

By: Representatives Cummings, Moss, Bailey, Mayo, Broomfield, Franks, Clarke, Dickson, Fredericks, Coleman (29th), Perkins, Clark, Scott

To: Labor

HOUSE BILL NO. 237
(As Passed the House)

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 AMEND SECTION
5 25-3-40, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
6 SECTION; AND FOR RELATED PURPOSES.

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

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

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

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

25 (2) Subject to the provisions of this subsection (2), an
26 employer of a tipped employee shall be entitled to an allowance
27 as a part of the hourly wage required by subsection (1) of this
28 section. The allowance shall be in an amount equal to the tips
29 received by such employee. However, the amount of the allowance

30 authorized under this subsection (2) shall not exceed fifty
31 percent (50%) of the hourly wage required by subsection (1) of
32 this section, and the application of the allowance must result in
33 payment of wages other than tips to such employees of no less than
34 fifty percent (50%) of the hourly wage required by subsection (1)
35 of this section. For the purposes of this subsection (2), "tipped
36 employee" means an employee engaging in an occupation in which he
37 or she customarily and regularly receives more than Thirty Dollars
38 (\$30.00) per month in tips. Additionally, the term "tip" means
39 voluntary monetary contributions received by an employee from a
40 guest, patron or customer for services rendered.

41 (3) The provisions of this section shall not apply to
42 part-time high school student employees or part-time college
43 student employees. For purposes of this subsection, "part-time
44 employee" means a person who works twenty (20) hours or less from
45 Sunday to Saturday.

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

48 25-3-40. * * * The Mississippi Compensation Plan shall be
49 amended to provide salary increases in such amounts and
50 percentages as might be recommended by the Legislative Budget
51 Office and as may be authorized by funds appropriated by the
52 Legislature for the purpose of granting incentive salary increases
53 as deemed possible dependent upon the availability of general and
54 special funds.

55 It is hereby declared to be the intent of the Mississippi
56 Legislature to implement a minimum wage as enacted by Mississippi
57 or federal statutory law, whichever wage is greater. It is the
58 intent and purpose of this section to maximize annual salary
59 increases consistent with the availability of funds as might be
60 determined by the Mississippi Legislature at its regular annual
61 session and that all salary increases hereafter be made consistent
62 with the provisions of this section.

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