

By: Representative Clark

To: Workforce Development;
Judiciary A

HOUSE BILL NO. 310

1 AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO
2 ESTABLISH THE STATE MINIMUM WAGE AT \$8.25 PER HOUR; TO PROVIDE
3 THAT EMPLOYERS WITH TIPPED EMPLOYEES ARE EXEMPT FROM THE
4 REQUIREMENT TO PAY THE STATE MINIMUM WAGE; TO ESTABLISH GUIDELINES
5 FOR EMPLOYEES ENTITLED TO OVERTIME PAY; TO BRING FORWARD SECTIONS
6 7-7-204, 17-1-51, 23-15-239, 25-3-40, 37-7-307, 57-34-5, 85-3-4,
7 97-3-54.4 AND 99-19-20, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
8 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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

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

18 (b) "Manual laborers" and "blue collar" workers mean
19 workers who perform work involving repetitive operations with
20 their hands, physical skill and energy. They gain the skills and



21 knowledge required for performance of their routine manual and
22 physical work through apprenticeships and on-the-job training.

23 (2) Every employer shall pay each of his or her employees
24 wages at the rate of not less than Eight Dollars Twenty-five cents
25 (\$8.25) per hour, except as otherwise provided in this section.

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

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

40 (a) Manual laborers or other blue collar workers;

41 (b) Police officers, detectives, deputy sheriffs, state
42 troopers, highway patrol officers, investigators, inspectors,
43 correctional officers, parole or probation officers, park rangers,
44 fire fighters, paramedics, emergency medical technicians,
45 ambulance personnel, rescue workers, hazardous materials workers



46 and similar employees who perform work such as preventing,
47 controlling or extinguishing fires of any type; rescuing fire,
48 crime or accident victims; preventing or detecting crimes;
49 conducting investigations or inspections for violations of law;
50 performing surveillance; pursuing, restraining and apprehending
51 suspects; detaining or supervising suspected and convicted
52 criminals, including those on probation or parole; interviewing
53 witnesses; interrogating and fingerprinting suspects; preparing
54 investigative reports; or other similar work;

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

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

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

67 (5) Employers and employees who are not specifically
68 mentioned in this section shall fall under the purview of the Fair
69 Labor Standards Act.



70 **SECTION 3.** Section 7-7-204, Mississippi Code of 1972, is
71 brought forward as follows:

72 7-7-204. (1) Within the limits of the funds available to
73 the Office of the State Auditor for such purpose, the State
74 Auditor may grant a paid internship to students pursuing junior or
75 senior undergraduate-level year coursework toward a bachelor's
76 degree in accounting or graduate-level coursework toward a
77 master's degree in accounting. Those applicants deemed qualified
78 shall receive funds that may be used to pay for tuition, books and
79 related fees to pursue their degree. It is the intent of the
80 Legislature that the paid internship program (hereinafter referred
81 to as the program) shall be used as an incentive for accounting
82 students to develop job-related skills and to encourage accounting
83 careers at the Office of the State Auditor.

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

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

88 (b) Satisfy the following conditions:

89 (i) Undergraduate stipulations: Applicants must
90 have successfully obtained a minimum of fifty-eight (58) semester
91 hours toward a bachelor of science degree in accounting from a
92 Mississippi institution of higher learning.



93 Applicants must have achieved a minimum grade point average
94 (GPA) on the previously obtained semester hours toward a bachelor
95 of science degree in accounting of 3.0 on a 4.0 scale.

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

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

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

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

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

114 (3) (a) Before being placed into the program, each
115 applicant shall enter into a contract with the Office of the State
116 Auditor, which shall be deemed a contract with the State of
117 Mississippi, agreeing to the terms and conditions upon which the



118 internship shall be granted to him. The contract shall include
119 such terms and provisions necessary to carry out the full purpose
120 and intent of this section. The form of such contract shall be
121 prepared and approved by the Attorney General of this state, and
122 shall be signed by the State Auditor of the Office of the State
123 Auditor and the participant.

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

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

137 (d) The Office of the State Auditor is vested with full
138 and complete authority and power to sue in its own name any
139 participant for any damages due the state on any such uncompleted
140 contract, which suit shall be filed and handled by the Attorney
141 General of the state. The Office of the State Auditor may
142 contract with a collection agency or banking institution, subject



143 to approval by the Attorney General, for collection of any damages
144 due the state from any participant. The State of Mississippi, the
145 Office of the State Auditor and its employees are immune from any
146 suit brought in law or equity for actions taken by the collection
147 agency or banking institution incidental to or arising from their
148 performance under the contract. The Office of the State Auditor,
149 collection agency and banking institution may negotiate for the
150 payment of a sum that is less than full payment in order to
151 satisfy any damages the participant owes the state, subject to
152 approval by the director of the sponsoring facility within the
153 Office of the State Auditor.

154 (4) (a) Any recipient who is accepted into the program by
155 the Mississippi Office of the State Auditor and who fails to
156 complete undergraduate- or graduate-level coursework toward a
157 degree in accounting, or withdraws from school at any time before
158 completing his or her education, shall be liable to repay the
159 Office of the State Auditor for all monies received during the
160 time the recipient was in the program, at the rate of pay received
161 by the employee while in the program, including benefits paid by
162 the agency for the participant, and monies received for tuition,
163 books and related fees used to pursue their degree with interest
164 accruing at ten percent (10%) per annum from the date the
165 recipient failed or withdrew from school. The recipient also will
166 not be liable for repayment for any money earned during the



167 required summer hours. This money shall be considered earned by
168 the recipient at the federal minimum wage rate.

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

179 (c) If the recipient does not work as an auditor at the
180 Office of the State Auditor for the period required under
181 subsection (2) (d) of this section, the recipient shall be liable
182 for repayment on demand of the remaining portion of the
183 compensation that the recipient was paid while in the program
184 which has not been unconditionally earned, with interest accruing
185 at ten percent (10%) per annum from the recipient's date of
186 graduation or the date that the recipient last worked at the
187 Office of the State Auditor, whichever is the later date. In
188 addition, there shall be included in any contract for paid student
189 internship a provision for liquidated damages equal to Five
190 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata
191 basis for each year served under such contract.



192 **SECTION 4.** Section 17-1-51, Mississippi Code of 1972, is
193 brought forward as follows:

194 17-1-51. (1) No county, board of supervisors of a county,
195 municipality or governing authority of a municipality is
196 authorized to establish a mandatory, minimum living wage rate,
197 minimum number of vacation or sick days, whether paid or unpaid,
198 that would regulate how a private employer pays its employees.
199 Each county, board of supervisors of a county, municipality or
200 governing authority of a municipality shall be prohibited from
201 establishing a mandatory, minimum living wage rate, minimum number
202 of vacation or sick days, whether paid or unpaid, that would
203 regulate how a private employer pays its employees.

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

214 (3) The Legislature further finds that wages and employee
215 benefits comprise the most significant expense of operating a
216 business. It also recognizes that neither potential employees or



217 business patrons are likely to restrict themselves to employment
218 opportunities or goods and services in any particular county or
219 municipality. Consequently, local variations in legally required
220 minimum wage rates or mandatory minimum number of vacation or sick
221 leave days would threaten many businesses with a loss of employees
222 to local governments which require a higher minimum wage rate and
223 many other businesses with the loss of patrons to areas which
224 allow for a lower wage rate and more or less vacation or sick
225 days. The net effect of this situation would be detrimental to
226 the business environment of the state and to the citizens,
227 businesses and governments of the local jurisdictions as well as
228 the local labor markets.

229 (4) The Legislature concludes from these findings that, in
230 order for a business to remain competitive and yet attract and
231 retain the highest possible caliber of employees, and thereby
232 remain sound, an enterprise must work in a uniform environment
233 with respect to minimum wage rates, and mandatory minimum number
234 of vacation or sick leave days. The net impact of local
235 variations in mandated wages and mandatory minimum number of
236 vacation or sick leave days would be economically unstable and
237 create a decline and decrease in the standard of living for the
238 citizens of the state. Consequently, decisions regarding minimum
239 wage, living wage and other employee benefit policies must be made
240 by the state as provided in Section 25-3-40, so that consistency
241 in the wage market is preserved.



242 **SECTION 5.** Section 23-15-239, Mississippi Code of 1972, is
243 brought forward as follows:

244 **[Until January 1, 2020, this section shall read as follows:]**

245 23-15-239. (1) The executive committee of each county, in
246 the case of a primary election, or the election commissioners of
247 each county, in the case of all other elections, in conjunction
248 with the circuit clerk, shall, in the years in which counties
249 conduct an election, sponsor and conduct, not less than five (5)
250 days before each election, not less than four (4) hours and not
251 more than eight (8) hours of poll manager training to instruct
252 poll managers as to their duties in the proper administration of
253 the election and the operation of the polling place. Any poll
254 manager who completes the online training course provided by the
255 Secretary of State shall only be required to complete two (2)
256 hours of in-person poll manager training. No poll manager shall
257 serve in any election unless he or she has received these
258 instructions once during the twelve (12) months immediately
259 preceding the date upon which the election is held; however,
260 nothing in this section shall prevent the appointment of an
261 alternate poll manager to fill a vacancy in case of an emergency.
262 The county executive committee or the election commissioners, as
263 appropriate, shall train a sufficient number of alternates to
264 serve in the event a poll manager is unable to serve for any
265 reason.



266 (2) (a) If it is eligible under Section 23-15-266, the
267 county executive committee may enter into a written agreement with
268 the circuit clerk or the county election commission authorizing
269 the circuit clerk or the county election commission to perform any
270 of the duties required of the county executive committee pursuant
271 to this section. Any agreement entered into pursuant to this
272 subsection shall be signed by the chair of the county executive
273 committee and the circuit clerk or the chair of the county
274 election commission, as appropriate. The county executive
275 committee shall notify the state executive committee and the
276 Secretary of State of the existence of the agreement.

277 (b) If it is eligible under Section 23-15-266, the
278 municipal executive committee may enter into a written agreement
279 with the municipal clerk or the municipal election commission
280 authorizing the municipal clerk or the municipal election
281 commission to perform any of the duties required of the municipal
282 executive committee pursuant to this section. Any agreement
283 entered into pursuant to this subsection shall be signed by the
284 chair of the municipal executive committee and the municipal clerk
285 or the chair of the municipal election commission, as appropriate.
286 The municipal executive committee shall notify the state executive
287 committee and the Secretary of State of the existence of the
288 agreement.

289 (3) The board of supervisors and the municipal governing
290 authority, in their discretion, may compensate poll managers who



291 attend these training sessions. The compensation shall be at a
292 rate of not less than the federal hourly minimum wage nor more
293 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
294 compensated for more than sixteen (16) hours of attendance at the
295 training sessions regardless of the actual amount of time that
296 they attended the training sessions.

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

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

313 (a) In counties having less than fifteen thousand
314 (15,000) residents according to the latest federal decennial
315 census, not more than five (5) days per year;



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

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

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

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

336 (f) In counties having one hundred seventy thousand
337 (170,000) residents according to the latest federal decennial
338 census but less than two hundred thousand (200,000) residents
339 according to the latest federal decennial census, not more than
340 eighteen (18) days per year;



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

346 (h) In counties having two hundred twenty-five thousand
347 (225,000) residents or more according to the latest federal
348 decennial census, not more than twenty-two (22) days per year;

349 (6) Election commissioners shall claim the per diem
350 authorized in subsection (5) of this section in the manner
351 provided for in Section 23-15-153(6).

352 (7) (a) To provide poll manager training, the Secretary of
353 State has developed a single, comprehensive poll manager training
354 program to ensure uniform, secure elections throughout the state.
355 The program includes online training on all state and federal
356 election laws and procedures and voting machine opening and
357 closing procedures.

358 (b) County election commissioners shall designate no
359 more than two (2) poll managers per precinct, who shall
360 individually access and complete the online training program,
361 including all skills assessments, at least five (5) days before an
362 election. The poll managers shall be defined as "certified poll
363 managers," and entitled to a "Certificate of Completion" and
364 compensation for the successful completion of the training and
365 skills assessment in the amount of Twenty-five Dollars (\$25.00)



366 payable from the Help Mississippi Vote Fund. Compensation paid to
367 any poll manager under this paragraph (b) shall not exceed
368 Twenty-five Dollars (\$25.00) per calendar year.

369 (c) Every election held after January 1, 2018, shall
370 have at least one (1) certified poll manager appointed by the
371 county election officials to work in each polling place in the
372 county during each general election.

373 **[From and after January 1, 2020, this section shall read as**
374 **follows:]**

375 23-15-239. (1) The executive committee of each county, in
376 the case of a primary election, or the election commissioners of
377 each county, in the case of all other elections, in conjunction
378 with the circuit clerk, shall, in the years in which counties
379 conduct an election, sponsor and conduct, not less than five (5)
380 days before each election, not less than four (4) hours and not
381 more than eight (8) hours of poll manager training to instruct
382 poll managers as to their duties in the proper administration of
383 the election and the operation of the polling place. Any poll
384 manager who completes the online training course provided by the
385 Secretary of State shall only be required to complete two (2)
386 hours of in-person poll manager training. No poll manager shall
387 serve in any election unless he or she has received these
388 instructions once during the twelve (12) months immediately
389 preceding the date upon which the election is held; however,
390 nothing in this section shall prevent the appointment of an



391 alternate poll manager to fill a vacancy in case of an emergency.
392 The county executive committee or the election commissioners, as
393 appropriate, shall train a sufficient number of alternates to
394 serve in the event a poll manager is unable to serve for any
395 reason.

396 (2) (a) If it is eligible under Section 23-15-266, the
397 county executive committee may enter into a written agreement with
398 the circuit clerk or the county election commission authorizing
399 the circuit clerk or the county election commission to perform any
400 of the duties required of the county executive committee pursuant
401 to this section. Any agreement entered into pursuant to this
402 subsection shall be signed by the chair of the county executive
403 committee and the circuit clerk or the chair of the county
404 election commission, as appropriate. The county executive
405 committee shall notify the state executive committee and the
406 Secretary of State of the existence of the agreement.

407 (b) If it is eligible under Section 23-15-266, the
408 municipal executive committee may enter into a written agreement
409 with the municipal clerk or the municipal election commission
410 authorizing the municipal clerk or the municipal election
411 commission to perform any of the duties required of the municipal
412 executive committee pursuant to this section. Any agreement
413 entered into pursuant to this subsection shall be signed by the
414 chair of the municipal executive committee and the municipal clerk
415 or the chair of the municipal election commission, as appropriate.



416 The municipal executive committee shall notify the state executive
417 committee and the Secretary of State of the existence of the
418 agreement.

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

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

436 (5) Subject to the following annual limitations, the
437 election commissioners shall be entitled to receive a per diem in
438 the amount of Eighty-four Dollars (\$84.00), to be paid from the
439 county general fund, for every day or period of no less than five
440 (5) hours accumulated over two (2) or more days actually employed



441 in the performance of their duties for the necessary time spent in
442 conducting training sessions as required by this section:

443 (a) In counties having less than fifteen thousand
444 (15,000) residents according to the latest federal decennial
445 census, not more than five (5) days per year;

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

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

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

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



466 (f) In counties having one hundred seventy thousand
467 (170,000) residents according to the latest federal decennial
468 census but less than two hundred thousand (200,000) residents
469 according to the latest federal decennial census, not more than
470 eighteen (18) days per year;

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

476 (h) In counties having two hundred twenty-five thousand
477 (225,000) residents or more according to the latest federal
478 decennial census, not more than twenty-two (22) days per year;

479 (6) Election commissioners shall claim the per diem
480 authorized in subsection (5) of this section in the manner
481 provided for in Section 23-15-153(6).

482 (7) (a) To provide poll manager training, the Secretary of
483 State has developed a single, comprehensive poll manager training
484 program to ensure uniform, secure elections throughout the state.
485 The program includes online training on all state and federal
486 election laws and procedures and voting machine opening and
487 closing procedures.

488 (b) County poll managers who individually access and
489 complete the online training program, including all skills
490 assessments, at least five (5) days before an election shall be



491 defined as "certified poll manager," and entitled to a
492 "Certificate of Completion."

493 (c) At least one (1) certified poll manager shall be
494 appointed by the county election officials to work in each polling
495 place in the county during each general election.

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

498 25-3-40. On July 1, 1978, and each year thereafter, the
499 Mississippi Compensation Plan shall be amended to provide salary
500 increases in such amounts and percentages as might be recommended
501 by the Legislative Budget Office and as may be authorized by funds
502 appropriated by the Legislature for the purpose of granting
503 incentive salary increases as deemed possible dependent upon the
504 availability of general and special funds.

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

513 **SECTION 7.** Section 37-7-307, Mississippi Code of 1972, is
514 brought forward as follows:



515 37-7-307. (1) For purposes of this section, the term
516 "licensed employee" means any employee of a public school district
517 required to hold a valid license by the Commission on Teacher and
518 Administrator Education, Certification and Licensure and
519 Development.

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

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

530 (b) Any unused portion of the total sick leave
531 allowance shall be carried over to the next school year and
532 credited to such licensed employee and teacher assistant if the
533 licensed employee or teacher assistant remains employed in the
534 same school district. In the event any public school licensed
535 employee or teacher assistant transfers from one public school
536 district in Mississippi to another, any unused portion of the
537 total sick leave allowance credited to such licensed employee or
538 teacher assistant shall be credited to such licensed employee or
539 teacher assistant in the computation of unused leave for



540 retirement purposes under Section 25-11-109. Accumulation of sick
541 leave allowed under this section shall be unlimited.

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

548 (d) For the first ten (10) days of absence of a
549 licensed employee because of illness or physical disability, in
550 any school year, in excess of the sick leave allowance credited to
551 such licensed employee, there shall be deducted from the pay of
552 such licensed employee the established substitute amount of
553 licensed employee compensation paid in that local school district,
554 necessitated because of the absence of the licensed employee as a
555 result of illness or physical disability. In lieu of deducting
556 the established substitute amount from the pay of such licensed
557 employee, the policy may allow the licensed employee to receive
558 full pay for the first ten (10) days of absence because of illness
559 or physical disability, in any school year, in excess of the sick
560 leave allowance credited to such licensed employee. Thereafter,
561 the regular pay of such absent licensed employee shall be
562 suspended and withheld in its entirety for any period of absence
563 because of illness or physical disability during that school year.



564 (3) (a) Beginning with the school year 1983-1984, each
565 licensed employee at the beginning of each school year shall be
566 credited with a minimum personal leave allowance, with pay, of two
567 (2) days for absences caused by personal reasons during that
568 school year. Effective for the 2010-2011 and 2011-2012 school
569 years, licensed employees shall be credited with an additional
570 one-half (1/2) day of personal leave for every day the licensed
571 employee is furloughed without pay as provided in Section
572 37-7-308. Except as otherwise provided in paragraph (b) of this
573 subsection, such personal leave shall not be taken on the first
574 day of the school term, the last day of the school term, on a day
575 previous to a holiday or a day after a holiday. Personal leave
576 may be used for professional purposes, including absences caused
577 by attendance of such licensed employee at a seminar, class,
578 training program, professional association or other functions
579 designed for educators. No deduction from the pay of such
580 licensed employee may be made because of absence of such licensed
581 employee caused by personal reasons until after all personal leave
582 allowance credited to such licensed employee has been used.
583 However, the superintendent of a school district, in his
584 discretion, may allow a licensed employee personal leave in
585 addition to any minimum personal leave allowance, under the
586 condition that there shall be deducted from the salary of such
587 licensed employee the actual amount of any compensation paid to
588 any person as a substitute, necessitated because of the absence of



589 the licensed employee. Any unused portion of the total personal
590 leave allowance up to five (5) days shall be carried over to the
591 next school year and credited to such licensed employee if the
592 licensed employee remains employed in the same school district.
593 Any personal leave allowed for a furlough day shall not be carried
594 over to the next school year.

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

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

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

609 (iii) Personal leave may be taken on the first day
610 of the school term, the last day of the school term, on a day
611 previous to a holiday or a day after a holiday if, on the
612 applicable day, the employee has been summoned to appear for jury
613 duty or as a witness in court.



614 (4) Beginning with the school year 1992-1993, each licensed
615 employee shall be credited with a professional leave allowance,
616 with pay, for each day of absence caused by reason of such
617 employee's statutorily required membership and attendance at a
618 regular or special meeting held within the State of Mississippi of
619 the State Board of Education, the Commission on Teacher and
620 Administrator Education, Certification and Licensure and
621 Development, the Commission on School Accreditation, the
622 Mississippi Authority for Educational Television, the meetings of
623 the state textbook rating committees or other meetings authorized
624 by local school board policy.

625 (5) Upon retirement from employment, each licensed and
626 nonlicensed employee shall be paid for not more than thirty (30)
627 days of unused accumulated leave earned while employed by the
628 school district in which the employee is last employed. Such
629 payment for licensed employees shall be made by the school
630 district at a rate equal to the amount paid to substitute teachers
631 and for nonlicensed employees, the payment shall be made by the
632 school district at a rate equal to the federal minimum wage. The
633 payment shall be treated in the same manner for retirement
634 purposes as a lump-sum payment for personal leave as provided in
635 Section 25-11-103(e). Any remaining lawfully credited unused
636 leave, for which payment has not been made, shall be certified to
637 the Public Employees' Retirement System in the same manner and
638 subject to the same limitations as otherwise provided by law for



639 unused leave. No payment for unused accumulated leave may be made
640 to either a licensed or nonlicensed employee at termination or
641 separation from service for any purpose other than for the purpose
642 of retirement.

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

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

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

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

662 (d) Enlarging, increasing or providing greater sick or
663 personal leave allowances than the minimum standards established



664 by this section in the discretion of the school board of each
665 school district.

666 (7) School boards may include in their budgets provisions
667 for the payment of substitute employees, necessitated because of
668 the absence of regular licensed employees. All such substitute
669 employees shall be paid wholly from district funds, except as
670 otherwise provided for long-term substitute teachers in Section
671 37-19-20. Such school boards, in their discretion, also may pay,
672 from district funds other than adequate education program funds,
673 the whole or any part of the salaries of all employees granted
674 leaves for the purpose of special studies or training.

675 (8) The school board may further adopt rules and regulations
676 which will reasonably implement such leave policies for all other
677 nonlicensed and hourly paid school employees as the board deems
678 appropriate. Effective for the 2010-2011 and 2011-2012 school
679 years, nonlicensed employees shall be credited with an additional
680 one-half (1/2) day of personal leave for every day the nonlicensed
681 employee is furloughed without pay as provided in Section
682 37-7-308.

683 (9) Vacation leave granted to either licensed or nonlicensed
684 employees shall be synonymous with personal leave. Unused
685 vacation or personal leave accumulated by licensed employees in
686 excess of the maximum five (5) days which may be carried over from
687 one year to the next may be converted to sick leave. The annual
688 conversion of unused vacation or personal leave to sick days for



689 licensed or unlicensed employees shall not exceed the allowable
690 number of personal leave days as provided in Section 25-3-93. The
691 annual total number of converted unused vacation and/or personal
692 days added to the annual unused sick days for any employee shall
693 not exceed the combined allowable number of days per year provided
694 in Sections 25-3-93 and 25-3-95. Local school board policies that
695 provide for vacation, personal and sick leave for employees shall
696 not exceed the provisions for leave as provided in Sections
697 25-3-93 and 25-3-95. Any personal or vacation leave previously
698 converted to sick leave under a lawfully adopted policy before May
699 1, 2004, or such personal or vacation leave accumulated and
700 available for use prior to May 1, 2004, under a lawfully adopted
701 policy but converted to sick leave after May 1, 2004, shall be
702 recognized as accrued leave by the local school district and
703 available for use by the employee. The leave converted under a
704 lawfully adopted policy prior to May 1, 2004, or such personal and
705 vacation leave accumulated and available for use as of May 1,
706 2004, which was subsequently converted to sick leave may be
707 certified to the Public Employees' Retirement System upon
708 termination of employment and any such leave previously converted
709 and certified to the Public Employees' Retirement System shall be
710 recognized.

711 (10) (a) For the purposes of this subsection, the following
712 words and phrases shall have the meaning ascribed in this
713 paragraph unless the context requires otherwise:



714 (i) "Catastrophic injury or illness" means a
715 life-threatening injury or illness of an employee or a member of
716 an employee's immediate family that totally incapacitates the
717 employee from work, as verified by a licensed physician, and
718 forces the employee to exhaust all leave time earned by that
719 employee, resulting in the loss of compensation from the local
720 school district for the employee. Conditions that are short-term
721 in nature, including, but not limited to, common illnesses such as
722 influenza and the measles, and common injuries, are not
723 catastrophic. Chronic illnesses or injuries, such as cancer or
724 major surgery, that result in intermittent absences from work and
725 that are long-term in nature and require long recuperation periods
726 may be considered catastrophic.

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

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

735 (i) The employee donating the leave (the "donor
736 employee") shall designate the employee who is to receive the
737 leave (the "recipient employee") and the amount of unused
738 accumulated personal leave and sick leave that is to be donated,



739 and shall notify the school district superintendent or his
740 designee of his or her designation.

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

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

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

762 (v) Before an employee may receive donated leave,
763 the superintendent of education of the school district shall



764 appoint a review committee to approve or disapprove the said
765 donations of leave, including the determination that the illness
766 is catastrophic within the meaning of this section.

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

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

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

777 57-34-5. **Definitions.** As used in this chapter, the
778 following words and phrases shall have the meanings ascribed to
779 them in this section, unless the context clearly indicates a
780 different meaning:

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

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

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

786 (d) "Designated geographic area" means:



787 (i) Those counties in the State of Alabama that
788 share a common border with any county in the State of Mississippi;
789 and

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

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

797 (f) "Project" means:

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

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

809 2. With an initial capital investment of not
810 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
811 private or United States government sources together with all



812 buildings and other supporting land and facilities, structures or
813 improvements of whatever kind required or useful for construction,
814 maintenance and operation of the enterprise and which creates at
815 least one thousand (1,000) net new full-time jobs; or

816 3. Which creates at least one thousand
817 (1,000) net new full-time jobs which provide an average hourly
818 wage of not less than two hundred percent (200%) of the federal
819 minimum wage in effect on the date the project is placed in
820 service.

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

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

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

834 3. Creates at least one thousand (1,000) net
835 new full-time jobs which provide an average hourly wage of not



836 less than two hundred percent (200%) of the federal minimum wage
837 in effect on the date the project is placed in service.

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

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

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

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

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

857 (h) "Project tax revenues" means:

858 (i) All of the following state and local taxes
859 paid directly to a state or a local government by the project:
860 income taxes, ad valorem taxes on real and personal property,



861 sales and use taxes, franchise taxes, license taxes, excise taxes
862 and severance taxes; and

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

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

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

870 85-3-4. (1) The wages, salaries or other compensation of
871 laborers or employees, residents of this state, shall be exempt
872 from seizure under attachment, execution or garnishment for a
873 period of thirty (30) days from the date of service of any writ of
874 attachment, execution or garnishment.

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

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

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

884 (ii) The amount by which his disposable earnings
885 for that week exceed thirty (30) times the federal minimum hourly



886 wage (prescribed by section 206 (a) (1) of Title 29, USCS) in
887 effect at the time the earnings are payable; or

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

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

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

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

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

908 (i) Where such individual is supporting his spouse
909 or dependent child (other than a spouse or child with respect to



910 whose support such order is used), fifty percent (50%) of such
911 individual's disposable earnings for that week; and

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

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

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

927 97-3-54.4. For the purposes of the Mississippi Human
928 Trafficking Act the following words and phrases shall have the
929 meanings ascribed herein unless the context clearly requires
930 otherwise:

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

933 (b) "Actor" means a person who violates any of the
934 provisions of Sections 97-3-54 through 97-3-54.4.



935 (c) "Blackmail" means obtaining property or things of
936 value of another by threatening to (i) inflict bodily injury on
937 anyone; or (ii) commit any other criminal offense.

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

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

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

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

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

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

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

957 (vii) Using blackmail;

958 (viii) Using an individual's personal services as
959 payment or satisfaction of a real or purported debt when: 1. the



960 reasonable value of the services is not applied toward the
961 liquidation of the debt; 2. the length of the services is not
962 limited and the nature of the services is not defined; 3. the
963 principal amount of the debt does not reasonably reflect the value
964 of the items or services for which the debt is incurred; or 4. the
965 individual is prevented from acquiring accurate and timely
966 information about the disposition of the debt; or

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

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

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

981 (g) "Financial harm" includes, but is not limited to,
982 extortion as defined by Section 97-3-82, Mississippi Code of 1972,
983 or violation of the usury law as defined by Title 75, Chapter 17,
984 Mississippi Code of 1972.



985 (h) "Forced labor or services" means labor or services
986 that are performed or provided by another person and are obtained
987 or maintained through coercion.

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

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

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

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

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

998 (i) The greater of the gross income or value to
999 the defendant of the victim's labor or services, including sexual
1000 services, not reduced by the expense the defendant incurred as a
1001 result of maintaining the victim, or the value of the victim's
1002 labor or services calculated under the minimum wage and overtime
1003 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
1004 seq., whichever is higher;

1005 (ii) If it is not possible or in the best interest
1006 of the victim to compute a value under subparagraph (i) of this
1007 paragraph (m), the equivalent of the value of the victim's labor
1008 or services if the victim had provided labor or services that were



1009 subject to the minimum wage and overtime provisions of the Fair
1010 Labor Standards Act, 29 USCS 201 et seq.;

1011 (iii) Costs and expenses incurred by the victim as
1012 a result of the offense for:

- 1013 1. Medical services;
- 1014 2. Therapy or psychological counseling;
- 1015 3. Temporary housing;
- 1016 4. Transportation;
- 1017 5. Childcare;
- 1018 6. Physical and occupational therapy or
1019 rehabilitation;
- 1020 7. Funeral, interment, and burial services;
1021 reasonable attorney's fees and other legal costs; and
- 1022 8. Other expenses incurred by the victim.

1023 (n) "Serious harm" means harm, whether physical or
1024 nonphysical, including psychological, economic or reputational, to
1025 an individual that would compel a reasonable person in similar
1026 circumstances as the individual to perform or continue to perform
1027 labor or services to avoid incurring the harm.

1028 (o) "Services" means an ongoing relationship between a
1029 person and the actor in which the person performs activities under
1030 the supervision of or for the benefit of the actor or a third
1031 party and includes, without limitation, commercial sexual
1032 activity, sexually explicit performances, or the production of
1033 sexually explicit materials.



1034 (p) "Sexually explicit performance" means a live or
1035 public act or show intended to arouse or satisfy the sexual
1036 desires or appeal to the prurient interests of patrons.

1037 (q) "Trafficked person" means a person subjected to the
1038 practices prohibited by this act regardless of whether a
1039 perpetrator is identified, apprehended, prosecuted or convicted,
1040 and is a term used interchangeably with the terms "victim,"
1041 "victim of trafficking" and "trafficking victim."

1042 (r) "Venture" means any group of two (2) or more
1043 individuals associated in fact, whether or not a legal entity.

1044 (s) "Sexually oriented material" shall have the meaning
1045 ascribed in Section 97-5-27, Mississippi Code of 1972.

1046 **SECTION 11.** Section 99-19-20, Mississippi Code of 1972, is
1047 brought forward as follows:

1048 99-19-20. (1) When any court sentences a defendant to pay a
1049 fine, the court may order (a) that the fine be paid immediately,
1050 or (b) that the fine be paid in installments to the clerk of said
1051 court or to the judge, if there be no clerk, or (c) that payment
1052 of the fine be a condition of probation, or (d) that the defendant
1053 be required to work on public property for public benefit under
1054 the direction of the sheriff for a specific number of hours, or
1055 (e) any combination of the above.

1056 (2) The defendant may be imprisoned until the fine is paid
1057 if the defendant is financially able to pay a fine and the court
1058 so finds, subject to the limitations hereinafter set out. The



1059 defendant shall not be imprisoned if the defendant is financially
1060 unable to pay a fine and so states to the court in writing, under
1061 oath, after sentence is pronounced, and the court so finds, except
1062 if the defendant is financially unable to pay a fine and such
1063 defendant failed or refused to comply with a prior sentence as
1064 specified in subsection (1) of this section, the defendant may be
1065 imprisoned.

1066 This subsection shall be limited as follows:

1067 (a) In no event shall such period of imprisonment
1068 exceed one (1) day for each Twenty-five Dollars (\$25.00) of the
1069 fine. If a defendant is unable to work or if the county or the
1070 municipality is unable to provide work for the defendant, the
1071 defendant shall receive a credit of Twenty-five Dollars (\$25.00)
1072 for each day of imprisonment.

1073 (b) If a sentence of imprisonment, as well as a fine,
1074 were imposed, the aggregate of such term for nonpayment of a fine
1075 and the original sentence of imprisonment shall not exceed the
1076 maximum authorized term of imprisonment.

1077 (c) It shall be in the discretion of the judge to
1078 determine the rate of the credit to be earned for work performed
1079 under subsection (1)(d), but the rate shall be no lower than the
1080 rate of the highest current federal minimum wage.

1081 (3) Periods of confinement imposed for nonpayment of two (2)
1082 or more fines shall run consecutively unless specified by the
1083 court to run concurrently.



1084 **SECTION 12.** This act shall take effect and be in force from
1085 and after July 1, 2018.

