MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines

To: Universities and Colleges; Workforce Development

HOUSE BILL NO. 48

AN ACT TO PROVIDE THAT THE STATE WORKFORCE INVESTMENT BOARD OR AN APPLICABLE OCCUPATIONAL LICENSING BOARD SHALL ACCEPT MILITARY EDUCATION, TRAINING AND SERVICE AS QUALIFIED CREDENTIALS OTHERWISE REQUIRED OF AN APPLICANT FOR A LICENSE OR CERTIFICATE; TO DEFINE TERMS USED IN THIS ACT; TO SPECIFY THE PROFESSIONAL OCCUPATIONS AND OCCUPATIONAL LICENSING BOARDS TO WHICH THE PROVISIONS OF THIS ACT APPLY; TO REQUIRE EVIDENCE OF SUCCESSFUL COMPLETION OF THE EDUCATION, TRAINING OR SERVICE AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, THE UNITED STATES RESERVES, THE NATIONAL GUARD OF ANY STATE, THE MILITARY RESERVES OF ANY STATE OR THE NAVAL MILITIA OF ANY STATE TO QUALIFY FOR SUCH BENEFIT; TO PRESCRIBE THE PROCESS BY WHICH ELIGIBLE INDIVIDUALS SHALL ADHERE TO IN APPLYING FOR A TEMPORARY PRACTICE PERMIT, LICENSE OF CERTIFICATION; TO REQUIRE THE STATE WORKFORCE INVESTMENT BOARD OR APPLICABLE OCCUPATIONAL LICENSING BOARD TO EXPEDITE THE PROCEDURE FOR ISSUANCE OF A LICENSE OR CERTIFICATE FOR APPLICANTS WHO ARE ON ACTIVE DUTY; TO AMEND SECTION 37-101-13, MISSISSIPPI CODE OF 1972, TO REQUIRE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO REQUIRE THE POSTSECONDARY INSTITUTIONS UNDER THEIR GOVERNANCE TO IMPLEMENT A POLICY AND PROCEDURE FOR THE ACCEPTANCE OF ACADEMIC CREDITS RECEIVED BY MEMBERS OF THE ARMED FORCES OF THE UNITED STATES UPON PRESENTATION OF EVIDENCE OF SUCCESSFUL COMPLETION OF RELEVANT MILITARY EDUCATION, TRAINING OR SERVICE; TO AMEND SECTION 37-153-7, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE WORKFORCE INVESTMENT BOARD, IN CONJUNCTION WITH THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD TO FACILITATE THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE POLICY AND PROCEDURE FOR THE ACCEPTANCE OF ACADEMIC CREDITS RECEIVED BY MEMBERS OF THE ARMED FORCES OF THE UNITED STATES UPON PRESENTATION OF EVIDENCE OF SUCCESSFUL COMPLETION OF RELEVANT MILITARY EDUCATION, TRAINING OR SERVICE; TO BRING FORWARD SECTION 73-50-1, MISSISSIPPI CODE OF

1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

SECTION 1. As used in this act the following terms shall have the meanings ascribed herein, unless context clearly indicates otherwise:

(a) "Board" includes the boards and commissions listed in Section 2 of this act.

(b) "Department" means the Department of Commerce, Community, and Economic Development.

(c) "Director" means the executive director of the State Workforce Investment Board.

(d) "License" means a business license or a license, certificate, permit or registration or similar evidence of authority issued for an occupation by the State Workforce Investment Board or by one (1) of the boards listed in Section 2 of this act.

(e) "Licensee" means a person who holds a license.

(f) "Occupation" means a trade or profession listed in Section 2 of this act.

SECTION 2. This act applies to:

(a) The Board of Public Accountancy under Chapter 33, Title 73, Mississippi Code of 1972;

(b) The regulation of acupuncturists under Chapter 71, Title 73, Mississippi Code of 1972;

(c) The State Board of Architecture and the regulation of engineers and land surveyors under Chapter 1, Title 73, Mississippi Code of 1972, and Chapter 13, Title 73, Mississippi Code of 1972;

(d) The Athletic Commission under Chapter 75, Title 75, Mississippi Code of 1972;

(e) The regulation of athletic trainers under Chapter 55, Title 73, Mississippi Code of 1972;

(f) The regulation of audiologists and speech-language pathologists under Chapter 38, Title 73, Mississippi Code of 1972;

(g) The Board of Barber Examiners and the State Cosmetology Board under Chapter 5, Title 73, Mississippi Code of 1972, and Chapter 7, Title 73, Mississippi Code of 1972;

(h) The regulation of behavior analysts under Chapter 75, Title 73, Mississippi Code of 1972;

(i) The State Board of Chiropractic Examiners under Chapter 6, Title 73, Mississippi Code of 1972;

(j) The regulation of construction contractors and home inspectors under Chapter 60, Title 73, Mississippi Code of 1972;

(k) The Board of Dental Examiners under Chapter 9, Title 73, Mississippi Code of 1972;

(l) The regulation of dietitians and nutritionists under Chapter 10, Title 73, Mississippi Code of 1972;

(m) The regulation of midwives under Section 41-39-3;

(n) The regulation of dispensing opticians under Chapter 19, Title 73, Mississippi Code of 1972;

(o) The Board of Registered Professional Geologists under Chapter 63, Title 73, Mississippi Code of 1972;

(p) The regulation of private professional guardians and private professional conservators under Chapter 13, Title 93, Mississippi Code of 1972;

(q) The regulation of hearing aid dealers under Chapter 14, Title 73, Mississippi Code of 1972;

(r) The regulation of marriage and family therapists under Chapter 54, Title 73, Mississippi Code of 1972;

(s) The State Board of Massage Therapy under Chapter 67, Title 73, Mississippi Code of 1972;

(t) The State Board of Medical Licensure under Chapter 25, Title 73, Mississippi Code of 1972;

(u) The State Board of Funeral Services under Chapter 11, Title 73, Mississippi Code of 1972;

(v) The Mississippi Board of Nursing under Chapter 15, Title 73, Mississippi Code of 1972;

(w) The Board of Nursing Home Administrators under Chapter 17, Title 73, Mississippi Code of 1972;

(x) The State Board of Optometry under Chapter 19, Title 73, Mississippi Code of 1972;

(y) The regulation of pawnbrokers under Chapter 67, Title 75, Mississippi Code of 1972;

(z) The State Board of Pharmacy under Chapter 21, Title 73, Mississippi Code of 1972;

(aa) The State Board of Physical Therapy and the regulation of occupational therapists under Chapter 23, Title 73, Mississippi Code of 1972, and Chapter 24, Title 73, Mississippi Code of 1972;

(bb) The Mississippi Board of Examiners for Licensed Professional Counselors under Chapter 30, Title 73, Mississippi Code of 1972;

(cc) The Board of Psychological Examiners under Chapter 31, Title 73, Mississippi Code of 1972;

(dd) The Mississippi Real Estate Commission under Chapter 35, Title 73, Mississippi Code of 1972;

(ee) The Mississippi Real Estate Appraiser and Licensing and Certification Board under Chapter 34, Title 73, Mississippi Code of 1972;

(ff) The Board of Examiners for Social Workers and Marriage and Family Therapists under Chapter 53, Title 73, Mississippi Code of 1972; and

(gg) The Board of Veterinary Medicine under Chapter 39, Title 73, Mississippi Code of 1972.

SECTION 3. (1) Notwithstanding another provision of law, the State Workforce Investment Board or an applicable occupational licensing board shall accept military education, training and service for some or all of the qualifications otherwise required

of an applicant for a license or certificate issued under this chapter if:

(a) The State Workforce Investment Board or an applicable occupational licensing board determines that the military education, training and service is substantially equivalent to some or all of the qualifications otherwise required of an applicant for a license or certificate issued under this chapter; and

(b) The applicant provides satisfactory evidence of successful completion of the education, training or service as a member of the Armed Forces of the United States, the United States Reserves, the National Guard of any state, the Military Reserves of any state or the Naval Militia of any state.

(2) If the department issues temporary practice permits as authorized by the State Workforce Investment Board or an applicable occupational licensing board, the State Workforce Investment Board or the applicable occupational licensing board shall issue a temporary license or certificate to a person who:

(a) Applies to the State Workforce Investment Board or an applicable occupational licensing board in a manner prescribed by the State Workforce Investment Board or the applicable occupational licensing board;

(b) Meets the requirements of Section 73-50-1;

(c) While in the Armed Forces of the United States or any state, as described in subsection (1) of this section:

(i) Held a current license or certificate in another state, district or territory of the United States, practiced in the area of the license or certificate, and maintained the license or certificate in active status before and at the time of application for a license or certificate under this subsection; or

(ii) Was awarded a degree, diploma or certificate by a branch of the Armed Forces of the United States or any state, as described in subsection (1) of this section, that met standards for an equivalent license or a certificate of technical training;

(d) If required by the State Workforce Investment Board or applicable occupational licensing board for obtaining a license in the applicant's profession, has been fingerprinted and has provided the fees required by the Department of Public Safety for criminal justice information and a national criminal history record check. The fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information and a national criminal history record check;

(e) Has not committed an offense in any jurisdiction that would have constituted grounds for the refusal, suspension or revocation of a license or certificate to practice that occupation under this act at the time the offense was committed;

(f) Has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or

disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction; and

(g) Pays any fees required under this act.

(3) The State Workforce Investment Board or applicable occupational licensing board shall expedite the procedure for issuance of a license or certificate under subsection (2) of this section for an applicant who is on active duty.

(4) A license or certificate issued under subsection (2) of this section is valid for one hundred eighty (180) days, and may be extended at the discretion of the State Workforce Investment Board or applicable occupational licensing board for one (1) additional one hundred eighty-day period if the holder of the license or certificate applies for an extension on a form approved by the State Workforce Investment Board or applicable occupational licensing board.

(5) The State Workforce Investment Board or applicable occupational licensing board may adopt regulations necessary to implement this section.

SECTION 4. Section 37-101-13, Mississippi Code of 1972, is amended as follows:

37-101-13. (1) It shall be the duty of the Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community colleges to begin immediately a comprehensive study of gaming and related programs, degrees and courses offered. Following the completion of such study, the

board shall make such adjustments as may be found to be necessary in the programs of the various institutions, to the end that the broadest possible educational opportunities shall be offered to the citizens of this state without inefficient and needless duplication. Subject to the provisions of Section 75-76-34, the board shall, through such officers of the board and through such procedures as it shall see fit to establish, exercise continuing jurisdiction and control over the establishment of new courses of study, new departments and new functions and activities in each institution so that the growth and development of the program of higher education in the state shall proceed in an orderly and rational manner, inefficient and needless duplication may be avoided, and new expanded programs will be undertaken only as the same may become justified, based upon objective criteria to be established by the board. In carrying out the purposes of this section, particular attention shall be given to the extension programs of the various institutions. The boards, in conjunction with the chancellor and presidents of the institutions, shall take such steps as may be necessary to improve and coordinate such programs and shall exercise such direct control over the establishment, organization, operation and granting of credit for such programs as may be necessary to accomplish such purposes.

(2) The Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board shall require the chancellor and presidents of state institutions of higher

learning and public community and junior colleges to implement a policy and procedure for the acceptance of academic credit toward a degree or technical program offered by the postsecondary educational institution if an applicant provides satisfactory evidence of successful completion of relevant military education, training or service as a member of the Armed Forces of the United States, the United States Reserves, the National Guard of any state, the Military Reserves of any state or the Naval Militia of any state.

(3) Each postsecondary educational institution must be maintained and operated, so that:

(a) The quality and content of each course or program of instruction, training or study are such as may reasonably and adequately achieve the stated objective for which the course or program is offered;

(b) The postsecondary educational institution has or has access to adequate space, equipment, instructional materials, and personnel where applicable to achieve the stated objective of the course or program of study and to provide education of good quality;

(c) The education or experience qualifications of directors, administrators, supervisors and instructors are such as may reasonably ensure that the students will receive education consistent with the objectives of the course or program of study;

(d) The postsecondary educational institution provides a catalog or brochure containing information to prospective students before enrollment, describing:

(i) The programs offered;

(ii) The program objectives;

(iii) The length of the program;

(iv) The schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study;

(v) The cancellation and refund policies; and

(vi) Other material facts concerning the institution and the program or course of instruction that are reasonably likely to affect the decision of the student to enroll, together with any other disclosures specified by the commission by regulation;

(e) Upon satisfactory completion of training, the student is given appropriate educational credentials by the postsecondary educational institution, indicating that the course of instruction or study has been satisfactorily completed by the student;

(f) Adequate records are maintained by the institution to show attendance, progress or grades, and that satisfactory standards are enforced relating to attendance, progress, and performance;

(g) The postsecondary educational institution is maintained and operated in compliance with all pertinent ordinances and laws relating to the safety and health of persons on the premises of the postsecondary educational institution;

(h) The institution is financially sound and capable of fulfilling its commitments to students;

(i) Neither the postsecondary educational institution nor its agents engage in advertising, sales, collection, credit or other practices which are false, deceptive, misleading or unfair;

(j) The student housing owned, maintained or approved by the postsecondary educational institution is appropriate, safe and adequate;

(k) The postsecondary educational institution has a fair and equitable cancellation and refund policy;

(l) The charges set by the postsecondary educational institution for tuition, fees, books and supplies are fair and equitable; and

(m) The postsecondary educational institution accepts military education, training, or service credit or hours toward a degree or technical program offered by the institution if:

(i) The postsecondary educational institution otherwise accepts transfer credits or hours; and

(ii) The credit or hours transfer process meets the requirements of the accrediting body of the postsecondary educational institution or its applicable governing entity.

SECTION 5. Section 37-153-7, Mississippi Code of 1972, is amended as follows:

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

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

(a) The Governor, or his designee;

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

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

1. Are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in Section 3122(b)(2)(A)(i) of the federal Workforce Innovation and Opportunity Act. At least two (2) of the members appointed under this item 1. shall be small business owners, chief executives or

operating officers of businesses with less than fifty (50) employees;

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

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

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

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

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

3. May include representatives of community-based organizations, including organizations serving veterans or providing or supporting competitive, integrated employment for individuals with disabilities, who have demonstrated experience and expertise in addressing employment,

training or education needs of individuals with barriers to employment; and

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

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

(c) Two (2) representatives of businesses in the state 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:

(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 the Institutions of Higher Learning.

(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. These duties are intended to be consistent with the scope of duties provided in the federal Workforce Innovation and Opportunity Act, amendments and successor legislation to this act, and other relevant federal law:

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

Innovation and Opportunity Act of 2014 and amendments and successor legislation to these acts;

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

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

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

(c) Recommend to the office the designation of local workforce investment areas as required in Section 116 of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014. There shall be four (4) workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the local workforce investment boards aligned with the area and the local programs and activities as delivered by the one-stop employment and training system. The planning and development districts will perform this function through the provisions of the

county cooperative service districts created under Sections 19-3-101 through 19-3-115; however, planning and development districts currently performing this function under the Interlocal Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may continue to do so;

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

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

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

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

(i) 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;

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

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

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

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

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

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

Each state agency director responsible for workforce training activities shall advise the Mississippi Office of Workforce Development and the State Workforce Investment Board of appropriate federal and state requirements. Each state agency, department and institution shall report any monies received for workforce training activities or career and technical education and a detailed itemization of how those monies were spent to the

state board. The board shall compile the data and provide a report of the monies and expenditures to the Chairs of the House and Senate Appropriations Committee, the Chair of the House Workforce Development Committee and the Chair of the Senate Economic and Workforce Development Committee by October 1 of each year. Each such state agency director shall remain responsible for the actions of his agency; however, each state agency and director shall work cooperatively to fulfill the state's goals.

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

(a) The Chair of the State Workforce Investment Board;

(b) Two (2) business representatives currently serving on the state board selected by the Governor;

(c) The two (2) business representatives currently serving on the state board appointed by the Lieutenant Governor;

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

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

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

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

(b) Perform the functions necessary for the daily operation and administration of the office, with oversight from the executive committee and the State Workforce Investment Board, to fulfill the duties of the state board as described in Chapter 476, Laws of 2020;

(c) Hire staff needed for the performance of his or her duties under this act. 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 chapter, as may be necessary to enforce the provisions in this act; 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 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 office 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.

(c) 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.

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

(12) The Mississippi State Workforce Investment Board, in conjunction with the Board of Trustees of State Institutions of

Higher Learning and the Mississippi Community College Board, shall facilitate the development and implementation of a statewide policy and procedure that provides for the acceptance of credits or hours toward a degree or technical program offered by a vocational or technical training center in the state for an applicant who provides satisfactory evidence of successful completion of relevant military education, training or service as a member of the Armed Forces of the United States, the United States Reserves, the National Guard of any state, the Military Reserves of any state or the Naval Militia of any state.

SECTION 6. Section 73-50-1, Mississippi Code of 1972, is brought forward as follows:

73-50-1. (1) This section shall be known as the "Military Family Freedom Act."

(2) As used in this section, the term:

(a) "License" means any license (other than a privilege license), certificate, registration or other evidence of qualification that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) "Occupational licensing board" means any state board, commission, department or other agency in Mississippi that is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue

licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(c) "Military" means the Armed Forces or Reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) The applicant has been awarded a military occupational specialty, completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty; or

(b) The applicant holds a current and valid license in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi and has held this license from the occupational licensing board in the other state for at least one (1) year; and

(c) The applicant has not committed any act in the other state that would have constituted grounds for refusal,

suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, the occupational licensing board in the other state holds the applicant in good standing, and the applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law; and

(d) The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

(e) The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the occupational licensing board in Mississippi; and

(f) The applicant pays all applicable fees in Mississippi.

(4) Notwithstanding any other law, the occupational licensing board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a

dependent of a member of the military, upon application based on work experience in another state, if all the following apply:

(a) The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the occupational licensing board;

(b) The applicant worked for at least three (3) years in the lawful occupation; and

(c) The applicant satisfies the provisions of paragraphs (c) through (f) of subsection (3) of this section.

(5) An occupational licensing board may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate the occupation if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate the occupation.

(6) The occupational licensing board shall issue or deny the license to the applicant within one hundred twenty days (120) days after receiving an application.

If the application requires longer than two (2) weeks to process, the occupational licensing board shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of

subsection (3)(a) or subsection (3)(b) of this section and subsection (3)(c) through (e) and pays all applicable fees as required by subsection (3)(f), or satisfies the provisions of subsection (4)(a) through (c) and pays all applicable fees as required by subsection (3)(f).

The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the occupational licensing board. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in subsection (5), if applicable.

(7) (a) The applicant may appeal any of the following decisions of an occupational licensing board to a court of general jurisdiction:

(i) Denial of a license;

(ii) Determination of the occupation;

(iii) Determination of the similarity of the scope of practice of the license issued; or

(iv) Other determinations under this section.

(b) The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by an occupational licensing board, without regard to any previous determination that may have been

made on the question in any action before the occupational licensing board.

(8) An occupational licensing board shall prominently print the following on all license applications, any communication denying a license, and on the board's website: "Pursuant to the provisions of the Military Family Freedom Act, Mississippi shall recognize occupational licenses obtained from other states for military members and their families." An occupational licensing board shall prepare and place on the board's website an annual report detailing the number of applications submitted to the licensing board under this section during a calendar year and the actions taken by the board on the applications.

(9) An occupational licensing board shall adopt rules necessary to implement this section by January 1, 2021. In addition, an occupational licensing board shall make all reasonable efforts to issue a license to an applicant for a license under this section.

(10) Nothing in this section shall be construed to prohibit a military applicant, spouse or dependent from proceeding under the existing licensure requirements established by an occupational licensing board in Mississippi.

(11) Nothing in this chapter shall be construed to prevent Mississippi from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country. A license issued under this section is valid only in Mississippi.

It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in Mississippi law.

(12) Nothing in this section shall be construed to apply to the practice of law as regulated under Section 73-3-1 et seq.

(13) This section preempts any ordinances of any municipality, county and other political subdivisions of the State of Mississippi that regulate licenses.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.