

By: Representative Paden

To: State Affairs;  
Appropriations A

## HOUSE BILL NO. 343

1 AN ACT TO ESTABLISH A MISSISSIPPI DEPARTMENT OF LABOR; TO SET  
2 FORTH AND PRESCRIBE THE FUNCTIONS OF ADMINISTRATIVE OFFICES IN THE  
3 DEPARTMENT; TO PROVIDE FOR THE ELECTION OF THE COMMISSIONER OF  
4 LABOR; TO AMEND SECTION 71-5-101, MISSISSIPPI CODE OF 1972, TO  
5 ABOLISH THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AND  
6 TRANSFER THE DUTIES, POWERS AND FUNDS OF THE DEPARTMENT TO THE  
7 OFFICE OF EMPLOYMENT SECURITY IN THE MISSISSIPPI DEPARTMENT OF  
8 LABOR; TO REPEAL SECTION 71-5-107, MISSISSIPPI CODE OF 1972, WHICH  
9 PROVIDES FOR THE APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE  
10 MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY; TO EMPOWER THE  
11 DEPARTMENT OF LABOR TO ADMINISTER AND COORDINATE CERTAIN FEDERAL  
12 AND STATE-FUNDED JOB TRAINING AND EMPLOYMENT-RELATED EDUCATION  
13 PROGRAMS; TO PRESCRIBE THE RESPONSIBILITIES OF THE OFFICE OF  
14 INDUSTRY SERVICE AND INDUSTRY START-UP TRAINING, THE OFFICE OF  
15 EMPLOYEE RELATIONS AND JOB DISCRIMINATION AND THE OFFICE OF  
16 DISABLED EMPLOYEE ASSISTANCE IN THE DEPARTMENT; TO AMEND SECTIONS  
17 7-1-351, 7-1-355, 7-1-357, 7-1-361, 7-1-363 AND 7-1-365,  
18 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION  
19 25-3-31, MISSISSIPPI CODE OF 1972, TO SET THE ANNUAL SALARY OF THE  
20 COMMISSIONER OF LABOR; TO AMEND SECTIONS 23-15-193 AND 23-15-297,  
21 MISSISSIPPI CODE OF 1972, TO ADD THE COMMISSIONER OF LABOR TO THE  
22 LIST OF ELECTED OFFICIALS; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** The following terms shall have the meanings  
25 ascribed in this section, unless the context otherwise requires:

26 (a) "Commissioner" means the Commissioner of Labor.

27 (b) "Department" means the Mississippi Department of  
28 Labor.



29 (c) "Director" means the administrative head of an  
30 office.

31 (d) "Office" means an administrative subdivision of the  
32 department.

33 **SECTION 2.** (1) There is created the Mississippi Department  
34 of Labor for the following purposes:

35 (a) To coordinate employer-employee services and  
36 relations;

37 (b) To establish and oversee an effective and efficient  
38 workforce development system in Mississippi to enable residents to  
39 acquire skills necessary to maximize their economic  
40 self-sufficiency; and

41 (c) To provide Mississippi employers with the work  
42 force they need to effectively compete in the changing world  
43 economy.

44 (2) The department shall be composed of the following  
45 offices:

46 (a) The Office of Employment Security;

47 (b) The Office of Job Development and Training;

48 (c) The Office of Industry Service and Industry  
49 Start-up Training;

50 (d) The Office of Employee Relations and Job  
51 Discrimination; and

52 (e) The Office of Disabled Employee Assistance.



53           **SECTION 3.**   The Mississippi Department of Labor shall provide

54   the labor-management services authorized by law and by the rules,  
55   regulations and policies of the department to every individual  
56   determined to be eligible, and in carrying out the purposes of  
57   this act, the department is authorized to:

58           (a)   Expend funds received either by appropriation or  
59   directly from federal or private sources;

60           (b)   Cooperate with other departments, agencies and  
61   institutions, both public and private, in providing the services  
62   authorized by this act to individuals, in studying the problems  
63   involved therein, and in establishing, developing and providing in  
64   conformity with the purposes of this act any programs, facilities  
65   and services as may be necessary or desirable;

66           (c)   Enter into reciprocal agreements with other states  
67   to provide for the services authorized by this act to residents of  
68   the states concerned;

69           (d)   Conduct research and compile statistics relating to  
70   the provision of services to or the need of services by  
71   individuals;

72           (e)   Enter into contractual arrangements with the  
73   federal government and with other authorized public agencies or  
74   persons for performance of services related to labor-management;  
75   and

76           (f)   Take any action as may be necessary to enable the  
77   department to apply for, accept and receive for the state and its



78 residents the full benefits available under any federal  
79 legislation or program having as its purpose the providing of,  
80 improvement of or extension of labor-management services.

81       **SECTION 4.** (1) The Chief Officer of the Mississippi  
82 Department of Labor shall be the Commissioner of Labor, who shall  
83 be elected at the general election in 2027 and every four (4)  
84 years thereafter in the same manner as the public officers  
85 provided in Section 23-15-193, and Section 140 of the  
86 Constitution. However, the Governor shall appoint a qualified  
87 person to serve as the Commissioner of Labor from July 1, 2025,  
88 until the general election in 2027. From and after the general  
89 election in 2027, the Commissioner of Labor's term of office shall  
90 be for four (4) years. The commissioner shall receive a  
91 compensation to be fixed by law. The commissioner shall be  
92 responsible for the proper administration of the programs of  
93 labor-management relations provided under this act and shall be  
94 responsible for appointing directors of offices and any necessary  
95 supervisors, assistants and employees. The salary and  
96 compensation of those employees shall be subject to the rules and  
97 regulations adopted and promulgated by the State Personnel Board.

98       (2) In carrying out the duties under this act, the  
99 Commissioner of Labor shall:

100           (a) Promulgate regulations governing personnel  
101 standards, the protection of records and confidential information,  
102 the manner and form of filing applications, eligibility and



103 investigation and determination therefor, for labor-management  
104 services, procedures for fair hearings and any other regulations  
105 as he or she finds necessary to carry out the purposes of this act  
106 and in conformity with federal law;

107 (b) Establish appropriate subordinate administrative  
108 units within the department;

109 (c) Prepare and submit to the Legislature annual  
110 reports of activities and expenditures and, before each regular  
111 session of the Legislature, coordinate budget requests required  
112 for carrying out this act and estimates of the amounts to be made  
113 available for this purpose from all sources;

114 (d) Be empowered to exercise executive and  
115 administrative supervision over all institutions, offices,  
116 programs and services now existing or hereafter acquired or  
117 created under the jurisdiction of the department;

118 (e) Make certification for disbursement, in accordance  
119 with regulations, of funds available for implementing the purposes  
120 of this act;

121 (f) Take such other action as he or she deems necessary  
122 or appropriate to effectuate the purposes of this act; and

123 (g) May delegate to any officer or employee of the  
124 department such of his or her powers and duties as he or she finds  
125 necessary to effectuate the purposes of this act.

126 Any reference in this chapter or in any other provision of  
127 law to the "Executive Director of the Mississippi Department of



Employment Security" means the Commissioner of Labor created in this act.

**SECTION 5.** Section 71-5-101, Mississippi Code of 1972, is amended as follows:

71-5-101. \* \* \* On July 1, 2025, the Mississippi Department of Employment Security is abolished, and the duties and powers of the Mississippi Department of Employment Security and all equipment, supplies, records and any funds appropriated by the Legislature to the Mississippi Department of Employment Security shall be transferred to the Office of Employment Security in the Mississippi Department of Labor created in House Bill No. , 2025 Regular Session. Any reference in this chapter or in any other provision of law to "Mississippi Department of Employment Security" or "Mississippi Employment Security Commission" means the Office of Employment Security within the Mississippi Department of Labor created in this act.

**SECTION 6.** Section 71-5-107, Mississippi Code of 1972, which provides for the appointment of the Executive Director of the Mississippi Department of Employment Security, is repealed.

**SECTION 7.** The Office of Job Development and Training of the Mississippi Department of Labor shall administer and coordinate as necessary the following federal and state-funded employment, training and employment-related education programs: (a) training and employment-related education programs sponsored by the federal Job Training Partnership Act; (b) employment programs under the



Wagner-Peyser Act; (c) employment, training and education programs for welfare recipients funded by the federal JOBS and Basic Skills Training Program within the Family Support Act; and (d) the Comprehensive Employment and Training Act of 1973.

**SECTION 8.** The Office of Industry Service and Industry Start-up Training in the Mississippi Department of Labor shall contract with the Mississippi Community College Board and the Office of Career and Technical Education and Workforce Development to provide (a) all programs embracing an existing industry or a new industrial training component, and (b) all employment-related community/junior college or employment-related secondary education programs.

**SECTION 9.** The Office of Employee Relations and Job Discrimination in the Mississippi Department of Labor shall do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees and to avoid strikes, picketing, lockouts, boycotts, black list, discriminations and legal proceedings in matters of employment. In pursuance of this duty, the office may appoint temporary boards of arbitration, provide necessary expenses of those boards, order reasonable compensation for each member engaged in that arbitration, prescribe rules for those arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all things convenient and necessary to accomplish those purposes. The office may designate a mediator and may detail



employees or persons not in the office from time to time for the purpose of executing these provisions. Nothing in this section shall be construed to in any way prohibit or limit employees' right to bargain collectively.

**SECTION 10.** The Office of Disabled Employee Assistance of the Mississippi Department of Labor shall function as an information clearinghouse and referral service for employees and employers regarding any aspect of the federal Americans with Disabilities Act, which prohibits discrimination in all terms and conditions of employment regarding private and public employers.

**SECTION 11.** Section 7-1-351, Mississippi Code of 1972, is amended as follows:

7-1-351. The \* \* \* Office of Job Development and Training of the Mississippi Department of Labor shall be the Division of Job Development and Training and shall retain all powers and duties granted by law to the Division of Job Development and Training and wherever the term "Division of Job Development and Training" shall appear in any law it shall mean the Mississippi Department of \* \* \* Labor. \* \* \*

**SECTION 12.** Section 7-1-355, Mississippi Code of 1972, is amended as follows:

7-1-355. (1) The \* \* \* Office of Job Development and Training of the Mississippi Department of Labor is designated as the sole administrator of all programs for which the state is the prime sponsor under Title 1(B) of Public Law 105-220, Workforce



Investment Act of 1998, and the regulations promulgated \* \* \*  
under this act, and may take all necessary action to secure to  
this state the benefits of that legislation. The \* \* \* Office of  
Job Development and Training of the Mississippi Department of  
Labor may receive and disburse funds for those programs that  
become available to it from any source.

(2) The \* \* \* Office of Job Development and Training of the  
Mississippi Department of Labor shall establish guidelines on the  
amount and/or percentage of indirect and/or administrative  
expenses by the local fiscal agent or the Workforce Development  
Center operator. The \* \* \* Office of Job Development and Training  
of the Mississippi Department of Labor shall develop an  
accountability system and make an annual report to the Legislature  
before December 31 of each year on Workforce Investment Act  
activities. The report shall include, but is not limited to, the  
following:

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

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

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

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



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

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

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

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

**SECTION 13.** Section 7-1-357, Mississippi Code of 1972, is amended as follows:

7-1-357. The \* \* \* Office of Job Development and Training \* \* \* of the Mississippi Department of Labor is hereby authorized to cooperate with or enter into agreements with any agency, official, educational institution or political subdivision of this state, any agency or official of the government of the United States of America, or any private person, firm, partnership or corporation in order to carry out the provisions of Sections 7-1-351 through 7-1-371.

**SECTION 14.** Section 7-1-361, Mississippi Code of 1972, is amended as follows:



252           7-1-361. The \* \* \* Office of Job Development and  
253 Training \* \* \* of the Mississippi Department of Labor is  
254 authorized to promulgate such rules and regulations as may be  
255 necessary to carry out the provisions of Sections 7-1-351 through  
256 7-1-371.

257           **SECTION 15.** Section 7-1-363, Mississippi Code of 1972, is  
258 amended as follows:

259           7-1-363. To the maximum extent practicable, the Department  
260 of \* \* \* Labor shall contract with the \* \* \* Office of Career and  
261 Technical Education and Workforce Development of the \* \* \*  
262 Mississippi Department of Education to provide all programs  
263 embracing an institutional training component. \* \* \* Those  
264 programs shall be contracted to the \* \* \* Office of Career and  
265 Technical Education and Workforce Development of the Mississippi  
266 Department of Education, except those programs funded by the  
267 Governor's special grant, shall be coordinated with and  
268 complementary to the existing state public educational systems and  
269 shall not be duplicative or competitive in nature to \* \* \* those  
270 systems.

271           **SECTION 16.** Section 7-1-365, Mississippi Code of 1972, is  
272 amended as follows:

273           7-1-365. The \* \* \* Mississippi Department of Education,  
274 \* \* \* Office of Career and Technical Education and Workforce  
275 Development, the board of trustees of any junior college district,  
276 the board of trustees of any school district, the



277 Mississippi \* \* \* Department of Labor, and the \* \* \* Office of Job  
278 Development and Training, \* \* \* Mississippi Department of Labor,  
279 shall cooperate in carrying out the provisions of Sections 7-1-351  
280 through 7-1-371.

281       **SECTION 17.** Section 25-3-31, Mississippi Code of 1972, is  
282 amended as follows:

283       25-3-31. (1) The annual salaries of the following elected  
284 state and district officers are fixed as follows:

285 Governor.....	\$ 160,000.00
286 Attorney General.....	150,000.00
287 Secretary of State.....	120,000.00
288 Commissioner of Insurance.....	150,000.00
289 State Treasurer.....	120,000.00
290 State Auditor of Public Accounts.....	150,000.00
291 Commissioner of Agriculture and Commerce.....	120,000.00
292 <u>Commissioner of Labor</u> .....	<u>120,000.00</u>
293 Transportation Commissioners.....	95,000.00
294 Public Service Commissioners.....	95,000.00

295       (2) To assist the elected state and district officers in  
296 subsection (1) of this section in efficiently performing the  
297 official duties imposed upon him or her by law, the officer may  
298 employ suitable and competent persons who possess the professional  
299 skill and expert knowledge needed to fulfill those duties. The  
300 State Personnel Board, based upon its findings of fact, shall  
301 exempt those persons from the provisions of Section 25-3-39 when



the acquisition of such professional services is precluded based upon the prevailing wage in the relevant labor market. This subsection (2) shall stand repealed on July 1, 2024.

**SECTION 18.** Section 23-15-193, Mississippi Code of 1972, is amended as follows:

**[Through December 31, 2024, this section shall read as follows:]**

23-15-193. (1) At the election in 2023, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, assessors, surveyors and members of the boards of supervisors, justice court judges and constables, and all other officers to be elected by the people at the general state election. All such officers shall hold their offices for a term of four (4) years, and until their successors are elected and qualified. The state officers shall be elected in the manner prescribed in Section 140 of the Constitution.

(2) The state officers that receive a majority of votes cast for the office at the general election shall be elected. If no



327 candidate receives a majority number of votes cast at the  
328 election, then the two (2) candidates who receive the highest  
329 number of votes cast shall have their names placed on the ballot  
330 for the runoff election to be held three (3) weeks later. The  
331 candidate who receives a majority of the votes cast in the runoff  
332 election shall be elected. However, if no candidate receives a  
333 majority vote cast at the election, and there is a tie in the  
334 election of those receiving the next highest vote, then those  
335 candidates receiving the next highest vote and the candidate  
336 receiving the highest number of votes cast shall have their names  
337 placed on the ballot for the runoff election to be held three (3)  
338 weeks later, and whoever receives the majority of votes cast in  
339 the runoff election shall be elected. If it appears that two (2)  
340 or more candidates for state office have an equal number of votes  
341 after the runoff election, the interested candidates shall appear  
342 before the Chief Justice of the Mississippi Supreme Court within  
343 two (2) days after the canvass and the tie shall be determined by  
344 a toss of a coin or by lot fairly and publicly drawn, and a  
345 certificate of election shall be given accordingly.

346 (3) The provisions of Section 23-15-981 shall control the  
347 run-off elections of justice court judges.

348 **[From and after January 1, 2025, this section shall read as**  
349 **follows:]**

350 23-15-193. (1) (a) At the election in 2023, \* \* \* there  
351 shall be elected a Governor, Lieutenant Governor, Secretary of



State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, assessors, surveyors and members of the boards of supervisors, justice court judges and constables, and all other officers to be elected by the people at the general state election. All such officers shall hold their offices for a term of four (4) years, and until their successors are elected and qualified. The state officers shall be elected in the manner prescribed in Section 140 of the Constitution.

(b) At the election in 2027, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi Transportation Commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Commissioner of Labor, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, assessors, surveyors and members of the boards of supervisors, justice court



judges and constables, and all other officers to be elected by the  
people at the general state election. All such officers shall  
hold their offices for a term of four (4) years, and until their  
successors are elected and qualified. The state officers shall be  
elected in the manner prescribed in Section 140 of the  
Constitution.

(2) The state officers that receive a majority of votes cast for the office at the general election shall be elected. If no candidate receives a majority number of votes cast at the election, then the two (2) candidates who receive the highest number of votes cast shall have their names placed on the ballot for the runoff election to be held four (4) weeks later. The candidate who receives a majority of the votes cast in the runoff election shall be elected. However, if no candidate receives a majority vote cast at the election, and there is a tie in the election of those receiving the next highest vote, then those candidates receiving the next highest vote and the candidate receiving the highest number of votes cast shall have their names placed on the ballot for the runoff election to be held four (4) weeks later, and whoever receives the majority of votes cast in the runoff election shall be elected. If it appears that two (2) or more candidates for state office have an equal number of votes after the runoff election, the interested candidates shall appear before the Chief Justice of the Mississippi Supreme Court within two (2) days after the canvass and the tie shall be determined by



a toss of a coin or by lot fairly and publicly drawn, and a certificate of election shall be given accordingly.

(3) The provisions of Section 23-15-981 shall control the run-off elections of justice court judges.

**SECTION 19.** Section 23-15-297, Mississippi Code of 1972, is amended as follows:

23-15-297. (1) All candidates, upon entering the race for party nominations for office, shall first pay to the proper officer as provided for in Section 23-15-299 for each primary election the following amounts:

(a) Candidates for Governor, the amount determined by the state executive committee of the party pursuant to subsection (2) of this section but no less than One Thousand Dollars (\$1,000.00) and no more than Five Thousand Dollars (\$5,000.00).

(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Commissioner of Labor, State Highway Commissioner and State Public Service Commissioner, the amount determined by the state executive committee of the party pursuant to subsection (2) of this section but no less than Five Hundred Dollars (\$500.00) and no more than Two Thousand Five Hundred Dollars (\$2,500.00).

(c) Candidates for State Senator and State Representative, Two Hundred Fifty Dollars (\$250.00).



427                   (d) Candidates for district attorney, Two Hundred Fifty  
428 Dollars (\$250.00).

429                   (e) Candidates for sheriff, chancery clerk, circuit  
430 clerk, tax assessor, tax collector, county attorney, county  
431 superintendent of education and board of supervisors, One Hundred  
432 Dollars (\$100.00).

433                   (f) Candidates for county surveyor, county coroner and  
434 constable, One Hundred Dollars (\$100.00).

435                   (g) Candidates for United States Senator, the amount  
436 determined by the state executive committee of the party pursuant  
437 to subsection (2) of this section but no less than One Thousand  
438 Dollars (\$1,000.00) and no more than Five Thousand Dollars  
439 (\$5,000.00).

440                   (h) Candidates for United States Representative, the  
441 amount determined by the state executive committee of the party  
442 pursuant to subsection (2) of this section but no less than Five  
443 Hundred Dollars (\$500.00) and no more than Two Thousand Five  
444 Hundred Dollars (\$2,500.00).

445           (2) (a) The state executive committee of a political party  
446 shall set the entry fee that a candidate is to pay upon entering  
447 the race for party nominations for the offices listed in  
448 paragraphs (a), (b), (g) and (h) of subsection (1) of this section  
449 and Section 23-15-1093(2) (a). The authority granted under this  
450 subsection shall not be exercised by any state executive committee



of a political party for any individual office more than once every two (2) years, beginning July 1, 2022.

(b) Each state executive committee of a political party shall report the entry fee determined for each office to the Secretary of State by October 1 of the year before the election is held for that office. If a state executive committee does not meet the deadline in this paragraph for any office, the minimum entry fee shall be assessed for the office in that party's primary election during that election cycle.

(3) All independent candidates and special election candidates entering the race for office shall pay to the proper officer as provided for in Section 23-15-299 the following amounts:

(a) Candidates for Governor, One Thousand Dollars (\$1,000.00).

(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Commissioner of Labor, State Highway Commissioner and State Public Service Commissioner, Five Hundred Dollars (\$500.00).

(c) Candidates for district attorney, State Senator and State Representative, Two Hundred Fifty Dollars (\$250.00).

(d) Candidates for sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney, county



476 superintendent of education and board of supervisors, One Hundred  
477 Dollars (\$100.00).

478 (e) Candidates for county surveyor, county coroner and  
479 constable, One Hundred Dollars (\$100.00).

480 (f) Candidates for United States Senator, One Thousand  
481 Dollars (\$1,000.00).

482 (g) Candidates for United States Representative, Five  
483 Hundred Dollars (\$500.00).

484 (4) The Secretary of State shall publish the fees listed in  
485 this section and Section 23-15-1093 no later than forty-five (45)  
486 days before the qualifying period begins for each office.

487 **SECTION 20.** This act shall take effect and be in force from  
488 and after July 1, 2025.

