an order entered upon the minutes thereof. Special meetings of the board shall be held upon call of the chair or upon the call of a majority of the members. The board shall hold its sessions at the seat of government, or at a location in the state designated by an order entered upon the minutes.

(3) Members of the board shall be reimbursed for 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.

(4) Board members may be recalled by their appointing authority for cause, including as the result of 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.

**SECTION 6. State Workforce Investment Board.** The  
Mississippi State Workforce Investment Board, established and  
administered pursuant to federal law and Sections 37-153-1 through  
37-153-13, from the effective date of this act forward shall be a  
subdivision housed within, but independent of, the Mississippi  
Department of Workforce Development. This section shall not alter  
the organization or duties of the Mississippi State Workforce  
Investment Board as required by federal law.

**SECTION 7. Other funds.** (1) The Mississippi Workforce  
Enhancement Training Fund and the Mississippi Works Fund,  
established and administered pursuant to Section 71-5-353, are  
transferred to the administrative authority and oversight of the  
department.

(2) All contracts, leases, grants and agreements previously  
entered into by the Mississippi State Workforce Investment Board,  
Mississippi Community College Board, individual community or  
junior colleges, or other entities shall continue in full force  
and effect without modification or interruption by the provisions  
of this section.

**SECTION 8. Reporting requirements.** The department shall  
file an annual report with the Governor, Secretary of State,  
President of the Senate, Secretary of the Senate, Speaker of the  
House, and Clerk of the House not later than October 1 of each



year regarding all funds approved by the department to be expended on workforce training during the prior calendar year. The report 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; and

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

**SECTION 9. Limitations.** All information concerning a proposed project which is provided to the executive director shall be kept confidential. 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.

**SECTION 10.** **Authority to promulgate regulations.** The department shall have the authority to promulgate rules and regulations, not inconsistent with this chapter, as it may deem necessary to enforce its provisions.

**SECTION 11.** Section 71-5-353, Mississippi Code of 1972, is amended as follows:

71-5-353. (1) (a) Each employer shall pay unemployment insurance contributions equal to five and four-tenths percent (5.4%) of taxable wages paid by him each calendar year, except as may be otherwise provided in Section 71-5-361 and except that each newly subject employer shall pay unemployment insurance contributions at the rate of one percent (1%) of taxable wages, for his first year of liability, one and one-tenth percent (1.1%) of taxable wages for his second year of liability, and one and two-tenths percent (1.2%) of taxable wages for his third and subsequent years of liability unless the employer's experience-rating record has been chargeable throughout at least the twelve (12) consecutive calendar months ending on the most recent computation date at the time the rate for a year is determined; thereafter the employer's contribution rate shall be determined in accordance with the provisions of Section 71-5-355.

(b) Notwithstanding the newly subject employer contribution rate provided for in paragraph (a) of this



subsection, the contribution rate of all newly subject employers shall be reduced by seven one-hundredths of one percent (.07%) for calendar year 2013 only. The contribution rate of all newly subject employers shall be reduced by three one-hundredths of one percent (.03%) for calendar year 2014 only. For purposes of this chapter, "newly subject employers" means employers whose unemployment insurance experience-rating record has not been chargeable throughout at least the twelve (12) consecutive calendar months ending on the most recent computation date at the time the contribution rate for a year is determined.

(2) (a) (i) There is hereby created in the Treasury of the State of Mississippi special funds to be known as the "Mississippi Workforce Enhancement Training Fund" and the "Mississippi Works Fund" which consist of funds collected pursuant to subsection (3) of this section.

(ii) Funds collected shall initially be 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;



276                   2.   Mississippi Workforce Enhancement Training  
277   contributions, State Workforce Investment contributions and the  
278   Mississippi Works contributions, known collectively as the  
279   Mississippi Workforce Investment and Training contributions, on a  
280   pro rata basis;

281                   3.   Interest and damages; then

282                   4.   Legal and processing costs.

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

288           Cost of collection and administration of the Mississippi  
289   Workforce Enhancement Training contribution, the State Workforce  
290   Investment contribution and the Mississippi Works contribution  
291   shall be allocated based on a plan approved by the United States  
292   Department of Labor (USDOL). The Mississippi \* \* \* Department of  
293   Workforce Development shall pay the cost of collecting the  
294   Mississippi Workforce Enhancement Training contributions, the  
295   State Workforce Investment Board shall pay the cost of collecting  
296   the State Workforce Investment contributions and the Mississippi  
297   Department of Employment Security shall pay the cost of collecting  
298   the Mississippi Works contributions. Payments shall be made  
299   semiannually with the cost allocated to each based on a USDOL  
300   approved plan on a pro rata basis, for periods ending in June and



December of each year. Payment shall be made by each organization to the department no later than sixty (60) days after the billing date. Cost shall be allocated under the USDOL's approved plan and in the same ratio as each contribution type represents to the total authorized by subparagraph (ii) \* \* \*2 of this paragraph to be collected for the period.

(b) Mississippi Workforce Enhancement Training contributions and State Workforce Investment contributions shall be distributed as follows:

(i) For calendar year 2014, ninety-four and seventy-five one-hundredths percent (94.75%) shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(ii) For calendar years subsequent to calendar year 2014, ninety-three and seventy-five one-hundredths percent (93.75%) shall be distributed to the Mississippi Workforce Enhancement Training Fund and the remainder shall be distributed to the State Workforce Investment Board bank account;

(iii) Workforce Enhancement Training contributions and State Workforce Investment contributions for calendar years 2014 and 2015 shall be distributed as provided in subparagraphs (i) and (ii) of this paragraph regardless of when the contributions were collected.



325 (c) All contributions collected for the State Workforce  
326 Enhancement Training Fund, the State Workforce Investment Fund and  
327 the Mississippi Works Fund will be initially deposited into the  
328 Mississippi Department of Employment Security bank account for  
329 clearing contribution collections and subsequently transferred to  
330 the Workforce Investment and Training Holding Account and will be  
331 held by the Mississippi Department of Employment Security in such  
332 account for a period of not less than thirty (30) days. After  
333 such period, the Mississippi Workforce Enhancement Training  
334 contributions shall be transferred to the Mississippi \* \* \*  
335 Department of Workforce Development Treasury Account, the State  
336 Workforce Investment contributions and the Mississippi Works  
337 contributions shall be transferred to the Mississippi Department  
338 of Employment Security Mississippi Works Treasury Account in the  
339 same ratio as each contribution type represents to the total  
340 authorized by paragraph (a)(ii) \* \* \*2 of this subsection to be  
341 collected for the period and within the time frame determined by  
342 the department; however, except in cases of extraordinary  
343 circumstances, these funds shall be transferred within fifteen  
344 (15) days. Interest earnings or interest credits on deposit  
345 amounts in the Workforce Investment and Training Holding Account  
346 shall be retained in the account to pay the banking costs of the  
347 account. If after the period of twelve (12) months interest  
348 earnings less banking costs exceeds Ten Thousand Dollars  
349 (\$10,000.00), such excess amounts shall be transferred to the



350 respective accounts within thirty (30) days following the end of  
351 each calendar year on the basis described in paragraph (b) of this  
352 subsection. Interest earnings and/or interest credits for the  
353 State Workforce Investments funds shall be used for the payment of  
354 banking costs and excess amounts shall be used in accordance with  
355 the rules and regulations of the State Workforce Investment Board  
356 expenditure policies.

357 (d) All enforcement procedures for the collection of  
358 delinquent unemployment contributions contained in Sections  
359 71-5-363 through 71-5-383 shall be applicable in all respects for  
360 collections of delinquent unemployment insurance contributions  
361 designated for the Unemployment Compensation Fund, the Mississippi  
362 Workforce Enhancement Training Fund, the State Workforce  
363 Investment Board Fund and the Mississippi Works Fund.

364 (e) (i) Except as otherwise provided for in this  
365 subparagraph (i), all monies deposited into the Mississippi  
366 Workforce Enhancement Training Fund Treasury Account shall be  
367 utilized exclusively by the Mississippi \* \* \* Department of  
368 Workforce Development in accordance with the Workforce Training  
369 Act of 1994 (Section 37-153-1 et seq.) \* \* \* and under policies  
370 approved by the Mississippi \* \* \* Department of Workforce  
371 Development for the following purposes: to provide training \* \* \*  
372 in collaboration with the Mississippi Community College Board and  
373 individual community and junior colleges to employers and  
374 employees in order to enhance employee productivity. Such



375 training may be subject to a minimal administrative fee to be paid  
376 from the Mississippi Workforce Enhancement Training Fund as  
377 established by the \* \* \* Department of Workforce Development. The  
378 initial priority of these funds shall be for the benefit of  
379 existing businesses located within the state. Employers may  
380 request training for existing employees and/or newly hired  
381 employees from the Mississippi \* \* \* Department of Workforce  
382 Development. The Department of Workforce Development, in  
383 consultation with the Mississippi Community College Board, will be  
384 responsible for approving the training. A portion of the funds  
385 collected for the Mississippi Workforce Enhancement Training Fund  
386 shall be used for the development of performance measures to  
387 measure the effectiveness of the use of the Mississippi Workforce  
388 Enhancement Training Fund dollars. These performance measures  
389 shall be uniform for all \* \* \* training projects and shall be  
390 reported to the Governor, Lieutenant Governor, Speaker of the  
391 House, and members of the Legislature. Nothing in this section or  
392 elsewhere in law shall be interpreted as giving the Department of  
393 Workforce Development or State Workforce Investment Board  
394 authority to direct the Mississippi Community College Board or  
395 individual community or junior colleges on how to expend \* \* \*  
396 other funds, aside from funds appropriated to the Mississippi  
397 Workforce Enhancement Training Fund and Mississippi Works Fund,  
398 appropriated or received for workforce training \* \* \*. The  
399 Mississippi Department of Workforce Development, Mississippi



400 Community College Board, individual community or junior  
401 colleges \* \* \*, State Workforce Investment Board and other  
402 agencies implementing or coordinating state-funded workforce  
403 development programs under state law shall cooperate with each  
404 other \* \* \* to promote effective workforce training in  
405 Mississippi, under the coordination of the Mississippi Department  
406 of Workforce Development. Any subsequent changes to these  
407 performance measures shall also be reported to the Governor,  
408 Lieutenant Governor, Speaker of the House, and members of the  
409 Legislature. A performance report for each training project and  
410 community college, based upon these measures, shall be submitted  
411 annually to the Governor, Lieutenant Governor, Speaker of the  
412 House, and members of the Legislature.

413 (ii) Except as otherwise provided in this  
414 paragraph (e), all funds deposited into the State Workforce  
415 Investment Board bank account shall be used for administration of  
416 State Workforce Investment Board business, grants related to  
417 training, and other projects as determined appropriate by the  
418 State Workforce Investment Board and shall be nonexpiring.  
419 Policies for grants and other projects shall be approved through a  
420 majority vote of the State Workforce Investment Board.

421 (iii) All funds deposited into the Mississippi  
422 Department of Employment Security Mississippi Works Fund shall be  
423 disbursed exclusively by the Executive Director of the Mississippi  
424 Department of Employment Security, in accordance with the rules



425 and regulations promulgated by the \* \* \* Department of Workforce  
426 Development in support of workforce training activities approved  
427 by the Mississippi \* \* \* Department of Workforce Development in  
428 support of economic development activities. Funds allocated by  
429 the executive director under this subparagraph (iii) shall only be  
430 utilized for the training of unemployed persons, for immediate  
431 training needs for the net new jobs created by an employer, for  
432 the retention of jobs or to create a work-ready applicant pool of  
433 Mississippians with credentials and/or postsecondary education in  
434 accordance with the state's Workforce Investment and Opportunity  
435 Act plan. The Executive Director of the Mississippi Department of  
436 Workforce Development shall give priority to the training of  
437 unemployed persons. Not more than twenty-five percent (25%) of  
438 the funds may be allocated for the retention of jobs and/or  
439 creation of a work-ready applicant pool. Not more than Five  
440 Hundred Thousand Dollars (\$500,000.00) may be allocated annually  
441 for the training needs of any one (1) employer. The Mississippi  
442 Department of Workforce Development, in collaboration with the  
443 Mississippi Public Community College System and its partners,  
444 shall be the primary entities to facilitate training. In no case  
445 shall these funds be used to supplant workforce funds available  
446 from any other sources, including, but not limited to, local,  
447 state or federal sources that are available for workforce training  
448 and development. Training conducted utilizing these Mississippi  
449 Works funds may be subject to a minimal administrative fee to be



450 paid from the Mississippi Works Fund as authorized by the  
451 Mississippi Department of \* \* \* Workforce Development. All costs  
452 associated with the administration of these funds shall be  
453 reimbursed to the Mississippi Department of Employment Security  
454 from the Mississippi Works Fund.

455 (iv) 1. The Department of Employment Security  
456 shall be the fiscal agent for the receipt and disbursement of all  
457 funds in the State Workforce Investment Board bank account,  
458 subject to the administrative oversight of the Mississippi  
459 Department of Workforce Development.

460 2. In managing the State Workforce Investment  
461 Board bank account, the department shall ensure that any funds  
462 expended for contractual services rendered to the State Workforce  
463 Investment Board shall be paid only to service providers who have  
464 been selected on a competitive basis. Any contract for services  
465 entered into using funds from the Workforce Investment Fund bank  
466 account shall contain the deliverables stated in terms that allow  
467 for the assessment of work performance against measurable  
468 performance standards and shall include milestones for completion  
469 of each deliverable under the contract. For each contract for  
470 services entered into by the State Workforce Investment Board, the  
471 board shall develop a quality assurance surveillance plan that  
472 specifies quality control obligations of the contractor as well as  
473 measurable inspection and acceptance criteria corresponding to the



performance standards contained in the contract's statement of work.

3. Any commodities procured for the board shall be procured in accordance with the provisions of Section 31-7-13.

(v) In addition to other expenditures, the department shall expend from the State Workforce Investment Board bank account for the use and benefit of the State Workforce Investment Board, such funds as are necessary to prepare and develop a study of workforce development needs that will consist of the following:

1. An identification of the state's workforce development needs through a well-documented quantitative and qualitative analysis of:

a. The current and projected workforce training needs of existing and identified potential Mississippi industries, with priority given to assessing the needs of existing in-state industry and business. Where possible, the analysis should include a verification and expansion of existing information previously developed by workforce training and service providers, as well as analysis of existing workforce data, such as the data collected through the Statewide Longitudinal Data System.

b. The needs of the state's workers and residents requiring additional workforce training to improve their work skills in order to compete for better employment



opportunities, including a priority-based analysis of the critical factors currently limiting the state's ability to provide a trained and ready workforce.

c. The needs of workforce service and training providers in improving their ability to offer industry-relevant training, including an assessment of the practical limits of keeping training programs on the leading edge and eliminating those programs with marginal workforce relevance.

2. An assessment of Mississippi's current workforce development service delivery structure relative to the needs quantified in this subparagraph, including:

a. Development of a list of strengths/weaknesses/opportunities/threats (SWOT) of the current workforce development delivery system relative to the identified needs;

b. Identification of strategic options for workforce development services based on the results of the SWOT analysis; and

c. Development of results-oriented measures for each option that can be baselined and, if implemented, tracked over time, with quantifiable milestones and goals.

3. Preparation of a report presenting all subjects set out in this subparagraph to be delivered to the Lieutenant Governor, Speaker of the House of Representatives,



Chairman of the Senate Finance Committee and Chairman of the House Appropriations Committee no later than February 1, 2015.

4. Following the preparation of the report, the State Workforce Investment Board shall make a recommendation to the House and Senate Appropriations Committees on future uses of funds deposited to the State Workforce Investment Fund account. Such future uses may include:

a. The development of promotion strategies for workforce development programs;

b. Initiatives designed to reduce the state's dropout rate, including the development of a statewide career awareness program;

c. The long-term monitoring of the state's workforce development programs to determine whether they are addressing the needs of business, industry, and the workers of the state; and

d. The study of the potential restructuring of the state's workforce programs and delivery systems.

(3) (a) (i) Mississippi Workforce Enhancement Training contributions and State Workforce Investment contributions shall be collected at the following rates:

1. For calendar year 2014 only, the rate of nineteen one-hundredths of one percent (.19%) based upon taxable wages of which eighteen one-hundredths of one percent (.18%) shall



be the Workforce Enhancement Training contribution and one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution; and

2. For calendar year 2015 only, the rate of sixteen one-hundredths of one percent (.16%), based upon taxable wages of which fifteen one-hundredths of one percent (.15%) shall be the Workforce Enhancement Training contribution and one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution.

(ii) Mississippi Workforce Enhancement Training contributions, State Workforce Investment contributions and Mississippi Works contributions shall be collected at the following rates:

1. For calendar year 2016 only, at a rate of twenty-four one-hundredths percent (.24%), based upon taxable wages, of which fifteen one-hundredths percent (.15%) shall be the Workforce Enhancement Training contribution, one-hundredths of one percent (.01%) shall be the State Workforce Investment contribution and eight one-hundredths percent (.08%) shall be the Mississippi Works contribution.

2. For calendar years subsequent to calendar year 2016, at a rate of twenty one-hundredths percent (.20%), based upon taxable wages, of which fifteen one-hundredths percent (.15%) shall be the Workforce Enhancement Training contribution, one-hundredths of one percent (.01%) shall be the State Workforce



574 Investment contribution and four one-hundredths percent (.04%)  
575 shall be the Mississippi Works contribution. The Mississippi  
576 Works contribution shall be collected for calendar years in which  
577 the general experience ratio, adjusted on the basis of the trust  
578 fund adjustment factor and reduced by fifty percent (50%), results  
579 in a general experience rate of less than two-tenths percent  
580 (.2%). In all other years the Mississippi Works contribution  
581 shall not be in effect.

582 (iii) The Mississippi Workforce Enhancement  
583 Training Fund contribution, the State Workforce Investment  
584 contribution and the Mississippi Works contribution shall be in  
585 addition to the general experience rate plus the individual  
586 experience rate of all employers but shall not be charged to  
587 reimbursing or rate-paying political subdivisions or institutions  
588 of higher learning, or reimbursing nonprofit organizations, as  
589 described in Sections 71-5-357 and 71-5-359.

590 (b) All Mississippi Workforce Enhancement Training  
591 contributions, State Workforce Investment contributions and  
592 Mississippi Works contributions collected shall be deposited  
593 initially into the Mississippi Department of Employment Security  
594 bank account for clearing contribution collections and shall  
595 within two (2) business days be transferred to the Workforce  
596 Investment and Training Holding Account. Any Mississippi  
597 Workforce Enhancement Training Fund and/or State Workforce  
598 Investment Board bank account and/or Mississippi Works Fund



599 transactions from the Mississippi Department of Employment  
600 Security bank account for clearing contribution collections that  
601 are deposited into the Workforce Investment and Training Fund  
602 Holding Account and are not honored by a financial institution  
603 will be transferred back to the Mississippi Department of  
604 Employment Security bank account for clearing contribution  
605 collections out of funds in the Mississippi Workforce Investment  
606 and Training Fund Holding Account.

607           (c) Suspension of the Workforce Enhancement Training  
608 Fund contributions required pursuant to this chapter shall occur  
609 if the insured unemployment rate exceeds an average of five and  
610 five-tenths percent (5.5%) for the three (3) consecutive months  
611 immediately preceding the effective date of the new rate year  
612 following such occurrence and shall remain suspended throughout  
613 the duration of that rate year. Such suspension shall continue  
614 until such time as the three (3) consecutive months immediately  
615 preceding the effective date of the next rate year that has an  
616 insured unemployment rate of less than an average of four and  
617 five-tenths percent (4.5%). Upon such occurrence, reactivation  
618 shall be effective upon the first day of the rate year following  
619 the event that lifts suspension and shall be in effect for that  
620 year and shall continue until such time as a subsequent suspension  
621 event as described in this chapter occurs.

622           (4) All collections due or accrued prior to any suspension  
623 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 12.** 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, State Workforce Investment 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 for the State of Mississippi,



649 established and maintained pursuant to Section 904 of the Social  
650 Security Act, as amended, any provisions of law in this state  
651 relating to the deposit, administration, release or disbursement  
652 of monies in the possession or custody of this state to the  
653 contrary notwithstanding. The benefit account shall consist of  
654 all monies requisitioned from this state's account in the  
655 Unemployment Trust Fund. Except as herein otherwise provided,  
656 monies in the clearing and benefit accounts may be deposited by  
657 the department, in any bank or public depository in which general  
658 funds of the state may be deposited, but no public deposit  
659 insurance charge or premium shall be paid out of the fund. The  
660 department shall be liable for the faithful performance of its  
661 duties in connection with the Unemployment Compensation Fund under  
662 this chapter. A Workforce Investment and Training Holding Account  
663 shall be established by and maintained under the control of the  
664 Mississippi Department of Employment Security. Contributions  
665 collected pursuant to the provisions in this chapter for the  
666 Workforce Enhancement Training Fund, State Workforce Investment  
667 Fund and the Mississippi Works Fund shall be transferred from the  
668 clearing account into the Workforce Investment and Training  
669 Holding Account on the same schedule and under the same conditions  
670 as funds transferred to the Unemployment Compensation Fund. Such  
671 funds shall remain on deposit in the holding account for a period  
672 of thirty (30) days. After such period, Workforce Enhancement  
673 Training contributions shall be transferred to the appropriate



674 Mississippi \* \* \* Department of Workforce Development Treasury  
675 Account by the department. The State Workforce Investment  
676 contributions shall be transferred to the State Workforce  
677 Investment Board bank account established by the department, and  
678 the department shall have the authority to deposit and disburse  
679 funds from the State Workforce Investment Board bank account as  
680 directed by the State Workforce Investment Board. The Mississippi  
681 Works contributions shall be transferred to the Mississippi  
682 Department of Employment Security Treasury Account for the  
683 Mississippi Works Fund. Such transfers shall occur within fifteen  
684 (15) days after the funds have resided in the Workforce Investment  
685 and Training Holding Account for thirty (30) days. One (1) such  
686 transfer shall be made monthly, but the department, in its  
687 discretion, may make additional transfers in any month. In the  
688 event such funds transferred are subsequently determined to be  
689 erroneously paid or collected, or if deposit of such funds is  
690 denied or rejected by the banking institution for any reason, or  
691 deposits are unable to clear drawer's account for any reason, the  
692 funds must be reimbursed by the recipient of such funds within  
693 thirty (30) days of mailing of notice by the department demanding  
694 such refund, unless funds are available in the Workforce  
695 Investment and Training Holding Account. In that event such  
696 amounts shall be immediately withdrawn from the Workforce  
697 Investment and Training Holding Account by the department and  
698 redeposited into the clearing account.



699           **SECTION 13.** Section 37-153-7, Mississippi Code of 1972, is  
700 amended as follows:

701           37-153-7. (1) There is created the Mississippi State  
702 Workforce Investment Board, which shall be a subdivision housed  
703 within, but independent of, the Mississippi Department of  
704 Workforce Development. The Mississippi State Workforce Investment  
705 Board shall be composed of forty-one (41) voting members, of which  
706 a majority shall be representatives of business and industry in  
707 accordance with the federal Workforce Investment Act.

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

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

712                   (ii) The Executive Director of the Mississippi  
713 Municipal League;

714                   (iii) One (1) elected mayor;

715                   (iv) One (1) representative of an apprenticeship  
716 program in the state;

717                   (v) One (1) representative of labor organizations,  
718 who has been nominated by state labor federations;

719                   (vi) One (1) representative of individuals and  
720 organizations that has experience with respect to youth  
721 activities;

722                   (vii) One (1) representative of the Mississippi  
723 Association of Planning and Development Districts;



724 (viii) One (1) representative from each of the  
725 four (4) workforce areas in the state, who has been nominated by  
726 the community colleges in each respective area, with the consent  
727 of the elected county supervisors within the respective workforce  
728 area;

729 (ix) The chair of the Mississippi Association of  
730 Community and Junior Colleges; and

731 (x) Twenty-one (21) representatives of business  
732 owners nominated by business and industry organizations, which may  
733 include representatives of the various planning and development  
734 districts in Mississippi.

735 (b) The following state officials shall be members of  
736 the board:

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

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

741 (iii) The State Superintendent of Public  
742 Education;

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

745 (v) The Executive Director of the Mississippi  
746 Department of Human Services;

747 (vi) The Executive Director of the Mississippi  
748 Community College Board; and



(vii) The Commissioner of the Institutions of Higher Learning.

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

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

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

(f) 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.

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

(2) 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.



774           (3) The Mississippi State Workforce Investment Board shall  
775 have the following duties. These duties are intended to be  
776 consistent with the scope of duties provided in the federal  
777 Workforce Investment Act, Workforce Innovation and Opportunity  
778 Act, amendments and successor legislation to these acts, and other  
779 relevant federal law:

780           (a) Develop and submit to the Governor a strategic plan  
781 for an integrated state workforce development system that aligns  
782 resources and structures the system to more effectively and  
783 efficiently meet the demands of Mississippi's employers and job  
784 seekers. This plan will comply with the federal Workforce  
785 Investment Act of 1998, as amended, the federal Workforce  
786 Innovation and Opportunity Act of 2014 and amendments and  
787 successor legislation to these acts;

788           (b) Assist the Governor in the development and  
789 continuous improvement of the statewide workforce investment  
790 system that shall include:

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

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



799           (c) Recommend the designation of local workforce  
800 investment areas as required in Section 116 of the federal  
801 Workforce Investment Act of 1998 and the Workforce Innovation and  
802 Opportunity Act of 2014. There shall be four (4) workforce  
803 investment areas that are generally aligned with the planning and  
804 development district structure in Mississippi. Planning and  
805 development districts will serve as the fiscal agents to manage  
806 Workforce Investment Act funds, oversee and support the local  
807 workforce investment boards aligned with the area and the local  
808 programs and activities as delivered by the one-stop employment  
809 and training system. The planning and development districts will  
810 perform this function through the provisions of the county  
811 cooperative service districts created under Sections 19-3-101  
812 through 19-3-115; however, planning and development districts  
813 currently performing this function under the Interlocal  
814 Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may  
815 continue to do so;

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

820           (e) Recommend comprehensive, results-oriented measures  
821 that shall be applied to all of Mississippi's workforce  
822 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) Assist the Governor in reducing duplication of services by urging the local workforce investment boards to designate the local community/junior college as the operator of the WIN Job Center. Incentive grants of Two Hundred Thousand



Dollars (\$200,000.00) from federal Workforce Investment Act funds may be awarded to the local workforce boards where the community/junior college district is designated as the WIN Job Center. These grants must be provided to the community and junior colleges for the extraordinary costs of coordinating with the Workforce Investment Act, advanced technology centers and advanced skills centers. In no case shall these funds be used to supplant state resources being used for operation of workforce development programs;

(h) 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 chapter;

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

(j) To advise the Governor, public schools, community/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;

(k) 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;



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

876           (m) To assist the Governor in carrying out any other  
877 responsibility required by the federal Workforce Investment Act of  
878 1998, as amended and the Workforce Innovation and Opportunity Act,  
879 successor legislation and amendments.

880           (4) The Mississippi State Workforce Investment Board shall  
881 coordinate all training programs and funds \* \* \* within its  
882 purview, consistent with the federal Workforce Investment Act,  
883 Workforce Innovation and Opportunity Act, amendments and successor  
884 legislation to these acts, and other relevant federal law.

885           Each state agency director responsible for workforce training  
886 activities shall advise the Mississippi Department of Workforce  
887 Development and the State Workforce Investment Board of  
888 appropriate federal and state requirements. Each such state  
889 agency director shall remain responsible for the actions of his  
890 agency; however, each state agency and director shall work  
891 cooperatively \* \* \* to fulfill the state's goals.

892           (5) The State Workforce Investment Board shall establish a  
893 Rules Committee. \* \* \* The State Workforce Investment Board Rules  
894 Committee shall develop and submit rules and regulations in  
895 accordance with the Mississippi Administrative Procedures Act,  
896 within sixty (60) days of March 21, 2016. The State Workforce



897 Investment Board Rules Committee shall consist of the following  
898 State Workforce Investment Board members:

899 (a) The Executive Director of the Mississippi  
900 Development Authority;

901 (b) The Executive Director of the Mississippi  
902 Department of Employment Security;

903 (c) The Executive Director of the Mississippi Community  
904 College Board;

905 (d) The Chair of the Mississippi Association of  
906 Community and Junior Colleges;

907 (e) The Chair of the State Workforce Investment Board;

908 (f) A representative from the workforce areas selected  
909 by the Mississippi Association of Workforce Areas, Inc.;

910 (g) A business representative currently serving on the  
911 board, selected by the Chairman of the State Workforce Investment  
912 Board; and

913 (h) Two (2) legislators, who shall serve in a nonvoting  
914 capacity, one (1) of whom shall be appointed by the Lieutenant  
915 Governor from the membership of the Mississippi Senate and one (1)  
916 of whom shall be appointed by the Speaker of the House of  
917 Representatives from the membership of the Mississippi House of  
918 Representatives.

919 \* \* \*

920 **SECTION 14.** Section 37-153-11, Mississippi Code of 1972, is  
921 amended as follows:



37-153-11. (1) There are created workforce development centers to provide assessment, training and placement services to individuals needing retraining, training and upgrading for small business and local industry. Each workforce development center shall be affiliated with a separate public community or junior college district and shall coordinate with the Mississippi Department of Workforce Development.

(2) Each workforce development center shall be staffed and organized locally by the affiliated community college. The workforce development center shall serve as staff to the affiliated district council.

(3) Each workforce development center, working in concert with its affiliated district council, shall offer and arrange services to accomplish the purposes of this chapter, including, but not limited to, the following:

(a) For individuals needing training and retraining:

(i) Recruiting, assessing, counseling and referring to training or jobs;

(ii) Preemployment training for those with no experience in the private enterprise system;

(iii) Basic literacy skills training and high school equivalency education;

(iv) Vocational and technical training, full-time or part-time; and



946                   (v) Short-term skills training for educationally  
947 and economically disadvantaged adults in cooperation with  
948 federally established employment and training programs;  
949                   (b) For specific small businesses, industries or firms  
950 within the district:  
951                   (i) Job analysis, testing and curriculum  
952 development;  
953                   (ii) Development of specific long-range training  
954 plans;  
955                   (iii) Industry or firm-related preemployment  
956 training;  
957                   (iv) Workplace basic skills and literacy training;  
958                   (v) Customized skills training;  
959                   (vi) Assistance in developing the capacity for  
960 total quality management training;  
961                   (vii) Technology transfer information and referral  
962 services to business of local applications of new research in  
963 cooperation with the University Research Center, the state's  
964 universities and other laboratories; and  
965                   (viii) Development of business plans;  
966                   (c) For public schools within the district technical  
967 assistance to secondary schools in curriculum coordination,  
968 development of tech prep programs, instructional development and  
969 resource coordination; and



(d) For economic development, a local forum and resource center for all local industrial development groups to meet and promote regional economic development.

(4) Each workforce development center shall compile and make accessible to the Department of Workforce Development and Mississippi State Workforce Investment Board necessary information for use in evaluating outcomes of its efforts and in improving the quality of programs at each community college, and shall include information on literacy initiatives. Each workforce development center shall, through an interagency management information system, maintain records on new small businesses, placement, length of time on the job after placement and wage rates of those placed in a form containing such information as established by the state council.

(5) The Mississippi Community College Board is authorized to designate one or more workforce development centers at the request of affiliated community or junior colleges to provide skills training to individuals to enhance their ability to be employed in the motion picture industry in this state.

**SECTION 15.** Section 37-153-13, Mississippi Code of 1972, is amended as follows:

37-153-13. The Mississippi Community College Board, in collaboration with the Mississippi Department of Workforce Development, is designated as the primary support agency to the workforce development centers. The Mississippi Community College



Board, in consultation with the Mississippi Department of Workforce Development, may exercise the following powers:

(a) To provide the workforce development centers the assistance necessary to accomplish the purposes of this chapter;

(b) To provide the workforce development centers consistent standards and benchmarks to guide development of the local workforce development system and to provide a means by which the outcomes of local services can be measured;

(c) To develop the staff capacity to provide, broker or contract for the provision of technical assistance to the workforce development centers, including, but not limited to:

(i) Training local staff in methods of recruiting, assessment and career counseling;

(ii) Establishing rigorous and comprehensive local preemployment training programs;

(iii) Developing local institutional capacity to deliver total quality management training;

(iv) Developing local institutional capacity to transfer new technologists into the marketplace;

(v) Expanding the Skills Enhancement Program and improving the quality of adult literacy programs; and

(vi) Developing data for strategic planning;

(d) To collaborate with the Mississippi Development Authority, Mississippi Department of Workforce Development, individual community and junior colleges, and other economic



1020 development organizations to increase the \* \* \* economic  
1021 development potential and the state's labor force participation  
1022 rate;

1023           (e) To administer presented and approved certification  
1024 programs by the community colleges for tax credits and partnership  
1025 funding for corporate training;

1026           (f) To create and maintain an evaluation team that  
1027 examines which kinds of curricula and programs and what forms of  
1028 quality control of training are most productive so that the  
1029 knowledge developed at one (1) institution of education can be  
1030 transferred to others;

1031           (g) To develop internal capacity to provide services  
1032 and to contract for services from universities and other providers  
1033 directly to local institutions;

1034           (h) To develop and administer an incentive  
1035 certification program;

1036           (i) To develop and hire staff and purchase equipment  
1037 necessary to accomplish the goals set forth in this section; and

1038           (j) To collaborate, partner and contract for services  
1039 with community-based organizations and disadvantaged businesses in  
1040 the delivery of workforce training and career information  
1041 especially to youth, as defined by the federal Workforce  
1042 Investment Act, and to those adults who are in low income jobs or  
1043 whose individual skill levels are so low as to be unable initially  
1044 to be aided by a workforce development center. Community-based



1045 organizations and disadvantaged businesses must meet  
1046 performance-based certification requirements set by the  
1047 Mississippi Community College Board, in collaboration with the  
1048 Mississippi Department of Workforce Development.

1049       **SECTION 16.** Section 60, Chapter 572, Laws of 2004, as  
1050 amended by Section 58, Chapter 30, Laws of the First Extraordinary  
1051 Session of 2008, as amended by Section 58, Chapter 559, Laws of  
1052 2010 Regular Session, as amended by Section 59, Chapter 471, Laws  
1053 of 2011, as amended by Section 58, Chapter 515, Laws of 2012, as  
1054 amended by Section 58, Chapter 451, Laws of 2019, is amended as  
1055 follows:

1056       Section 60. Sections 8 through 59 of this act shall stand  
1057 repealed on July 1, 2023.

1058       **SECTION 17.** The following shall be codified as Section  
1059 37-153-17, Mississippi Code of 1972:

1060       37-153-17. Sections 37-153-1, 37-153-3, 37-153-5, 37-153-7,  
1061 37-153-9, 37-153-11, 37-153-13 and 37-153-15 shall stand repealed  
1062 on July 1, 2023.

1063       **SECTION 18.** Section 37-153-1, Mississippi Code of 1972, is  
1064 brought forward as follows:

1065       37-153-1. This chapter shall be known and may be cited as  
1066 the "Mississippi Comprehensive Workforce Training and Education  
1067 Consolidation Act of 2004."

1068       **SECTION 19.** Section 37-153-3, Mississippi Code of 1972, is  
1069 brought forward as follows:



1070           37-153-3. It is the intent of the Legislature by the passage  
1071 of Chapter 572, Laws of 2004, to establish one (1) comprehensive  
1072 workforce development system in the State of Mississippi that is  
1073 focused on achieving results, using resources efficiently and  
1074 ensuring that workers and employers can easily access needed  
1075 services. This system shall reflect a consolidation of the  
1076 Mississippi Workforce Development Advisory Council and the  
1077 Mississippi State Workforce Investment Act Board. The purpose of  
1078 Chapter 572, Laws of 2004, is to provide workforce activities,  
1079 through a statewide system that maximizes cooperation among state  
1080 agencies, that increase the employment, retention and earnings of  
1081 participants, and increase occupational skill attainment by  
1082 participants and as a result, improve the quality of the  
1083 workforce, reduce welfare dependency and enhance the productivity  
1084 and competitiveness of the State of Mississippi.

1085           **SECTION 20.** Section 37-153-5, Mississippi Code of 1972, is  
1086 brought forward as follows:

1087           37-153-5. For purposes of this chapter, the following words  
1088 and phrases shall have the meanings respectively ascribed in this  
1089 section unless the context clearly indicates otherwise:

1090           (a) "State board" means the Mississippi State Workforce  
1091 Investment Board;

1092           (b) "District councils" means the Local Workforce  
1093 Development Councils;



(c) "Local workforce investment board" means the board that oversees the workforce development activities of local workforce areas under the federal Workforce Investment Act.

**SECTION 21.** Section 37-153-9, Mississippi Code of 1972, is brought forward as follows:

37-153-9. (1) In accordance with the federal Workforce Investment Act of 1998, there shall be established, for each of the four (4) state workforce areas prescribed in Section 37-153-3 (2)(c), a local workforce investment board to set policy for the portion of the state workforce investment system within the local area and carry out the provisions of the Workforce Investment Act.

(2) Each community college district shall have an affiliated District Workforce Development Council. The district council shall be composed of a diverse group of fifteen (15) persons appointed by the board of trustees of the affiliated public community or junior college. The members of each district council shall be selected from persons recommended by the chambers of commerce, employee groups, industrial foundations, community organizations and local governments located in the community college district of the affiliated community college with one (1) appointee being involved in basic literacy training. However, at least eight (8) members of each district council shall be chief executive officers, plant managers that are representatives of employers in that district or service sector executives. The District Workforce Development Council affiliated with each



1119    respective community or junior college shall advise the president  
1120    of the community or junior college on the operation of its  
1121    workforce development center/one-stop center.

1122            The Workforce Development Council shall have the following  
1123    advisory duties:

1124            (a)    To develop an integrated and coordinated district  
1125    workforce investment strategic plan that:

1126                    (i)    Identifies workforce investment needs through  
1127    job and employee assessments of local business and industry;

1128                    (ii)   Sets short-term and long-term goals for  
1129    industry-specific training and upgrading and for general  
1130    development of the workforce; and

1131                    (iii)   Provides for coordination of all training  
1132    programs, including ABE/High School Equivalency Diploma, Skills  
1133    Enhancement and Industrial Services, and shall work  
1134    collaboratively with the State Literacy Resource Center;

1135            (b)    To coordinate and integrate delivery of training as  
1136    provided by the workforce development plan;

1137            (c)    To assist business and industry management in the  
1138    transition to a high-powered, quality organization;

1139            (d)    To encourage continuous improvement through  
1140    evaluation and assessment; and

1141            (e)    To oversee development of an extensive marketing  
1142    plan to the employer community.



**SECTION 22.** Section 37-153-15, Mississippi Code of 1972, is brought forward as follows:

37-153-15. (1) As used in this chapter:

(a) The words "industry certification" mean a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a credential that is nationally recognized and must be at least one (1) of the following:

(i) Within an industry that addresses a critical local, regional or statewide economic need;

(ii) Linked to an occupation that is included in the State Department of Employment Security's occupations in high-demand list; or

(iii) Linked to an occupation that is identified as emerging.

(b) The words "qualifying industry certification" mean an industry certification that is linked to an occupation with wages of at least seventy percent (70%) of the average annual wage in this state unless the industry certification is stackable to another postsecondary or professional credential which is linked to an occupation which meets the wage criterion.

(2) The State Workforce Investment Board shall provide the State Board of Education annually with a list of qualifying industry certifications. If the occupations identified in the



list are not substantially the same as those occupations identified in the prior year, the State Board of Education shall provide reasonable notice of the changes to school districts.

(3) Beginning in fiscal year 2019-2020 and subject to available funding, the Department of Education shall pay a career and technical education incentive grant to the public school for each student enrolled in the public school who earns a qualifying industry certification. The amount per student for the career and technical education incentive grant shall be Six Hundred Dollars (\$600.00). If the statewide sum of the career and technical education incentive grants awarded pursuant to this section exceeds the amount of available funds appropriated for the grants, the grants per student shall be reduced proportionately to cover all eligible grants under this section.

(4) The grants may be used for qualifying industry certification examination fees, professional development for teachers in career and technical education programs under this section, student instructional support for programs that lead to qualifying industry certifications, or to increase access to qualifying industry certifications. Any grants awarded under this section may not be used to supplant funds provided for the basic operation of the career and technical education programs.

(5) On or before July 1 of each year, the Department of Education shall submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the



1193 Chairmen of the House and Senate Education Committees, the  
1194 Chairman of the House Workforce Development Committee and the  
1195 Chairman of the Senate Labor Committee on the following:

1196 (a) The number of students who enrolled in a career and  
1197 technical education course or program that leads to a qualifying  
1198 industry certification.

1199 (b) The number of students who earned a qualifying  
1200 industry certification by certification.

1201 (c) The amount of career and technical education  
1202 incentive grants awarded by the school.

1203 (d) The amount of career and technical education  
1204 incentive grants awarded per student.

1205 (e) Aggregated demographic data on the students who  
1206 earned a qualifying industry certification, including the  
1207 qualifying industry certifications earned by rural and urban  
1208 students.

1209 **SECTION 23.** This act shall take effect and be in force from  
1210 and after July 1, 2020, and shall stand repealed on June 30, 2020.

