

By: Representative Paden

To: Workforce Development;
Judiciary A

HOUSE BILL NO. 1303

1 AN ACT TO CREATE THE "WOMEN'S ECONOMIC SECURITY ACT"; TO
2 ESTABLISH THE STATE MINIMUM WAGE AT FIFTEEN DOLLARS PER HOUR; TO
3 PROVIDE 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 PROVIDE THAT NO
6 EMPLOYER SHALL PAY AN EMPLOYEE A WAGE AT A RATE LESS THAN THE RATE
7 AT WHICH AN EMPLOYEE OF THE OPPOSITE SEX IN THE SAME ESTABLISHMENT
8 IS PAID FOR EQUAL WORK ON A JOB, THE PERFORMANCE OF WHICH REQUIRES
9 EQUAL SKILL, EFFORT AND RESPONSIBILITY, AND WHICH IS PERFORMED
10 UNDER SIMILAR WORKING CONDITIONS; TO PROVIDE THAT AN EMPLOYEE MAY
11 FILE A PETITION IN THE PROPER CIRCUIT COURT; TO CREATE THE
12 MISSISSIPPI COMMUNITY COLLEGE FOR SINGLE MOTHERS SCHOLARSHIP
13 GRANT; TO PROVIDE THAT THE MISSISSIPPI COMMUNITY COLLEGE BOARD
14 SHALL ADMINISTER THE GRANT; TO PROVIDE THE CRITERIA FOR RECEIVING
15 THE GRANT; TO CREATE THE MISSISSIPPI IHL FOR SINGLE MOTHERS
16 SCHOLARSHIP GRANT; TO PROVIDE THAT THE MISSISSIPPI POSTSECONDARY
17 EDUCATION FINANCIAL ASSISTANCE BOARD SHALL ADMINISTER THE GRANT;
18 TO PROVIDE THE CRITERIA FOR RECEIVING THE GRANT; TO AMEND SECTION
19 37-13-171, MISSISSIPPI CODE OF 1972, TO REQUIRE SEX-RELATED
20 EDUCATION TO CONSIST OF ANY MEDICALLY ACCURATE COMPREHENSIVE
21 INSTRUCTION OR PROGRAM; TO INCLUDE ADDITIONAL REQUIRED TEACHING
22 COMPONENTS OF ABSTINENCE-ONLY AND ABSTINENCE-PLUS EDUCATION
23 CURRICULUMS; TO DELETE THE REPEALER ON THE PROVISION OF LAW THAT
24 REQUIRES EACH LOCAL SCHOOL BOARD TO ADOPT A SEX-RELATED EDUCATION
25 POLICY TO IMPLEMENT ABSTINENCE-ONLY OR ABSTINENCE-PLUS EDUCATION
26 INTO ITS LOCAL SCHOOL DISTRICT'S CURRICULUM; TO BRING FORWARD
27 SECTIONS 7-7-204, 17-1-51, 23-15-239, 25-3-40, 37-7-307, 57-34-5,
28 85-3-4, 97-3-54.4 AND 99-19-20, MISSISSIPPI CODE OF 1972, FOR
29 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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



31 SECTION 1. This act shall be known and may be cited as the
32 "Women's Economic Security Act."

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

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

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

44 (2) Every employer shall pay each of his or her employees
45 wages at the rate of not less than Fifteen Dollars (\$15.00) per
46 hour, except as otherwise provided in this section.

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

50 (4) The overtime pay standard requires that overtime must be
51 compensated at a rate not less than one and one-half (1-1/2) times
52 the regular rate at which the employee is actually employed. The
53 regular rate of pay at which the employee is employed may in no
54 event be less than the statutory minimum wage rate established in
55 Section 2 of this act. All employees who receive Four Hundred



56 Fifty-five Dollars (\$455.00) or less per week, or equivalent
57 amounts for periods of pay longer than one (1) week, shall be
58 entitled to receive overtime pay. Additionally, the following
59 people shall not be exempt from receiving overtime pay, regardless
60 of their salary:

61 (a) Manual laborers or other "blue collar" workers;

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

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

78 (d) Any employee whose primary duty is not the
79 performance of a work directly related to the management or



80 general business operations of the employer or the employer's
81 customers; and

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

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

91 **SECTION 3.** (1) No employer may pay an employee a wage at a
92 rate less than the rate at which an employee of the opposite sex
93 in the same establishment is paid for equal work on a job, the
94 performance of which requires equal skill, effort and
95 responsibility, and which is performed under similar working
96 conditions, except where payment is made pursuant to a
97 differential based on:

98 (a) A seniority system;

99 (b) A merit system;

100 (c) A system which measures earnings by quantity or
101 quality of production; or

102 (d) Any other factor other than sex.

103 (2) Subsection (1) of this section creates an actionable
104 right in Mississippi for any person who is an employee and who



105 believes that such person's employer has violated the provisions
106 of subsection (1) of this section. Any such employee who is
107 aggrieved by subsection (1) of this section may file a petition in
108 the proper circuit court in Mississippi.

109 If an employer is found to have violated the provisions of
110 subsection (1) of this section, the employee shall be awarded
111 reasonable remedies, which may include attorney's fees,
112 prejudgment interest, back pay, liquidated damages and one hundred
113 percent (100%) of the difference of unpaid wages. If the employer
114 is found to have willfully violated the provisions of subsection
115 (1) of this section, the employee shall be awarded three hundred
116 percent (300%) of reasonable remedies, which may include
117 attorney's fees, prejudgment interest, back pay, liquidated
118 damages, and the difference of unpaid wages.

119 **SECTION 4.** There is created the Mississippi Community
120 College for Single Mothers Scholarship Grant, to be administered
121 by the Mississippi Community College Board. The grant shall be
122 available to single mothers to use for tuition and fees, and child
123 care services, at any of the public community or junior colleges.
124 The board shall set the dates that will serve as the deadlines for
125 applying for an award under this section and award grants to only
126 Mississippi students who qualify. The total award to a student
127 shall be up to Seven Thousand Five Hundred Dollars (\$7,500.00) for
128 tuition and fees and may also be used for child care services.
129 Payment of the Mississippi Community College for Single Mothers



130 Scholarship Grant shall be made payable to the recipient and the
131 college and mailed directly to the college, to be applied first to
132 tuition. The board may conduct its own annual audits of any
133 college participating in the Mississippi Community College for
134 Single Mothers Scholarship Grant. The board may suspend or revoke
135 a college's eligibility to receive future monies under the program
136 if it finds that the college has not complied with the provisions
137 of this section.

138 **SECTION 5.** There is created the Mississippi IHL for Single
139 Mothers Scholarship Grant, to be administered by the Mississippi
140 Postsecondary Education Financial Assistance Board established
141 under Section 37-106-9. The scholarship shall be a grant made to
142 single mothers to use for tuition and fees and child care
143 services, at any of the state institutions of higher learning.
144 The board shall set the dates that will serve as the deadlines for
145 applying for an award under this section and award grants to only
146 Mississippi students who qualify. The total award to a student
147 shall be up to Fifteen Thousand Dollars (\$15,000.00) for tuition
148 and fees and may also be used for child care services. Payment of
149 the Mississippi IHL for Single Mothers Scholarship Grant shall be
150 made payable to the recipient and the educational institution and
151 mailed directly to the institution, to be applied first to
152 tuition. The board may conduct its own annual audits of any
153 institution participating in the Mississippi IHL for Single
154 Mothers Scholarship Grant. The board may suspend or revoke an



155 institution's eligibility to receive future monies under the
156 program if it finds that the institution has not complied with the
157 provisions of this section.

158 **SECTION 6.** Section 37-13-171, Mississippi Code of 1972, is
159 amended as follows:

160 37-13-171. (1) The local school board of every public
161 school district shall adopt a policy to implement abstinence-only
162 or abstinence-plus education into its curriculum by June 30, 2012,
163 which instruction in those subjects shall be implemented not later
164 than the start of the 2012-2013 school year or the local school
165 board shall adopt the program which has been developed by the
166 Mississippi Department of Human Services and the Mississippi
167 Department of Health. The State Department of Education shall
168 approve each district's curriculum for sex-related education and
169 shall establish a protocol to be used by districts to provide
170 continuity in teaching the approved curriculum in a manner that is
171 age, grade and developmentally appropriate.

172 (2) Abstinence-only education shall remain the state
173 standard for any sex-related education taught in the public
174 schools. For purposes of this section, abstinence-only education
175 includes any * * * medically accurate comprehensive instruction or
176 program which, at an appropriate age and grade:

177 (a) Teaches the social, psychological and health gains
178 to be realized by abstaining from sexual activity, and the likely
179 negative psychological and physical effects of not abstaining;



180 (b) Teaches the harmful consequences to the child, the
181 child's parents and society that bearing children out of wedlock
182 is likely to produce, including the health, educational, financial
183 and other difficulties the child and his or her parents are likely
184 to face, as well as the inappropriateness of the social and
185 economic burden placed on others;

186 (c) Teaches that unwanted sexual advances are
187 irresponsible and teaches how to reject sexual advances and how
188 alcohol and drug use increases vulnerability to sexual advances;

189 (d) Teaches that abstinence from sexual activity before
190 marriage, and fidelity within marriage, is the only certain way to
191 avoid out-of-wedlock pregnancy, sexually transmitted diseases and
192 related health problems. The instruction or program may include a
193 discussion on condoms or contraceptives, but only if that
194 discussion includes a factual presentation of the risks and
195 failure rates of those contraceptives. In no case shall the
196 instruction or program include any demonstration of how condoms or
197 other contraceptives are applied;

198 (e) Teaches the current state law related to sexual
199 conduct, including forcible rape, statutory rape, paternity
200 establishment, child support and homosexual activity; * * *

201 (f) Teaches that a mutually faithful, monogamous
202 relationship in the context of marriage is the only appropriate
203 setting for sexual intercourse * * *;



204 (g) Teaches the social and psychological processes
205 involved in healthy and responsible decision-making related to
206 engaging in premature sexual activity and the implications of the
207 consequences resulting therefrom;

208 (h) Teaches the appropriate approaches to accessing the
209 healthcare system and professional medical assistance when seeking
210 health care services related to the human reproductive system and
211 health complications resulting from consensual or nonconsensual
212 sexual activity; and

213 (i) Teaches the available and proper legal resources to
214 employ and remedies available to victims of rape, sexual assault
215 or other instances of nonconsensual sexual activity.

216 (3) A program or instruction on sex-related education need
217 not include every component listed in subsection (2) of this
218 section for abstinence-only education. However, no program or
219 instruction under an abstinence-only curriculum may include
220 anything that contradicts the excluded components. For purposes
221 of this section, abstinence-plus education includes every
222 component listed under subsection (2) of this section that is age
223 and grade appropriate, in addition to any other programmatic or
224 instructional component approved by the department, which shall
225 not include instruction and demonstrations on the application and
226 use of condoms. Abstinence-plus education may discuss other
227 contraceptives, the nature, causes and effects of sexually
228 transmitted diseases, or the prevention of sexually transmitted



229 diseases, including HIV/AIDS, along with a factual presentation of
230 the risks and failure rates.

231 (4) Any course containing sex-related education offered in
232 the public schools shall include instruction in either
233 abstinence-only or abstinence-plus education.

234 (5) Local school districts, in their discretion, may host
235 programs designed to teach parents how to discuss abstinence with
236 their children.

237 (6) There shall be no effort in either an abstinence-only or
238 an abstinence-plus curriculum to teach that abortion can be used
239 to prevent the birth of a baby.

240 (7) At all times when sex-related education is discussed or
241 taught, boys and girls shall be separated according to gender into
242 different classrooms, sex-related education instruction may not be
243 conducted when boys and girls are in the company of any students
244 of the opposite gender.

245 * * *

246 **SECTION 7.** Section 7-7-204, Mississippi Code of 1972, is
247 brought forward as follows:

248 7-7-204. (1) Within the limits of the funds available to
249 the Office of the State Auditor for such purpose, the State
250 Auditor may grant a paid internship to students pursuing junior or
251 senior undergraduate-level year coursework toward a bachelor's
252 degree in accounting or graduate-level coursework toward a
253 master's degree in accounting. Those applicants deemed qualified



254 shall receive funds that may be used to pay for tuition, books and
255 related fees to pursue their degree. It is the intent of the
256 Legislature that the paid internship program (hereinafter referred
257 to as the program) shall be used as an incentive for accounting
258 students to develop job-related skills and to encourage accounting
259 careers at the Office of the State Auditor.

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

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

264 (b) Satisfy the following conditions:

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

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

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

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



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

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

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

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

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



304 in accordance with Section 25-11-105II(b), those participants
305 shall not become members of the Public Employees' Retirement
306 System while participating in the program. Participants shall not
307 accrue personal or major medical leave while they are in the
308 program.

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

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



328 approval by the director of the sponsoring facility within the
329 Office of the State Auditor.

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

345 (b) All paid internship compensation received by the
346 recipient while in school shall be considered earned conditioned
347 upon the fulfillment of the terms and obligations of the paid
348 internship contract and this section. However, no recipient of
349 the paid internship shall accrue personal or major medical leave
350 while the recipient is pursuing junior or senior
351 undergraduate-level year coursework toward a bachelor's degree in
352 accounting or graduate-level coursework toward a master's degree



353 in accounting. The recipient shall not be liable for liquidated
354 damages.

355 (c) If the recipient does not work as an auditor at the
356 Office of the State Auditor for the period required under
357 subsection (2) (d) of this section, the recipient shall be liable
358 for repayment on demand of the remaining portion of the
359 compensation that the recipient was paid while in the program
360 which has not been unconditionally earned, with interest accruing
361 at ten percent (10%) per annum from the recipient's date of
362 graduation or the date that the recipient last worked at the
363 Office of the State Auditor, whichever is the later date. In
364 addition, there shall be included in any contract for paid student
365 internship a provision for liquidated damages equal to Five
366 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata
367 basis for each year served under such contract.

368 **SECTION 8.** Section 17-1-51, Mississippi Code of 1972, is
369 brought forward as follows:

370 17-1-51. (1) No county, board of supervisors of a county,
371 municipality or governing authority of a municipality is
372 authorized to establish a mandatory, minimum living wage rate,
373 minimum number of vacation or sick days, whether paid or unpaid,
374 that would regulate how a private employer pays its employees.
375 Each county, board of supervisors of a county, municipality or
376 governing authority of a municipality shall be prohibited from
377 establishing a mandatory, minimum living wage rate, minimum number



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

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

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



403 businesses and governments of the local jurisdictions as well as
404 the local labor markets.

405 (4) The Legislature concludes from these findings that, in
406 order for a business to remain competitive and yet attract and
407 retain the highest possible caliber of employees, and thereby
408 remain sound, an enterprise must work in a uniform environment
409 with respect to minimum wage rates, and mandatory minimum number
410 of vacation or sick leave days. The net impact of local
411 variations in mandated wages and mandatory minimum number of
412 vacation or sick leave days would be economically unstable and
413 create a decline and decrease in the standard of living for the
414 citizens of the state. Consequently, decisions regarding minimum
415 wage, living wage and other employee benefit policies must be made
416 by the state as provided in Section 25-3-40, so that consistency
417 in the wage market is preserved.

418 **SECTION 9.** Section 23-15-239, Mississippi Code of 1972, is
419 brought forward as follows:

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

421 23-15-239. (1) The executive committee of each county, in
422 the case of a primary election, or the election commissioners of
423 each county, in the case of all other elections, in conjunction
424 with the circuit clerk, shall, in the years in which counties
425 conduct an election, sponsor and conduct, not less than five (5)
426 days before each election, not less than four (4) hours and not
427 more than eight (8) hours of poll manager training to instruct



428 poll managers as to their duties in the proper administration of
429 the election and the operation of the polling place. Any poll
430 manager who completes the online training course provided by the
431 Secretary of State shall only be required to complete two (2)
432 hours of in-person poll manager training. No poll manager shall
433 serve in any election unless he or she has received these
434 instructions once during the twelve (12) months immediately
435 preceding the date upon which the election is held; however,
436 nothing in this section shall prevent the appointment of an
437 alternate poll manager to fill a vacancy in case of an emergency.
438 The county executive committee or the election commissioners, as
439 appropriate, shall train a sufficient number of alternates to
440 serve in the event a poll manager is unable to serve for any
441 reason.

442 (2) (a) If it is eligible under Section 23-15-266, the
443 county executive committee may enter into a written agreement with
444 the circuit clerk or the county election commission authorizing
445 the circuit clerk or the county election commission to perform any
446 of the duties required of the county executive committee pursuant
447 to this section. Any agreement entered into pursuant to this
448 subsection shall be signed by the chair of the county executive
449 committee and the circuit clerk or the chair of the county
450 election commission, as appropriate. The county executive
451 committee shall notify the state executive committee and the
452 Secretary of State of the existence of the agreement.



453 (b) If it is eligible under Section 23-15-266, the
454 municipal executive committee may enter into a written agreement
455 with the municipal clerk or the municipal election commission
456 authorizing the municipal clerk or the municipal election
457 commission to perform any of the duties required of the municipal
458 executive committee pursuant to this section. Any agreement
459 entered into pursuant to this subsection shall be signed by the
460 chair of the municipal executive committee and the municipal clerk
461 or the chair of the municipal election commission, as appropriate.
462 The municipal executive committee shall notify the state executive
463 committee and the Secretary of State of the existence of the
464 agreement.

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

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



478 the training session is to be conducted. Persons who will serve
479 as poll watchers for candidates and political parties, as well as
480 members of the general public, shall be allowed to attend the
481 sessions.

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

489 (a) In counties having less than fifteen thousand
490 (15,000) residents according to the latest federal decennial
491 census, not more than five (5) days per year;

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

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



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

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

512 (f) In counties having one hundred seventy thousand
513 (170,000) residents according to the latest federal decennial
514 census but less than two hundred thousand (200,000) residents
515 according to the latest federal decennial census, not more than
516 eighteen (18) days per year;

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

522 (h) In counties having two hundred twenty-five thousand
523 (225,000) residents or more according to the latest federal
524 decennial census, not more than twenty-two (22) days per year;



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

528 (7) (a) To provide poll manager training, the Secretary of
529 State has developed a single, comprehensive poll manager training
530 program to ensure uniform, secure elections throughout the state.
531 The program includes online training on all state and federal
532 election laws and procedures and voting machine opening and
533 closing procedures.

534 (b) County election commissioners shall designate no
535 more than two (2) poll managers per precinct, who shall
536 individually access and complete the online training program,
537 including all skills assessments, at least five (5) days before an
538 election. The poll managers shall be defined as "certified poll
539 managers," and entitled to a "Certificate of Completion" and
540 compensation for the successful completion of the training and
541 skills assessment in the amount of Twenty-five Dollars (\$25.00)
542 payable from the Help Mississippi Vote Fund. Compensation paid to
543 any poll manager under this paragraph (b) shall not exceed
544 Twenty-five Dollars (\$25.00) per calendar year.

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



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

551 23-15-239. (1) The executive committee of each county, in
552 the case of a primary election, or the election commissioners of
553 each county, in the case of all other elections, in conjunction
554 with the circuit clerk, shall, in the years in which counties
555 conduct an election, sponsor and conduct, not less than five (5)
556 days before each election, not less than four (4) hours and not
557 more than eight (8) hours of poll manager training to instruct
558 poll managers as to their duties in the proper administration of
559 the election and the operation of the polling place. Any poll
560 manager who completes the online training course provided by the
561 Secretary of State shall only be required to complete two (2)
562 hours of in-person poll manager training. No poll manager shall
563 serve in any election unless he or she has received these
564 instructions once during the twelve (12) months immediately
565 preceding the date upon which the election is held; however,
566 nothing in this section shall prevent the appointment of an
567 alternate poll manager to fill a vacancy in case of an emergency.
568 The county executive committee or the election commissioners, as
569 appropriate, shall train a sufficient number of alternates to
570 serve in the event a poll manager is unable to serve for any
571 reason.

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



574 the circuit clerk or the county election commission authorizing
575 the circuit clerk or the county election commission to perform any
576 of the duties required of the county executive committee pursuant
577 to this section. Any agreement entered into pursuant to this
578 subsection shall be signed by the chair of the county executive
579 committee and the circuit clerk or the chair of the county
580 election commission, as appropriate. The county executive
581 committee shall notify the state executive committee and the
582 Secretary of State of the existence of the agreement.

583 (b) If it is eligible under Section 23-15-266, the
584 municipal executive committee may enter into a written agreement
585 with the municipal clerk or the municipal election commission
586 authorizing the municipal clerk or the municipal election
587 commission to perform any of the duties required of the municipal
588 executive committee pursuant to this section. Any agreement
589 entered into pursuant to this subsection shall be signed by the
590 chair of the municipal executive committee and the municipal clerk
591 or the chair of the municipal election commission, as appropriate.
592 The municipal executive committee shall notify the state executive
593 committee and the Secretary of State of the existence of the
594 agreement.

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



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

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

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

619 (a) In counties having less than fifteen thousand
620 (15,000) residents according to the latest federal decennial
621 census, not more than five (5) days per year;

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



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

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

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

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

642 (f) In counties having one hundred seventy thousand
643 (170,000) residents according to the latest federal decennial
644 census but less than two hundred thousand (200,000) residents
645 according to the latest federal decennial census, not more than
646 eighteen (18) days per year;

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



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

652 (h) In counties having two hundred twenty-five thousand
653 (225,000) residents or more according to the latest federal
654 decennial census, not more than twenty-two (22) days per year;

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

658 (7) (a) To provide poll manager training, the Secretary of
659 State has developed a single, comprehensive poll manager training
660 program to ensure uniform, secure elections throughout the state.
661 The program includes online training on all state and federal
662 election laws and procedures and voting machine opening and
663 closing procedures.

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

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

672 **SECTION 10.** Section 25-3-40, Mississippi Code of 1972, is
673 brought forward as follows:



674 25-3-40. On July 1, 1978, and each year thereafter, the
675 Mississippi Compensation Plan shall be amended to provide salary
676 increases in such amounts and percentages as might be recommended
677 by the Legislative Budget Office and as may be authorized by funds
678 appropriated by the Legislature for the purpose of granting
679 incentive salary increases as deemed possible dependent upon the
680 availability of general and special funds.

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

689 **SECTION 11.** Section 37-7-307, Mississippi Code of 1972, is
690 brought forward as follows:

691 37-7-307. (1) For purposes of this section, the term
692 "licensed employee" means any employee of a public school district
693 required to hold a valid license by the Commission on Teacher and
694 Administrator Education, Certification and Licensure and
695 Development.

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



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

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

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

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



724 (d) For the first ten (10) days of absence of a
725 licensed employee because of illness or physical disability, in
726 any school year, in excess of the sick leave allowance credited to
727 such licensed employee, there shall be deducted from the pay of
728 such licensed employee the established substitute amount of
729 licensed employee compensation paid in that local school district,
730 necessitated because of the absence of the licensed employee as a
731 result of illness or physical disability. In lieu of deducting
732 the established substitute amount from the pay of such licensed
733 employee, the policy may allow the licensed employee to receive
734 full pay for the first ten (10) days of absence because of illness
735 or physical disability, in any school year, in excess of the sick
736 leave allowance credited to such licensed employee. Thereafter,
737 the regular pay of such absent licensed employee shall be
738 suspended and withheld in its entirety for any period of absence
739 because of illness or physical disability during that school year.

740 (3) (a) Beginning with the school year 1983-1984, each
741 licensed employee at the beginning of each school year shall be
742 credited with a minimum personal leave allowance, with pay, of two
743 (2) days for absences caused by personal reasons during that
744 school year. Effective for the 2010-2011 and 2011-2012 school
745 years, licensed employees shall be credited with an additional
746 one-half (1/2) day of personal leave for every day the licensed
747 employee is furloughed without pay as provided in Section
748 37-7-308. Except as otherwise provided in paragraph (b) of this



749 subsection, such personal leave shall not be taken on the first
750 day of the school term, the last day of the school term, on a day
751 previous to a holiday or a day after a holiday. Personal leave
752 may be used for professional purposes, including absences caused
753 by attendance of such licensed employee at a seminar, class,
754 training program, professional association or other functions
755 designed for educators. No deduction from the pay of such
756 licensed employee may be made because of absence of such licensed
757 employee caused by personal reasons until after all personal leave
758 allowance credited to such licensed employee has been used.
759 However, the superintendent of a school district, in his
760 discretion, may allow a licensed employee personal leave in
761 addition to any minimum personal leave allowance, under the
762 condition that there shall be deducted from the salary of such
763 licensed employee the actual amount of any compensation paid to
764 any person as a substitute, necessitated because of the absence of
765 the licensed employee. Any unused portion of the total personal
766 leave allowance up to five (5) days shall be carried over to the
767 next school year and credited to such licensed employee if the
768 licensed employee remains employed in the same school district.
769 Any personal leave allowed for a furlough day shall not be carried
770 over to the next school year.

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



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

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

785 (iii) Personal leave may be taken on the first day
786 of the school term, the last day of the school term, on a day
787 previous to a holiday or a day after a holiday if, on the
788 applicable day, the employee has been summoned to appear for jury
789 duty or as a witness in court.

790 (4) Beginning with the school year 1992-1993, each licensed
791 employee shall be credited with a professional leave allowance,
792 with pay, for each day of absence caused by reason of such
793 employee's statutorily required membership and attendance at a
794 regular or special meeting held within the State of Mississippi of
795 the State Board of Education, the Commission on Teacher and
796 Administrator Education, Certification and Licensure and
797 Development, the Commission on School Accreditation, the
798 Mississippi Authority for Educational Television, the meetings of



799 the state textbook rating committees or other meetings authorized
800 by local school board policy.

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

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



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

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

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

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

842 (7) School boards may include in their budgets provisions
843 for the payment of substitute employees, necessitated because of
844 the absence of regular licensed employees. All such substitute
845 employees shall be paid wholly from district funds, except as
846 otherwise provided for long-term substitute teachers in Section
847 37-19-20. Such school boards, in their discretion, also may pay,



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

851 (8) The school board may further adopt rules and regulations
852 which will reasonably implement such leave policies for all other
853 nonlicensed and hourly paid school employees as the board deems
854 appropriate. Effective for the 2010-2011 and 2011-2012 school
855 years, nonlicensed employees shall be credited with an additional
856 one-half (1/2) day of personal leave for every day the nonlicensed
857 employee is furloughed without pay as provided in Section
858 37-7-308.

859 (9) Vacation leave granted to either licensed or nonlicensed
860 employees shall be synonymous with personal leave. Unused
861 vacation or personal leave accumulated by licensed employees in
862 excess of the maximum five (5) days which may be carried over from
863 one year to the next may be converted to sick leave. The annual
864 conversion of unused vacation or personal leave to sick days for
865 licensed or unlicensed employees shall not exceed the allowable
866 number of personal leave days as provided in Section 25-3-93. The
867 annual total number of converted unused vacation and/or personal
868 days added to the annual unused sick days for any employee shall
869 not exceed the combined allowable number of days per year provided
870 in Sections 25-3-93 and 25-3-95. Local school board policies that
871 provide for vacation, personal and sick leave for employees shall
872 not exceed the provisions for leave as provided in Sections



873 25-3-93 and 25-3-95. Any personal or vacation leave previously
874 converted to sick leave under a lawfully adopted policy before May
875 1, 2004, or such personal or vacation leave accumulated and
876 available for use prior to May 1, 2004, under a lawfully adopted
877 policy but converted to sick leave after May 1, 2004, shall be
878 recognized as accrued leave by the local school district and
879 available for use by the employee. The leave converted under a
880 lawfully adopted policy prior to May 1, 2004, or such personal and
881 vacation leave accumulated and available for use as of May 1,
882 2004, which was subsequently converted to sick leave may be
883 certified to the Public Employees' Retirement System upon
884 termination of employment and any such leave previously converted
885 and certified to the Public Employees' Retirement System shall be
886 recognized.

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

890 (i) "Catastrophic injury or illness" means a
891 life-threatening injury or illness of an employee or a member of
892 an employee's immediate family that totally incapacitates the
893 employee from work, as verified by a licensed physician, and
894 forces the employee to exhaust all leave time earned by that
895 employee, resulting in the loss of compensation from the local
896 school district for the employee. Conditions that are short-term
897 in nature, including, but not limited to, common illnesses such as



898 influenza and the measles, and common injuries, are not
899 catastrophic. Chronic illnesses or injuries, such as cancer or
900 major surgery, that result in intermittent absences from work and
901 that are long-term in nature and require long recuperation periods
902 may be considered catastrophic.

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

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

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

917 (ii) The maximum amount of unused accumulated
918 personal leave that an employee may donate to any other employee
919 may not exceed a number of days that would leave the donor
920 employee with fewer than seven (7) days of personal leave
921 remaining, and the maximum amount of unused accumulated sick leave
922 that an employee may donate to any other employee may not exceed



923 fifty percent (50%) of the unused accumulated sick leave of the
924 donor employee.

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

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

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

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



947 leave donated by each donor employee to the total number of days
948 of leave donated by all donor employees.

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

951 **SECTION 12.** Section 57-34-5, Mississippi Code of 1972, is
952 brought forward as follows:

953 57-34-5. **Definitions.** As used in this chapter, the
954 following words and phrases shall have the meanings ascribed to
955 them in this section, unless the context clearly indicates a
956 different meaning:

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

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

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

962 (d) "Designated geographic area" means:

963 (i) Those counties in the State of Alabama that
964 share a common border with any county in the State of Mississippi;
965 and

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

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



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

973 (f) "Project" means:

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

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

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

992 3. Which creates at least one thousand
993 (1,000) net new full-time jobs which provide an average hourly
994 wage of not less than two hundred percent (200%) of the federal



995 minimum wage in effect on the date the project is placed in
996 service.

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

1000 1. Has an initial capital investment of not
1001 less than Three Hundred Million Dollars (\$300,000,000.00) from
1002 private or United States government sources;

1003 2. Has an initial capital investment of not
1004 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
1005 private or United States government sources together with all
1006 buildings and other supporting land and facilities, structures or
1007 improvements of whatever kind required or useful for construction,
1008 maintenance and operation of the enterprise and which creates at
1009 least one thousand (1,000) net new full-time jobs; or

1010 3. Creates at least one thousand (1,000) net
1011 new full-time jobs which provide an average hourly wage of not
1012 less than two hundred percent (200%) of the federal minimum wage
1013 in effect on the date the project is placed in service.

1014 (iii) Any development with an initial capital
1015 investment from private sources of not less than Seven Hundred
1016 Fifty Million Dollars (\$750,000,000.00) which will create at least
1017 three thousand (3,000) net new full-time jobs satisfying criteria
1018 to be established by the authority.



1019 In addition to meeting the other requirements of this
1020 paragraph, in order to fall within the definition of the term
1021 "project":

1022 (i) The enterprise or development must be located
1023 within the designated geographic area; and

1024 (ii) Each state must provide funds or in-kind
1025 contributions equal to at least one-third (1/3) of the total costs
1026 of the project to the states.

1027 (g) "Project agreement" means an agreement, approved by
1028 the Legislature of the states, setting forth certain obligations,
1029 responsibilities, benefits, administrative matters and any other
1030 matters with respect to a specific project that are not
1031 inconsistent with the terms of this chapter as the legislatures of
1032 the states deem appropriate with respect to a specific project.

1033 (h) "Project tax revenues" means:

1034 (i) All of the following state and local taxes
1035 paid directly to a state or a local government by the project:
1036 income taxes, ad valorem taxes on real and personal property,
1037 sales and use taxes, franchise taxes, license taxes, excise taxes
1038 and severance taxes; and

1039 (ii) All state and local personal income tax and
1040 occupational tax withholdings from employees of the project
1041 attributable to employment at the project.

1042 (i) "States" means the State of Alabama and the State
1043 of Mississippi collectively.



1044 **SECTION 13.** Section 85-3-4, Mississippi Code of 1972, is
1045 brought forward as follows:

1046 85-3-4. (1) The wages, salaries or other compensation of
1047 laborers or employees, residents of this state, shall be exempt
1048 from seizure under attachment, execution or garnishment for a
1049 period of thirty (30) days from the date of service of any writ of
1050 attachment, execution or garnishment.

1051 (2) After the passage of the period of thirty (30) days
1052 described in subsection (1) of this section, the maximum part of
1053 the aggregate disposable earnings (as defined by Section 1672(b)
1054 of Title 15, USCS) of an individual that may be levied by
1055 attachment, execution or garnishment shall be:

1056 (a) In the case of earnings for any workweek, the
1057 lesser amount of either,

1058 (i) Twenty-five percent (25%) of his disposable
1059 earnings for that week, or

1060 (ii) The amount by which his disposable earnings
1061 for that week exceed thirty (30) times the federal minimum hourly
1062 wage (prescribed by section 206 (a) (1) of Title 29, USCS) in
1063 effect at the time the earnings are payable; or

1064 (b) In the case of earnings for any period other than a
1065 week, the amount by which his disposable earnings exceed the
1066 following "multiple" of the federal minimum hourly wage which is
1067 equivalent in effect to that set forth in subparagraph (a) (ii) of
1068 this subsection (2): The number of workweeks, or fractions



1069 thereof multiplied by thirty (30) multiplied by the applicable
1070 federal minimum wage.

1071 (3) (a) The restrictions of subsection (1) and (2) of this
1072 section do not apply in the case of:

1073 (i) Any order for the support of any person issued
1074 by a court of competent jurisdiction or in accordance with an
1075 administrative procedure, which is established by state law, which
1076 affords substantial due process, and which is subject to judicial
1077 review.

1078 (ii) Any debt due for any state or local tax.

1079 (b) Except as provided in subparagraph (b)(iii) of this
1080 subsection (3), the maximum part of the aggregate disposable
1081 earnings of an individual for any workweek which is subject to
1082 garnishment to enforce any order for the support of any person
1083 shall not exceed:

1084 (i) Where such individual is supporting his spouse
1085 or dependent child (other than a spouse or child with respect to
1086 whose support such order is used), fifty percent (50%) of such
1087 individual's disposable earnings for that week; and

1088 (ii) Where such individual is not supporting such
1089 a spouse or dependent child described in subparagraph (b)(i) of
1090 this subsection (3), sixty percent (60%) of such individual's
1091 disposable earnings for that week;

1092 (iii) With respect to the disposable earnings of
1093 any individual for that workweek, the fifty percent (50%)



1094 specified in subparagraph (b) (i) of this subsection (3) shall be
1095 deemed to be fifty-five percent (55%) and the sixty percent (60%)
1096 specified in subparagraph (b) (ii) of this subsection (3) shall be
1097 deemed to be sixty-five percent (65%), if and to the extent that
1098 such earnings are subject to garnishment to enforce a support
1099 order with respect to a period which is prior to the period of
1100 twelve (12) weeks which ends with the beginning of such workweek.

1101 **SECTION 14.** Section 97-3-54.4, Mississippi Code of 1972, is
1102 brought forward as follows:

1103 97-3-54.4. For the purposes of the Mississippi Human
1104 Trafficking Act the following words and phrases shall have the
1105 meanings ascribed herein unless the context clearly requires
1106 otherwise:

1107 (a) "Act" or "this act" means the Mississippi Human
1108 Trafficking Act.

1109 (b) "Actor" means a person who violates any of the
1110 provisions of Sections 97-3-54 through 97-3-54.4.

1111 (c) "Blackmail" means obtaining property or things of
1112 value of another by threatening to (i) inflict bodily injury on
1113 anyone; or (ii) commit any other criminal offense.

1114 (d) "Coerce" or "coercion" means:

1115 (i) Causing or threatening to cause bodily harm to
1116 any person, physically restraining or confining any person, or
1117 threatening to physically restrain or confine any person;



1118 (ii) Exposing or threatening to expose any fact or
1119 information or disseminating or threatening to disseminate any
1120 fact or information that would tend to subject a person to
1121 criminal or immigration proceedings, hatred, contempt or ridicule;

1122 (iii) Destroying, concealing, removing,
1123 confiscating or possessing any actual or purported passport or
1124 other immigration document, or any other actual or purported
1125 government identification document of any person;

1126 (iv) Providing a controlled substance to a person
1127 for the purpose of compelling the person to engage in labor or
1128 sexual servitude against the person's will;

1129 (v) Causing or threatening to cause financial harm
1130 to any person or using financial control over any person;

1131 (vi) Abusing or threatening to abuse a position of
1132 power, the law, or legal process;

1133 (vii) Using blackmail;

1134 (viii) Using an individual's personal services as
1135 payment or satisfaction of a real or purported debt when: 1. the
1136 reasonable value of the services is not applied toward the
1137 liquidation of the debt; 2. the length of the services is not
1138 limited and the nature of the services is not defined; 3. the
1139 principal amount of the debt does not reasonably reflect the value
1140 of the items or services for which the debt is incurred; or 4. the
1141 individual is prevented from acquiring accurate and timely
1142 information about the disposition of the debt; or



1143 (ix) Using any scheme, plan or pattern of conduct
1144 intended to cause any person to believe that, if the person did
1145 not perform the labor or services, that the person or another
1146 person would suffer serious harm or physical restraint.

1147 (e) "Commercial sexual activity" means any sex act on
1148 account of which anything of value is given to, promised to, or
1149 received by any person.

1150 (f) "Enterprise" means any individual, sole
1151 proprietorship, partnership, corporation, union or other legal
1152 entity, or any association or group of individuals associated in
1153 fact regardless of whether a legal entity has been formed pursuant
1154 to any state, federal or territorial law. It includes illicit as
1155 well as licit enterprises and governmental as well as other
1156 entities.

1157 (g) "Financial harm" includes, but is not limited to,
1158 extortion as defined by Section 97-3-82, Mississippi Code of 1972,
1159 or violation of the usury law as defined by Title 75, Chapter 17,
1160 Mississippi Code of 1972.

1161 (h) "Forced labor or services" means labor or services
1162 that are performed or provided by another person and are obtained
1163 or maintained through coercion.

1164 (i) "Labor" means work of economic or financial value.

1165 (j) "Maintain" means, in relation to labor or services,
1166 to secure continued performance thereof, regardless of any initial



1167 agreement on the part of the trafficked person to perform such
1168 labor or service.

1169 (k) "Minor" means a person under the age of eighteen
1170 (18) years.

1171 (l) "Obtain" means, in relation to labor or services,
1172 to secure performance thereof.

1173 (m) "Pecuniary damages" means any of the following:

1174 (i) The greater of the gross income or value to
1175 the defendant of the victim's labor or services, including sexual
1176 services, not reduced by the expense the defendant incurred as a
1177 result of maintaining the victim, or the value of the victim's
1178 labor or services calculated under the minimum wage and overtime
1179 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
1180 seq., whichever is higher;

1181 (ii) If it is not possible or in the best interest
1182 of the victim to compute a value under subparagraph (i) of this
1183 paragraph (m), the equivalent of the value of the victim's labor
1184 or services if the victim had provided labor or services that were
1185 subject to the minimum wage and overtime provisions of the Fair
1186 Labor Standards Act, 29 USCS 201 et seq.;

1187 (iii) Costs and expenses incurred by the victim as
1188 a result of the offense for:

- 1189 1. Medical services;
1190 2. Therapy or psychological counseling;
1191 3. Temporary housing;



- 1192 4. Transportation;
- 1193 5. Childcare;
- 1194 6. Physical and occupational therapy or
- 1195 rehabilitation;
- 1196 7. Funeral, interment, and burial services;
- 1197 reasonable attorney's fees and other legal costs; and
- 1198 8. Other expenses incurred by the victim.

1199 (n) "Serious harm" means harm, whether physical or

1200 nonphysical, including psychological, economic or reputational, to

1201 an individual that would compel a reasonable person in similar

1202 circumstances as the individual to perform or continue to perform

1203 labor or services to avoid incurring the harm.

1204 (o) "Services" means an ongoing relationship between a

1205 person and the actor in which the person performs activities under

1206 the supervision of or for the benefit of the actor or a third

1207 party and includes, without limitation, commercial sexual

1208 activity, sexually explicit performances, or the production of

1209 sexually explicit materials.

1210 (p) "Sexually explicit performance" means a live or

1211 public act or show intended to arouse or satisfy the sexual

1212 desires or appeal to the prurient interests of patrons.

1213 (q) "Trafficked person" means a person subjected to the

1214 practices prohibited by this act regardless of whether a

1215 perpetrator is identified, apprehended, prosecuted or convicted,



1216 and is a term used interchangeably with the terms "victim,"
1217 "victim of trafficking" and "trafficking victim."

1218 (r) "Venture" means any group of two (2) or more
1219 individuals associated in fact, whether or not a legal entity.

1220 (s) "Sexually oriented material" shall have the meaning
1221 ascribed in Section 97-5-27, Mississippi Code of 1972.

1222 **SECTION 15.** Section 99-19-20, Mississippi Code of 1972, is
1223 brought forward as follows:

1224 99-19-20. (1) When any court sentences a defendant to pay a
1225 fine, the court may order (a) that the fine be paid immediately,
1226 or (b) that the fine be paid in installments to the clerk of said
1227 court or to the judge, if there be no clerk, or (c) that payment
1228 of the fine be a condition of probation, or (d) that the defendant
1229 be required to work on public property for public benefit under
1230 the direction of the sheriff for a specific number of hours, or
1231 (e) any combination of the above.

1232 (2) The defendant may be imprisoned until the fine is paid
1233 if the defendant is financially able to pay a fine and the court
1234 so finds, subject to the limitations hereinafter set out. The
1235 defendant shall not be imprisoned if the defendant is financially
1236 unable to pay a fine and so states to the court in writing, under
1237 oath, after sentence is pronounced, and the court so finds, except
1238 if the defendant is financially unable to pay a fine and such
1239 defendant failed or refused to comply with a prior sentence as



1240 specified in subsection (1) of this section, the defendant may be
1241 imprisoned.

1242 This subsection shall be limited as follows:

1243 (a) In no event shall such period of imprisonment
1244 exceed one (1) day for each Twenty-five Dollars (\$25.00) of the
1245 fine. If a defendant is unable to work or if the county or the
1246 municipality is unable to provide work for the defendant, the
1247 defendant shall receive a credit of Twenty-five Dollars (\$25.00)
1248 for each day of imprisonment.

1249 (b) If a sentence of imprisonment, as well as a fine,
1250 were imposed, the aggregate of such term for nonpayment of a fine
1251 and the original sentence of imprisonment shall not exceed the
1252 maximum authorized term of imprisonment.

1253 (c) It shall be in the discretion of the judge to
1254 determine the rate of the credit to be earned for work performed
1255 under subsection (1)(d), but the rate shall be no lower than the
1256 rate of the highest current federal minimum wage.

1257 (3) Periods of confinement imposed for nonpayment of two (2)
1258 or more fines shall run consecutively unless specified by the
1259 court to run concurrently.

1260 **SECTION 16.** This act shall take effect and be in force from
1261 and after July 1, 2018.

