

By: Representative Sykes

To: Workforce Development;
Judiciary A

HOUSE BILL NO. 1261

1 AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO
2 ESTABLISH THE STATE MINIMUM WAGE; TO PROVIDE THAT EMPLOYERS WITH
3 TIPPED EMPLOYEES ARE EXEMPT FROM THE REQUIREMENT TO PAY THE STATE
4 MINIMUM WAGE; TO ESTABLISH GUIDELINES FOR EMPLOYEES ENTITLED TO
5 OVERTIME PAY; TO BRING FORWARD SECTIONS 7-7-204, 17-1-51,
6 23-15-239, 25-3-40, 37-7-307, 57-34-5, 85-3-4, 97-3-54.4 AND
7 99-19-20, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
8 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.** It is the intent of the Legislature to establish
13 a minimum wage and provide for the incremental increases in that
14 established wage. It is also the intent of the Legislature to
15 eventually implement the living wage for Mississippi citizens to
16 allow each citizen to earn a wage that is high enough to maintain
17 a normal standard of living.

18 **SECTION 3.** (1) As used in this section, the following words
19 and phrases shall have the following meanings, unless the context
20 clearly requires otherwise:



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

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

29 (2) Except as otherwise provided in this section, every
30 employer shall pay each of his or her employees wages at the
31 following rates:

32 (a) Seven Dollars Twenty-five Cents (\$7.25) an hour,

33 (b) Eight Dollars Seventy-five Cents (\$8.75) an hour,
34 beginning July 1, 2019;

35 (c) Ten Dollars Twenty-five Cents (\$10.25) an hour,
36 beginning July 1, 2020; and

37 (d) Eleven Dollars Seventy-five Cents (\$11.75) an hour,
38 beginning July 1, 2021.

39 (3) Every employer shall pay each of his or her tipped
40 employees wages at the rate of not less than Three Dollars
41 Sixty-two Cents (\$3.62) per hour, and increasing that amount by
42 One Dollar Fifty Cents (\$1.50) per hour at the time prescribed in
43 subsection (2) for increasing the minimum wage.

44 (4) The overtime pay standard requires that overtime must be
45 compensated at a rate not less than one and one-half (1-1/2) times



46 the regular rate at which the employee is actually employed. The
47 regular rate of pay at which the employee is employed may in no
48 event be less than the statutory minimum wage rate established in
49 this section. All employees who receive Four Hundred Fifty-five
50 Dollars (\$455.00) or less per week, or equivalent amounts for
51 periods of pay longer than one (1) week, shall be entitled to
52 receive overtime pay. Additionally, the following people shall
53 not be exempt from receiving overtime pay, regardless of their
54 salary:

- 55 (a) Manual laborers or other blue collar workers;
- 56 (b) Police officers, detectives, deputy sheriffs, state
57 troopers, highway patrol officers, investigators, inspectors,
58 correctional officers, parole or probation officers, park rangers,
59 fire fighters, paramedics, emergency medical technicians,
60 ambulance personnel, rescue workers, hazardous materials workers
61 and similar employees who perform work such as preventing,
62 controlling or extinguishing fires of any type; rescuing fire,
63 crime or accident victims; preventing or detecting crimes;
64 conducting investigations or inspections for violations of law;
65 performing surveillance; pursuing, restraining and apprehending
66 suspects; detaining or supervising suspected and convicted
67 criminals, including those on probation or parole; interviewing
68 witnesses; interrogating and fingerprinting suspects; preparing
69 investigative reports; or other similar work;



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

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

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

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

85 **SECTION 4.** Section 7-7-204, Mississippi Code of 1972, is
86 brought forward as follows:

87 7-7-204. (1) Within the limits of the funds available to
88 the Office of the State Auditor for such purpose, the State
89 Auditor may grant a paid internship to students pursuing junior or
90 senior undergraduate-level year coursework toward a bachelor's
91 degree in accounting or graduate-level coursework toward a
92 master's degree in accounting. Those applicants deemed qualified
93 shall receive funds that may be used to pay for tuition, books and
94 related fees to pursue their degree. It is the intent of the



95 Legislature that the paid internship program (hereinafter referred
96 to as the program) shall be used as an incentive for accounting
97 students to develop job-related skills and to encourage accounting
98 careers at the Office of the State Auditor.

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

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

103 (b) Satisfy the following conditions:

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

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

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

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



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

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

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

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

139 (b) Upon entry into the program, participants will
140 become employees of the Office of the State Auditor during their
141 time in the program and shall be eligible for benefits such as
142 medical insurance paid by the agency for the participant; however,



143 in accordance with Section 25-11-105II(b), those participants
144 shall not become members of the Public Employees' Retirement
145 System while participating in the program. Participants shall not
146 accrue personal or major medical leave while they are in the
147 program.

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

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



167 approval by the director of the sponsoring facility within the
168 Office of the State Auditor.

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

184 (b) All paid internship compensation received by the
185 recipient while in school shall be considered earned conditioned
186 upon the fulfillment of the terms and obligations of the paid
187 internship contract and this section. However, no recipient of
188 the paid internship shall accrue personal or major medical leave
189 while the recipient is pursuing junior or senior
190 undergraduate-level year coursework toward a bachelor's degree in
191 accounting or graduate-level coursework toward a master's degree



192 in accounting. The recipient shall not be liable for liquidated
193 damages.

194 (c) If the recipient does not work as an auditor at the
195 Office of the State Auditor for the period required under
196 subsection (2) (d) of this section, the recipient shall be liable
197 for repayment on demand of the remaining portion of the
198 compensation that the recipient was paid while in the program
199 which has not been unconditionally earned, with interest accruing
200 at ten percent (10%) per annum from the recipient's date of
201 graduation or the date that the recipient last worked at the
202 Office of the State Auditor, whichever is the later date. In
203 addition, there shall be included in any contract for paid student
204 internship a provision for liquidated damages equal to Five
205 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata
206 basis for each year served under such contract.

207 **SECTION 5.** Section 17-1-51, Mississippi Code of 1972, is
208 brought forward as follows:

209 17-1-51. (1) No county, board of supervisors of a county,
210 municipality or governing authority of a municipality is
211 authorized to establish a mandatory, minimum living wage rate,
212 minimum number of vacation or sick days, whether paid or unpaid,
213 that would regulate how a private employer pays its employees.
214 Each county, board of supervisors of a county, municipality or
215 governing authority of a municipality shall be prohibited from
216 establishing a mandatory, minimum living wage rate, minimum number



217 of vacation or sick days, whether paid or unpaid, that would
218 regulate how a private employer pays its employees.

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

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



242 businesses and governments of the local jurisdictions as well as
243 the local labor markets.

244 (4) The Legislature concludes from these findings that, in
245 order for a business to remain competitive and yet attract and
246 retain the highest possible caliber of employees, and thereby
247 remain sound, an enterprise must work in a uniform environment
248 with respect to minimum wage rates, and mandatory minimum number
249 of vacation or sick leave days. The net impact of local
250 variations in mandated wages and mandatory minimum number of
251 vacation or sick leave days would be economically unstable and
252 create a decline and decrease in the standard of living for the
253 citizens of the state. Consequently, decisions regarding minimum
254 wage, living wage and other employee benefit policies must be made
255 by the state as provided in Section 25-3-40, so that consistency
256 in the wage market is preserved.

257 **SECTION 6.** Section 23-15-239, Mississippi Code of 1972, is
258 brought forward as follows:

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

260 23-15-239. (1) The executive committee of each county, in
261 the case of a primary election, or the election commissioners of
262 each county, in the case of all other elections, in conjunction
263 with the circuit clerk, shall, in the years in which counties
264 conduct an election, sponsor and conduct, not less than five (5)
265 days before each election, not less than four (4) hours and not
266 more than eight (8) hours of poll manager training to instruct



267 poll managers as to their duties in the proper administration of
268 the election and the operation of the polling place. Any poll
269 manager who completes the online training course provided by the
270 Secretary of State shall only be required to complete two (2)
271 hours of in-person poll manager training. No poll manager shall
272 serve in any election unless he or she has received these
273 instructions once during the twelve (12) months immediately
274 preceding the date upon which the election is held; however,
275 nothing in this section shall prevent the appointment of an
276 alternate poll manager to fill a vacancy in case of an emergency.
277 The county executive committee or the election commissioners, as
278 appropriate, shall train a sufficient number of alternates to
279 serve in the event a poll manager is unable to serve for any
280 reason.

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



292 (b) If it is eligible under Section 23-15-266, the
293 municipal executive committee may enter into a written agreement
294 with the municipal clerk or the municipal election commission
295 authorizing the municipal clerk or the municipal election
296 commission to perform any of the duties required of the municipal
297 executive committee pursuant to this section. Any agreement
298 entered into pursuant to this subsection shall be signed by the
299 chair of the municipal executive committee and the municipal clerk
300 or the chair of the municipal election commission, as appropriate.
301 The municipal executive committee shall notify the state executive
302 committee and the Secretary of State of the existence of the
303 agreement.

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

312 (4) The time and location of the training sessions required
313 pursuant to this section shall be announced to the general public
314 by posting a notice thereof at the courthouse and by delivering a
315 copy of the notice to the office of a newspaper having general
316 circulation in the county five (5) days before the date upon which



317 the training session is to be conducted. Persons who will serve
318 as poll watchers for candidates and political parties, as well as
319 members of the general public, shall be allowed to attend the
320 sessions.

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

328 (a) In counties having less than fifteen thousand
329 (15,000) residents according to the latest federal decennial
330 census, not more than five (5) days per year;

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

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



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

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

351 (f) In counties having one hundred seventy thousand
352 (170,000) residents according to the latest federal decennial
353 census but less than two hundred thousand (200,000) residents
354 according to the latest federal decennial census, not more than
355 eighteen (18) days per year;

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

361 (h) In counties having two hundred twenty-five thousand
362 (225,000) residents or more according to the latest federal
363 decennial census, not more than twenty-two (22) days per year;



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

367 (7) (a) To provide poll manager training, the Secretary of
368 State has developed a single, comprehensive poll manager training
369 program to ensure uniform, secure elections throughout the state.
370 The program includes online training on all state and federal
371 election laws and procedures and voting machine opening and
372 closing procedures.

373 (b) County election commissioners shall designate no
374 more than two (2) poll managers per precinct, who shall
375 individually access and complete the online training program,
376 including all skills assessments, at least five (5) days before an
377 election. The poll managers shall be defined as "certified poll
378 managers," and entitled to a "Certificate of Completion" and
379 compensation for the successful completion of the training and
380 skills assessment in the amount of Twenty-five Dollars (\$25.00)
381 payable from the Help Mississippi Vote Fund. Compensation paid to
382 any poll manager under this paragraph (b) shall not exceed
383 Twenty-five Dollars (\$25.00) per calendar year.

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



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

390 23-15-239. (1) The executive committee of each county, in
391 the case of a primary election, or the election commissioners of
392 each county, in the case of all other elections, in conjunction
393 with the circuit clerk, shall, in the years in which counties
394 conduct an election, sponsor and conduct, not less than five (5)
395 days before each election, not less than four (4) hours and not
396 more than eight (8) hours of poll manager training to instruct
397 poll managers as to their duties in the proper administration of
398 the election and the operation of the polling place. Any poll
399 manager who completes the online training course provided by the
400 Secretary of State shall only be required to complete two (2)
401 hours of in-person poll manager training. No poll manager shall
402 serve in any election unless he or she has received these
403 instructions once during the twelve (12) months immediately
404 preceding the date upon which the election is held; however,
405 nothing in this section shall prevent the appointment of an
406 alternate poll manager to fill a vacancy in case of an emergency.
407 The county executive committee or the election commissioners, as
408 appropriate, shall train a sufficient number of alternates to
409 serve in the event a poll manager is unable to serve for any
410 reason.

411 (2) (a) If it is eligible under Section 23-15-266, the
412 county executive committee may enter into a written agreement with



413 the circuit clerk or the county election commission authorizing
414 the circuit clerk or the county election commission to perform any
415 of the duties required of the county executive committee pursuant
416 to this section. Any agreement entered into pursuant to this
417 subsection shall be signed by the chair of the county executive
418 committee and the circuit clerk or the chair of the county
419 election commission, as appropriate. The county executive
420 committee shall notify the state executive committee and the
421 Secretary of State of the existence of the agreement.

422 (b) If it is eligible under Section 23-15-266, the
423 municipal executive committee may enter into a written agreement
424 with the municipal clerk or the municipal election commission
425 authorizing the municipal clerk or the municipal election
426 commission to perform any of the duties required of the municipal
427 executive committee pursuant to this section. Any agreement
428 entered into pursuant to this subsection shall be signed by the
429 chair of the municipal executive committee and the municipal clerk
430 or the chair of the municipal election commission, as appropriate.
431 The municipal executive committee shall notify the state executive
432 committee and the Secretary of State of the existence of the
433 agreement.

434 (3) The board of supervisors and the municipal governing
435 authority, in their discretion, may compensate poll managers who
436 attend these training sessions. The compensation shall be at a
437 rate of not less than the federal hourly minimum wage nor more



438 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
439 compensated for more than sixteen (16) hours of attendance at the
440 training sessions regardless of the actual amount of time that
441 they attended the training sessions.

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

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

458 (a) In counties having less than fifteen thousand
459 (15,000) residents according to the latest federal decennial
460 census, not more than five (5) days per year;

461 (b) In counties having fifteen thousand (15,000)
462 residents according to the latest federal decennial census but



463 less than thirty thousand (30,000) residents according to the
464 latest federal decennial census, not more than eight (8) days per
465 year;

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

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

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

481 (f) In counties having one hundred seventy thousand
482 (170,000) residents according to the latest federal decennial
483 census but less than two hundred thousand (200,000) residents
484 according to the latest federal decennial census, not more than
485 eighteen (18) days per year;

486 (g) In counties having two hundred thousand (200,000)
487 residents according to the latest federal decennial census but



488 less than two hundred twenty-five thousand (225,000) residents
489 according to the latest federal decennial census, not more than
490 nineteen (19) days per year;

491 (h) In counties having two hundred twenty-five thousand
492 (225,000) residents or more according to the latest federal
493 decennial census, not more than twenty-two (22) days per year;

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

497 (7) (a) To provide poll manager training, the Secretary of
498 State has developed a single, comprehensive poll manager training
499 program to ensure uniform, secure elections throughout the state.
500 The program includes online training on all state and federal
501 election laws and procedures and voting machine opening and
502 closing procedures.

503 (b) County poll managers who individually access and
504 complete the online training program, including all skills
505 assessments, at least five (5) days before an election shall be
506 defined as "certified poll manager," and entitled to a
507 "Certificate of Completion."

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

511 **SECTION 7.** Section 25-3-40, Mississippi Code of 1972, is
512 brought forward as follows:



513 25-3-40. On July 1, 1978, and each year thereafter, the
514 Mississippi Compensation Plan shall be amended to provide salary
515 increases in such amounts and percentages as might be recommended
516 by the Legislative Budget Office and as may be authorized by funds
517 appropriated by the Legislature for the purpose of granting
518 incentive salary increases as deemed possible dependent upon the
519 availability of general and special funds.

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

528 **SECTION 8.** Section 37-7-307, Mississippi Code of 1972, is
529 brought forward as follows:

530 37-7-307. (1) For purposes of this section, the term
531 "licensed employee" means any employee of a public school district
532 required to hold a valid license by the Commission on Teacher and
533 Administrator Education, Certification and Licensure and
534 Development.

535 (2) The school board of a school district shall establish by
536 rules and regulations a policy of sick leave with pay for licensed
537 employees and teacher assistants employed in the school district,



538 and such policy shall include the following minimum provisions for
539 sick and emergency leave with pay:

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

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

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



563 (d) For the first ten (10) days of absence of a
564 licensed employee because of illness or physical disability, in
565 any school year, in excess of the sick leave allowance credited to
566 such licensed employee, there shall be deducted from the pay of
567 such licensed employee the established substitute amount of
568 licensed employee compensation paid in that local school district,
569 necessitated because of the absence of the licensed employee as a
570 result of illness or physical disability. In lieu of deducting
571 the established substitute amount from the pay of such licensed
572 employee, the policy may allow the licensed employee to receive
573 full pay for the first ten (10) days of absence because of illness
574 or physical disability, in any school year, in excess of the sick
575 leave allowance credited to such licensed employee. Thereafter,
576 the regular pay of such absent licensed employee shall be
577 suspended and withheld in its entirety for any period of absence
578 because of illness or physical disability during that school year.

579 (3) (a) Beginning with the school year 1983-1984, each
580 licensed employee at the beginning of each school year shall be
581 credited with a minimum personal leave allowance, with pay, of two
582 (2) days for absences caused by personal reasons during that
583 school year. Effective for the 2010-2011 and 2011-2012 school
584 years, licensed employees shall be credited with an additional
585 one-half (1/2) day of personal leave for every day the licensed
586 employee is furloughed without pay as provided in Section
587 37-7-308. Except as otherwise provided in paragraph (b) of this



588 subsection, such personal leave shall not be taken on the first
589 day of the school term, the last day of the school term, on a day
590 previous to a holiday or a day after a holiday. Personal leave
591 may be used for professional purposes, including absences caused
592 by attendance of such licensed employee at a seminar, class,
593 training program, professional association or other functions
594 designed for educators. No deduction from the pay of such
595 licensed employee may be made because of absence of such licensed
596 employee caused by personal reasons until after all personal leave
597 allowance credited to such licensed employee has been used.
598 However, the superintendent of a school district, in his
599 discretion, may allow a licensed employee personal leave in
600 addition to any minimum personal leave allowance, under the
601 condition that there shall be deducted from the salary of such
602 licensed employee the actual amount of any compensation paid to
603 any person as a substitute, necessitated because of the absence of
604 the licensed employee. Any unused portion of the total personal
605 leave allowance up to five (5) days shall be carried over to the
606 next school year and credited to such licensed employee if the
607 licensed employee remains employed in the same school district.
608 Any personal leave allowed for a furlough day shall not be carried
609 over to the next school year.

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



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

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

624 (iii) Personal leave may be taken on the first day
625 of the school term, the last day of the school term, on a day
626 previous to a holiday or a day after a holiday if, on the
627 applicable day, the employee has been summoned to appear for jury
628 duty or as a witness in court.

629 (4) Beginning with the school year 1992-1993, each licensed
630 employee shall be credited with a professional leave allowance,
631 with pay, for each day of absence caused by reason of such
632 employee's statutorily required membership and attendance at a
633 regular or special meeting held within the State of Mississippi of
634 the State Board of Education, the Commission on Teacher and
635 Administrator Education, Certification and Licensure and
636 Development, the Commission on School Accreditation, the
637 Mississippi Authority for Educational Television, the meetings of



638 the state textbook rating committees or other meetings authorized
639 by local school board policy.

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

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



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

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

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

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

681 (7) School boards may include in their budgets provisions
682 for the payment of substitute employees, necessitated because of
683 the absence of regular licensed employees. All such substitute
684 employees shall be paid wholly from district funds, except as
685 otherwise provided for long-term substitute teachers in Section
686 37-19-20. Such school boards, in their discretion, also may pay,



687 from district funds other than adequate education program funds,
688 the whole or any part of the salaries of all employees granted
689 leaves for the purpose of special studies or training.

690 (8) The school board may further adopt rules and regulations
691 which will reasonably implement such leave policies for all other
692 nonlicensed and hourly paid school employees as the board deems
693 appropriate. Effective for the 2010-2011 and 2011-2012 school
694 years, nonlicensed employees shall be credited with an additional
695 one-half (1/2) day of personal leave for every day the nonlicensed
696 employee is furloughed without pay as provided in Section
697 37-7-308.

698 (9) Vacation leave granted to either licensed or nonlicensed
699 employees shall be synonymous with personal leave. Unused
700 vacation or personal leave accumulated by licensed employees in
701 excess of the maximum five (5) days which may be carried over from
702 one year to the next may be converted to sick leave. The annual
703 conversion of unused vacation or personal leave to sick days for
704 licensed or unlicensed employees shall not exceed the allowable
705 number of personal leave days as provided in Section 25-3-93. The
706 annual total number of converted unused vacation and/or personal
707 days added to the annual unused sick days for any employee shall
708 not exceed the combined allowable number of days per year provided
709 in Sections 25-3-93 and 25-3-95. Local school board policies that
710 provide for vacation, personal and sick leave for employees shall
711 not exceed the provisions for leave as provided in Sections



712 25-3-93 and 25-3-95. Any personal or vacation leave previously
713 converted to sick leave under a lawfully adopted policy before May
714 1, 2004, or such personal or vacation leave accumulated and
715 available for use prior to May 1, 2004, under a lawfully adopted
716 policy but converted to sick leave after May 1, 2004, shall be
717 recognized as accrued leave by the local school district and
718 available for use by the employee. The leave converted under a
719 lawfully adopted policy prior to May 1, 2004, or such personal and
720 vacation leave accumulated and available for use as of May 1,
721 2004, which was subsequently converted to sick leave may be
722 certified to the Public Employees' Retirement System upon
723 termination of employment and any such leave previously converted
724 and certified to the Public Employees' Retirement System shall be
725 recognized.

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

729 (i) "Catastrophic injury or illness" means a
730 life-threatening injury or illness of an employee or a member of
731 an employee's immediate family that totally incapacitates the
732 employee from work, as verified by a licensed physician, and
733 forces the employee to exhaust all leave time earned by that
734 employee, resulting in the loss of compensation from the local
735 school district for the employee. Conditions that are short-term
736 in nature, including, but not limited to, common illnesses such as



737 influenza and the measles, and common injuries, are not
738 catastrophic. Chronic illnesses or injuries, such as cancer or
739 major surgery, that result in intermittent absences from work and
740 that are long-term in nature and require long recuperation periods
741 may be considered catastrophic.

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

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

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

756 (ii) The maximum amount of unused accumulated
757 personal leave that an employee may donate to any other employee
758 may not exceed a number of days that would leave the donor
759 employee with fewer than seven (7) days of personal leave
760 remaining, and the maximum amount of unused accumulated sick leave
761 that an employee may donate to any other employee may not exceed



762 fifty percent (50%) of the unused accumulated sick leave of the
763 donor employee.

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

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

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

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



786 leave donated by each donor employee to the total number of days
787 of leave donated by all donor employees.

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

790 **SECTION 9.** Section 57-34-5, Mississippi Code of 1972, is
791 brought forward as follows:

792 57-34-5. **Definitions.** As used in this chapter, the
793 following words and phrases shall have the meanings ascribed to
794 them in this section, unless the context clearly indicates a
795 different meaning:

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

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

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

801 (d) "Designated geographic area" means:

802 (i) Those counties in the State of Alabama that
803 share a common border with any county in the State of Mississippi;
804 and

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

808 (e) "Herein," "hereby," "hereunder," "hereof" and other
809 equivalent words refer to this chapter as an entirety and not



810 solely to the particular section or portion thereof in which any
811 such word is used.

812 (f) "Project" means:

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

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

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

831 3. Which creates at least one thousand
832 (1,000) net new full-time jobs which provide an average hourly
833 wage of not less than two hundred percent (200%) of the federal



834 minimum wage in effect on the date the project is placed in
835 service.

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

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

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

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

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



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

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

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

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

872 (h) "Project tax revenues" means:

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

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

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



883 **SECTION 10.** Section 85-3-4, Mississippi Code of 1972, is
884 brought forward as follows:

885 85-3-4. (1) The wages, salaries or other compensation of
886 laborers or employees, residents of this state, shall be exempt
887 from seizure under attachment, execution or garnishment for a
888 period of thirty (30) days from the date of service of any writ of
889 attachment, execution or garnishment.

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

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

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

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

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



908 thereof multiplied by thirty (30) multiplied by the applicable
909 federal minimum wage.

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

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

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

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

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

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

931 (iii) With respect to the disposable earnings of
932 any individual for that workweek, the fifty percent (50%)



933 specified in subparagraph (b) (i) of this subsection (3) shall be
934 deemed to be fifty-five percent (55%) and the sixty percent (60%)
935 specified in subparagraph (b) (ii) of this subsection (3) shall be
936 deemed to be sixty-five percent (65%), if and to the extent that
937 such earnings are subject to garnishment to enforce a support
938 order with respect to a period which is prior to the period of
939 twelve (12) weeks which ends with the beginning of such workweek.

940 **SECTION 11.** Section 97-3-54.4, Mississippi Code of 1972, is
941 brought forward as follows:

942 97-3-54.4. For the purposes of the Mississippi Human
943 Trafficking Act the following words and phrases shall have the
944 meanings ascribed herein unless the context clearly requires
945 otherwise:

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

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

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

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

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



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

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

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

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

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

972 (vii) Using blackmail;

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



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

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

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

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

1000 (h) "Forced labor or services" means labor or services
1001 that are performed or provided by another person and are obtained
1002 or maintained through coercion.

1003 (i) "Labor" means work of economic or financial value.

1004 (j) "Maintain" means, in relation to labor or services,
1005 to secure continued performance thereof, regardless of any initial



1006 agreement on the part of the trafficked person to perform such
1007 labor or service.

1008 (k) "Minor" means a person under the age of eighteen
1009 (18) years.

1010 (l) "Obtain" means, in relation to labor or services,
1011 to secure performance thereof.

1012 (m) "Pecuniary damages" means any of the following:

1013 (i) The greater of the gross income or value to
1014 the defendant of the victim's labor or services, including sexual
1015 services, not reduced by the expense the defendant incurred as a
1016 result of maintaining the victim, or the value of the victim's
1017 labor or services calculated under the minimum wage and overtime
1018 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
1019 seq., whichever is higher;

1020 (ii) If it is not possible or in the best interest
1021 of the victim to compute a value under subparagraph (i) of this
1022 paragraph (m), the equivalent of the value of the victim's labor
1023 or services if the victim had provided labor or services that were
1024 subject to the minimum wage and overtime provisions of the Fair
1025 Labor Standards Act, 29 USCS 201 et seq.;

1026 (iii) Costs and expenses incurred by the victim as
1027 a result of the offense for:

- 1028 1. Medical services;
1029 2. Therapy or psychological counseling;
1030 3. Temporary housing;



- 1031 4. Transportation;
- 1032 5. Childcare;
- 1033 6. Physical and occupational therapy or
- 1034 rehabilitation;
- 1035 7. Funeral, interment, and burial services;
- 1036 reasonable attorney's fees and other legal costs; and
- 1037 8. Other expenses incurred by the victim.

1038 (n) "Serious harm" means harm, whether physical or

1039 nonphysical, including psychological, economic or reputational, to

1040 an individual that would compel a reasonable person in similar

1041 circumstances as the individual to perform or continue to perform

1042 labor or services to avoid incurring the harm.

1043 (o) "Services" means an ongoing relationship between a

1044 person and the actor in which the person performs activities under

1045 the supervision of or for the benefit of the actor or a third

1046 party and includes, without limitation, commercial sexual

1047 activity, sexually explicit performances, or the production of

1048 sexually explicit materials.

1049 (p) "Sexually explicit performance" means a live or

1050 public act or show intended to arouse or satisfy the sexual

1051 desires or appeal to the prurient interests of patrons.

1052 (q) "Trafficked person" means a person subjected to the

1053 practices prohibited by this act regardless of whether a

1054 perpetrator is identified, apprehended, prosecuted or convicted,



1055 and is a term used interchangeably with the terms "victim,"
1056 "victim of trafficking" and "trafficking victim."

1057 (r) "Venture" means any group of two (2) or more
1058 individuals associated in fact, whether or not a legal entity.

1059 (s) "Sexually oriented material" shall have the meaning
1060 ascribed in Section 97-5-27, Mississippi Code of 1972.

1061 **SECTION 12.** Section 99-19-20, Mississippi Code of 1972, is
1062 brought forward as follows:

1063 99-19-20. (1) When any court sentences a defendant to pay a
1064 fine, the court may order (a) that the fine be paid immediately,
1065 or (b) that the fine be paid in installments to the clerk of said
1066 court or to the judge, if there be no clerk, or (c) that payment
1067 of the fine be a condition of probation, or (d) that the defendant
1068 be required to work on public property for public benefit under
1069 the direction of the sheriff for a specific number of hours, or
1070 (e) any combination of the above.

1071 (2) The defendant may be imprisoned until the fine is paid
1072 if the defendant is financially able to pay a fine and the court
1073 so finds, subject to the limitations hereinafter set out. The
1074 defendant shall not be imprisoned if the defendant is financially
1075 unable to pay a fine and so states to the court in writing, under
1076 oath, after sentence is pronounced, and the court so finds, except
1077 if the defendant is financially unable to pay a fine and such
1078 defendant failed or refused to comply with a prior sentence as



1079 specified in subsection (1) of this section, the defendant may be
1080 imprisoned.

1081 This subsection shall be limited as follows:

1082 (a) In no event shall such period of imprisonment
1083 exceed one (1) day for each Twenty-five Dollars (\$25.00) of the
1084 fine. If a defendant is unable to work or if the county or the
1085 municipality is unable to provide work for the defendant, the
1086 defendant shall receive a credit of Twenty-five Dollars (\$25.00)
1087 for each day of imprisonment.

1088 (b) If a sentence of imprisonment, as well as a fine,
1089 were imposed, the aggregate of such term for nonpayment of a fine
1090 and the original sentence of imprisonment shall not exceed the
1091 maximum authorized term of imprisonment.

1092 (c) It shall be in the discretion of the judge to
1093 determine the rate of the credit to be earned for work performed
1094 under subsection (1)(d), but the rate shall be no lower than the
1095 rate of the highest current federal minimum wage.

1096 (3) Periods of confinement imposed for nonpayment of two (2)
1097 or more fines shall run consecutively unless specified by the
1098 court to run concurrently.

1099 **SECTION 13.** This act shall take effect and be in force from
1100 and after July 1, 2018.

