AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO
ESTABLISH THE STATE MINIMUM WAGE AT NINE DOLLARS PER HOUR; TO
PROVIDE THAT EMPLOYERS WITH TIPPED EMPLOYEES ARE EXEMPT FROM THE
REQUIREMENT TO PAY THE STATE MINIMUM WAGE; TO ESTABLISH GUIDELINES
FOR EMPLOYEES ENTITLED TO OVERTIME PAY; TO BRING FORWARD SECTIONS
7-7-204, 17-1-51, 23-15-239, 25-3-40, 37-7-307, 57-34-5, 85-3-4,
97-3-54.4 AND 99-19-20, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. This act shall be known and may be cited as the
"Mississippi Minimum Wage Act."

SECTION 2. (1) As used in this section, the following words
and phrases shall have the following meanings, unless the context
clearly requires otherwise:

(a) "Tipped employee" means any employee engaged in an
occupation in which the employee customarily and regularly
receives more than Thirty Dollars ($30.00) a month in tips.

(b) "Manual laborers" and "blue collar" workers mean
workers who perform work involving repetitive operations with
their hands, physical skill and energy. They gain the skills and
knowledge required for performance of their routine manual and
physical work through apprenticeships and on-the-job training.

(2) Every employer shall pay each of his or her employees
wages at the rate of not less than Nine Dollars ($9.00) per hour,
except as otherwise provided in this section.

(3) Every employer shall pay each of his or her tipped
employees wages at the rate of not less than Three Dollars
Sixty-two cents ($3.62) per hour.

(4) The overtime pay standard requires that overtime must be
compensated at a rate not less than one and one-half (1-1/2) times
the regular rate at which the employee is actually employed. The
regular rate of pay at which the employee is employed may in no
event be less than the statutory minimum wage rate established in
this section. All employees who receive Four Hundred Fifty-five
Dollars ($455.00) or less per week, or equivalent amounts for
periods of pay longer than one (1) week, shall be entitled to
receive overtime pay. Additionally, the following people shall
not be exempt from receiving overtime pay, regardless of their
salary:

   (a) Manual laborers or other blue collar workers;

   (b) Police officers, detectives, deputy sheriffs, state
troopers, highway patrol officers, investigators, inspectors,
correctional officers, parole or probation officers, park rangers,
fire fighters, paramedics, emergency medical technicians,
ambulance personnel, rescue workers, hazardous materials workers
and similar employees who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work;

(c) Any employee whose primary duty is not management of the entity in which the employee is employed;

d) Any employee whose primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer's customers;

and

e) Any employee whose primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

(5) Employers and employees who are not specifically mentioned in this section shall fall under the purview of the Fair Labor Standards Act.
SECTION 3. Section 7-7-204, Mississippi Code of 1972, is brought forward as follows:

7-7-204. (1) Within the limits of the funds available to the Office of the State Auditor for such purpose, the State Auditor may grant a paid internship to students pursuing junior or senior undergraduate-level year coursework toward a bachelor's degree in accounting or graduate-level coursework toward a master's degree in accounting. Those applicants deemed qualified shall receive funds that may be used to pay for tuition, books and related fees to pursue their degree. It is the intent of the Legislature that the paid internship program (hereinafter referred to as the program) shall be used as an incentive for accounting students to develop job-related skills and to encourage accounting careers at the Office of the State Auditor.

(2) In order to be eligible for the program, an applicant must:

(a) Attend any college or school approved and designated by the Office of the State Auditor.

(b) Satisfy the following conditions:

(i) Undergraduate stipulations: Applicants must have successfully obtained a minimum of fifty-eight (58) semester hours toward a bachelor of science degree in accounting from a Mississippi institution of higher learning.
Applicants must have achieved a minimum grade point average (GPA) on the previously obtained semester hours toward a bachelor of science degree in accounting of 3.0 on a 4.0 scale.

If accepted into the program, participants shall maintain a minimum cumulative GPA of 3.0 on a 4.0 scale in all coursework counted toward a bachelor of science degree in accounting.

(ii) Graduate stipulations: Applicants must have met the regular admission standards and have been accepted into the master of science accounting program at a Mississippi institution of higher learning.

If accepted into the program, participants shall maintain a minimum cumulative GPA of 3.0 on a 4.0 scale in all coursework counted toward a master of science degree in accounting.

(c) All program participants will be required to work a total of three hundred thirty-six (336) hours each summer at the Office of the State Auditor in Jackson, Mississippi.

(d) Agree to work as an auditor at the Office of the State Auditor upon graduation for a period of time equivalent to the period of time for which the applicant receives compensation, calculated to the nearest whole month, but in no event less than two (2) years.

(3) (a) Before being placed into the program, each applicant shall enter into a contract with the Office of the State Auditor, which shall be deemed a contract with the State of Mississippi, agreeing to the terms and conditions upon which the
internship shall be granted to him. The contract shall include such terms and provisions necessary to carry out the full purpose and intent of this section. The form of such contract shall be prepared and approved by the Attorney General of this state, and shall be signed by the State Auditor of the Office of the State Auditor and the participant.

(b) Upon entry into the program, participants will become employees of the Office of the State Auditor during their time in the program and shall be eligible for benefits such as medical insurance paid by the agency for the participant; however, in accordance with Section 25-11-105II(b), those participants shall not become members of the Public Employees' Retirement System while participating in the program. Participants shall not accrue personal or major medical leave while they are in the program.

(c) The Office of the State Auditor shall have the authority to cancel any contract made between it and any program participant upon such cause being deemed sufficient by the State Auditor.

(d) The Office of the State Auditor is vested with full and complete authority and power to sue in its own name any participant for any damages due the state on any such uncompleted contract, which suit shall be filed and handled by the Attorney General of the state. The Office of the State Auditor may contract with a collection agency or banking institution, subject
to approval by the Attorney General, for collection of any damages due the state from any participant. The State of Mississippi, the Office of the State Auditor and its employees are immune from any suit brought in law or equity for actions taken by the collection agency or banking institution incidental to or arising from their performance under the contract. The Office of the State Auditor, collection agency and banking institution may negotiate for the payment of a sum that is less than full payment in order to satisfy any damages the participant owes the state, subject to approval by the director of the sponsoring facility within the Office of the State Auditor.

(4) (a) Any recipient who is accepted into the program by the Mississippi Office of the State Auditor and who fails to complete undergraduate- or graduate-level coursework toward a degree in accounting, or withdrawing from school at any time before completing his or her education, shall be liable to repay the Office of the State Auditor for all monies received during the time the recipient was in the program, at the rate of pay received by the employee while in the program, including benefits paid by the agency for the participant, and monies received for tuition, books and related fees used to pursue their degree with interest accruing at ten percent (10%) per annum from the date the recipient failed or withdrew from school. The recipient also will not be liable for repayment for any money earned during the
required summer hours. This money shall be considered earned by
the recipient at the federal minimum wage rate.

(b) All paid internship compensation received by the recipient while in school shall be considered earned conditioned upon the fulfillment of the terms and obligations of the paid internship contract and this section. However, no recipient of the paid internship shall accrue personal or major medical leave while the recipient is pursuing junior or senior undergraduate-level year coursework toward a bachelor's degree in accounting or graduate-level coursework toward a master's degree in accounting. The recipient shall not be liable for liquidated damages.

(c) If the recipient does not work as an auditor at the Office of the State Auditor for the period required under subsection (2)(d) of this section, the recipient shall be liable for repayment on demand of the remaining portion of the compensation that the recipient was paid while in the program which has not been unconditionally earned, with interest accruing at ten percent (10%) per annum from the recipient's date of graduation or the date that the recipient last worked at the Office of the State Auditor, whichever is the later date. In addition, there shall be included in any contract for paid student internship a provision for liquidated damages equal to Five Thousand Dollars ($5,000.00) which may be reduced on a pro rata basis for each year served under such contract.
SECTION 4.  Section 17-1-51, Mississippi Code of 1972, is brought forward as follows:

17-1-51. (1) No county, board of supervisors of a county, municipality or governing authority of a municipality is authorized to establish a mandatory, minimum living wage rate, minimum number of vacation or sick days, whether paid or unpaid, that would regulate how a private employer pays its employees. Each county, board of supervisors of a county, municipality or governing authority of a municipality shall be prohibited from establishing a mandatory, minimum living wage rate, minimum number of vacation or sick days, whether paid or unpaid, that would regulate how a private employer pays its employees.

(2) The Legislature finds that the prohibitions of subsection (1) of this section are necessary to ensure an economic climate conducive to new business development and job growth in the State of Mississippi. We believe that inconsistent application of wage and benefit laws from city to city or county to county must be avoided. While not suggesting a state minimum wage or minimum benefit package, any debate and subsequent action on these matters should be assigned to the Mississippi Legislature as provided in Section 25-3-40, and not local counties or municipalities.

(3) The Legislature further finds that wages and employee benefits comprise the most significant expense of operating a business. It also recognizes that neither potential employees or
business patrons are likely to restrict themselves to employment opportunities or goods and services in any particular county or municipality. Consequently, local variations in legally required minimum wage rates or mandatory minimum number of vacation or sick leave days would threaten many businesses with a loss of employees to local governments which require a higher minimum wage rate and many other businesses with the loss of patrons to areas which allow for a lower wage rate and more or less vacation or sick days. The net effect of this situation would be detrimental to the business environment of the state and to the citizens, businesses and governments of the local jurisdictions as well as the local labor markets.

(4) The Legislature concludes from these findings that, in order for a business to remain competitive and yet attract and retain the highest possible caliber of employees, and thereby remain sound, an enterprise must work in a uniform environment with respect to minimum wage rates, and mandatory minimum number of vacation or sick leave days. The net impact of local variations in mandated wages and mandatory minimum number of vacation or sick leave days would be economically unstable and create a decline and decrease in the standard of living for the citizens of the state. Consequently, decisions regarding minimum wage, living wage and other employee benefit policies must be made by the state as provided in Section 25-3-40, so that consistency in the wage market is preserved.
SECTION 5. Section 23-15-239, Mississippi Code of 1972, is brought forward as follows:

23-15-239. (1) (a) The executive committee of each county, in the case of a primary election, or the commissioners of election of each county, in the case of all other elections, in conjunction with the circuit clerk, shall sponsor and conduct, not less than five (5) days prior to each election, training sessions to instruct managers as to their duties in the proper administration of the election and the operation of the polling place. No manager shall serve in any election unless he has received such instructions once during the twelve (12) months immediately preceding the date upon which such election is held; however, nothing in this section shall prevent the appointment of an alternate manager to fill a vacancy in case of an emergency. The county executive committee or the commissioners of election, as appropriate, shall train a sufficient number of alternates to serve in the event a manager is unable to serve for any reason.

(b) The executive committee of each county, in the case of a primary election, or the commissioners of election of each county, in the case of all other elections, in conjunction with the circuit clerk, shall sponsor and conduct annually an eight-hour training course for managers that meets criteria that the Secretary of State shall prescribe. Managers shall be required to attend this course every four (4) years from August 7, 2008. The Secretary of State shall develop a version of the
course that may be taken by managers over the Internet. Training

courses, including, but not limited to, online training courses,

that meet criteria prescribed by the Secretary of State and are

not sponsored or conducted by the executive committee or the

commissioners of election, may be utilized to meet the

requirements of this paragraph if the training course is approved

by the Secretary of State.

(2)  (a)  If it is eligible under Section 23-15-266, the

county executive committee may enter into a written agreement with

the circuit clerk or the county election commission authorizing

the circuit clerk or the county election commission to perform any

of the duties required of the county executive committee pursuant

to this section.  Any agreement entered into pursuant to this

subsection shall be signed by the chairman of the county executive

committee and the circuit clerk or the chairman of the county

election commission, as appropriate.  The county executive

committee shall notify the state executive committee and the

Secretary of State of the existence of such agreement.

(b)  If it is eligible under Section 23-15-266, the

municipal executive committee may enter into a written agreement

with the municipal clerk or the municipal election commission

authorizing the municipal clerk or the municipal election

commission to perform any of the duties required of the municipal

executive committee pursuant to this section.  Any agreement

entered into pursuant to this subsection shall be signed by the
chairman of the municipal executive committee and the municipal clerk or the chairman of the municipal election commission, as appropriate. The municipal executive committee shall notify the state executive committee and the Secretary of State of the existence of such agreement.

(3) The board of supervisors and the municipal governing authority, in their discretion, may compensate managers who attend such training sessions. The compensation shall be at a rate of not less than the federal hourly minimum wage nor more than Twelve Dollars ($12.00) per hour. Managers shall not be compensated for more than sixteen (16) hours of attendance at the training sessions regardless of the actual amount of time that they attended the training sessions.

(4) The time and location of the training sessions required pursuant to this section shall be announced to the general public by posting a notice thereof at the courthouse and by delivering a copy of the notice to the office of a newspaper having general circulation in the county five (5) days before the date upon which the training session is to be conducted. Persons who will serve as poll watchers for candidates and political parties, as well as members of the general public, shall be allowed to attend the sessions.

(5) Subject to the following annual limitations, the commissioners of election shall be entitled to receive a per diem in the amount of Eighty-four Dollars ($84.00), to be paid from the
county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in conducting training sessions as required by this section:

(a) In counties having less than fifteen thousand (15,000) residents according to the latest federal decennial census, not more than five (5) days per year;

(b) In counties having fifteen thousand (15,000) residents according to the latest federal decennial census but less than thirty thousand (30,000) residents according to the latest federal decennial census, not more than eight (8) days per year;

(c) In counties having thirty thousand (30,000) residents according to the latest federal decennial census but less than seventy thousand (70,000) residents according to the latest federal decennial census, not more than ten (10) days per year;

(d) In counties having seventy thousand (70,000) residents according to the latest federal decennial census but less than ninety thousand (90,000) residents according to the latest federal decennial census, not more than twelve (12) days per year;

(e) In counties having ninety thousand (90,000) residents according to the latest federal decennial census but less than one hundred seventy thousand (170,000) residents
according to the latest federal decennial census, not more than fifteen (15) days per year;

(f) In counties having one hundred seventy thousand (170,000) residents according to the latest federal decennial census but less than two hundred thousand (200,000) residents according to the latest federal decennial census, not more than eighteen (18) days per year;

(g) In counties having two hundred thousand (200,000) residents according to the latest federal decennial census but less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than nineteen (19) days per year;

(h) In counties having two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census but less than two hundred fifty thousand (250,000) residents according to the latest federal decennial census, not more than twenty-two (22) days per year;

(i) In counties having two hundred fifty thousand (250,000) residents according to the latest federal decennial census but less than two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census, not more than thirteen (13) days per year;

(j) In counties having two hundred seventy-five thousand (275,000) residents according to the latest federal
decennial census or more, not more than fourteen (14) days per year.

(6) Commissioners of election shall claim the per diem authorized in subsection (5) of this section in the manner provided for in Section 23-15-153(6).

SECTION 6. Section 25-3-40, Mississippi Code of 1972, is brought forward as follows:

25-3-40. On July 1, 1978, and each year thereafter, the Mississippi Compensation Plan shall be amended to provide salary increases in such amounts and percentages as might be recommended by the Legislative Budget Office and as may be authorized by funds appropriated by the Legislature for the purpose of granting incentive salary increases as deemed possible dependent upon the availability of general and special funds.

It is hereby declared to be the intent of the Mississippi Legislature to implement the minimum wage as enacted by statutory law of the United States Congress subject to funds being available for that purpose. It is the intent and purpose of this section to maximize annual salary increases consistent with the availability of funds as might be determined by the Mississippi Legislature at its regular annual session and that all salary increases hereafter be made consistent with the provisions of this section.

SECTION 7. Section 37-7-307, Mississippi Code of 1972, is brought forward as follows:
37-7-307. (1) For purposes of this section, the term "licensed employee" means any employee of a public school district required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development.

(2) The school board of a school district shall establish by rules and regulations a policy of sick leave with pay for licensed employees and teacher assistants employed in the school district, and such policy shall include the following minimum provisions for sick and emergency leave with pay:

   (a) Each licensed employee and teacher assistant, at the beginning of each school year, shall be credited with a minimum sick leave allowance, with pay, of seven (7) days for absences caused by illness or physical disability of the employee during that school year.

   (b) Any unused portion of the total sick leave allowance shall be carried over to the next school year and credited to such licensed employee and teacher assistant if the licensed employee or teacher assistant remains employed in the same school district. In the event any public school licensed employee or teacher assistant transfers from one public school district in Mississippi to another, any unused portion of the total sick leave allowance credited to such licensed employee or teacher assistant shall be credited to such licensed employee or teacher assistant in the computation of unused leave for
retirement purposes under Section 25-11-109. Accumulation of sick leave allowed under this section shall be unlimited.

(c) No deduction from the pay of such licensed employee or teacher assistant may be made because of absence of such licensed employee or teacher assistant caused by illness or physical disability of the licensed employee or teacher assistant until after all sick leave allowance credited to such licensed employee or teacher assistant has been used.

(d) For the first ten (10) days of absence of a licensed employee because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee, there shall be deducted from the pay of such licensed employee the established substitute amount of licensed employee compensation paid in that local school district, necessitated because of the absence of the licensed employee as a result of illness or physical disability. In lieu of deducting the established substitute amount from the pay of such licensed employee, the policy may allow the licensed employee to receive full pay for the first ten (10) days of absence because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee. Thereafter, the regular pay of such absent licensed employee shall be suspended and withheld in its entirety for any period of absence because of illness or physical disability during that school year.
(3) (a) Beginning with the school year 1983-1984, each licensed employee at the beginning of each school year shall be credited with a minimum personal leave allowance, with pay, of two (2) days for absences caused by personal reasons during that school year. Effective for the 2010-2011 and 2011-2012 school years, licensed employees shall be credited with an additional one-half (1/2) day of personal leave for every day the licensed employee is furloughed without pay as provided in Section 37-7-308. Except as otherwise provided in paragraph (b) of this subsection, such personal leave shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday. Personal leave may be used for professional purposes, including absences caused by attendance of such licensed employee at a seminar, class, training program, professional association or other functions designed for educators. No deduction from the pay of such licensed employee may be made because of absence of such licensed employee caused by personal reasons until after all personal leave allowance credited to such licensed employee has been used. However, the superintendent of a school district, in his discretion, may allow a licensed employee personal leave in addition to any minimum personal leave allowance, under the condition that there shall be deducted from the salary of such licensed employee the actual amount of any compensation paid to any person as a substitute, necessitated because of the absence of
the licensed employee. Any unused portion of the total personal leave allowance up to five (5) days shall be carried over to the next school year and credited to such licensed employee if the licensed employee remains employed in the same school district. Any personal leave allowed for a furlough day shall not be carried over to the next school year.

(b) Notwithstanding the restrictions on the use of personal leave prescribed under paragraph (a) of this subsection, a licensed employee may use personal leave as follows:

(i) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, an immediate family member of the employee is being deployed for military service.

(ii) Personal leave may be taken on a day previous to a holiday or a day after a holiday if an employee of a school district has either a minimum of ten (10) years' experience as an employee of that school district or a minimum of thirty (30) days of unused accumulated leave that has been earned while employed in that school district.

(iii) Personal leave may be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday if, on the applicable day, the employee has been summoned to appear for jury duty or as a witness in court.
(4) Beginning with the school year 1992-1993, each licensed employee shall be credited with a professional leave allowance, with pay, for each day of absence caused by reason of such employee's statutorily required membership and attendance at a regular or special meeting held within the State of Mississippi of the State Board of Education, the Commission on Teacher and Administrator Education, Certification and Licensure and Development, the Commission on School Accreditation, the Mississippi Authority for Educational Television, the meetings of the state textbook rating committees or other meetings authorized by local school board policy.

(5) Upon retirement from employment, each licensed and nonlicensed employee shall be paid for not more than thirty (30) days of unused accumulated leave earned while employed by the school district in which the employee is last employed. Such payment for licensed employees shall be made by the school district at a rate equal to the amount paid to substitute teachers and for nonlicensed employees, the payment shall be made by the school district at a rate equal to the federal minimum wage. The payment shall be treated in the same manner for retirement purposes as a lump-sum payment for personal leave as provided in Section 25-11-103(e). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for
unused leave. No payment for unused accumulated leave may be made to either a licensed or nonlicensed employee at termination or separation from service for any purpose other than for the purpose of retirement.

(6) The school board may adopt rules and regulations which will reasonably aid to implement the policy of sick and personal leave, including, but not limited to, rules and regulations having the following general effect:

(a) Requiring the absent employee to furnish the certificate of a physician or dentist or other medical practitioner as to the illness of the absent licensed employee, where the absence is for four (4) or more consecutive school days, or for two (2) consecutive school days immediately preceding or following a nonschool day;

(b) Providing penalties, by way of full deduction from salary, or entry on the work record of the employee, or other appropriate penalties, for any materially false statement by the employee as to the cause of absence;

(c) Forfeiture of accumulated or future sick leave, if the absence of the employee is caused by optional dental or medical treatment or surgery which could, without medical risk, have been provided, furnished or performed at a time when school was not in session;

(d) Enlarging, increasing or providing greater sick or personal leave allowances than the minimum standards established
by this section in the discretion of the school board of each
school district.

(7) School boards may include in their budgets provisions
for the payment of substitute employees, necessitated because of
the absence of regular licensed employees. All such substitute
employees shall be paid wholly from district funds, except as
otherwise provided for long-term substitute teachers in Section
37-19-20. Such school boards, in their discretion, also may pay,
from district funds other than adequate education program funds,
the whole or any part of the salaries of all employees granted
leaves for the purpose of special studies or training.

(8) The school board may further adopt rules and regulations
which will reasonably implement such leave policies for all other
nonlicensed and hourly paid school employees as the board deems
appropriate. Effective for the 2010-2011 and 2011-2012 school
years, nonlicensed employees shall be credited with an additional
one-half (1/2) day of personal leave for every day the nonlicensed
employee is furloughed without pay as provided in Section
37-7-308.

(9) Vacation leave granted to either licensed or nonlicensed
employees shall be synonymous with personal leave. Unused
vacation or personal leave accumulated by licensed employees in
excess of the maximum five (5) days which may be carried over from
one year to the next may be converted to sick leave. The annual
conversion of unused vacation or personal leave to sick days for
licensed or unlicensed employees shall not exceed the allowable
number of personal leave days as provided in Section 25-3-93. The
annual total number of converted unused vacation and/or personal
days added to the annual unused sick days for any employee shall
not exceed the combined allowable number of days per year provided
in Sections 25-3-93 and 25-3-95. Local school board policies that
provide for vacation, personal and sick leave for employees shall
not exceed the provisions for leave as provided in Sections
25-3-93 and 25-3-95. Any personal or vacation leave previously
converted to sick leave under a lawfully adopted policy before May
1, 2004, or such personal or vacation leave accumulated and
available for use prior to May 1, 2004, under a lawfully adopted
policy but converted to sick leave after May 1, 2004, shall be
recognized as accrued leave by the local school district and
available for use by the employee. The leave converted under a
lawfully adopted policy prior to May 1, 2004, or such personal and
vacation leave accumulated and available for use as of May 1,
2004, which was subsequently converted to sick leave may be
certified to the Public Employees' Retirement System upon
termination of employment and any such leave previously converted
and certified to the Public Employees' Retirement System shall be
recognized.

(10) (a) For the purposes of this subsection, the following
words and phrases shall have the meaning ascribed in this
paragraph unless the context requires otherwise:
(i) "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the local school district for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic.

(ii) "Immediate family" means spouse, parent, stepparent, sibling, child or stepchild.

(b) Any school district employee may donate a portion of his or her unused accumulated personal leave or sick leave to another employee of the same school district who is suffering from a catastrophic injury or illness or who has a member of his or her immediate family suffering from a catastrophic injury or illness, in accordance with the following:

(i) The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of unused accumulated personal leave and sick leave that is to be donated,
and shall notify the school district superintendent or his
designee of his or her designation.

(ii) The maximum amount of unused accumulated
personal leave that an employee may donate to any other employee
may not exceed a number of days that would leave the donor
employee with fewer than seven (7) days of personal leave
remaining, and the maximum amount of unused accumulated sick leave
that an employee may donate to any other employee may not exceed
fifty percent (50%) of the unused accumulated sick leave of the
donor employee.

(iii) An employee must have exhausted all of his
or her available leave before he or she will be eligible to
receive any leave donated by another employee. Eligibility for
donated leave shall be based upon review and approval by the donor
employee's supervisor.

(iv) Before an employee may receive donated leave,
he or she must provide the school district superintendent or his
designee with a physician's statement that states that the illness
meets the catastrophic criteria established under this section,
the beginning date of the catastrophic injury or illness, a
description of the injury or illness, and a prognosis for recovery
and the anticipated date that the recipient employee will be able
to return to work.

(v) Before an employee may receive donated leave,
the superintendent of education of the school district shall
appoint a review committee to approve or disapprove the said
donations of leave, including the determination that the illness
is catastrophic within the meaning of this section.

(vi) If the total amount of leave that is donated
to any employee is not used by the recipient employee, the whole
days of donated leave shall be returned to the donor employees on
a pro rata basis, based on the ratio of the number of days of
leave donated by each donor employee to the total number of days
of leave donated by all donor employees.

(vii) Donated leave shall not be used in lieu of
disability retirement.

SECTION 8. Section 57-34-5, Mississippi Code of 1972, is
brought forward as follows:

57-34-5. Definitions. As used in this chapter, the
following words and phrases shall have the meanings ascribed to
them in this section, unless the context clearly indicates a
different meaning:

(a) "Act" means the provisions of this chapter.

(b) "Authority" means the Alabama-Mississippi Joint
Economic Development Authority created pursuant to this chapter.

(c) "Board of directors" means the board of directors
of the authority.

(d) "Designated geographic area" means:
(i) Those counties in the State of Alabama that share a common border with any county in the State of Mississippi; and

(ii) Those counties in the State of Mississippi that share a common border with any county in the State of Alabama.

(e) "Herein," "hereby," "hereunder," "hereof" and other equivalent words refer to this chapter as an entirety and not solely to the particular section or portion thereof in which any such word is used.

(f) "Project" means:

(i) Any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise:

1. With an initial capital investment of not less than Three Hundred Million Dollars ($300,000,000.00) from private or United States government sources together with all buildings, and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise; or

2. With an initial capital investment of not less than One Hundred Fifty Million Dollars ($150,000,000.00) from private or United States government sources together with all
buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or

3. Which creates at least one thousand (1,000) net new full-time jobs which provide an average hourly wage of not less than two hundred percent (200%) of the federal minimum wage in effect on the date the project is placed in service.

(ii) Any addition to, or expansion of, any existing enterprise as described in this paragraph if the addition or expansion:

1. Has an initial capital investment of not less than Three Hundred Million Dollars ($300,000,000.00) from private or United States government sources;

2. Has an initial capital investment of not less than One Hundred Fifty Million Dollars ($150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or

3. Creates at least one thousand (1,000) net new full-time jobs which provide an average hourly wage of not
less than two hundred percent (200%) of the federal minimum wage in effect on the date the project is placed in service.

(iii) Any development with an initial capital investment from private sources of not less than Seven Hundred Fifty Million Dollars ($750,000,000.00) which will create at least three thousand (3,000) net new full-time jobs satisfying criteria to be established by the authority.

In addition to meeting the other requirements of this paragraph, in order to fall within the definition of the term "project":

(i) The enterprise or development must be located within the designated geographic area; and

(ii) Each state must provide funds or in-kind contributions equal to at least one-third (1/3) of the total costs of the project to the states.

(g) "Project agreement" means an agreement, approved by the Legislature of the states, setting forth certain obligations, responsibilities, benefits, administrative matters and any other matters with respect to a specific project that are not inconsistent with the terms of this chapter as the legislatures of the states deem appropriate with respect to a specific project.

(h) "Project tax revenues" means:

(i) All of the following state and local taxes paid directly to a state or a local government by the project: income taxes, ad valorem taxes on real and personal property,
sales and use taxes, franchise taxes, license taxes, excise taxes and severance taxes; and

(ii) All state and local personal income tax and occupational tax withholdings from employees of the project attributable to employment at the project.

(i) "States" means the State of Alabama and the State of Mississippi collectively.

SECTION 9. Section 85-3-4, Mississippi Code of 1972, is brought forward as follows:

85-3-4. (1) The wages, salaries or other compensation of laborers or employees, residents of this state, shall be exempt from seizure under attachment, execution or garnishment for a period of thirty (30) days from the date of service of any writ of attachment, execution or garnishment.

(2) After the passage of the period of thirty (30) days described in subsection (1) of this section, the maximum part of the aggregate disposable earnings (as defined by Section 1672(b) of Title 15, USCS) of an individual that may be levied by attachment, execution or garnishment shall be:

(a) In the case of earnings for any workweek, the lesser amount of either,

(i) Twenty-five percent (25%) of his disposable earnings for that week, or

(ii) The amount by which his disposable earnings for that week exceed thirty (30) times the federal minimum hourly
wage (prescribed by section 206 (a)(1) of Title 29, USCS) in effect at the time the earnings are payable; or

(b) In the case of earnings for any period other than a week, the amount by which his disposable earnings exceed the following "multiple" of the federal minimum hourly wage which is equivalent in effect to that set forth in subparagraph (a)(ii) of this subsection (2): The number of workweeks, or fractions thereof multiplied by thirty (30) multiplied by the applicable federal minimum wage.

(3) (a) The restrictions of subsection (1) and (2) of this section do not apply in the case of:

   (i) Any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by state law, which affords substantial due process, and which is subject to judicial review.

   (ii) Any debt due for any state or local tax.

(b) Except as provided in subparagraph (b)(iii) of this subsection (3), the maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:

   (i) Where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to
whose support such order is used), fifty percent (50%) of such individual's disposable earnings for that week; and

(ii) Where such individual is not supporting such a spouse or dependent child described in subparagraph (b)(i) of this subsection (3), sixty percent (60%) of such individual's disposable earnings for that week;

(iii) With respect to the disposable earnings of any individual for that workweek, the fifty percent (50%) specified in subparagraph (b)(i) of this subsection (3) shall be deemed to be fifty-five percent (55%) and the sixty percent (60%) specified in subparagraph (b)(ii) of this subsection (3) shall be deemed to be sixty-five percent (65%), if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the period of twelve (12) weeks which ends with the beginning of such workweek.

SECTION 10. Section 97-3-54.4, Mississippi Code of 1972, is brought forward as follows:

97-3-54.4. For the purposes of the Mississippi Human Trafficking Act the following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Act" or "this act" means the Mississippi Human Trafficking Act.

(b) "Actor" means a person who violates any of the provisions of Sections 97-3-54 through 97-3-54.4.
(c) "Blackmail" means obtaining property or things of value of another by threatening to (i) inflict bodily injury on anyone; or (ii) commit any other criminal offense.

(d) "Coerce" or "coercion" means:

(i) Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person;

(ii) Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule;

(iii) Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person;

(iv) Providing a controlled substance to a person for the purpose of compelling the person to engage in labor or sexual servitude against the person's will;

(v) Causing or threatening to cause financial harm to any person or using financial control over any person;

(vi) Abusing or threatening to abuse a position of power, the law, or legal process;

(vii) Using blackmail;

(viii) Using an individual's personal services as payment or satisfaction of a real or purported debt when: 1. the
reasonable value of the services is not applied toward the liquidation of the debt; 2. the length of the services is not limited and the nature of the services is not defined; 3. the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred; or 4. the individual is prevented from acquiring accurate and timely information about the disposition of the debt; or

(ix) Using any scheme, plan or pattern of conduct intended to cause any person to believe that, if the person did not perform the labor or services, that the person or another person would suffer serious harm or physical restraint.

(e) "Commercial sexual activity" means any sex act on account of which anything of value is given to, promised to, or received by any person.

(f) "Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact regardless of whether a legal entity has been formed pursuant to any state, federal or territorial law. It includes illicit as well as licit enterprises and governmental as well as other entities.

(g) "Financial harm" includes, but is not limited to, extortion as defined by Section 97-3-82, Mississippi Code of 1972, or violation of the usury law as defined by Title 75, Chapter 17, Mississippi Code of 1972.
(h) "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through coercion.

(i) "Labor" means work of economic or financial value.

(j) "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the trafficked person to perform such labor or service.

(k) "Minor" means a person under the age of eighteen (18) years.

(l) "Obtain" means, in relation to labor or services, to secure performance thereof.

(m) "Pecuniary damages" means any of the following:

(i) The greater of the gross income or value to the defendant of the victim's labor or services, including sexual services, not reduced by the expense the defendant incurred as a result of maintaining the victim, or the value of the victim's labor or services calculated under the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS Section 201 et seq., whichever is higher;

(ii) If it is not possible or in the best interest of the victim to compute a value under subparagraph (i) of this paragraph (m), the equivalent of the value of the victim's labor or services if the victim had provided labor or services that were...
subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS 201 et seq.;

(iii) Costs and expenses incurred by the victim as a result of the offense for:

1. Medical services;
2. Therapy or psychological counseling;
3. Temporary housing;
4. Transportation;
5. Childcare;
6. Physical and occupational therapy or rehabilitation;
7. Funeral, interment, and burial services;
reasonable attorney's fees and other legal costs; and
8. Other expenses incurred by the victim.

(n) "Serious harm" means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual that would compel a reasonable person in similar circumstances as the individual to perform or continue to perform labor or services to avoid incurring the harm.

(o) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, commercial sexual activity, sexually explicit performances, or the production of sexually explicit materials.
(p) "Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

(q) "Trafficked person" means a person subjected to the practices prohibited by this act regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted, and is a term used interchangeably with the terms "victim," "victim of trafficking" and "trafficking victim."

(r) "Venture" means any group of two (2) or more individuals associated in fact, whether or not a legal entity.

(s) "Sexually oriented material" shall have the meaning ascribed in Section 97-5-27, Mississippi Code of 1972.

SECTION 11. Section 99-19-20, Mississippi Code of 1972, is brought forward as follows:

99-19-20. (1) When any court sentences a defendant to pay a fine, the court may order (a) that the fine be paid immediately, or (b) that the fine be paid in installments to the clerk of said court or to the judge, if there be no clerk, or (c) that payment of the fine be a condition of probation, or (d) that the defendant be required to work on public property for public benefit under the direction of the sheriff for a specific number of hours, or (e) any combination of the above.

(2) The defendant may be imprisoned until the fine is paid if the defendant is financially able to pay a fine and the court so finds, subject to the limitations hereinafter set out. The
defendant shall not be imprisoned if the defendant is financially
unable to pay a fine and so states to the court in writing, under
oath, after sentence is pronounced, and the court so finds, except
if the defendant is financially unable to pay a fine and such
defendant failed or refused to comply with a prior sentence as
specified in subsection (1) of this section, the defendant may be
imprisoned.

This subsection shall be limited as follows:

(a) In no event shall such period of imprisonment
exceed one (1) day for each Twenty-five Dollars ($25.00) of the
fine. If a defendant is unable to work or if the county or the
municipality is unable to provide work for the defendant, the
defendant shall receive a credit of Twenty-five Dollars ($25.00)
for each day of imprisonment.

(b) If a sentence of imprisonment, as well as a fine,
were imposed, the aggregate of such term for nonpayment of a fine
and the original sentence of imprisonment shall not exceed the
maximum authorized term of imprisonment.

(c) It shall be in the discretion of the judge to
determine the rate of the credit to be earned for work performed
under subsection (1)(d), but the rate shall be no lower than the
rate of the highest current federal minimum wage.

(3) Periods of confinement imposed for nonpayment of two (2)
or more fines shall run consecutively unless specified by the
court to run concurrently.
SECTION 12. This act shall take effect and be in force from and after July 1, 2017.