

By: Representatives Cummings, Moss, Bailey,
Mayo, Broomfield, Franks, Clarke

To: Labor

HOUSE BILL NO. 237

1 AN ACT TO CREATE THE MISSISSIPPI WORKING PERSON'S ACT; TO
2 REQUIRE THAT A CERTAIN WAGE BE PAID BY EMPLOYERS DOING BUSINESS IN
3 THE STATE TO ANY EMPLOYEE WITHIN THEIR EMPLOYMENT; TO PROVIDE HOW
4 THE HOURLY RATE INCREASE SHALL BE CALCULATED; TO REQUIRE THE STATE
5 ECONOMIST TO ANNOUNCE THE HOURLY WAGE RATE INCREASE; TO AMEND
6 SECTION 25-3-40, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
7 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** This act shall be known as the "Mississippi
10 Working Person's Act."

11 **SECTION 2.** The Legislature finds that there is a need for
12 gainful employment that allows the citizens of this state to be
13 compensated at a living wage. The intent of the Legislature is to
14 increase the minimum wage for citizens of this state above the
15 minimum wage established by federal law. The Legislature
16 recognizes and supports that whenever federal law increases the
17 federal minimum wage above the wage established by this act, such
18 federal wage increase shall supersede the wage established by this
19 act.

20 **SECTION 3.** (1) (a) Except as otherwise provided in this
21 section, any employer doing business in the state shall pay any
22 employee within his employment at least: (i) Six Dollars and
23 Twenty-five Cents (\$6.25) per hour beginning on July 1, 2007; and
24 (ii) Seven Dollars and Twenty-five Cents (\$7.25) per hour
25 beginning on January 15, 2008.

26 On and after January 15, 2009, and January 15 of each
27 succeeding calendar year, the hourly wage required by this section
28 shall be increased by applying the United States inflation rate
29 for the previous calendar year to the hourly wage established for

30 the previous calendar year and shall be effective on the date
31 announced by the State Economist as provided under paragraph (b)
32 of this subsection (1). The United States inflation rate for a
33 calendar year shall be the Consumer Price Index for the calendar
34 year for all urban consumers as calculated by the Bureau of Labor
35 Statistics of the United States Department of Labor.

36 (b) The State Economist shall: (i) make an official
37 announcement of the hourly wage rate increase on January 15 of
38 each calendar year, or as soon thereafter as possible; (ii) cause
39 the dissemination of such announcement to the news media in such
40 manner as such economist deems appropriate; and (iii) file the
41 same with the Mississippi Department of Employment Security. The
42 hourly wage rate shall be effective from the date of the official
43 announcement by the State Economist.

44 (2) Subject to the provisions of this subsection (2), an
45 employer of a tipped employee shall be entitled to an allowance
46 as a part of the hourly wage required by subsection (1) of this
47 section. The allowance shall be in an amount equal to the tips
48 received by such employee. However, the amount of the allowance
49 authorized under this subsection (2) shall not exceed fifty
50 percent (50%) of the hourly wage required by subsection (1) of
51 this section, and the application of the allowance must result in
52 payment of wages other than tips to such employees of no less than
53 fifty percent (50%) of the hourly wage required by subsection (1)
54 of this section. For the purposes of this subsection (2), "tipped
55 employee" means an employee engaging in an occupation in which he
56 or she customarily and regularly receives more than Thirty Dollars
57 (\$30.00) per month in tips. Additionally, the term "tip" means
58 voluntary monetary contributions received by an employee from a
59 guest, patron or customer for services rendered.

60 **SECTION 4.** Section 25-3-40, Mississippi Code of 1972, is
61 amended as follows:

62 25-3-40. * * * The Mississippi Compensation Plan shall be
63 amended to provide salary increases in such amounts and
64 percentages as might be recommended by the Legislative Budget
65 Office and as may be authorized by funds appropriated by the
66 Legislature for the purpose of granting incentive salary increases
67 as deemed possible dependent upon the availability of general and
68 special funds.

69 It is hereby declared to be the intent of the Mississippi
70 Legislature to implement a minimum wage as enacted by Mississippi
71 or federal statutory law, whichever wage is greater. It is the
72 intent and purpose of this section to maximize annual salary
73 increases consistent with the availability of funds as might be
74 determined by the Mississippi Legislature at its regular annual
75 session and that all salary increases hereafter be made consistent
76 with the provisions of this section.

77 **SECTION 5.** This act shall take effect and be in force from
78 and after July 1, 2007.