

By: Representative White

To: Workforce Development

## HOUSE BILL NO. 686

1 AN ACT TO REENACT SECTIONS 37-153-1 THROUGH 37-153-13,  
2 MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE MISSISSIPPI  
3 COMPREHENSIVE WORKFORCE TRAINING AND EDUCATION CONSOLIDATION ACT  
4 OF 2004; TO CREATE NEW SECTION 37-153-15, MISSISSIPPI CODE OF  
5 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THE  
6 MISSISSIPPI COMPREHENSIVE WORKFORCE TRAINING AND EDUCATION  
7 CONSOLIDATION ACT; TO REENACT SECTIONS 71-5-5, 71-5-11 AND  
8 71-5-19, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE MISSISSIPPI  
9 EMPLOYMENT SECURITY LAW; TO REENACT SECTIONS 71-5-101 AND 71-5-107  
10 THROUGH 71-5-143, MISSISSIPPI CODE OF 1972, WHICH TRANSFER THE  
11 POWERS AND RESPONSIBILITIES OF THE MISSISSIPPI EMPLOYMENT SECURITY  
12 COMMISSION TO THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY IN  
13 THE OFFICE OF THE GOVERNOR AND PRESCRIBE THE DEPARTMENT'S POWERS  
14 AND DUTIES; TO REENACT SECTION 71-5-201, MISSISSIPPI CODE OF 1972,  
15 WHICH ESTABLISHES THE MISSISSIPPI STATE EMPLOYMENT SERVICE WITHIN  
16 THE DEPARTMENT OF EMPLOYMENT SECURITY; TO CREATE NEW SECTION  
17 71-5-144, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE  
18 OF THE REPEALER ON REENACTED SECTIONS 71-5-5, 71-5-11, 71-5-19,  
19 71-5-101 THROUGH 71-5-143 AND 71-5-201, MISSISSIPPI CODE OF 1972,  
20 WHICH RELATE TO THE MISSISSIPPI EMPLOYMENT SECURITY LAW, THE  
21 MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AND THE MISSISSIPPI  
22 STATE EMPLOYMENT SERVICE; TO REENACT SECTIONS 71-5-357 AND  
23 71-5-359, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBE REGULATIONS  
24 GOVERNING NONPROFIT ORGANIZATIONS, STATE AGENCIES AND POLITICAL  
25 SUBDIVISIONS UNDER THE EMPLOYMENT SECURITY LAW; TO AMEND REENACTED  
26 SECTION 71-5-359, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND  
27 THE DATE OF THE REPEALER ON REENACTED SECTIONS 71-5-357 AND  
28 71-5-359, MISSISSIPPI CODE OF 1972; TO REENACT SECTIONS 71-5-451  
29 AND 71-5-457, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE  
30 UNEMPLOYMENT COMPENSATION FUND AND THE UNEMPLOYMENT TRUST FUND; TO  
31 AMEND REENACTED SECTION 71-5-457, MISSISSIPPI CODE OF 1972, TO  
32 CODIFY AND EXTEND THE DATE OF THE REPEALER ON REENACTED SECTIONS  
33 71-5-451 AND 71-5-457, MISSISSIPPI CODE OF 1972; TO REENACT  
34 SECTIONS 71-5-511, 71-5-513, 71-5-517, 71-5-519, 71-5-523,



71-5-525, 71-5-529, 71-5-531 AND 71-5-541, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PAYMENT OF UNEMPLOYMENT COMPENSATION BENEFITS; TO CREATE NEW SECTION 71-5-547, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON REENACTED SECTIONS 71-5-511, 71-5-513, 71-5-517, 71-5-519, 71-5-523, 71-5-525, 71-5-529, 71-5-531 AND 71-5-541, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE PAYMENT OF UNEMPLOYMENT COMPENSATION BENEFITS; TO REENACT SECTION 73-30-25, MISSISSIPPI CODE OF 1972, WHICH EXCLUDES CERTAIN PROFESSIONALS FROM REGULATION UNDER THE LAWS GOVERNING LICENSED PROFESSIONAL COUNSELORS; TO AMEND REENACTED SECTION 73-30-25, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REENACT SECTION 43-1-30, MISSISSIPPI CODE OF 1972, WHICH CREATES THE MISSISSIPPI TANF IMPLEMENTATION COUNCIL AND PRESCRIBES ITS POWERS AND DUTIES; TO AMEND REENACTED SECTION 43-1-30, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REENACT SECTION 43-17-5, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBES THE AMOUNT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS WHICH MAY BE GRANTED TO RECIPIENTS; TO AMEND REENACTED SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REENACT SECTION 43-19-45, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE CHILD SUPPORT UNIT ESTABLISHED BY THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH A STATE PARENT LOCATOR SERVICE; TO AMEND REENACTED SECTION 43-19-45, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REENACT SECTION 43-19-46, MISSISSIPPI CODE OF 1972, WHICH REQUIRES EMPLOYERS TO SUBMIT CERTAIN INFORMATION RELATING TO NEWLY HIRED EMPLOYEES TO THE DIRECTORY OF NEW HIRES WITHIN THE DEPARTMENT OF HUMAN SERVICES; TO AMEND REENACTED SECTION 43-19-46, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REENACT SECTIONS 57-62-5 AND 57-62-9, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE MISSISSIPPI ADVANTAGE JOBS ACT; TO AMEND REENACTED SECTION 57-62-9, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION AND SECTION 57-62-5; TO REENACT SECTION 57-75-5, MISSISSIPPI CODE OF 1972, WHICH DEFINES CERTAIN TERMS USED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND REENACTED SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REENACT SECTION 57-80-7, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE GROWTH AND PROSPERITY ACT; TO AMEND REENACTED SECTION 57-80-7, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REENACT SECTION 69-2-5, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBES CERTAIN DUTIES OF THE MISSISSIPPI COOPERATIVE EXTENSION SERVICE RELATING TO THE DISSEMINATION OF INFORMATION TO THE AGRICULTURAL COMMUNITY; TO AMEND REENACTED SECTION 69-2-5, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REENACT SECTION 7-1-355, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE DEPARTMENT OF EMPLOYMENT SECURITY, OFFICE OF THE GOVERNOR, TO MAKE AN ANNUAL REPORT TO THE LEGISLATURE ON



WORKFORCE INVESTMENT ACTIVITIES; TO AMEND REENACTED SECTION 7-1-355, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO REPEAL SECTION 60, CHAPTER 572, LAWS OF 2004, AS AMENDED BY SECTION 58, CHAPTER 30, LAWS OF THE FIRST EXTRAORDINARY SESSION OF 2008, AS AMENDED BY SECTION 58, CHAPTER 559, LAWS OF 2010, AS AMENDED BY SECTION 59, CHAPTER 471, LAWS OF 2011, AS LAST AMENDED BY SECTION 58, CHAPTER 515, LAWS OF 2012, WHICH PROVIDES FOR THE REPEAL ON THOSE STATUTES REENACTED BY THIS ACT AND WHICH IS NOT CODIFIED; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 37-153-1, Mississippi Code of 1972, is reenacted as follows:

37-153-1. This chapter shall be known and may be cited as the "Mississippi Comprehensive Workforce Training and Education Consolidation Act of 2004."

**SECTION 2.** Section 37-153-3, Mississippi Code of 1972, is reenacted as follows:

37-153-3. It is the intent of the Legislature by the passage of Chapter 572, Laws of 2004, to establish one (1) comprehensive workforce development system in the State of Mississippi that is focused on achieving results, using resources efficiently and ensuring that workers and employers can easily access needed services. This system shall reflect a consolidation of the Mississippi Workforce Development Advisory Council and the Mississippi State Workforce Investment Act Board. The purpose of Chapter 572, Laws of 2004, is to provide workforce activities, through a statewide system that maximizes cooperation among state agencies, that increase the employment, retention and earnings of participants, and increase occupational skill attainment by participants and as a result, improve the quality of the



workforce, reduce welfare dependency and enhance the productivity and competitiveness of the State of Mississippi.

**SECTION 3.** Section 37-153-5, Mississippi Code of 1972, is reenacted as follows:

37-153-5. For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section unless the context clearly indicates otherwise:

(a) "State board" means the Mississippi State Workforce Investment Board;

(b) "District councils" means the Local Workforce Development Councils;

(c) "Local workforce investment board" means the board that oversees the workforce development activities of local workforce areas under the federal Workforce Investment Act.

**SECTION 4.** Section 37-153-7, Mississippi Code of 1972, is reenacted as follows:

37-153-7. (1) There is created the Mississippi State Workforce Investment Board. The Mississippi State Workforce Investment Board shall be composed of forty-one (41) voting members, of which a majority shall be representatives of business and industry in accordance with the federal Workforce Investment Act.

(a) The Governor shall appoint the following members of the board to serve a term of four (4) years:



140                   (i)   The Executive Director of the Mississippi  
141 Association of Supervisors, or his/her designee;  
142                   (ii)   The Executive Director of the Mississippi  
143 Municipal League;  
144                   (iii)   One (1) elected mayor;  
145                   (iv)   One (1) representative of an apprenticeship  
146 program in the state;  
147                   (v)   One (1) representative of labor organizations,  
148 who has been nominated by state labor federations;  
149                   (vi)   One (1) representative of individuals and  
150 organizations that has experience with respect to youth  
151 activities;  
152                   (vii)   One (1) representative of the Mississippi  
153 Association of Planning and Development Districts;  
154                   (viii)   One (1) representative from each of the  
155 four (4) workforce areas in the state, who has been nominated by  
156 the community colleges in each respective area, with the consent  
157 of the elected county supervisors within the respective workforce  
158 area;  
159                   (ix)   The chair of the Mississippi Association of  
160 Community and Junior Colleges; and  
161                   (x)   Twenty-one (21) representatives of business  
162 owners nominated by business and industry organizations, which may  
163 include representatives of the various planning and development  
164 districts in Mississippi.



(b) The following state officials shall be members of the board:

(i) The Executive Director of the Mississippi Department of Employment Security;

(ii) The Executive Director of the Department of Rehabilitation Services;

(iii) The State Superintendent of Public Education;

(iv) The Executive Director of the Mississippi Development Authority;

(v) The Executive Director of the Mississippi Department of Human Services;

(vi) The Executive Director of the Mississippi Community College Board; and

(vii) The Commissioner of the Institutions of Higher Learning.

(c) The Governor, or his designee, shall serve as a member.

(d) Four (4) legislators, who shall serve in a nonvoting capacity, two (2) of whom shall be appointed by the Lieutenant Governor from the membership of the Mississippi Senate, and two (2) of whom shall be appointed by the Speaker of the House from the membership of the Mississippi House of Representatives.

(e) The membership of the board shall reflect the diversity of the State of Mississippi.



190           (f) The Governor shall designate the Chairman of the  
191 Mississippi State Workforce Investment Board from among the voting  
192 members of the board, and a quorum of the board shall consist of a  
193 majority of the voting members of the board.

194           (g) The voting members of the board who are not state  
195 employees shall be entitled to reimbursement of their reasonable  
196 expenses incurred in carrying out their duties under this chapter,  
197 from any funds available for that purpose.

198           (2) The Mississippi Department of Employment Security shall  
199 establish limits on administrative costs for each portion of  
200 Mississippi's workforce development system consistent with the  
201 federal Workforce Investment Act or any future federal workforce  
202 legislation.

203           (3) The Mississippi State Workforce Investment Board shall  
204 have the following duties:

205           (a) Develop and submit to the Governor a strategic plan  
206 for an integrated state workforce development system that aligns  
207 resources and structures the system to more effectively and  
208 efficiently meet the demands of Mississippi's employers and job  
209 seekers. This plan will comply with the federal Workforce  
210 Investment Act of 1998, as amended, the federal Workforce  
211 Innovation and Opportunity Act of 2014 and amendments and  
212 successor legislation to these acts;



(b) Assist the Governor in the development and continuous improvement of the statewide workforce investment system that shall include:

(i) Development of linkages in order to assure coordination and nonduplication among programs and activities; and

(ii) Review local workforce development plans that reflect the use of funds from the federal Workforce Investment Act, Workforce Innovation and Opportunity Act, the Wagner-Peyser Act and the amendment or successor legislation to the acts, and the Mississippi Comprehensive Workforce Training and Education Consolidation Act;

(c) Recommend the designation of local workforce investment areas as required in Section 116 of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014. There shall be four (4) workforce investment areas that are generally aligned with the planning and development district structure in Mississippi. Planning and development districts will serve as the fiscal agents to manage Workforce Investment Act funds, oversee and support the local workforce investment boards aligned with the area and the local programs and activities as delivered by the one-stop employment and training system. The planning and development districts will perform this function through the provisions of the county cooperative service districts created under Sections 19-3-101 through 19-3-115; however, planning and development districts





currently performing this function under the Interlocal Cooperation Act of 1974, Sections 17-13-1 through 17-13-17, may continue to do so;

(d) Assist the Governor in the development of an allocation formula for the distribution of funds for adult employment and training activities and youth activities to local workforce investment areas;

(e) Recommend comprehensive, results-oriented measures that shall be applied to all of Mississippi's workforce development system programs;

(f) Assist the Governor in the establishment and management of a one-stop employment and training system conforming to the requirements of the federal Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014, as amended, recommending policy for implementing the Governor's approved plan for employment and training activities and services within the state. In developing this one-stop career operating system, the Mississippi State Workforce Investment Board, in conjunction with local workforce investment boards, shall:

(i) Design broad guidelines for the delivery of workforce development programs;

(ii) Identify all existing delivery agencies and other resources;



261 (iii) Define appropriate roles of the various  
262 agencies to include an analysis of service providers' strengths  
263 and weaknesses;

264 (iv) Determine the best way to utilize the various  
265 agencies to deliver services to recipients; and

266 (v) Develop a financial plan to support the  
267 delivery system that shall, at a minimum, include an  
268 accountability system;

269 (g) Assist the Governor in reducing duplication of  
270 services by urging the local workforce investment boards to  
271 designate the local community/junior college as the operator of  
272 the WIN Job Center. Incentive grants of Two Hundred Thousand  
273 Dollars (\$200,000.00) from federal Workforce Investment Act funds  
274 may be awarded to the local workforce boards where the  
275 community/junior college district is designated as the WIN Job  
276 Center. These grants must be provided to the community and junior  
277 colleges for the extraordinary costs of coordinating with the  
278 Workforce Investment Act, advanced technology centers and advanced  
279 skills centers. In no case shall these funds be used to supplant  
280 state resources being used for operation of workforce development  
281 programs;

282 (h) To provide authority, in accordance with any  
283 executive order of the Governor, for developing the necessary  
284 collaboration among state agencies at the highest level for  
285 accomplishing the purposes of this chapter;



(i) To monitor the effectiveness of the workforce development centers and WIN job centers;

(j) To advise the Governor, public schools, community/junior colleges and institutions of higher learning on effective school-to-work transition policies and programs that link students moving from high school to higher education and students moving between community colleges and four-year institutions in pursuit of academic and technical skills training;

(k) To work with industry to identify barriers that inhibit the delivery of quality workforce education and the responsiveness of educational institutions to the needs of industry;

(l) To provide periodic assessments on effectiveness and results of the overall Mississippi comprehensive workforce development system and district councils; and

(m) To assist the Governor in carrying out any other responsibility required by the federal Workforce Investment Act of 1998, as amended and the Workforce Innovation and Opportunity Act, successor legislation and amendments.

(4) The Mississippi State Workforce Investment Board shall coordinate all training programs and funds in the State of Mississippi.

Each state agency director responsible for workforce training activities shall advise the Mississippi State Workforce Investment Board of appropriate federal and state requirements. Each such



311 state agency director shall remain responsible for the actions of  
312 his agency; however, each state agency and director shall work  
313 cooperatively, and shall be individually and collectively  
314 responsible to the Governor for the successful implementation of  
315 the statewide workforce investment system. The Governor, as the  
316 Chief Executive Officer of the state, shall have complete  
317 authority to enforce cooperation among all entities within the  
318 state that utilize federal or state funding for the conduct of  
319 workforce development activities.

320 (5) The State Workforce Investment Board shall establish a  
321 Rules Committee. The Rules Committee, in consultation with the  
322 full board, shall be designated as the body with the sole  
323 authority to promulgate rules and regulations for distribution of  
324 Mississippi Works Funds created in Section 71-5-353. The State  
325 Workforce Investment Board Rules Committee shall develop and  
326 submit rules and regulations in accordance with the Mississippi  
327 Administrative Procedures Act, within sixty (60) days of March 21,  
328 2016. The State Workforce Investment Board Rules Committee shall  
329 consist of the following State Workforce Investment Board members:

330 (a) The Executive Director of the Mississippi  
331 Development Authority;

332 (b) The Executive Director of the Mississippi  
333 Department of Employment Security;

334 (c) The Executive Director of the Mississippi Community  
335 College Board;



(d) The Chair of the Mississippi Association of  
Community and Junior Colleges;

(e) The Chair of the State Workforce Investment Board;

(f) A representative from the workforce areas selected  
by the Mississippi Association of Workforce Areas, Inc.;

(g) A business representative currently serving on the  
board, selected by the Chairman of the State Workforce Investment  
Board; and

(h) Two (2) legislators, who shall serve in a nonvoting  
capacity, one (1) of whom shall be appointed by the Lieutenant  
Governor from the membership of the Mississippi Senate and one (1)  
of whom shall be appointed by the Speaker of the House of  
Representatives from the membership of the Mississippi House of  
Representatives.

(6) The Mississippi State Workforce Investment Board shall  
create and implement performance metrics for the Mississippi Works  
Fund to determine the added value to the local and state economy  
and the contribution to the future growth of the state economy. A  
report on the performance of the fund shall be made to the  
Governor, Lieutenant Governor and Speaker of the House of  
Representatives annually, throughout the life of the fund.

**SECTION 5.** Section 37-153-9, Mississippi Code of 1972, is  
reenacted as follows:

37-153-9. (1) In accordance with the federal Workforce  
Investment Act of 1998, there shall be established, for each of



the four (4) state workforce areas prescribed in Section 37-153-3  
(2)(c), a local workforce investment board to set policy for the  
portion of the state workforce investment system within the local  
area and carry out the provisions of the Workforce Investment Act.

(2) Each community college district shall have an affiliated  
District Workforce Development Council. The district council  
shall be composed of a diverse group of fifteen (15) persons  
appointed by the board of trustees of the affiliated public  
community or junior college. The members of each district council  
shall be selected from persons recommended by the chambers of  
commerce, employee groups, industrial foundations, community  
organizations and local governments located in the community  
college district of the affiliated community college with one (1)  
appointee being involved in basic literacy training. However, at  
least eight (8) members of each district council shall be chief  
executive officers, plant managers that are representatives of  
employers in that district or service sector executives. The  
District Workforce Development Council affiliated with each  
respective community or junior college shall advise the president  
of the community or junior college on the operation of its  
workforce development center/one-stop center.

The Workforce Development Council shall have the following  
advisory duties:

(a) To develop an integrated and coordinated district  
workforce investment strategic plan that:



(i) Identifies workforce investment needs through job and employee assessments of local business and industry;

(ii) Sets short-term and long-term goals for industry-specific training and upgrading and for general development of the workforce; and

(iii) Provides for coordination of all training programs, including ABE/High School Equivalency Diploma, Skills Enhancement and Industrial Services, and shall work collaboratively with the State Literacy Resource Center;

(b) To coordinate and integrate delivery of training as provided by the workforce development plan;

(c) To assist business and industry management in the transition to a high-powered, quality organization;

(d) To encourage continuous improvement through evaluation and assessment; and

(e) To oversee development of an extensive marketing plan to the employer community.

**SECTION 6.** Section 37-153-11, Mississippi Code of 1972, is reenacted as follows:

37-153-11. (1) There are created workforce development centers to provide assessment, training and placement services to individuals needing retraining, training and upgrading for small business and local industry. Each workforce development center shall be affiliated with a separate public community or junior college district.



411           (2) Each workforce development center shall be staffed and  
412 organized locally by the affiliated community college. The  
413 workforce development center shall serve as staff to the  
414 affiliated district council.

415           (3) Each workforce development center, working in concert  
416 with its affiliated district council, shall offer and arrange  
417 services to accomplish the purposes of this chapter, including,  
418 but not limited to, the following:

419                   (a) For individuals needing training and retraining:

420                           (i) Recruiting, assessing, counseling and  
421 referring to training or jobs;

422                           (ii) Preemployment training for those with no  
423 experience in the private enterprise system;

424                           (iii) Basic literacy skills training and high  
425 school equivalency education;

426                           (iv) Vocational and technical training, full-time  
427 or part-time; and

428                           (v) Short-term skills training for educationally  
429 and economically disadvantaged adults in cooperation with  
430 federally established employment and training programs;

431           (b) For specific small businesses, industries or firms  
432 within the district:

433                           (i) Job analysis, testing and curriculum  
434 development;





(ii) Development of specific long-range training plans;

(iii) Industry or firm-related preemployment training;

(iv) Workplace basic skills and literacy training;

(v) Customized skills training;

(vi) Assistance in developing the capacity for total quality management training;

(vii) Technology transfer information and referral services to business of local applications of new research in cooperation with the University Research Center, the state's universities and other laboratories; and

(viii) Development of business plans;

(c) For public schools within the district technical assistance to secondary schools in curriculum coordination, development of tech prep programs, instructional development and resource coordination; and

(d) For economic development, a local forum and resource center for all local industrial development groups to meet and promote regional economic development.

(4) Each workforce development center shall compile and make accessible to the Mississippi Workforce Investment Board necessary information for use in evaluating outcomes of its efforts and in improving the quality of programs at each community college, and shall include information on literacy initiatives. Each workforce



development center shall, through an interagency management information system, maintain records on new small businesses, placement, length of time on the job after placement and wage rates of those placed in a form containing such information as established by the state council.

(5) The Mississippi Community College Board is authorized to designate one or more workforce development centers at the request of affiliated community or junior colleges to provide skills training to individuals to enhance their ability to be employed in the motion picture industry in this state.

**SECTION 7.** Section 37-153-13, Mississippi Code of 1972, is reenacted as follows:

37-153-13. The Mississippi Community College Board is designated as the primary support agency to the workforce development centers. The Mississippi Community College Board may exercise the following powers:

(a) To provide the workforce development centers the assistance necessary to accomplish the purposes of this chapter;

(b) To provide the workforce development centers consistent standards and benchmarks to guide development of the local workforce development system and to provide a means by which the outcomes of local services can be measured;

(c) To develop the staff capacity to provide, broker or contract for the provision of technical assistance to the workforce development centers, including, but not limited to:



485                   (i) Training local staff in methods of recruiting,  
486 assessment and career counseling;  
487                   (ii) Establishing rigorous and comprehensive local  
488 preemployment training programs;  
489                   (iii) Developing local institutional capacity to  
490 deliver total quality management training;  
491                   (iv) Developing local institutional capacity to  
492 transfer new technologists into the marketplace;  
493                   (v) Expanding the Skills Enhancement Program and  
494 improving the quality of adult literacy programs; and  
495                   (vi) Developing data for strategic planning;  
496           (d) To collaborate with the Mississippi Development  
497 Authority and other economic development organizations to increase  
498 the community college systems' economic development potential;  
499           (e) To administer presented and approved certification  
500 programs by the community colleges for tax credits and partnership  
501 funding for corporate training;  
502           (f) To create and maintain an evaluation team that  
503 examines which kinds of curricula and programs and what forms of  
504 quality control of training are most productive so that the  
505 knowledge developed at one (1) institution of education can be  
506 transferred to others;  
507           (g) To develop internal capacity to provide services  
508 and to contract for services from universities and other providers  
509 directly to local institutions;



(h) To develop and administer an incentive certification program;

(i) To develop and hire staff and purchase equipment necessary to accomplish the goals set forth in this section; and

(j) To collaborate, partner and contract for services with community-based organizations and disadvantaged businesses in the delivery of workforce training and career information especially to youth, as defined by the federal Workforce Investment Act, and to those adults who are in low income jobs or whose individual skill levels are so low as to be unable initially to be aided by a workforce development center. Community-based organizations and disadvantaged businesses must meet performance-based certification requirements set by the Mississippi Community College Board.

**SECTION 8.** The following shall be codified as Section 37-153-15, Mississippi Code of 1972:

37-153-15. Sections 37-153-1 through 37-153-15, Mississippi Code of 1972, shall stand repealed on July 1, 2022.

**SECTION 9.** Section 71-5-5, Mississippi Code of 1972, is reenacted as follows:

71-5-5. The Legislature finds and declares that the existence and continued operation of a federal tax upon employers, against which some portion of the contributions required under this chapter may be credited, will protect Mississippi employers from undue disadvantages in their competition with employers in



535 other states. If at any time, upon a formal complaint to the  
536 Governor, he shall find that Title IX of the Social Security Act  
537 has been amended or repealed by Congress or has been held  
538 unconstitutional by the Supreme Court of the United States, and  
539 that, as a result thereof, the provisions of this chapter  
540 requiring Mississippi employers to pay contributions will subject  
541 them to a serious competitive disadvantage in relation to  
542 employers in other states, he shall publish such findings and  
543 proclaim that the operation of the provisions of this chapter  
544 requiring the payment of contributions and benefits shall be  
545 suspended for a period of not more than six (6) months. The  
546 Department of Employment Security shall thereupon requisition from  
547 the Unemployment Trust Fund all monies therein standing to its  
548 credit, and shall deposit such monies, together with any other  
549 monies in the Unemployment Compensation Fund, as a special fund in  
550 any banks or public depositories in this state in which general  
551 funds of the state may be deposited.

552 In all other cases, and unless the Governor shall issue such  
553 proclamation, this chapter shall remain in full force and effect.

554 If within the aforesaid six-month period the Governor shall  
555 find that other federal legislation has been enacted which avoids  
556 the competitive disadvantage herein described, he shall forthwith  
557 publicly so proclaim, and upon the date of such proclamation, the  
558 provisions of this chapter requiring the payment of contributions  
559 and benefits shall again become fully operative as of the date of



such suspension with the same effect as if such suspension had not occurred. If within such six-month period no such other federal legislation is enacted or the Legislature of this state has not otherwise prescribed, the Department of Employment Security shall, under regulations prescribed by it, refund, without interest, to each employer by whom contributions have been paid his pro rata share of the total contributions paid under this chapter. Any interest or earnings of the fund shall be available to the Department of Employment Security to pay for the costs of making such refunds. When the Department of Employment Security shall have executed the duties herein prescribed and performed such other acts as are incidental to the termination of its duties under this chapter, the Governor shall, by public proclamation, declare that the provisions of this chapter, in their entirety, shall cease to be operative.

**SECTION 10.** Section 71-5-11, Mississippi Code of 1972, is reenacted as follows:

71-5-11. As used in this chapter, unless the context clearly requires otherwise:

A. "Base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year.

B. "Benefit year" with respect to any individual means the period beginning with the first day of the first week with respect to which he first files a valid claim for benefits, and ending



585 with the day preceding the same day of the same month in the next  
586 calendar year; and, thereafter, the period beginning with the  
587 first day of the first week with respect to which he next files  
588 his valid claim for benefits, and ending with the day preceding  
589 the same day of the same month in the next calendar year. Any  
590 claim for benefits made in accordance with Section 71-5-515 shall  
591 be deemed to be a "valid claim" for purposes of this subsection if  
592 the individual has been paid the wages for insured work required  
593 under Section 71-5-511(e).

594 C. "Contributions" means the money payments to the State  
595 Unemployment Compensation Fund required by this chapter.

596 D. "Calendar quarter" means the period of three (3)  
597 consecutive calendar months ending on March 31, June 30, September  
598 30, or December 31.

599 E. "Department" or "commission" means the Mississippi  
600 Department of Employment Security, Office of the Governor.

601 F. "Executive director" means the Executive Director of the  
602 Mississippi Department of Employment Security, Office of the  
603 Governor, appointed under Section 71-5-107.

604 G. "Employing unit" means this state or another state or any  
605 instrumentalities or any political subdivisions thereof or any of  
606 their instrumentalities or any instrumentality of more than one  
607 (1) of the foregoing or any instrumentality of any of the  
608 foregoing and one or more other states or political subdivisions,  
609 any Indian tribe as defined in Section 3306(u) of the Federal



610 Unemployment Tax Act (FUTA), which includes any subdivision,  
611 subsidiary or business enterprise wholly owned by such Indian  
612 tribe, any individual or type of organization, including any  
613 partnership, association, trust, estate, joint-stock company,  
614 insurance company, or corporation, whether domestic or foreign, or  
615 the receiver, trustee in bankruptcy, trustee or successor thereof,  
616 or the legal representative of a deceased person, which has or had  
617 in its employ one or more individuals performing services for it  
618 within this state. All individuals performing services within  
619 this state for any employing unit which maintains two (2) or more  
620 separate establishments within this state shall be deemed to be  
621 employed by a single employing unit for all the purposes of this  
622 chapter. Each individual employed to perform or to assist in  
623 performing the work of any agent or employee of an employing unit  
624 shall be deemed to be employed by such employing unit for all  
625 purposes of this chapter, whether such individual was hired or  
626 paid directly by such employing unit or by such agent or employee,  
627 provided the employing unit had actual or constructive knowledge  
628 of the work. All individuals performing services in the employ of  
629 an elected fee-paid county official, other than those related by  
630 blood or marriage within the third degree computed by the rule of  
631 the civil law to such fee-paid county official, shall be deemed to  
632 be employed by such county as the employing unit for all the  
633 purposes of this chapter. For purposes of defining an "employing  
634 unit" which shall pay contributions on remuneration paid to





635 individuals, if two (2) or more related corporations concurrently  
636 employ the same individual and compensate such individual through  
637 a common paymaster which is one (1) of such corporations, then  
638 each such corporation shall be considered to have paid as  
639 remuneration to such individual only the amounts actually  
640 disbursed by it to such individual and shall not be considered to  
641 have paid as remuneration to such individual such amounts actually  
642 disbursed to such individual by another of such corporations.

643 H. "Employer" means:

644 (1) Any employing unit which,

645 (a) In any calendar quarter in either the current  
646 or preceding calendar year paid for service in employment wages of  
647 One Thousand Five Hundred Dollars (\$1,500.00) or more, except as  
648 provided in paragraph (9) of this subsection, or

649 (b) For some portion of a day in each of twenty  
650 (20) different calendar weeks, whether or not such weeks were  
651 consecutive, in either the current or the preceding calendar year  
652 had in employment at least one (1) individual (irrespective of  
653 whether the same individual was in employment in each such day),  
654 except as provided in paragraph (9) of this subsection;

655 (2) Any employing unit for which service in employment,  
656 as defined in subsection I(3) of this section, is performed;

657 (3) Any employing unit for which service in employment,  
658 as defined in subsection I(4) of this section, is performed;



659                   (4)   (a)   Any employing unit for which agricultural  
660   labor, as defined in subsection I(6) of this section, is  
661   performed;

662                   (b)   Any employing unit for which domestic service  
663   in employment, as defined in subsection I(7) of this section, is  
664   performed;

665                   (5)   Any individual or employing unit which acquired the  
666   organization, trade, business, or substantially all the assets  
667   thereof, of another which at the time of such acquisition was an  
668   employer subject to this chapter;

669                   (6)   Any individual or employing unit which acquired its  
670   organization, trade, business, or substantially all the assets  
671   thereof, from another employing unit, if the employment record of  
672   the acquiring individual or employing unit subsequent to such  
673   acquisition, together with the employment record of the acquired  
674   organization, trade, or business prior to such acquisition, both  
675   within the same calendar year, would be sufficient to constitute  
676   an employing unit as an employer subject to this chapter under  
677   paragraph (1) or (3) of this subsection;

678                   (7)   Any employing unit which, having become an employer  
679   under paragraph (1), (3), (5) or (6) of this subsection or under  
680   any other provisions of this chapter, has not, under Section  
681   71-5-361, ceased to be an employer subject to this chapter;



(8) For the effective period of its election pursuant to Section 71-5-361(3), any other employing unit which has elected to become subject to this chapter;

(9) (a) In determining whether or not an employing unit for which service other than domestic service is also performed is an employer under paragraph (1) or (4)(a) of this subsection, the wages earned or the employment of an employee performing domestic service, shall not be taken into account;

(b) In determining whether or not an employing unit for which service other than agricultural labor is also performed is an employer under paragraph (1) or (4)(b) of this subsection, the wages earned or the employment of an employee performing services in agricultural labor, shall not be taken into account. If an employing unit is determined an employer of agricultural labor, such employing unit shall be determined an employer for purposes of paragraph (1) of this subsection;

(10) All entities utilizing the services of any employee leasing firm shall be considered the employer of the individuals leased from the employee leasing firm. Temporary help firms shall be considered the employer of the individuals they provide to perform services for other individuals or organizations.

I. "Employment" means and includes:

(1) Any service performed, which was employment as defined in this section and, subject to the other provisions of



this subsection, including service in interstate commerce,  
performed for wages or under any contract of hire, written or  
oral, express or implied.

(2) Services performed for remuneration for a  
principal:

(a) As an agent-driver or commission-driver  
engaged in distributing meat products, vegetable products, fruit  
products, bakery products, beverages (other than milk), or laundry  
or dry-cleaning services;

(b) As a traveling or city salesman, other than as  
an agent-driver or commission-driver, engaged upon a full-time  
basis in the solicitation on behalf of, and the transmission to, a  
principal (except for sideline sales activities on behalf of some  
other person) of orders from wholesalers, retailers, contractors,  
or operator of hotels, restaurants, or other similar  
establishments for merchandise for resale or supplies for use in  
their business operations.

However, for purposes of this subsection, the term  
"employment" shall include services described in subsection  
I(2)(a) and (b) of this section, only if:

(i) The contract of service contemplates that  
substantially all of the services are to be performed personally  
by such individual;

(ii) The individual does not have a  
substantial investment in facilities used in connection with the



performance of the services (other than in facilities for transportation); and

(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(3) Service performed in the employ of this state or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one (1) of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any Indian tribe as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), which includes any subdivision, subsidiary or business enterprise wholly owned by such Indian tribe; however, such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that act and is not excluded from "employment" under subsection I(5) of this section.

(4) (a) Services performed in the employ of a religious, charitable, educational, or other organization, but only if the service is excluded from "employment" as defined in the Federal Unemployment Tax Act, 26 USCS Section 3306(c)(8), and

(b) The organization had four (4) or more individuals in employment for some portion of a day in each of twenty (20) different weeks, whether or not such weeks were consecutive, within the current or preceding calendar year,



757 regardless of whether they were employed at the same moment of  
758 time.

759 (5) For the purposes of subsection I(3) and (4) of this  
760 section, the term "employment" does not apply to service  
761 performed:

762 (a) In the employ of:

763 (i) A church or convention or association of  
764 churches; or

765 (ii) An organization which is operated  
766 primarily for religious purposes and which is operated,  
767 supervised, controlled, or principally supported by a church or  
768 convention or association of churches; or

769 (b) By a duly ordained, commissioned, or licensed  
770 minister of a church in the exercise of his ministry, or by a  
771 member of a religious order in the exercise of duties required by  
772 such order; or

773 (c) In the employ of a governmental entity  
774 referred to in subsection I(3), if such service is performed by an  
775 individual in the exercise of duties:

776 (i) As an elected official;

777 (ii) As a member of a legislative body, or a  
778 member of the judiciary, of a state or political subdivision or a  
779 member of an Indian tribal council;

780 (iii) As a member of the State National Guard  
781 or Air National Guard;



782 (iv) As an employee serving on a temporary  
783 basis in case of fire, storm, snow, earthquake, flood or similar  
784 emergency;

785 (v) In a position which, under or pursuant to  
786 the laws of this state or laws of an Indian tribe, is designated  
787 as:

788 1. A major nontenured policy-making or  
789 advisory position, or

790 2. A policy-making or advisory position  
791 the performance of the duties of which ordinarily does not require  
792 more than eight (8) hours per week; or

793 (d) In a facility conducted for the purpose of  
794 carrying out a program of rehabilitation for individuals whose  
795 earning capacity is impaired by age or physical or mental  
796 deficiency or injury, or providing remunerative work for  
797 individuals who because of their impaired physical or mental  
798 capacity cannot be readily absorbed in the competitive labor  
799 market, by an individual receiving such rehabilitation or  
800 remunerative work; or

801 (e) By an inmate of a custodial or penal  
802 institution; or

803 (f) As part of an unemployment work-relief or  
804 work-training program assisted or financed, in whole or in part,  
805 by any federal agency or agency of a state or political  
806 subdivision thereof or of an Indian tribe, by an individual



807 receiving such work relief or work training, unless coverage of  
808 such service is required by federal law or regulation.

809 (6) Service performed by an individual in agricultural  
810 labor as defined in paragraph (15)(a) of this subsection when:

811 (a) Such service is performed for a person who:

812 (i) During any calendar quarter in either the  
813 current or the preceding calendar year paid remuneration in cash  
814 of Twenty Thousand Dollars (\$20,000.00) or more to individuals  
815 employed in agricultural labor, or

816 (ii) For some portion of a day in each of  
817 twenty (20) different calendar weeks, whether or not such weeks  
818 were consecutive, in either the current or the preceding calendar  
819 year, employed in agricultural labor ten (10) or more individuals,  
820 regardless of whether they were employed at the same moment of  
821 time.

822 (b) For the purposes of subsection I(6) any  
823 individual who is a member of a crew furnished by a crew leader to  
824 perform service in agricultural labor for any other person shall  
825 be treated as an employee of such crew leader:

826 (i) If such crew leader holds a valid  
827 certificate of registration under the Farm Labor Contractor  
828 Registration Act of 1963; or substantially all the members of such  
829 crew operate or maintain tractors, mechanized harvesting or crop  
830 dusting equipment, or any other mechanized equipment, which is  
831 provided by such crew leader; and





832 (ii) If such individual is not an employee of  
833 such other person within the meaning of subsection I(1).

834 (c) For the purpose of subsection I(6), in the  
835 case of any individual who is furnished by a crew leader to  
836 perform service in agricultural labor for any other person and who  
837 is not treated as an employee of such crew leader under paragraph  
838 (6)(b) of this subsection:

839 (i) Such other person and not the crew leader  
840 shall be treated as the employer of such individual; and

841 (ii) Such other person shall be treated as  
842 having paid cash remuneration to such individual in an amount  
843 equal to the amount of cash remuneration paid to such individual  
844 by the crew leader (either on his own behalf or on behalf of such  
845 other person) for the service in agricultural labor performed for  
846 such other person.

847 (d) For the purposes of subsection I(6) the term  
848 "crew leader" means an individual who:

849 (i) Furnishes individuals to perform service  
850 in agricultural labor for any other person;

851 (ii) Pays (either on his own behalf or on  
852 behalf of such other person) the individuals so furnished by him  
853 for the service in agricultural labor performed by them; and

854 (iii) Has not entered into a written  
855 agreement with such other person under which such individual is  
856 designated as an employee of such other person.



857           (7) The term "employment" shall include domestic  
858 service in a private home, local college club or local chapter of  
859 a college fraternity or sorority performed for an employing unit  
860 which paid cash remuneration of One Thousand Dollars (\$1,000.00)  
861 or more in any calendar quarter in the current or the preceding  
862 calendar year to individuals employed in such domestic service.  
863 For the purpose of this subsection, the term "employment" does not  
864 apply to service performed as a "sitter" at a hospital in the  
865 employ of an individual.

866           (8) An individual's entire service, performed within or  
867 both within and without this state, if:

868                   (a) The service is localized in this state; or

869                   (b) The service is not localized in any state but  
870 some of the service is performed in this state; and

871                           (i) The base of operations or, if there is no  
872 base of operations, the place from which such service is directed  
873 or controlled is in this state; or

874                           (ii) The base of operations or place from  
875 which such service is directed or controlled is not in any state  
876 in which some part of the service is performed, but the  
877 individual's residence is in this state.

878           (9) Services not covered under paragraph (8) of this  
879 subsection and performed entirely without this state, with respect  
880 to no part of which contributions are required and paid under an  
881 unemployment compensation law of any other state or of the federal



882 government, shall be deemed to be employment subject to this  
883 chapter if the individual performing such services is a resident  
884 of this state and the department approves the election of the  
885 employing unit for whom such services are performed that the  
886 entire service of such individual shall be deemed to be employment  
887 subject to this chapter.

888 (10) Service shall be deemed to be localized within a  
889 state if:

890 (a) The service is performed entirely within such  
891 state; or

892 (b) The service is performed both within and  
893 without such state, but the service performed without such state  
894 is incidental to the individual's service within the state; for  
895 example, is temporary or transitory in nature or consists of  
896 isolated transactions.

897 (11) The services of an individual who is a citizen of  
898 the United States, performed outside the United States (except in  
899 Canada), in the employ of an American employer (other than service  
900 which is deemed "employment" under the provisions of paragraph  
901 (8), (9) or (10) of this subsection or the parallel provisions of  
902 another state's law), if:

903 (a) The employer's principal place of business in  
904 the United States is located in this state; or

905 (b) The employer has no place of business in the  
906 United States; but



907                   (i) The employer is an individual who is a  
908 resident of this state; or

909                   (ii) The employer is a corporation which is  
910 organized under the laws of this state; or

911                   (iii) The employer is a partnership or a  
912 trust and the number of the partners or trustees who are residents  
913 of this state is greater than the number who are residents of any  
914 one (1) other state; or

915                   (c) None of the criteria of subparagraphs (a) and  
916 (b) of this paragraph are met but the employer has elected  
917 coverage in this state or, the employer having failed to elect  
918 coverage in any state, the individual has filed a claim for  
919 benefits, based on such service, under the law of this state; or

920                   (d) An "American employer," for purposes of this  
921 paragraph, means a person who is:

922                   (i) An individual who is a resident of the  
923 United States; or

924                   (ii) A partnership if two-thirds (2/3) or  
925 more of the partners are residents of the United States; or

926                   (iii) A trust if all of the trustees are  
927 residents of the United States; or

928                   (iv) A corporation organized under the laws  
929 of the United States or of any state.

930                   (12) All services performed by an officer or member of  
931 the crew of an American vessel on or in connection with such



vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state, notwithstanding the provisions of subsection I(8).

(13) Service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, 26 USCS Section 3301 et seq., is required to be covered under this chapter, notwithstanding any other provisions of this subsection.

(14) Services performed by an individual for wages shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the department that such individual has been and will continue to be free from control and direction over the performance of such services both under his contract of service and in fact; and the relationship of employer and employee shall be determined in accordance with the principles of the common law governing the relation of master and servant.

(15) The term "employment" shall not include:

(a) Agricultural labor, except as provided in subsection I(6) of this section. The term "agricultural labor" includes all services performed:



956 (i) On a farm or in a forest in the employ of  
957 any employing unit in connection with cultivating the soil, in  
958 connection with cutting, planting, deadening, marking or otherwise  
959 improving timber, or in connection with raising or harvesting any  
960 agricultural or horticultural commodity, including the raising,  
961 shearing, feeding, caring for, training, and management of  
962 livestock, bees, poultry, fur-bearing animals and wildlife;

963 (ii) In the employ of the owner or tenant or  
964 other operator of a farm, in connection with the operation,  
965 management, conservation, improvement or maintenance of such farm  
966 and its tools and equipment, or in salvaging timber or clearing  
967 land of brush and other debris left by a hurricane, if the major  
968 part of such service is performed on a farm;

969 (iii) In connection with the production or  
970 harvesting of naval stores products or any commodity defined in  
971 the Federal Agricultural Marketing Act, 12 USCS Section 1141j(g),  
972 or in connection with the raising or harvesting of mushrooms, or  
973 in connection with the ginning of cotton, or in connection with  
974 the operation or maintenance of ditches, canals, reservoirs, or  
975 waterways not owned or operated for profit, used exclusively for  
976 supplying and storing water for farming purposes;

977 (iv) (A) In the employ of the operator of a  
978 farm in handling, planting, drying, packing, packaging,  
979 processing, freezing, grading, storing or delivering to storage or  
980 to market or to a carrier for transportation to market, in its



unmanufactured state, any agricultural or horticultural commodity;  
but only if such operator produced more than one-half (1/2) of the  
commodity with respect to which such service is performed;

(B) In the employ of a group of  
operators of farms (or a cooperative organization of which such  
operators are members) in the performance of service described in  
subitem (A), but only if such operators produced more than  
one-half (1/2) of the commodity with respect to which such service  
is performed;

(C) The provisions of subitems (A) and  
(B) shall not be deemed to be applicable with respect to service  
performed in connection with commercial canning or commercial  
freezing or in connection with any agricultural or horticultural  
commodity after its delivery to a terminal market for distribution  
for consumption;

(v) On a farm operated for profit if such  
service is not in the course of the employer's trade or business;

(vi) As used in paragraph (15)(a) of this  
subsection, the term "farm" includes stock, dairy, poultry, fruit,  
fur-bearing animals, and truck farms, plantations, ranches,  
nurseries, ranges, greenhouses, or other similar structures used  
primarily for the raising of agricultural or horticultural  
commodities, and orchards.

(b) Domestic service in a private home, local  
college club, or local chapter of a college fraternity or



1006 sorority, except as provided in subsection I(7) of this section,  
1007 or service performed as a "sitter" at a hospital in the employ of  
1008 an individual.

1009 (c) Casual labor not in the usual course of the  
1010 employing unit's trade or business.

1011 (d) Service performed by an individual in the  
1012 employ of his son, daughter, or spouse, and service performed by a  
1013 child under the age of twenty-one (21) in the employ of his father  
1014 or mother.

1015 (e) Service performed in the employ of the United  
1016 States government or of an instrumentality wholly owned by the  
1017 United States; except that if the Congress of the United States  
1018 shall permit states to require any instrumentalities of the United  
1019 States to make payments into an unemployment fund under a state  
1020 unemployment compensation act, then to the extent permitted by  
1021 Congress and from and after the date as of which such permission  
1022 becomes effective, all of the provisions of this chapter shall be  
1023 applicable to such instrumentalities and to services performed by  
1024 employees for such instrumentalities in the same manner, to the  
1025 same extent, and on the same terms as to all other employers and  
1026 employing units. If this state should not be certified under the  
1027 Federal Unemployment Tax Act, 26 USCS Section 3304(c), for any  
1028 year, then the payment required by such instrumentality with  
1029 respect to such year shall be deemed to have been erroneously





1030 collected and shall be refunded by the department from the fund in  
1031 accordance with the provisions of Section 71-5-383.

1032 (f) Service performed in the employ of an  
1033 "employer" as defined by the Railroad Unemployment Insurance Act,  
1034 45 USCS Section 351(a), or as an "employee representative" as  
1035 defined by the Railroad Unemployment Insurance Act, 45 USCS  
1036 Section 351(f), and service with respect to which unemployment  
1037 compensation is payable under an unemployment compensation system  
1038 for maritime employees, or under any other unemployment  
1039 compensation system established by an act of Congress; however,  
1040 the department is authorized and directed to enter into agreements  
1041 with the proper agencies under such act or acts of Congress, which  
1042 agreements shall become effective ten (10) days after publication  
1043 thereof in the manner provided in Section 71-5-117 for general  
1044 rules, to provide reciprocal treatment to individuals who have,  
1045 after acquiring potential rights to benefits under this chapter,  
1046 acquired rights to unemployment compensation under such act or  
1047 acts of Congress or who have, after acquiring potential rights to  
1048 unemployment compensation under such act or acts of Congress,  
1049 acquired rights to benefits under this chapter.

1050 (g) Service performed in any calendar quarter in  
1051 the employ of any organization exempt from income tax under the  
1052 Internal Revenue Code, 26 USCS Section 501(a) (other than an  
1053 organization described in 26 USCS Section 401(a)), or exempt from



1054 income tax under 26 USCS Section 521 if the remuneration for such  
1055 service is less than Fifty Dollars (\$50.00).

1056 (h) Service performed in the employ of a school,  
1057 college, or university if such service is performed:

1058 (i) By a student who is enrolled and is  
1059 regularly attending classes at such school, college or university,  
1060 or

1061 (ii) By the spouse of such a student if such  
1062 spouse is advised, at the time such spouse commences to perform  
1063 such service, that

1064 (A) The employment of such spouse to  
1065 perform such service is provided under a program to provide  
1066 financial assistance to such student by such school, college, or  
1067 university, and

1068 (B) Such employment will not be covered  
1069 by any program of unemployment insurance.

1070 (i) Service performed by an individual under the  
1071 age of twenty-two (22) who is enrolled at a nonprofit or public  
1072 educational institution which normally maintains a regular faculty  
1073 and curriculum and normally has a regularly organized body of  
1074 students in attendance at the place where its educational  
1075 activities are carried on, as a student in a full-time program  
1076 taken for credit at such institution, which combines academic  
1077 instruction with work experience, if such service is an integral  
1078 part of such program and such institution has so certified to the



1079 employer, except that this subparagraph shall not apply to service  
1080 performed in a program established for or on behalf of an employer  
1081 or group of employers.

1082 (j) Service performed in the employ of a hospital,  
1083 if such service is performed by a patient of the hospital, as  
1084 defined in subsection M of this section.

1085 (k) Service performed as a student nurse in the  
1086 employ of a hospital or a nurses' training school by an individual  
1087 who is enrolled and is regularly attending classes in a nurses'  
1088 training school chartered or approved pursuant to state law; and  
1089 services performed as an intern in the employ of a hospital by an  
1090 individual who has completed a four-year course in a medical  
1091 school chartered or approved pursuant to state law.

1092 (l) Service performed by an individual as an  
1093 insurance agent or as an insurance solicitor, if all such service  
1094 performed by such individual is performed for remuneration solely  
1095 by way of commission.

1096 (m) Service performed by an individual in the  
1097 delivery or distribution of newspapers or shopping news, not  
1098 including delivery or distribution to any point for subsequent  
1099 delivery or distribution, except those employed by political  
1100 subdivisions, state and local governments, nonprofit organizations  
1101 and Indian tribes, as defined by this chapter, or any other  
1102 entities for which coverage is required by federal statute and  
1103 regulation.



1104                   (n) If the services performed during one-half  
1105   (1/2) or more of any pay period by an employee for the employing  
1106   unit employing him constitute employment, all the services of such  
1107   employee for such period shall be deemed to be employment; but if  
1108   the services performed during more than one-half (1/2) of any such  
1109   pay period by an employee for the employing unit employing him do  
1110   not constitute employment, then none of the services of such  
1111   employee for such period shall be deemed to be employment. As  
1112   used in this subsection, the term "pay period" means a period (of  
1113   not more than thirty-one (31) consecutive days) for which a  
1114   payment of remuneration is ordinarily made to the employee by the  
1115   employing unit employing him.

1116                   (o) Service performed by a barber or beautician  
1117   whose work station is leased to him or her by the owner of the  
1118   shop in which he or she works and who is compensated directly by  
1119   the patrons he or she serves and who is free from direction and  
1120   control by the lessor.

1121                   (p) Service performed by a "direct seller" if:

1122                               (i) Such person is engaged in the trade or  
1123   business of selling (or soliciting the sale of) consumer products  
1124   to any buyer on a buy-sell basis, a deposit-commission basis, or  
1125   any similar basis which the department prescribes by regulations,  
1126   for resale (by the buyer or any other person) in the home or  
1127   otherwise than in a permanent retail establishment; or such person  
1128   is engaged in the trade or business of selling (or soliciting the



1129 sale of) consumer products in the home or otherwise than in a  
1130 permanent retail establishment;

1131 (ii) Substantially all the remuneration  
1132 (whether or not paid in cash) for the performance of the services  
1133 described in item (i) of this subparagraph is directly related to  
1134 sales or other output (including the performance of services)  
1135 rather than to the number of hours worked; and

1136 (iii) The services performed by the person  
1137 are performed pursuant to a written contract between such person  
1138 and the person for whom the services are performed and such  
1139 contract provides that the person will not be treated as an  
1140 employee with respect to such services for federal tax purposes.

1141 J. "Employment office" means a free public employment office  
1142 or branch thereof, operated by this state or maintained as a part  
1143 of the state controlled system of public employment offices.

1144 K. "Public employment service" means the operation of a  
1145 program that offers free placement and referral services to  
1146 applicants and employers, including job development.

1147 L. "Fund" means the Unemployment Compensation Fund  
1148 established by this chapter, to which all contributions required  
1149 and from which all benefits provided under this chapter shall be  
1150 paid.

1151 M. "Hospital" means an institution which has been licensed,  
1152 certified, or approved by the State Department of Health as a  
1153 hospital.



1154           N. "Institution of higher learning," for the purposes of  
1155 this section, means an educational institution which:

1156                 (1) Admits as regular students only individuals having  
1157 a certificate of graduation from a high school, or the recognized  
1158 equivalent of such a certificate;

1159                 (2) Is legally authorized in this state to provide a  
1160 program of education beyond high school;

1161                 (3) Provides an educational program for which it awards  
1162 a bachelor's or higher degree, or provides a program which is  
1163 acceptable for full credit toward such a degree, a program of  
1164 postgraduate or postdoctoral studies, or a program of training to  
1165 prepare students for gainful employment in a recognized  
1166 occupation;

1167                 (4) Is a public or other nonprofit institution;

1168                 (5) Notwithstanding any of the foregoing provisions of  
1169 this subsection, all colleges and universities in this state are  
1170 institutions of higher learning for purposes of this section.

1171           O. "Re-employment assistance" means money payments payable  
1172 to an individual as provided in this chapter and in accordance  
1173 with Section 3304(a)(4) and 3306(h) of the Federal Unemployment  
1174 Tax Act and Section 303(a)(5) of the Social Security Act, with  
1175 respect to his unemployment through no fault of his own. Wherever  
1176 the terms "benefits" or "unemployment benefits" appear in this  
1177 chapter, they shall mean re-employment assistance.



1178 P. (1) "State" includes, in addition to the states of the  
1179 United States of America, the District of Columbia, Commonwealth  
1180 of Puerto Rico and the Virgin Islands.

1181 (2) The term "United States" when used in a  
1182 geographical sense includes the states, the District of Columbia,  
1183 Commonwealth of Puerto Rico and the Virgin Islands.

1184 (3) The provisions of paragraphs (1) and (2) of  
1185 subsection P, as including the Virgin Islands, shall become  
1186 effective on the day after the day on which the United States  
1187 Secretary of Labor approves for the first time under Section  
1188 3304(a) of the Internal Revenue Code of 1954 an unemployment  
1189 compensation law submitted to the secretary by the Virgin Islands  
1190 for such approval.

1191 Q. "Unemployment."

1192 (1) An individual shall be deemed "unemployed" in any  
1193 week during which he performs no services and with respect to  
1194 which no wages are payable to him, or in any week of less than  
1195 full-time work if the wages payable to him with respect to such  
1196 week are less than his weekly benefit amount as computed and  
1197 adjusted in Section 71-5-505. The department shall prescribe  
1198 regulations applicable to unemployed individuals, making such  
1199 distinctions in the procedure as to total unemployment, part-total  
1200 unemployment, partial unemployment of individuals attached to  
1201 their regular jobs, and other forms of short-time work, as the  
1202 department deems necessary.



1203           (2) An individual's week of total unemployment shall be  
1204 deemed to commence only after his registration at an employment  
1205 office, except as the department may by regulation otherwise  
1206 prescribe.

1207       R. (1) "Wages" means all remuneration for personal  
1208 services, including commissions and bonuses and the cash value of  
1209 all remuneration in any medium other than cash, except that  
1210 "wages," for purposes of determining employer's coverage and  
1211 payment of contributions for agricultural and domestic service  
1212 means cash remuneration only. The reasonable cash value of  
1213 remuneration in any medium other than cash shall be estimated and  
1214 determined in accordance with rules prescribed by the department;  
1215 however, that the term "wages" shall not include:

1216           (a) The amount of any payment made to, or on  
1217 behalf of, an employee under a plan or system established by an  
1218 employer which makes provision for his employees generally or for  
1219 a class or classes of his employees (including any amount paid by  
1220 an employer for insurance or annuities, or into a fund, to provide  
1221 for any such payment), on account of:

1222                   (i) Retirement, or  
1223                   (ii) Sickness or accident disability, or  
1224                   (iii) Medical or hospitalization expenses in  
1225 connection with sickness or actual disability, or  
1226                   (iv) Death, provided the employee:





1227 (A) Has not the option to receive,  
1228 instead of provision for such death benefit, any part of such  
1229 payment or, if such death benefit is insured, any part of the  
1230 premiums (or contributions to premiums) paid by his employer, and

1231 (B) Has not the right, under the  
1232 provisions of the plan or system or policy of insurance providing  
1233 for such death benefit, to assign such benefit or to receive a  
1234 cash consideration in lieu of such benefit, either upon his  
1235 withdrawal from the plan or system providing for such benefit or  
1236 upon termination of such plan or system or policy of insurance or  
1237 of his employment with such employer;

1238 (b) Dismissal payments which the employer is not  
1239 legally required to make;

1240 (c) Payment by an employer (without deduction from  
1241 the remuneration of an employee) of the tax imposed by the  
1242 Internal Revenue Code, 26 USCS Section 3101;

1243 (d) From and after January 1, 1992, the amount of  
1244 any payment made to or on behalf of an employee for a "cafeteria"  
1245 plan, which meets the following requirements:

1246 (i) Qualifies under Section 125 of the  
1247 Internal Revenue Code;

1248 (ii) Covers only employees;

1249 (iii) Covers only noncash benefits;

1250 (iv) Does not include deferred compensation  
1251 plans.



1252 (2) [Not enacted].

1253 S. "Week" means calendar week or such period of seven (7)  
1254 consecutive days as the department may by regulation prescribe.  
1255 The department may by regulation prescribe that a week shall be  
1256 deemed to be in, within, or during any benefit year which includes  
1257 any part of such week.

1258 T. "Insured work" means "employment" for "employers."

1259 U. The term "includes" and "including," when used in a  
1260 definition contained in this chapter, shall not be deemed to  
1261 exclude other things otherwise within the meaning of the term  
1262 defined.

1263 V. "Employee leasing arrangement" means any agreement  
1264 between an employee leasing firm and a client, whereby specified  
1265 client responsibilities such as payment of wages, reporting of  
1266 wages for unemployment insurance purposes, payment of unemployment  
1267 insurance contributions and other such administrative duties are  
1268 to be performed by an employee leasing firm, on an ongoing basis.

1269 W. "Employee leasing firm" means any entity which provides  
1270 specified duties for a client company such as payment of wages,  
1271 reporting of wages for unemployment insurance purposes, payment of  
1272 unemployment insurance contributions and other administrative  
1273 duties, in connection with the client's employees, that are  
1274 directed and controlled by the client and that are providing  
1275 ongoing services for the client.



1276           X. (1) "Temporary help firm" means an entity which hires  
1277 its own employees and provides those employees to other  
1278 individuals or organizations to perform some service, to support  
1279 or supplement the existing workforce in special situations such as  
1280 employee absences, temporary skill shortages, seasonal workloads  
1281 and special assignments and projects, with the expectation that  
1282 the worker's position will be terminated upon the completion of  
1283 the specified task or function.

1284           (2) "Temporary employee" means an employee assigned to  
1285 work for the clients of a temporary help firm.

1286           Y. For the purposes of this chapter, the term "notice" shall  
1287 include any official communication, statement or other  
1288 correspondence required under the administration of this chapter,  
1289 and sent by the department through the United States Postal  
1290 Service or electronic or digital transfer, via modem or the  
1291 Internet.

1292           **SECTION 11.** Section 71-5-19, Mississippi Code of 1972, is  
1293 reenacted as follows:

1294           71-5-19. (1) Whoever makes a false statement or  
1295 representation knowing it to be false, or knowingly fails to  
1296 disclose a material fact, to obtain or increase any benefit or  
1297 other payment under this chapter or under an employment security  
1298 law of any other state, of the federal government or of a foreign  
1299 government, either for himself or for any other person, shall be  
1300 punished by a fine of not less than One Hundred Dollars (\$100.00)



1301 nor more than Five Hundred Dollars (\$500.00), or by imprisonment  
1302 for not longer than thirty (30) days, or by both such fine and  
1303 imprisonment; and each such false statement or representation or  
1304 failure to disclose a material fact shall constitute a separate  
1305 offense.

1306       (2) Any employing unit, any officer or agent of an employing  
1307 unit or any other person who makes a false statement or  
1308 representation knowing it to be false, or who knowingly fails to  
1309 disclose a material fact, to prevent or reduce the payment of  
1310 benefits to any individual entitled thereto, or to avoid becoming  
1311 or remaining subject hereto, or to avoid or reduce any  
1312 contribution or other payment required from any employing unit  
1313 under this chapter, or who willfully fails or refuses to make any  
1314 such contribution or other payment, or to furnish any reports  
1315 required hereunder or to produce or permit the inspection or  
1316 copying of records as required hereunder, shall be punished by a  
1317 fine of not less than One Hundred Dollars (\$100.00) nor more than  
1318 One Thousand Dollars (\$1,000.00), or by imprisonment for not  
1319 longer than sixty (60) days, or by both such fine and  
1320 imprisonment; and each such false statement, or representation, or  
1321 failure to disclose a material fact, and each day of such failure  
1322 or refusal shall constitute a separate offense. In lieu of such  
1323 fine and imprisonment, the employing unit or representative, or  
1324 both employing unit and representative, if such representative is  
1325 an employing unit in this state and is found to be a party to such



violation, shall not be eligible for a contributions rate of less than five and four-tenths percent (5.4%) for the tax year in which such violation is discovered by the department and for the next two (2) succeeding tax years.

(3) Any person who shall willfully violate any provision of this chapter or any other rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this chapter and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment for not longer than sixty (60) days, or by both such fine and imprisonment; and each day such violation continues shall be deemed to be a separate offense. In lieu of such fine and imprisonment, the employing unit or representative, or both employing unit and representative, if such representative is an employing unit in this state and is found to be a party to such violation, shall not be eligible for a contributions rate of less than five and four-tenths percent (5.4%) for the tax year in which the violation is discovered by the department and for the next two (2) succeeding tax years.

(4) (a) An overpayment of benefits occurs when a person receives benefits under this chapter:

(i) While any conditions for the receipt of benefits imposed by this chapter were not fulfilled in his case;



1351                   (ii) While he was disqualified from receiving  
1352 benefits; or  
1353                   (iii) When such person receives benefits and is  
1354 later found to be disqualified or ineligible for any reason,  
1355 including, but not limited to, a redetermination or reversal by  
1356 the department or the courts of a previous decision to award such  
1357 person benefits.

1358                   (b) Any person receiving an overpayment shall, in the  
1359 discretion of the department, be liable to have such sum deducted  
1360 from any future benefits payable to him under this chapter and  
1361 shall be liable to repay to the department for the Unemployment  
1362 Compensation Fund a sum equal to the overpayment amount so  
1363 received by him; and such sum shall be collectible in the manner  
1364 provided in Sections 71-5-363 through 71-5-383 for the collection  
1365 of past-due contributions. In addition to Sections 71-5-363  
1366 through 71-5-383, the following shall apply to cases involving  
1367 damages for overpaid unemployment benefits which have been  
1368 obtained and/or received through fraud as defined by department  
1369 regulations and laws governing the department. By definition,  
1370 fraud can include failure to report earnings while filing for  
1371 unemployment benefits. In the event of fraud, a penalty of twenty  
1372 percent (20%) of the amount of the overpayment shall be assessed.  
1373 Three-fourths (3/4) of that twenty percent (20%) penalty shall be  
1374 deposited into the unemployment trust fund and shall be used only  
1375 for the purpose of payment of unemployment benefits. The



1376 remainder of that twenty percent (20%) penalty shall be deposited  
1377 into the Special Employment Security Administrative Fund.  
1378 Interest on the overpayment balance shall accrue at a rate of one  
1379 percent (1%) per month on the unpaid balance until repaid and  
1380 shall be deposited into the Special Employment Security  
1381 Administration Fund. All interest, penalties and damages  
1382 deposited into the Special Employment Security Administration Fund  
1383 shall be used by the department for administration of the  
1384 Mississippi Department of Employment Security.

1385 (c) Any such judgment against such person for  
1386 collection of such overpayment shall be in the form of a  
1387 seven-year renewable lien. Unless action be brought thereon prior  
1388 to expiration of the lien, the department must refile the notice  
1389 of the lien prior to its expiration at the end of seven (7) years.  
1390 There shall be no limit upon the number of times the department  
1391 may refile notices of liens for collection of overpayments.

1392 (d) All warrants issued by the department for the  
1393 collection of any unemployment tax or for an overpayment of  
1394 benefits imposed by statute and collected by the department shall  
1395 be used to levy on salaries, compensation or other monies due the  
1396 delinquent employer or claimant. No such warrant shall be issued  
1397 until after the delinquent employer or claimant has exhausted all  
1398 appeal rights associated with the debt. The warrants shall be  
1399 served by mail or by delivery by an agent of the department on the  
1400 person or entity responsible or liable for the payment of the



1401 monies due the delinquent employer or claimant. Once served, the  
1402 employer or other person owing compensation due the delinquent  
1403 employer or claimant shall pay the monies over to the department  
1404 in complete or partial satisfaction of the liability. An answer  
1405 shall be made within thirty (30) days after service of the warrant  
1406 in the form and manner determined satisfactory by the department.  
1407 Failure to pay the money over to the department as required by  
1408 this section shall result in the served party being personally  
1409 liable for the full amount of the monies owed and the levy and  
1410 collection process may be issued against the party in the same  
1411 manner as other debts owed to the department. Except as otherwise  
1412 provided by this section, the answer, the amount payable under the  
1413 warrant and the obligation of the payor to continue payment shall  
1414 be governed by the garnishment laws of this state but shall be  
1415 payable to the department.

1416 (5) The department, by agreement with another state or the  
1417 United States, as provided under Section 303(g) of the Social  
1418 Security Act, may recover any overpayment of benefits paid to any  
1419 individual under the laws of this state or of another state or  
1420 under an unemployment benefit program of the United States. Any  
1421 overpayments subject to this subsection may be deducted from any  
1422 future benefits payable to the individual under the laws of this  
1423 state or of another state or under an unemployment program of the  
1424 United States.





1425           **SECTION 12.** Section 71-5-101, Mississippi Code of 1972, is  
1426 reenacted as follows:

1427           71-5-101. There is established the Mississippi Department of  
1428 Employment Security, Office of the Governor. The Department of  
1429 Employment Security shall be the Mississippi Employment Security  
1430 Commission and shall retain all powers and duties as granted to  
1431 the Mississippi Employment Security Commission. Wherever the term  
1432 "Employment Security Commission" appears in any law, the same  
1433 shall mean the Mississippi Department of Employment Security,  
1434 Office of the Governor. The Executive Director of the Department  
1435 of Employment Security may assign to the appropriate offices such  
1436 powers and duties deemed appropriate to carry out the lawful  
1437 functions of the department.

1438           **SECTION 13.** Section 71-5-107, Mississippi Code of 1972, is  
1439 reenacted as follows:

1440           71-5-107. The department shall administer this chapter  
1441 through a full-time salaried executive director, to be appointed  
1442 by the Governor, with the advice and consent of the Senate. He  
1443 shall be responsible for the administration of this chapter under  
1444 authority delegated to him by the Governor.

1445           **SECTION 14.** Section 71-5-109, Mississippi Code of 1972, is  
1446 reenacted as follows:

1447           71-5-109. There is created a Board of Review consisting of  
1448 three (3) members to be appointed by the executive director. The  
1449 executive director shall designate one (1) member of the Board of



1450 Review as chairman. Each member shall be paid a salary or per  
1451 diem at a rate to be determined by the executive director, and  
1452 such expenses as may be allowed by the executive director. All  
1453 salaries, per diem and expenses of the Board of Review shall be  
1454 paid from the Employment Security Administration Fund.

1455       **SECTION 15.** Section 71-5-111, Mississippi Code of 1972, is  
1456 reenacted as follows:

1457       71-5-111. There is created in the State Treasury a special  
1458 fund to be known as the Employment Security Administration Fund.  
1459 All monies which are deposited or paid into this fund are  
1460 appropriated and made available to the department. All monies in  
1461 this fund shall be expended solely for the purpose of defraying  
1462 the cost of administration of this chapter, and for no other  
1463 purpose whatsoever. The fund shall consist of all monies  
1464 appropriated by this state and all monies received from the United  
1465 States of America, or any agency thereof, or from any other source  
1466 for such purpose. Notwithstanding any provision of this section,  
1467 all monies requisitioned and deposited in this fund pursuant to  
1468 Section 71-5-457 shall remain part of the Employment Security  
1469 Administration Fund and shall be used only in accordance with the  
1470 conditions specified in that section. All monies in this fund  
1471 shall be deposited, administered and disbursed in the same manner  
1472 and under the same conditions and requirements as is provided by  
1473 law for other special funds in the State Treasury. The State  
1474 Treasurer shall be liable on his official bond for the faithful



1475 performance of his duties in connection with the Employment  
1476 Security Administration Fund under this chapter.

1477       **SECTION 16.** Section 71-5-112, Mississippi Code of 1972, is  
1478 reenacted as follows:

1479       71-5-112. All funds received by the Mississippi Department  
1480 of Employment Security shall clear through the State Treasury as  
1481 provided and required by Sections 71-5-111 and 71-5-453. All  
1482 expenditures from the administration fund of the department  
1483 authorized by Section 71-5-111 shall be expended only pursuant to  
1484 appropriation approved by the Legislature and as provided by law.

1485       **SECTION 17.** Section 71-5-113, Mississippi Code of 1972, is  
1486 reenacted as follows:

1487       71-5-113. All monies received from the Social Security Board  
1488 or its successors for the administration of this chapter shall be  
1489 expended solely for the purposes and in the amounts found  
1490 necessary by the Social Security Board or its successors for the  
1491 proper and efficient administration of this chapter.

1492       It shall be the duty of the department to take appropriate  
1493 action with respect to the replacement, within a reasonable time,  
1494 of any monies received from the Social Security Board, or its  
1495 successors, for the administration of this chapter, and monies  
1496 used to match grants pursuant to the provisions of the  
1497 Wagner-Peyser Act, which the board, or its successors, find,  
1498 because of any action or contingency, have been lost or have been  
1499 expended for purposes other than, or in amounts in excess of those



1500 found necessary by the Social Security Board, or its successors,  
1501 for the proper administration of this chapter. Funds which have  
1502 been expended by the department or its agents in accordance with  
1503 the budget approved by the Social Security Board, or its  
1504 successors, or in accordance with the general standards and  
1505 limitations promulgated by the Social Security Board, or its  
1506 successors, prior to such expenditure (where proposed expenditures  
1507 have not been specifically disapproved by the Social Security  
1508 Board, or its successors), shall not be deemed to require  
1509 replacement. To effectuate the purposes of this paragraph, it  
1510 shall be the duty of the department to take such action to  
1511 safeguard the expenditure of the funds referred to herein as it  
1512 deems necessary. In the event of a loss of such funds or an  
1513 improper expenditure thereof as herein defined, it shall be the  
1514 duty of the department to notify the Governor of any such loss or  
1515 improper expenditure and submit to him a request for an  
1516 appropriation in the amount thereof. The Governor shall transmit  
1517 to the next regular session of the Legislature following such  
1518 notification, the department's request for an appropriation in an  
1519 amount necessary to replace funds which have been lost or  
1520 improperly expended as defined above. Such request of the  
1521 department for an appropriation shall not be subject to the  
1522 provisions of Sections 27-103-101 through 27-103-139. The  
1523 Legislature recognizes its obligation to replace such funds as may



be necessary and shall make necessary appropriations in accordance with such requests.

**SECTION 18.** Section 71-5-114, Mississippi Code of 1972, is reenacted as follows:

71-5-114. There is created in the State Treasury a special fund, to be known as the "Special Employment Security Administration Fund," into which shall be deposited or transferred all interest, penalties and damages collected on and after July 1, 1982, pursuant to Sections 71-5-363 through 71-5-379 and all interest and penalties required to be deposited into the fund pursuant to Section 71-5-19(4)(b). Interest, penalties and damages collected on delinquent payments deposited during any calendar quarter in the clearing account in the Unemployment Trust Fund shall, as soon as practicable after the close of such calendar quarter, be transferred to the Special Employment Security Administration Fund. All monies in this fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Special Employment Security Administration Fund under this chapter. Those monies may be expended for any programs for which the department has administrative responsibility but shall not be expended or made available for expenditure in any manner which would permit their



1549 substitution for (or permit a corresponding reduction in) federal  
1550 funds which would, in the absence of those monies, be available to  
1551 finance expenditures for the administration of the state  
1552 unemployment compensation and employment service laws or any other  
1553 laws directing the administration of any programs for which the  
1554 department has the administrative responsibility. Nothing in this  
1555 section shall prevent those monies in this fund from being used as  
1556 a revolving fund to cover expenditures necessary and proper under  
1557 the law for which federal funds have been duly requested but not  
1558 yet received, subject to the charging of such expenditures against  
1559 such funds when necessary. The monies in this fund may be used by  
1560 the department for the payment of costs of administration of the  
1561 employment security laws of this state which are found not to be  
1562 or not to have been properly and validly chargeable against funds  
1563 obtained from federal sources. All monies in this Special  
1564 Employment Security Administration Fund shall be continuously  
1565 available to the department for expenditure in accordance with the  
1566 provisions of this chapter, and shall not lapse at any time. The  
1567 monies in this fund are specifically made available to replace, as  
1568 contemplated by Section 71-5-113, expenditures from the Employment  
1569 Security Administration Fund established by Section 71-5-111,  
1570 which have been found, because of any action or contingency, to  
1571 have been lost or improperly expended.

1572       The department, whenever it is of the opinion that the money  
1573 in the Special Employment Security Administration Fund is more



1574 than ample to pay for all foreseeable needs for which such special  
1575 fund is set up, may, by written order, order the transfer  
1576 therefrom to the Unemployment Compensation Fund of such amount of  
1577 money in the Special Employment Security Administration Fund as it  
1578 deems proper, and the same shall thereupon be immediately  
1579 transferred to the Unemployment Compensation Fund.

1580       **SECTION 19.** Section 71-5-115, Mississippi Code of 1972, is  
1581 reenacted as follows:

1582       71-5-115. It shall be the duty of the executive director to  
1583 administer this chapter; and the executive director shall have the  
1584 power and authority to adopt, amend or rescind such rules and  
1585 regulations, to employ such persons, make such expenditures,  
1586 require such reports, make such investigations, and take such  
1587 other action as he deems necessary or suitable to that end. Such  
1588 rules and regulations shall be effective upon publication in the  
1589 manner, not inconsistent with the provisions of this chapter,  
1590 which the executive director shall prescribe. The executive  
1591 director shall determine the department's own organization and  
1592 methods of procedure in accordance with the provisions of this  
1593 chapter, and shall have an official seal which shall be judicially  
1594 noticed. Not later than the first day of February in each year,  
1595 the executive director shall submit to the Governor a report  
1596 covering the administration and operation of this chapter during  
1597 the preceding fiscal year and shall make such recommendations for  
1598 amendments to this chapter as the executive director deems proper.



1599 Whenever the executive director believes that a change in  
1600 contribution or benefit rates will become necessary to protect the  
1601 solvency of the fund, he shall promptly so inform the Governor and  
1602 the Legislature, and make recommendations with respect thereto.

1603       **SECTION 20.** Section 71-5-117, Mississippi Code of 1972, is  
1604 reenacted as follows:

1605       71-5-117. General rules may be adopted, amended or rescinded  
1606 by the executive director only after public hearing or opportunity  
1607 to be heard thereon, of which proper notice has been given.  
1608 General rules shall become effective ten (10) days after filing  
1609 with the Secretary of State and publication in one or more  
1610 newspapers of general circulation in this state. Regulations may  
1611 be adopted, amended or rescinded by the executive director and  
1612 shall become effective in the manner and at the time prescribed by  
1613 the executive director.

1614       **SECTION 21.** Section 71-5-119, Mississippi Code of 1972, is  
1615 reenacted as follows:

1616       71-5-119. The department shall cause to be available for  
1617 distribution to the public the text of this chapter, its  
1618 regulations and general rules, its reports to the Governor, and  
1619 any other material it deems relevant and suitable, and shall  
1620 furnish the same to any person upon application therefor.

1621       **SECTION 22.** Section 71-5-121, Mississippi Code of 1972, is  
1622 reenacted as follows:





71-5-121. Subject to other provisions of this chapter, the executive director is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of department duties; however, all personnel who were former members of the Armed Forces of the United States of America shall be given credit regardless of rate, rank or commission. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis, in accordance with Section 25-9-101 et seq., that provides for a state service personnel system. The executive director shall not employ any person who is an officer or committee member of any political party organization. The executive director may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this chapter, and may in his discretion bond any person handling monies or signing checks hereunder. The veteran status of an individual shall be considered and preference given in accordance with the provisions of the State Personnel Board.

The department and its employees are exempt from Sections 25-15-101 and 25-15-103.

The department may use federal granted funds to provide such group health, life, accident and hospitalization insurance for its employees as may be agreed upon by the department and the federal granting authorities.



1648           The department shall adopt a "layoff formula" to be used  
1649           wherever it is determined that, because of reduced workload,  
1650           budget reductions or in order to effect a more economical  
1651           operation, a reduction in force shall occur in any group.

1652           In establishing this formula, the department shall give  
1653           effect to the principle of seniority and shall provide that  
1654           seniority points may be added for disabled veterans and veterans,  
1655           with due regard to the efficiency of the service. Any such layoff  
1656           formula shall be implemented according to the policies, rules and  
1657           regulations of the State Personnel Board.

1658           **SECTION 23.** Section 71-5-123, Mississippi Code of 1972, is  
1659           reenacted as follows:

1660           71-5-123. The executive director shall retain all powers and  
1661           duties as granted to the state advisory council appointed by the  
1662           former Employment Security Commission. The executive director may  
1663           appoint local advisory councils, composed in each case of an equal  
1664           number of employer representatives and employee representatives  
1665           who may fairly be regarded as representative because of their  
1666           vocation, employment or affiliations, and of such members  
1667           representing the general public as the executive director may  
1668           designate. Such councils shall aid the department in formulating  
1669           policies and discussing problems related to the administration of  
1670           this chapter and in assuring impartiality and freedom from  
1671           political influence in the solution of such problems. Members of  
1672           the advisory councils shall receive a per diem in accordance with



Section 25-3-69 for attendance upon meetings of the council, and shall be reimbursed for actual and necessary traveling expenses. The per diem and expenses herein authorized shall be paid from the Employment Security Administration Fund.

**SECTION 24.** Section 71-5-125, Mississippi Code of 1972, is reenacted as follows:

71-5-125. The department shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise and assist in the establishment and operation, by municipalities, counties, school districts and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the state in every other way that may be feasible; and to these ends to carry on and publish the results of investigation and research studies.

**SECTION 25.** Section 71-5-127, Mississippi Code of 1972, is reenacted as follows:

71-5-127. (1) Any information or records concerning an individual or employing unit obtained by the department pursuant to the administration of this chapter or any other federally funded programs for which the department has responsibility shall be private and confidential, except as otherwise provided in this article or by regulation. Information or records may be released



1698 by the department when the release is required by the federal  
1699 government in connection with, or as a condition of funding for, a  
1700 program being administered by the department.

1701 (2) Each employing unit shall keep true and accurate work  
1702 records, containing such information as the department may  
1703 prescribe. Such records shall be open to inspection and be  
1704 subject to being copied by the department or its authorized  
1705 representatives at any reasonable time and as often as may be  
1706 necessary. The department, Board of Review and any referee may  
1707 require from any employing unit any sworn or unsworn reports with  
1708 respect to persons employed by it which they or any of them deem  
1709 necessary for the effective administration of this chapter.  
1710 Information, statements, transcriptions of proceedings,  
1711 transcriptions of recordings, electronic recordings, letters,  
1712 memoranda, and other documents and reports thus obtained or  
1713 obtained from any individual pursuant to the administration of  
1714 this chapter shall, except to the extent necessary for the proper  
1715 administration of this chapter, be held confidential and shall not  
1716 be published or be opened to public inspection (other than to  
1717 public employees in the performance of their public duties) in any  
1718 manner revealing the individual's or employing unit's identity.

1719 (3) Any claimant or his legal representative at a hearing  
1720 before an appeal tribunal or the Board of Review shall be supplied  
1721 with information from such records to the extent necessary for the



1722 proper presentation of his claim in any proceeding pursuant to  
1723 this chapter.

1724 (4) Any employee or member of the Board of Review or any  
1725 employee of the department who violates any provisions of this  
1726 section shall be fined not less than Twenty Dollars (\$20.00) nor  
1727 more than Two Hundred Dollars (\$200.00), or imprisoned for not  
1728 longer than ninety (90) days, or both.

1729 (5) The department may make the state's records relating to  
1730 the administration of this chapter available to the Railroad  
1731 Retirement Board, and may furnish the Railroad Retirement Board,  
1732 at the expense of such board, such copies thereof as the Railroad  
1733 Retirement Board deems necessary for its purposes. The department  
1734 may afford reasonable cooperation with every agency of the United  
1735 States charged with the administration of any unemployment  
1736 insurance law.

1737 **SECTION 26.** Section 71-5-129, Mississippi Code of 1972, is  
1738 reenacted as follows:

1739 71-5-129. Records hereinafter designated, which are found by  
1740 the department to be useless, may be disposed of in accordance  
1741 with approved records control schedules.

1742 (a) Records which have been preserved by it for not  
1743 less than three (3) years:

- 1744 (1) Initial claims for benefits,  
1745 (2) Continued claims for benefits,



1746 (3) Correspondence and master index cards in  
1747 connection with such claims for benefits, and  
1748 (4) Individual wage slips filed by employers  
1749 subject to the provisions of the Unemployment Compensation Law.

1750 (b) Records which have been preserved by it for not  
1751 less than six (6) months after becoming inactive:

- 1752 (1) Work applications,
- 1753 (2) Cross-index cards for work applications,
- 1754 (3) Test records,
- 1755 (4) Employer records,
- 1756 (5) Work orders,
- 1757 (6) Clearance records,
- 1758 (7) Counseling records,
- 1759 (8) Farm placement records, and
- 1760 (9) Correspondence relating to all such records.

1761 Nothing herein contained shall be construed as authorizing  
1762 the destruction or disposal of basic fiscal records reflecting the  
1763 financial operations of the department and no records may be  
1764 destroyed without the approval of the Director of the Department  
1765 of Archives and History.

1766 **SECTION 27.** Section 71-5-131, Mississippi Code of 1972, is  
1767 reenacted as follows:

1768 71-5-131. All letters, reports, communications, or any other  
1769 matters, either oral or written, from the employer or employee to  
1770 each other or to the department or any of its agents,



1771 representatives or employees, which shall have been written, sent,  
1772 delivered or made in connection with the requirements and  
1773 administration of this chapter shall be absolutely privileged and  
1774 shall not be made the subject matter or basis of any suit for  
1775 slander or libel in any court of the State of Mississippi unless  
1776 the same be false in fact and maliciously written, sent, delivered  
1777 or made for the purpose of causing a denial of benefits under this  
1778 chapter.

1779       **SECTION 28.** Section 71-5-133, Mississippi Code of 1972, is  
1780 reenacted as follows:

1781       71-5-133. In any case where an employing unit or any  
1782 officer, member or agent thereof, or any other person having  
1783 possession of the records thereof, shall fail or refuse upon  
1784 demand by the department or its duly appointed agents to produce  
1785 or permit the examination or copying of any book, paper, account,  
1786 record or other data pertaining to payrolls or employment or  
1787 ownership of interests or stock in any employing unit, or bearing  
1788 upon the correctness of any report, or for the purpose of making a  
1789 report as required by this chapter where none has been made, then  
1790 and in that event the department or its duly authorized agents  
1791 may, by the issuance of a subpoena, require the attendance of such  
1792 employing unit or any officer, member or agent thereof, or any  
1793 other person having possession of the records thereof, and take  
1794 testimony with respect to any such matter and may require any such  
1795 person to produce any books or records specified in such subpoena.



1796 The department or its authorized agents at any such hearing shall  
1797 have power to administer oaths to any such person or persons.  
1798 When any person called as a witness by a subpoena signed by the  
1799 department or its agents and served upon him by the sheriff of a  
1800 county of which such person is a resident, or wherein is located  
1801 the principal office of such employing unit or wherein such  
1802 records are located or kept, shall fail to obey such subpoena to  
1803 appear before the department or its authorized agent, or shall  
1804 refuse to testify or to answer any questions or to produce any  
1805 book, record, paper or other data when required to do so, such  
1806 failure or refusal shall be reported to the Attorney General, who  
1807 shall thereupon institute proceedings by the filing of a petition  
1808 in the name of the State of Mississippi, on the relation of the  
1809 department, in the circuit court or other court of competent  
1810 jurisdiction of the county where such witness resides, or wherein  
1811 such records are located or kept, to compel the obedience of such  
1812 witness. Such petition shall set forth the facts and  
1813 circumstances of the demand for and refusal or failure to permit  
1814 the examination or copying of such records, or the failure or  
1815 refusal of such witness to testify in answer to such subpoena or  
1816 to produce the records so required by such subpoena. Such court,  
1817 upon the filing and docketing of such petition, shall thereupon  
1818 promptly issue an order to the defendants named in the petition to  
1819 produce forthwith in such court, or at a place in such county  
1820 designated in such order for the examination or copying by the





1821 department or its duly appointed agents, the records, books or  
1822 documents so described, and to testify concerning matters  
1823 described in such petition. Unless such defendants to such  
1824 petition shall appear in the court upon a day specified in such  
1825 order, which day shall be not more than ten (10) days after the  
1826 date of issuance of such order, and offer, under oath, good and  
1827 sufficient reasons why such examination or copying should not be  
1828 permitted, or why such subpoena should not be obeyed, such court  
1829 shall thereupon deliver to the department or its agents, for  
1830 examination or copying, the records, books and documents so  
1831 described in the petition and so produced in such court, and shall  
1832 order the defendants to appear in answer to the subpoena of the  
1833 department or its agents, and to testify concerning matters  
1834 inquired about by the department. Any employing unit or any  
1835 officer, member or agent thereof, or any other person having  
1836 possession of the records thereof, who shall willfully disobey  
1837 such order of the court after the same shall have been served upon  
1838 him shall be guilty of indirect contempt of such court from which  
1839 such order shall have issued, and may be adjudged in contempt of  
1840 the court and punished therefor as provided by law.

1841 **SECTION 29.** Section 71-5-135, Mississippi Code of 1972, is  
1842 reenacted as follows:

1843 71-5-135. If any employing unit fails to make any report  
1844 required by this chapter, the department or its authorized agents  
1845 shall give notice to such employing unit to make and file such



1846 report within fifteen (15) days from the date of such notice. If  
1847 such employing unit, by its proper members, officers or agents,  
1848 shall fail or refuse to make and file such reports within such  
1849 time, then and in that event such report shall be made by the  
1850 department or its authorized agents from the best information  
1851 available, and the amount of contributions due shall be computed  
1852 thereon; and such report shall be prima facie correct for the  
1853 purposes of this chapter.

1854       **SECTION 30.** Section 71-5-137, Mississippi Code of 1972, is  
1855 reenacted as follows:

1856       71-5-137. In the discharge of the duties imposed by this  
1857 chapter, the department, any referee, the members of the Board of  
1858 Review, and any duly authorized representative of any of them  
1859 shall have power to administer oaths and affirmations, to take  
1860 depositions, certify to official acts, and issue subpoenas to  
1861 compel the attendance of witnesses and the production of books,  
1862 papers, correspondence, memoranda and other records deemed  
1863 necessary as evidence in connection with a disputed claim or the  
1864 administration of this chapter.

1865       **SECTION 31.** Section 71-5-139, Mississippi Code of 1972, is  
1866 reenacted as follows:

1867       71-5-139. In case of contumacy or refusal to obey a subpoena  
1868 issued to any person, any court in this state within the  
1869 jurisdiction of which the inquiry is carried on, or within the  
1870 jurisdiction of which the person guilty of contumacy or refusal to



obey is found or resides or transacts business, upon application by the department, the Board of Review, any referee, or any duly authorized representative of any of them, shall have jurisdiction to issue to such person an order requiring such person to appear before the department, the Board of Review, any referee, or any duly authorized representative of any of them, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records if it is in his power so to do, in obedience to a subpoena of the department, the Board of Review, any referee, or any duly authorized representative of any of them, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00), or by imprisonment for not longer than sixty (60) days, or by both such fine and imprisonment; and each day such violation continues shall be deemed to be a separate offense.

**SECTION 32.** Section 71-5-141, Mississippi Code of 1972, is reenacted as follows:

71-5-141. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the department, the Board of Review, any referee, or any duly authorized representative of any



1896 of them, or in obedience to the subpoena of any of them in any  
1897 cause or proceeding before the department, the Board of Review or  
1898 an appeal tribunal, on the ground that the testimony or evidence,  
1899 documentary or otherwise, required of him may tend to incriminate  
1900 him or subject him to a penalty or forfeiture; but no individual  
1901 shall be prosecuted or subjected to any penalty or forfeiture for  
1902 or on account of any transaction, matter or thing concerning which  
1903 he is compelled, after having claimed his privilege against  
1904 self-incrimination, to testify or produce evidence, documentary or  
1905 otherwise, except that such individual so testifying shall not be  
1906 exempt from prosecution and punishment for perjury committed in so  
1907 testifying.

1908       **SECTION 33.** Section 71-5-143, Mississippi Code of 1972, is  
1909 reenacted as follows:

1910       71-5-143. In the administration of this chapter, the  
1911 department shall cooperate, to the fullest extent consistent with  
1912 the provisions of this chapter, with the Social Security Board  
1913 created by the Social Security Act, approved August 14, 1935, as  
1914 amended; shall make such reports in such form and containing such  
1915 information as the Social Security Board may from time to time  
1916 require, and shall comply with such provisions as the Social  
1917 Security Board may from time to time find necessary to assure the  
1918 correctness and verification of such reports; and shall comply  
1919 with the reasonable, valid and lawful regulations prescribed by  
1920 the Social Security Board pursuant to and under the authority of



the Social Security Act, governing the expenditures of such sums as may be allotted and paid to this state under Title III of the Social Security Act, as amended, for the purpose of assisting in the administration of this chapter.

Upon request therefor, the department shall furnish to any agency of the United States charged with the administration of public works, or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of benefits, and such recipient's rights to further benefits under this chapter.

**SECTION 34.** Section 71-5-201, Mississippi Code of 1972, is reenacted as follows:

71-5-201. The Mississippi State Employment Service is established in the Mississippi Department of Employment Security, Office of the Governor. The department, in the conduct of such service, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this article and for the purpose of performing such functions as are within the purview of the act of Congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes" (29 USCS Section 49 et seq.). Any existing free public employment offices maintained by the state but not heretofore under the jurisdiction of the department shall be transferred to the jurisdiction of the



department, and upon such transfer all duties and powers conferred upon any other department, agency or officers of this state relating to the establishment, maintenance and operation of free public employment offices shall be vested in the department. The Mississippi State Employment Service shall be administered by the department, which is charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of that act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of that act of Congress, as amended, are accepted by this state, in conformity with 29 USCS Section 49c, and this state will observe and comply with the requirements thereof. The department is designated and constituted the agency of this state for the purposes of that act. The department may cooperate with or enter into agreements with the Railroad Retirement Board or veteran's organization with respect to the establishment, maintenance and use of free employment service facilities.

**SECTION 35.** The following shall be codified as Section 71-5-144, Mississippi Code of 1972:

71-5-144. Sections 71-5-5, 71-5-11, 71-5-19, 71-5-201 and 71-5-101 through 71-5-144, Mississippi Code of 1972, shall stand repealed on July 1, 2022.



1970           **SECTION 36.** Section 71-5-357, Mississippi Code of 1972, is  
1971 reenacted as follows:

1972           71-5-357. Benefits paid to employees of nonprofit  
1973 organizations shall be financed in accordance with the provisions  
1974 of this section. For the purpose of this section, a nonprofit  
1975 organization is an organization (or group of organizations)  
1976 described in Section 501(c)(3) of the Internal Revenue Code of  
1977 1954 which is exempt from income tax under Section 501(a) of such  
1978 code (26 USCS Section 501).

1979           (a) Any nonprofit organization which, under Section  
1980 71-5-11, subsection H(3), is or becomes subject to this chapter  
1981 shall pay contributions under the provisions of Sections 71-5-351  
1982 through 71-5-355 unless it elects, in accordance with this  
1983 paragraph, to pay to the department for the unemployment fund an  
1984 amount equal to the amount of regular benefits and one-half (1/2)  
1985 of the extended benefits paid, that is attributable to service in  
1986 the employ of such nonprofit organization, to individuals for  
1987 weeks of unemployment which begin during the effective period of  
1988 such election.

1989           (i) Any nonprofit organization which becomes  
1990 subject to this chapter may elect to become liable for payments in  
1991 lieu of contributions for a period of not less than twelve (12)  
1992 months, beginning with the date on which such subjectivity begins,  
1993 by filing a written notice of its election with the department not



later than thirty (30) days immediately following the date of the determination of such subjectivity.

(ii) Any nonprofit organization which makes an election in accordance with subparagraph (i) of this paragraph will continue to be liable for payments in lieu of contributions unless it files with the department a written termination notice not later than thirty (30) days prior to the beginning of the tax year for which such termination shall first be effective.

(iii) Any nonprofit organization which has been paying contributions under this chapter may change to a reimbursable basis by filing with the department, not later than thirty (30) days prior to the beginning of any tax year, a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next tax year.

(iv) The department may for good cause extend the period within which a notice of election or a notice of termination must be filed, and may permit an election to be retroactive.

(v) The department, in accordance with such regulations as it may prescribe, shall notify each nonprofit organization of any determination which it may make of its status as an employer, of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and





2019 review in accordance with the provisions of Sections 71-5-351  
2020 through 71-5-355.

2021 (b) Payments in lieu of contributions shall be made in  
2022 accordance with the provisions of subparagraph (i) of this  
2023 paragraph.

2024 (i) At the end of each calendar quarter, or at the  
2025 end of any other period as determined by the department, the  
2026 department shall bill each nonprofit organization (or group of  
2027 such organizations) which has elected to make payments in lieu of  
2028 contributions, for an amount equal to the full amount of regular  
2029 benefits plus one-half (1/2) of the amount of extended benefits  
2030 paid during such quarter or other prescribed period that is  
2031 attributable to service in the employ of such organization.

2032 (ii) Payment of any bill rendered under  
2033 subparagraph (i) of this paragraph shall be made not later than  
2034 forty-five (45) days after such bill was delivered to the  
2035 nonprofit organization, unless there has been an application for  
2036 review and redetermination in accordance with subparagraph (v) of  
2037 this paragraph.

2038 1. All of the enforcement procedures for the  
2039 collection of delinquent contributions contained in Sections  
2040 71-5-363 through 71-5-383 shall be applicable in all respects for  
2041 the collection of delinquent payments due by nonprofit  
2042 organizations who have elected to become liable for payments in  
2043 lieu of contributions.



2044                   2. If any nonprofit organization is  
2045 delinquent in making payments in lieu of contributions, the  
2046 department may terminate such organization's election to make  
2047 payments in lieu of contributions as of the beginning of the next  
2048 tax year, and such termination shall be effective for the balance  
2049 of such tax year.

2050                   (iii) Payments made by any nonprofit organization  
2051 under the provisions of this paragraph shall not be deducted or  
2052 deductible, in whole or in part, from the remuneration of  
2053 individuals in the employ of the organization.

2054                   (iv) Payments due by employers who elect to  
2055 reimburse the fund in lieu of contributions as provided in this  
2056 paragraph may not be noncharged under any condition. The  
2057 reimbursement must be on a dollar-for-dollar basis (One Dollar  
2058 (\$1.00) reimbursement for each dollar paid in benefits) in every  
2059 case, so that the trust fund shall be reimbursed in full, such  
2060 reimbursement to include, but not be limited to, benefits or  
2061 payments erroneously or incorrectly paid, or paid as a result of a  
2062 determination of eligibility which is subsequently reversed, or  
2063 paid as a result of claimant fraud. However, political  
2064 subdivisions who are reimbursing employers may elect to pay to the  
2065 fund an amount equal to five-tenths percent (.5%) through December  
2066 31, 2010, and shall pay twenty-five one-hundredths percent (.25%)  
2067 thereafter of the taxable wages paid during the calendar year with  
2068 respect to employment, and those employers who so elect shall be



relieved of liability for reimbursement of benefits paid under the same conditions that benefits are not charged to the experience-rating record of a contributing employer as provided in Section 71-5-355(2) (b) (ii) other than Clause 5 thereof. Benefits paid in such circumstances for which reimbursing employers are relieved of liability for reimbursement shall not be considered attributable to service in the employment of such reimbursing employer.

(v) The amount due specified in any bill from the department shall be conclusive on the organization unless, not later than fifteen (15) days after the bill was delivered to it, the organization files an application for redetermination by the department, setting forth the grounds for such application or appeal. The department shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless, not later than fifteen (15) days after the redetermination was delivered to it, the organization files an appeal to the Circuit Court of the First Judicial District of Hinds County, Mississippi, in accordance with the provisions of law with respect to review of civil causes by certiorari.

(vi) Past-due payments of amounts in lieu of contributions shall be subject to the same interest and penalties



2094 that, pursuant to Section 71-5-363, apply to past-due  
2095 contributions.

2096 (c) Each employer that is liable for payments in lieu  
2097 of contributions shall pay to the department for the fund the  
2098 amount of regular benefits plus the amount of one-half (1/2) of  
2099 extended benefits paid are attributable to service in the employ  
2100 of such employer. If benefits paid to an individual are based on  
2101 wages paid by more than one (1) employer and one or more of such  
2102 employers are liable for payments in lieu of contributions, the  
2103 amount payable to the fund by each employer that is liable for  
2104 such payments shall be determined in accordance with the  
2105 provisions of subparagraph (i) or subparagraph (ii) of this  
2106 paragraph.

2107 (i) If benefits paid to an individual are based on  
2108 wages paid by one or more employers that are liable for payment in  
2109 lieu of contributions and on wages paid by one or more employers  
2110 who are liable for contributions, the amount of benefits payable  
2111 by each employer that is liable for payments in lieu of  
2112 contributions shall be an amount which bears the same ratio to the  
2113 total benefits paid to the individual as the total base period  
2114 wages paid to the individual by such employer bear to the total  
2115 base period wages paid to the individual by all of his base period  
2116 employers.

2117 (ii) If benefits paid to an individual are based  
2118 on wages paid by two (2) or more employers that are liable for



2119 payments in lieu of contributions, the amount of benefits payable  
2120 by each such employer shall be an amount which bears the same  
2121 ratio to the total benefits paid to the individual as the total  
2122 base period wages paid to the individual by such employer bear to  
2123 the total base period wages paid to the individual by all of his  
2124 base period employers.

2125           (d) In the discretion of the department, any nonprofit  
2126 organization that elects to become liable for payments in lieu of  
2127 contributions shall be required to execute and file with the  
2128 department a surety bond approved by the department, or it may  
2129 elect instead to deposit with the department money or securities.  
2130 The amount of such bond or deposit shall be determined in  
2131 accordance with the provisions of this paragraph.

2132           (i) The amount of the bond or deposit required by  
2133 paragraph (d) shall be equal to two and seven-tenths percent  
2134 (2.7%) thereafter to December 31, 2010, and one and thirty-five  
2135 one-hundredths percent (1.35%) thereafter, of the organization's  
2136 taxable wages paid for employment as defined in Section 71-5-11,  
2137 subsection I(4), for the four (4) calendar quarters immediately  
2138 preceding the effective date of the election, the renewal date in  
2139 the case of a bond, or the biennial anniversary of the effective  
2140 date of election in the case of a deposit of money or securities,  
2141 whichever date shall be most recent and applicable. If the  
2142 nonprofit organization did not pay wages in each of such four (4)



2143 calendar quarters, the amount of the bond or deposit shall be as  
2144 determined by the department.

2145 (ii) Any bond deposited under paragraph (d) shall  
2146 be in force for a period of not less than two (2) tax years and  
2147 shall be renewed with the approval of the department at such times  
2148 as the department may prescribe, but not less frequently than at  
2149 intervals of two (2) years as long as the organization continues  
2150 to be liable for payments in lieu of contributions. The  
2151 department shall require adjustments to be made in a previously  
2152 filed bond as it deems appropriate. If the bond is to be  
2153 increased, the adjusted bond shall be filed by the organization  
2154 within thirty (30) days of the date notice of the required  
2155 adjustment was delivered to it. Failure by any organization  
2156 covered by such bond to pay the full amount of payments in lieu of  
2157 contributions when due, together with any applicable interest and  
2158 penalties provided in paragraph (b) (v) of this section, shall  
2159 render the surety liable on the bond to the extent of the bond, as  
2160 though the surety was such organization.

2161 (iii) Any deposit of money or securities in  
2162 accordance with paragraph (d) shall be retained by the department  
2163 in an escrow account until liability under the election is  
2164 terminated, at which time it shall be returned to the  
2165 organization, less any deductions as hereinafter provided. The  
2166 department may deduct from the money deposited under paragraph (d)  
2167 by a nonprofit organization, or sell the securities it has so



2168 deposited, to the extent necessary to satisfy any due and unpaid  
2169 payments in lieu of contributions and any applicable interest and  
2170 penalties provided for in paragraph (b) (v) of this section. The  
2171 department shall require the organization, within thirty (30) days  
2172 following any deduction from a money deposit or sale of deposited  
2173 securities under the provisions hereof, to deposit sufficient  
2174 additional money or securities to make whole the organization's  
2175 deposit at the prior level. Any cash remaining from the sale of  
2176 such securities shall be a part of the organization's escrow  
2177 account. The department may, at any time, review the adequacy of  
2178 the deposit made by any organization. If, as a result of such  
2179 review, it determines that an adjustment is necessary, it shall  
2180 require the organization to make additional deposit within thirty  
2181 (30) days of notice of its determination or shall return to it  
2182 such portion of the deposit as it no longer considers necessary,  
2183 whichever action is appropriate. Disposition of income from  
2184 securities held in escrow shall be governed by the applicable  
2185 provisions of the state law.

2186 (iv) If any nonprofit organization fails to file a  
2187 bond or make a deposit, or to file a bond in an increased amount,  
2188 or to increase or make whole the amount of a previously made  
2189 deposit as provided under this subparagraph, the department may  
2190 terminate such organization's election to make payments in lieu of  
2191 contributions, and such termination shall continue for not less  
2192 than the four (4) consecutive calendar-quarter periods beginning



2193 with the quarter in which such termination becomes effective;  
2194 however, the department may extend for good cause the applicable  
2195 filing, deposit or adjustment period by not more than thirty (30)  
2196 days.

2197 (v) Group account shall be established according  
2198 to regulations prescribed by the department.

2199 (e) Any employer which elects to make payments in lieu  
2200 of contributions into the Unemployment Compensation Fund as  
2201 provided in this paragraph shall not be liable to make such  
2202 payments with respect to the benefits paid to any individual whose  
2203 base period wages include wages for previously uncovered services  
2204 as defined in Section 71-5-511(e) to the extent that the  
2205 Unemployment Compensation Fund is reimbursed for such benefits  
2206 pursuant to Section 121 of Public Law 94-566.

2207 **SECTION 37.** Section 71-5-359, Mississippi Code of 1972, is  
2208 reenacted and amended as follows:

2209 71-5-359. (1) The Department of Finance and Administration  
2210 shall, in the manner provided in subsection (3) of this section,  
2211 pay, upon notice issued by the department, to the department for  
2212 the Unemployment Compensation Fund an amount equal to the regular  
2213 benefits and one-half (1/2) of the extended benefits paid that are  
2214 attributable to service in the employ of a state agency. The  
2215 amount required to be reimbursed by a certain agency shall be  
2216 billed to the Department of Finance and Administration and shall  
2217 be paid from the Employment Compensation Revolving Fund pursuant





2218 to subsection (3) of this section not later than thirty (30) days  
2219 after such bill was sent, unless there has been an application for  
2220 review and redetermination in accordance with Section  
2221 71-5-357(b) (v) .

2222 (2) The Department of Finance and Administration shall, in  
2223 the manner provided in subsection (3) of this section, pay, upon a  
2224 notice issued by the department, to the department for the  
2225 Unemployment Compensation Fund an amount equal to the regular  
2226 benefits and the extended benefits paid that are attributable to  
2227 service in the employ of a state agency. The amount required to  
2228 be reimbursed by a certain agency shall be billed to the  
2229 Department of Finance and Administration and shall be paid from  
2230 the Employment Compensation Revolving Fund pursuant to subsection  
2231 (3) of this section not later than thirty (30) days after such  
2232 bill was sent, unless there has been an application for review and  
2233 redetermination in accordance with Section 71-5-357(b) (v) .

2234 (3) Each agency of state government shall deposit monthly  
2235 for a period of twenty-four (24) months an amount equal to  
2236 one-twelfth of one percent (1/12 of 1%) of the first Six Thousand  
2237 Dollars (\$6,000.00) paid to each employee thereof during the next  
2238 preceding year into the Employment Compensation Revolving Fund  
2239 that is created in the State Treasury. The Department of Finance  
2240 and Administration shall determine the percentage to be applied to  
2241 the amount of covered wages paid in order to maintain a balance in  
2242 the revolving fund of not less than the amount determined by an



2243     actuary through an annual actuarial evaluation.     The State  
2244     Treasurer shall invest all funds in the Employment Compensation  
2245     Revolving Fund and all interest earned shall be credited to the  
2246     Employment Compensation Revolving Fund.

2247             The reimbursement of benefits paid by the Mississippi  
2248     Department of Employment Security shall be paid by the Department  
2249     of Finance and Administration from the Employment Compensation  
2250     Revolving Fund upon notice from the department; and the Department  
2251     of Finance and Administration shall issue warrants or may contract  
2252     for the performance of the duties prescribed by subsections (2)  
2253     and (3) of this section, and other duties necessarily related  
2254     thereto.

2255             (4)   Any political subdivision of this state shall pay to the  
2256     department for the unemployment compensation fund an amount equal  
2257     to the regular benefits and the extended benefits paid that are  
2258     attributable to service in the employ of such political  
2259     subdivision unless it elects to make contributions to the  
2260     unemployment fund as provided in subsection (9) of this section.  
2261     The amount required to be reimbursed shall be billed and shall be  
2262     paid as provided in Section 71-5-357, with respect to similar  
2263     payments for nonprofit organizations.

2264             (5)   Each political subdivision, unless it elects to make  
2265     contributions to the unemployment compensation fund as provided in  
2266     subsection (9) of this section, shall establish a revolving fund  
2267     and deposit an amount equal to two percent (2%) of the first Six



2268 Thousand Dollars (\$6,000.00) paid to each employee thereof during  
2269 the next preceding year. However, the department shall by  
2270 regulation establish a procedure to allow reimbursing political  
2271 subdivisions to elect to maintain the balance in the revolving  
2272 fund as required under this paragraph or to annually execute a  
2273 surety bond to be approved by the department in an amount not less  
2274 than two percent (2%) of the covered wages paid during the next  
2275 preceding year.

2276       (6) In the event any political subdivision becomes  
2277 delinquent in payments due under this chapter, upon due notice,  
2278 and upon certification of the delinquency by the department to the  
2279 Department of Finance and Administration, the Department of  
2280 Revenue, the Department of Environmental Quality and the  
2281 Department of Insurance, or any of them, or any other agencies of  
2282 the State of Mississippi that may be indebted to such delinquent  
2283 political subdivision, such agencies shall direct the issuance of  
2284 warrants which in the aggregate shall be the amount of such  
2285 delinquency payable to the department and drawn upon any funds in  
2286 the State Treasury which may be available to such political  
2287 subdivision in satisfaction of any such delinquency. This remedy  
2288 shall be in addition to any other collection remedies in this  
2289 chapter or otherwise provided by law.

2290       (7) Payments made by any political subdivision under the  
2291 provisions of this section shall not be deducted or deductible, in



2292 whole or in part, from the remuneration of individuals in the  
2293 employ of the organization.

2294 (8) Any governmental entity shall not be liable to make  
2295 payments to the unemployment fund with respect to the benefits  
2296 paid to any individual whose base period wages include wages for  
2297 previously uncovered services as defined in Section 71-5-511,  
2298 subsection (e), to the extent that the Unemployment Compensation  
2299 Fund is reimbursed for such benefits pursuant to Section 121 of  
2300 Public Law 94-566.

2301 (9) Any political subdivision of this state may elect to  
2302 make contributions to the unemployment fund instead of making  
2303 reimbursement for benefits paid as provided in subsections (4) and  
2304 (5) of this section. A political subdivision which makes this  
2305 election shall so notify the department, not later than three (3)  
2306 months after it is officially organized or is otherwise  
2307 established, and shall be subject to the provisions of Section  
2308 71-5-351, with regard to the payment of contributions. A  
2309 political subdivision which makes this election shall pay  
2310 contributions equal to two percent (2%) of taxable wages through  
2311 calendar year 2010, and one percent (1%) of taxable wages  
2312 thereafter paid by it during each calendar quarter it is subject  
2313 to this chapter. The department shall by regulation establish a  
2314 procedure to allow political subdivisions the option periodically  
2315 to elect either the reimbursement or the contribution method of  
2316 financing unemployment compensation coverage.



2317           (10) This section and Section 71-5-357 shall stand repealed  
2318 on July 1, 2022.

2319           **SECTION 38.** Section 71-5-451, Mississippi Code of 1972, is  
2320 reenacted as follows:

2321           71-5-451. There is established as a special fund, separate  
2322 and apart from all public monies or funds of this state, an  
2323 Unemployment Compensation Fund, which shall be administered by the  
2324 department exclusively for:

2325                   (a) All contributions collected under this chapter;

2326                   (b) Interest earned upon any monies in the fund;

2327                   (c) Any property or securities acquired through the use  
2328 of monies belonging to the fund;

2329                   (d) All earnings of such property or securities;

2330                   (e) All monies credited to this state's account in the  
2331 Unemployment Trust Fund pursuant to the Social Security Act, 42  
2332 USCS, Section 1104; and

2333                   (f) By way of reimbursement in accordance with Section  
2334 204 of the Federal-State Extended Unemployment Compensation Act of  
2335 1970 (84 Stat. 711). All monies in the fund shall be mingled and  
2336 undivided.

2337           **SECTION 39.** Section 71-5-457, Mississippi Code of 1972, is  
2338 reenacted and amended as follows:

2339           71-5-457. (1) Except as otherwise provided in subsection  
2340 (5), money credited to the account of this state in the  
2341 Unemployment Trust Fund by the Secretary of the Treasury of the



2342 United States of America pursuant to the Social Security Act, 42  
2343 USCS Section 1103, may be requisitioned and used for the payment  
2344 of expenses incurred for the administration of this law pursuant  
2345 to a specific appropriation by the Legislature, provided that the  
2346 expenses are incurred and the money is requisitioned after the  
2347 enactment of an appropriation law which:

2348 (a) Specifies the purposes for which such money is  
2349 appropriated and the amounts appropriated therefor;

2350 (b) Limits the period within which such money may be  
2351 obligated to a period ending not more than two (2) years after the  
2352 date of the enactment of the appropriation law; and

2353 (c) Limits the amount which may be obligated during a  
2354 twelve-month period beginning on July 1 and ending on the next  
2355 June 30 to an amount which does not exceed the amount by which:

2356 (i) The aggregate of the amounts credited to the  
2357 account of this state pursuant to the Social Security Act, 42 USCS  
2358 Section 1103, during the same twelve-month period and the  
2359 thirty-four (34) preceding twelve-month periods exceeds.

2360 (ii) The aggregate of the amounts obligated  
2361 pursuant to this section and charged against the amounts credited  
2362 to the account of this state during such thirty-five (35)  
2363 twelve-month periods.

2364 For the purposes of this section, amounts obligated during  
2365 any such twelve-month period shall be charged against equivalent  
2366 amounts which were first credited and which are not already so



2367 charged; except that no amount obligated for administration during  
2368 any such twelve-month period may be charged against any amount  
2369 credited during such a twelve-month period earlier than the  
2370 thirty-fourth preceding such period.

2371 (2) Money credited to the account of this state pursuant to  
2372 the Social Security Act, 42 USCS Section 1103, may not be  
2373 withdrawn or used except for the payment of benefits and for the  
2374 payment of expenses for the administration of this law and of  
2375 public employment offices pursuant to this section.

2376 (3) Money appropriated as provided herein for the payment of  
2377 expenses of administration shall be requisitioned as needed for  
2378 the payment of obligations incurred under such appropriation and,  
2379 upon requisition, shall be deposited in the Employment Security  
2380 Administration Fund, from which such payments shall be made.  
2381 Money so deposited shall, until expended, remain a part of the  
2382 Unemployment Compensation Fund and, if it will not be expended,  
2383 shall be returned promptly to the account of this state in the  
2384 Unemployment Trust Fund.

2385 (4) The thirty-five-year limitation provided in this section  
2386 is no longer in force, effective October 1, 1991.

2387 (5) Notwithstanding subsection (1), monies credited with  
2388 respect to federal fiscal years 1999, 2000 and 2001 shall be used  
2389 by the department solely for the administration of the  
2390 unemployment compensation program.



(6) This section and Section 71-5-451 shall stand repealed on July 1, 2022.

**SECTION 40.** Section 71-5-511, Mississippi Code of 1972, is reenacted as follows:

71-5-511. An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

(a) (i) He has registered for work at and thereafter has continued to report to the department in accordance with such regulations as the department may prescribe; except that the department may, by regulation, waive or alter either or both of the requirements of this subparagraph as to such types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of this chapter; and

(ii) He participates in reemployment services, such as job search assistance services, if, in accordance with a profiling system established by the department, it has been determined that he is likely to exhaust regular benefits and needs reemployment services, unless the department determines that:

1. The individual has completed such services; or

2. There is justifiable cause for the claimant's failure to participate in such services.





2415                   (b) He has made a claim for benefits in accordance with  
2416 the provisions of Section 71-5-515 and in accordance with such  
2417 regulations as the department may prescribe thereunder.

2418                   (c) He is able to work, available for work and actively  
2419 seeking work.

2420                   (d) He has been unemployed for a waiting period of one  
2421 (1) week. No week shall be counted as a week of unemployment for  
2422 the purposes of this subsection:

2423                   (i) Unless it occurs within the benefit year which  
2424 includes the week with respect to which he claims payment of  
2425 benefits;

2426                   (ii) If benefits have been paid with respect  
2427 thereto;

2428                   (iii) Unless the individual was eligible for  
2429 benefits with respect thereto, as provided in Sections 71-5-511  
2430 and 71-5-513, except for the requirements of this subsection.

2431                   (e) For weeks beginning on or before July 1, 1982, he  
2432 has, during his base period, been paid wages for insured work  
2433 equal to not less than thirty-six (36) times his weekly benefit  
2434 amount; he has been paid wages for insured work during at least  
2435 two (2) quarters of his base period; and he has, during that  
2436 quarter of his base period in which his total wages were highest,  
2437 been paid wages for insured work equal to not less than sixteen  
2438 (16) times the minimum weekly benefit amount. For benefit years  
2439 beginning after July 1, 1982, he has, during his base period, been



2440 paid wages for insured work equal to not less than forty (40)  
2441 times his weekly benefit amount; he has been paid wages for  
2442 insured work during at least two (2) quarters of his base period,  
2443 and he has, during that quarter of his base period in which his  
2444 total wages were highest, been paid wages for insured work equal  
2445 to not less than twenty-six (26) times the minimum weekly benefit  
2446 amount. For purposes of this subsection, wages shall be counted  
2447 as "wages for insured work" for benefit purposes with respect to  
2448 any benefit year only if such benefit year begins subsequent to  
2449 the date on which the employing unit by which such wages were paid  
2450 has satisfied the conditions of Section 71-5-11, subsection H, or  
2451 Section 71-5-361, subsection (3), with respect to becoming an  
2452 employer.

2453 (f) No individual may receive benefits in a benefit  
2454 year unless, subsequent to the beginning of the next preceding  
2455 benefit year during which he received benefits, he performed  
2456 service in "employment" as defined in Section 71-5-11, subsection  
2457 I, and earned remuneration for such service in an amount equal to  
2458 not less than eight (8) times his weekly benefit amount applicable  
2459 to his next preceding benefit year.

2460 (g) Benefits based on service in employment defined in  
2461 Section 71-5-11, subsection I(3) and I(4), and Section 71-5-361,  
2462 subsection (4) shall be payable in the same amount, on the same  
2463 terms, and subject to the same conditions as compensation payable  
2464 on the basis of other service subject to this chapter, except that



2465 benefits based on service in an instructional, research or  
2466 principal administrative capacity in an institution of higher  
2467 learning (as defined in Section 71-5-11, subsection N) with  
2468 respect to service performed prior to January 1, 1978, shall not  
2469 be paid to an individual for any week of unemployment which begins  
2470 during the period between two (2) successive academic years, or  
2471 during a similar period between two (2) regular terms, whether or  
2472 not successive, or during a period of paid sabbatical leave  
2473 provided for in the individual's contract, if the individual has a  
2474 contract or contracts to perform services in any such capacity for  
2475 any institution or institutions of higher learning for both such  
2476 academic years or both such terms.

2477 (h) Benefits based on service in employment defined in  
2478 Section 71-5-11, subsection I(3) and I(4), shall be payable in the  
2479 same amount, on the same terms and subject to the same conditions  
2480 as compensation payable on the basis of other service subject to  
2481 this chapter, except that:

2482 (i) With respect to service performed in an  
2483 instructional, research or principal administrative capacity for  
2484 an educational institution, benefits shall not be paid based on  
2485 such services for any week of unemployment commencing during the  
2486 period between two (2) successive academic years, or during a  
2487 similar period between two (2) regular but not successive terms,  
2488 or during a period of paid sabbatical leave provided for in the  
2489 individual's contract, to any individual, if such individual



2490 performs such services in the first of such academic years or  
2491 terms and if there is a contract or a reasonable assurance that  
2492 such individual will perform services in any such capacity for any  
2493 educational institution in the second of such academic years or  
2494 terms, and provided that subsection (g) of this section shall  
2495 apply with respect to such services prior to January 1, 1978. In  
2496 no event shall benefits be paid unless the individual employee was  
2497 terminated by the employer.

2498                   (ii) With respect to services performed in any  
2499 other capacity for an educational institution, benefits shall not  
2500 be paid on the basis of such services to any individual for any  
2501 week which commences during a period between two (2) successive  
2502 academic years or terms, if such individual performs such services  
2503 in the first of such academic years or terms and there is a  
2504 reasonable assurance that such individual will perform such  
2505 services in the second of such academic years or terms, except  
2506 that if compensation is denied to any individual under this  
2507 subparagraph and such individual was not offered an opportunity to  
2508 perform such services for the educational institution for the  
2509 second of such academic years or terms, such individual shall be  
2510 entitled to a retroactive payment of compensation for each week  
2511 for which the individual filed a timely claim for compensation and  
2512 for which compensation was denied solely by reason of this clause.  
2513 In no event shall benefits be paid unless the individual employee  
2514 was terminated by the employer.



2515                   (iii) With respect to services described in  
2516 subsection (h) (i) and (ii), benefits shall not be payable on the  
2517 basis of services in any such capacities to any individual for any  
2518 week which commences during an established and customary vacation  
2519 period or holiday recess if such individual performs such services  
2520 in the first of such academic years or terms, or in the period  
2521 immediately before such vacation period or holiday recess, and  
2522 there is a reasonable assurance that such individual will perform  
2523 such services in the period immediately following such vacation  
2524 period or holiday recess.

2525                   (iv) With respect to any services described in  
2526 subsection (h) (i) and (ii), benefits shall not be payable on the  
2527 basis of services in any such capacities as specified in  
2528 subsection (h) (i), (ii) and (iii) to any individual who performed  
2529 such services in an educational institution while in the employ of  
2530 an educational service agency. For purposes of this subsection,  
2531 the term "educational service agency" means a governmental agency  
2532 or governmental entity which is established and operated  
2533 exclusively for the purpose of providing such services to one or  
2534 more educational institutions.

2535                   (v) With respect to services to which Sections  
2536 71-5-357 and 71-5-359 apply, if such services are provided to or  
2537 on behalf of an educational institution, benefits shall not be  
2538 payable under the same circumstances and subject to the same terms



2539 and conditions as described in subsection (h)(i), (ii), (iii) and  
2540 (iv).

2541 (i) Subsequent to December 31, 1977, benefits shall not  
2542 be paid to any individual on the basis of any services  
2543 substantially all of which consist of participating in sports or  
2544 athletic events or training or preparing to so participate, for  
2545 any week which commences during the period between two (2)  
2546 successive sports seasons (or similar periods) if such individual  
2547 performs such services in the first of such seasons (or similar  
2548 periods) and there is a reasonable assurance that such individual  
2549 will perform such services in the later of such seasons (or  
2550 similar periods).

2551 (j) (i) Subsequent to December 31, 1977, benefits  
2552 shall not be payable on the basis of services performed by an  
2553 alien, unless such alien is an individual who was lawfully  
2554 admitted for permanent residence at the time such services were  
2555 performed, was lawfully present for purposes of performing such  
2556 services, or was permanently residing in the United States under  
2557 color of law at the time such services were performed (including  
2558 an alien who was lawfully present in the United States as a result  
2559 of the application of the provisions of Section 203(a)(7) or  
2560 Section 212(d)(5) of the Immigration and Nationality Act).

2561 (ii) Any data or information required of  
2562 individuals applying for benefits to determine whether benefits



2563 are not payable to them because of their alien status shall be  
2564 uniformly required from all applicants for benefits.

2565 (iii) In the case of an individual whose  
2566 application for benefits would otherwise be approved, no  
2567 determination that benefits to such individual are not payable  
2568 because of his alien status shall be made, except upon a  
2569 preponderance of the evidence.

2570 (k) An individual shall be deemed prima facie  
2571 unavailable for work, and therefore ineligible to receive  
2572 benefits, during any period which, with respect to his employment  
2573 status, is found by the department to be a holiday or vacation  
2574 period.

2575 (l) A temporary employee of a temporary help firm is  
2576 considered to have left the employee's last work voluntarily  
2577 without good cause connected with the work if the temporary  
2578 employee does not contact the temporary help firm for reassignment  
2579 on completion of an assignment. A temporary employee is not  
2580 considered to have left work voluntarily without good cause  
2581 connected with the work under this paragraph unless the temporary  
2582 employee has been advised in writing:

2583 (i) That the temporary employee is obligated to  
2584 contact the temporary help firm on completion of assignments; and

2585 (ii) That unemployment benefits may be denied if  
2586 the temporary employee fails to do so.



2587           **SECTION 41.** Section 71-5-513, Mississippi Code of 1972, is  
2588 reenacted as follows:

2589           71-5-513. A. An individual shall be disqualified for  
2590 benefits:

2591                   (1) (a) For the week, or fraction thereof, which  
2592 immediately follows the day on which he left work voluntarily  
2593 without good cause, if so found by the department, and for each  
2594 week thereafter until he has earned remuneration for personal  
2595 services performed for an employer, as in this chapter defined,  
2596 equal to not less than eight (8) times his weekly benefit amount,  
2597 as determined in each case; however, marital, filial and domestic  
2598 circumstances and obligations shall not be deemed good cause  
2599 within the meaning of this subsection. Pregnancy shall not be  
2600 deemed to be a marital, filial or domestic circumstance for the  
2601 purpose of this subsection.

2602                   (b) For the week, or fraction thereof, which  
2603 immediately follows the day on which he was discharged for  
2604 misconduct connected with his work, if so found by the department,  
2605 and for each week thereafter until he has earned remuneration for  
2606 personal services performed for an employer, as in this chapter  
2607 defined, equal to not less than eight (8) times his weekly benefit  
2608 amount, as determined in each case.

2609                   (c) The burden of proof of good cause for leaving  
2610 work shall be on the claimant, and the burden of proof of  
2611 misconduct shall be on the employer.





2612           (2) For the week, or fraction thereof, with respect to  
2613 which he willfully makes a false statement, a false representation  
2614 of fact, or willfully fails to disclose a material fact for the  
2615 purpose of obtaining or increasing benefits under the provisions  
2616 of this law, if so found by the department, and such individual's  
2617 maximum benefit allowance shall be reduced by the amount of  
2618 benefits so paid to him during any such week of disqualification;  
2619 and additional disqualification shall be imposed for a period not  
2620 exceeding fifty-two (52) weeks, the length of such period of  
2621 disqualification and the time when such period begins to be  
2622 determined by the department, in its discretion, according to the  
2623 circumstances in each case.

2624           (3) If the department finds that he has failed, without  
2625 good cause, either to apply for available suitable work when so  
2626 directed by the employment office or the department, to accept  
2627 suitable work when offered him, or to return to his customary  
2628 self-employment (if any) when so directed by the department, such  
2629 disqualification shall continue for the week in which such failure  
2630 occurred and for not more than the twelve (12) weeks which  
2631 immediately follow such week, as determined by the department  
2632 according to the circumstances in each case.

2633           (a) In determining whether or not any work is  
2634 suitable for an individual, the department shall consider among  
2635 other factors the degree of risk involved to his health, safety  
2636 and morals, his physical fitness and prior training, his



2637 experience and prior earnings, his length of unemployment and  
2638 prospects for securing local work in his customary occupation, and  
2639 the distance of the available work from his residence; however,  
2640 offered employment paying the minimum wage or higher, if such  
2641 minimum or higher wage is that prevailing for his customary  
2642 occupation or similar work in the locality, shall be deemed to be  
2643 suitable employment after benefits have been paid to the  
2644 individual for a period of eight (8) weeks.

2645                   (b) Notwithstanding any other provisions of this  
2646 chapter, no work shall be deemed suitable and benefits shall not  
2647 be denied under this chapter to any otherwise eligible individual  
2648 for refusing to accept new work under any of the following  
2649 conditions:

2650                   (i) If the position offered is vacant due  
2651 directly to a strike, lockout or other labor dispute;

2652                   (ii) If the wages, hours or other conditions  
2653 of the work offered are substantially unfavorable or unreasonable  
2654 to the individual's work. The department shall have the sole  
2655 discretion to determine whether or not there has been an  
2656 unfavorable or unreasonable condition placed on the individual's  
2657 work. Moreover, the department may consider, but shall not be  
2658 limited to a consideration of, whether or not the unfavorable  
2659 condition was applied by the employer to all workers in the same  
2660 or similar class or merely to this individual;



2661 (iii) If as a condition of being employed the  
2662 individual would be required to join a company union or to resign  
2663 from or refrain from joining any bona fide labor organization;

2664 (iv) If unsatisfactory or hazardous working  
2665 conditions exist that could result in a danger to the physical or  
2666 mental well-being of the worker. In any such determination the  
2667 department shall consider, but shall not be limited to a  
2668 consideration of, the following: the safety measures used or the  
2669 lack thereof and the condition of equipment or lack of proper  
2670 equipment. No work shall be considered hazardous if the working  
2671 conditions surrounding a worker's employment are the same or  
2672 substantially the same as the working conditions generally  
2673 prevailing among workers performing the same or similar work for  
2674 other employers engaged in the same or similar type of activity.

2675 (c) Pursuant to Section 303(1) of the Social  
2676 Security Act (42 USCS 503), the department may conduct drug tests  
2677 of applicants for unemployment compensation for the unlawful use  
2678 of controlled substances as a condition for receiving such  
2679 compensation, if such applicant:

2680 (i) Was terminated from employment with the  
2681 claimant's most recent employer, as defined by Mississippi law,  
2682 because of the unlawful use of controlled substances; or

2683 (ii) Is an individual for whom suitable work,  
2684 as defined by Mississippi law, is only available in an occupation



2685 (as determined under regulations issued by the U.S. Secretary of  
2686 Labor) that requires drug testing.

2687       The department may deny unemployment compensation to any  
2688 applicant based on the result of a drug test conducted by the  
2689 department in accordance with this subsection. A positive drug  
2690 test result shall be deemed by the department to be a failure to  
2691 accept suitable work, and shall subject the applicant to the  
2692 disqualification provisions set forth in this subsection A(3).  
2693 During the disqualification period imposed by the department under  
2694 this subsection, the individual may provide information to end the  
2695 disqualification period early by submitting acceptable proof to  
2696 the department of a negative test result from a testing facility  
2697 approved by the department.

2698               (iii) Pursuant to the provisions set forth in  
2699 this subsection A(3)(c), the department shall have the authority  
2700 to institute a random drug testing program for all individuals who  
2701 meet the requirements set forth in this section. Moreover, the  
2702 department shall have the authority to create the necessary  
2703 regulations, policies rules, guidelines and procedures to  
2704 implement such a program.

2705       Any term or provision set forth in this subsection A(3)(c)  
2706 that otherwise conflicts with federal or state law shall be  
2707 disregarded but shall not, in any way, affect the remaining  
2708 provisions.



2709                   (4) For any week with respect to which the department  
2710 finds that his total unemployment is due to a stoppage of work  
2711 which exists because of a labor dispute at a factory,  
2712 establishment or other premises at which he is or was last  
2713 employed; however, this subsection shall not apply if it is shown  
2714 to the satisfaction of the department:

2715                   (a) He is unemployed due to a stoppage of work  
2716 occasioned by an unjustified lockout, if such lockout was not  
2717 occasioned or brought about by such individual acting alone or  
2718 with other workers in concert; or

2719                   (b) He is not participating in or directly  
2720 interested in the labor dispute which caused the stoppage of work;  
2721 and

2722                   (c) He does not belong to a grade or class of  
2723 workers of which, immediately before the commencement of stoppage,  
2724 there were members employed at the premises at which the stoppage  
2725 occurs, any of whom are participating in or directly interested in  
2726 the dispute.

2727           If in any case separate branches of work which are commonly  
2728 conducted as separate businesses in separate premises are  
2729 conducted in separate departments of the same premises, each such  
2730 department shall, for the purposes of this subsection, be deemed  
2731 to be a separate factory, establishment or other premises.

2732                   (5) For any week with respect to which he has received  
2733 or is seeking unemployment compensation under an unemployment



2734 compensation law of another state or of the United States.  
2735 However, if the appropriate agency of such other state or of the  
2736 United States finally determines that he is not entitled to such  
2737 unemployment compensation benefits, this disqualification shall  
2738 not apply. Nothing in this subsection contained shall be  
2739 construed to include within its terms any law of the United States  
2740 providing unemployment compensation or allowances for honorably  
2741 discharged members of the Armed Forces.

2742           (6) For any week with respect to which he is receiving  
2743 or has received remuneration in the form of payments under any  
2744 governmental or private retirement or pension plan, system or  
2745 policy which a base-period employer is maintaining or contributing  
2746 to or has maintained or contributed to on behalf of the  
2747 individual; however, if the amount payable with respect to any  
2748 week is less than the benefits which would otherwise be due under  
2749 Section 71-5-501, he shall be entitled to receive for such week,  
2750 if otherwise eligible, benefits reduced by the amount of such  
2751 remuneration. However, on or after the first Sunday immediately  
2752 following July 1, 2001, no social security payments, to which the  
2753 employee has made contributions, shall be deducted from  
2754 unemployment benefits paid for any period of unemployment  
2755 beginning on or after the first Sunday following July 1, 2001.  
2756 This one hundred percent (100%) exclusion shall not apply to any  
2757 other governmental or private retirement or pension plan, system  
2758 or policy. If benefits payable under this section, after being



2759 reduced by the amount of such remuneration, are not a multiple of  
2760 One Dollar (\$1.00), they shall be adjusted to the next lower  
2761 multiple of One Dollar (\$1.00).

2762 (7) For any week with respect to which he is receiving  
2763 or has received remuneration in the form of a back pay award, or  
2764 other compensation allocable to any week, whether by settlement or  
2765 otherwise. Any benefits previously paid for weeks of unemployment  
2766 with respect to which back pay awards, or other such compensation,  
2767 are made shall constitute an overpayment and such amounts shall be  
2768 deducted from the award by the employer prior to payment to the  
2769 employee, and shall be transmitted promptly to the department by  
2770 the employer for application against the overpayment and credit to  
2771 the claimant's maximum benefit amount and prompt deposit into the  
2772 fund; however, the removal of any charges made against the  
2773 employer as a result of such previously paid benefits shall be  
2774 applied to the calendar year and the calendar quarter in which the  
2775 overpayment is transmitted to the department, and no attempt shall  
2776 be made to relate such a credit to the period to which the award  
2777 applies. Any amount of overpayment so deducted by the employer  
2778 and not transmitted to the department shall be subject to the same  
2779 procedures for collection as is provided for contributions by  
2780 Sections 71-5-363 through 71-5-381. Any amount of overpayment not  
2781 deducted by the employer shall be established as an overpayment  
2782 against the claimant and collected as provided above. It is the



purpose of this paragraph to assure equity in the situations to which it applies, and it shall be construed accordingly.

B. Notwithstanding any other provision in this chapter, no otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the department; nor shall such individual be denied benefits with respect to any week in which he is in training with the approval of the department by reason of the application of provisions in Section 71-5-511, subsection (c), relating to availability for work, or the provisions of subsection A(3) of this section, relating to failure to apply for, or a refusal to accept, suitable work.

C. Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he or she is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work or refusal to accept work.

For purposes of this section, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely





2808 affected employment (as defined for purposes of the Trade Act of  
2809 1974), and wages for such work at not less than eighty percent  
2810 (80%) of the individual's average weekly wage as determined for  
2811 the purposes of the Trade Act of 1974.

2812 D. Notwithstanding any other provisions of this chapter, no  
2813 otherwise eligible individual shall be denied benefits for any  
2814 week in which they are engaged in the Self-Employment Assistance  
2815 Program established in Section 71-5-545 by reason of the  
2816 application of Section 71-5-511(c), relating to availability for  
2817 work, or the provisions of subsection A(3) of this section,  
2818 relating to failure to apply for, or a refusal to accept, suitable  
2819 work.

2820 E. Any individual who is receiving benefits may participate  
2821 in an approved training program under the Mississippi Employment  
2822 Security Law to gain skills that may lead to employment while  
2823 continuing to receive benefits. Authorization for participation  
2824 of a recipient of unemployment benefits in such a program must be  
2825 granted by the department and continuation of participation must  
2826 be certified weekly by the participant recipient. While  
2827 participating in such program approved by the department,  
2828 availability and work search requirements will be waived. No  
2829 individual will be allowed to participate in this program for more  
2830 than twelve (12) weeks in any benefit year. Such participation  
2831 shall not be considered employment for any purposes and shall not  
2832 accrue benefits or wage credits. Participation in this training



2833 program shall meet the definition set forth in the U.S. Fair Labor  
2834 Standards Act.

2835       **SECTION 42.** Section 71-5-517, Mississippi Code of 1972, is  
2836 reenacted as follows:

2837       71-5-517. Upon the taking of a claim by the department, an  
2838 initial determination thereon shall be made promptly and shall  
2839 include a determination with respect to whether or not benefits  
2840 are payable, the week with respect to which benefits shall  
2841 commence, the weekly benefit amount payable and the maximum  
2842 duration of benefits. In any case in which the payment or denial  
2843 of benefits will be determined by the provisions of subsection  
2844 A(4) of Section 71-5-513, the examiner shall promptly transmit all  
2845 the evidence with respect to that subsection to the department,  
2846 which, on the basis of evidence so submitted and such additional  
2847 evidence as it may require, shall make an initial determination  
2848 with respect thereto. An initial determination may for good cause  
2849 be reconsidered. The claimant, his most recent employing unit and  
2850 all employers whose experience-rating record would be charged with  
2851 benefits pursuant to such determination shall be promptly notified  
2852 of such initial determination or any amended initial determination  
2853 and the reason therefor. Benefits shall be denied or, if the  
2854 claimant is otherwise eligible, promptly paid in accordance with  
2855 the initial determination or amended initial determination. The  
2856 jurisdiction of the department over benefit claims which have not  
2857 been appealed shall be continuous. The claimant or any party to



2858 the initial determination or amended initial determination may  
2859 file an appeal from such initial determination or amended initial  
2860 determination within fourteen (14) days after notification  
2861 thereof, or after the date such notification was sent to his last  
2862 known address.

2863       Notwithstanding any other provision of this section, benefits  
2864 shall be paid promptly in accordance with a determination or  
2865 redetermination, or the decision of an appeal tribunal, the Board  
2866 of Review or a reviewing court upon the issuance of such  
2867 determination, redetermination or decision in favor of the  
2868 claimant (regardless of the pendency of the period to apply for  
2869 reconsideration, file an appeal, or petition for judicial review,  
2870 as the case may be, or the pendency of any such application,  
2871 filing or petition), unless and until such determination,  
2872 redetermination or decision has been modified or reversed by a  
2873 subsequent redetermination or decision, in which event benefits  
2874 shall be paid or denied in accordance with such modifying or  
2875 reversing redetermination or decision. Any benefits finally  
2876 determined to have been erroneously paid may be set up as an  
2877 overpayment to the claimant and must be liquidated before any  
2878 future benefits can be paid to the claimant. If, subsequent to  
2879 such initial determination or amended initial determination,  
2880 benefits with respect to any week for which a claim has been filed  
2881 are denied for reasons other than matters included in the initial  
2882 determination or amended initial determination, the claimant shall



2883 be promptly notified of the denial and the reason therefor and may  
2884 appeal therefrom in accordance with the procedure herein described  
2885 for appeals from initial determination or amended initial  
2886 determination.

2887       **SECTION 43.** Section 71-5-519, Mississippi Code of 1972, is  
2888 reenacted as follows:

2889       71-5-519. Unless such appeal is withdrawn, an appeal  
2890 tribunal appointed by the executive director, after affording the  
2891 parties reasonable opportunity for fair hearing, shall affirm,  
2892 modify or reverse the findings of fact and initial determination  
2893 or amended initial determination. The parties shall be duly  
2894 notified of such tribunal's decision, together with its reasons  
2895 therefor, which shall be deemed to be the final decision of the  
2896 executive director unless, within fourteen (14) days after the  
2897 date of notification of such decision, further appeal is initiated  
2898 pursuant to Section 71-5-523.

2899       **SECTION 44.** Section 71-5-523, Mississippi Code of 1972, is  
2900 reenacted as follows:

2901       71-5-523. The Board of Review may on its own motion affirm,  
2902 modify, or set aside any decision of an appeal tribunal on the  
2903 basis of the evidence previously submitted in such case, or direct  
2904 the taking of additional evidence, or may permit any of the  
2905 parties to such decision to initiate further appeals before it.  
2906 The Board of Review shall permit such further appeal by any of the  
2907 parties to a decision of an appeal tribunal which is not



2908 unanimous, and by the examiner whose decision has been overruled  
2909 or modified by an appeal tribunal. The Board of Review may remove  
2910 to itself or transfer to another appeal tribunal the proceedings  
2911 on any claim pending before an appeal tribunal. Any proceedings  
2912 so removed to the Board of Review shall be heard by a quorum  
2913 thereof in accordance with the requirements of Section 71-5-519  
2914 and within fifteen (15) days after notice of appeal has been  
2915 received by the executive director. No notice of appeal shall be  
2916 deemed to be received by the executive director, within the  
2917 meaning of this section, until all prior appeals pending before  
2918 the Board of Review have been heard. The Board of Review shall,  
2919 within four (4) days after its decision, so notify the parties to  
2920 any proceeding of its findings and decision.

2921       **SECTION 45.** Section 71-5-525, Mississippi Code of 1972, is  
2922 reenacted as follows:

2923       71-5-525. The manner in which appealed claims shall be  
2924 presented and the conduct of hearings and appeals shall be in  
2925 accordance with regulations prescribed by the Board of Review for  
2926 determining the rights of the parties, whether or not such  
2927 regulations conform to common law or statutory rules of evidence  
2928 and other technical rules of procedure. A full and complete  
2929 record shall be kept of all proceedings in connection with an  
2930 appealed claim. The department's entire file relative to the  
2931 appealed claim shall be a part of such record and shall be  
2932 considered as evidence. All testimony at any hearing upon an



2933 appealed claim shall be recorded, but need not be transcribed  
2934 unless the claim is further appealed.

2935       **SECTION 46.** Section 71-5-529, Mississippi Code of 1972, is  
2936 reenacted as follows:

2937       71-5-529. Any decision of the Board of Review, in the  
2938 absence of an appeal therefrom as herein provided, shall become  
2939 final ten (10) days after the date of notification; and judicial  
2940 review thereof shall be permitted only after any party claiming to  
2941 be aggrieved thereby has exhausted his administrative remedies as  
2942 provided by this chapter. The department shall be deemed to be a  
2943 party to any judicial action involving any such decision, and may  
2944 be represented in any such judicial action by any qualified  
2945 attorney employed by the department and designated by it for that  
2946 purpose or, at the department's request, by the Attorney General.

2947       **SECTION 47.** Section 71-5-531, Mississippi Code of 1972, is  
2948 reenacted as follows:

2949       71-5-531. Within ten (10) days after the decision of the  
2950 Board of Review has become final, any party aggrieved thereby may  
2951 secure judicial review thereof by commencing an action, in the  
2952 circuit court of the county in which the plaintiff resides,  
2953 against the department for the review of such decision, in which  
2954 action any other party to the proceeding before the Board of  
2955 Review shall be made a defendant. In cases wherein the plaintiff  
2956 is not a resident of the State of Mississippi, such action may be  
2957 filed in the circuit court of the county in which the employer



2958 resides, the county in which the cause of action arose, or in the  
2959 county of employment. In such action, a petition which need not  
2960 be verified, but which shall state the grounds upon which a review  
2961 is sought, shall be served upon the department or upon such person  
2962 as the department may designate, and such service shall be deemed  
2963 completed service on all parties; but there shall be left with the  
2964 party so served as many copies of the petition as there are  
2965 defendants, and the department shall forthwith mail one (1) such  
2966 copy to each such defendant. With its answer, the department  
2967 shall certify and file with said court all documents and papers  
2968 and a transcript of all testimony taken in the matter, together  
2969 with the Board of Review's findings of fact and decision therein.  
2970 The department may also, in its discretion, certify to such court  
2971 questions of law involved in any decision. In any judicial  
2972 proceedings under this section, the findings of the Board of  
2973 Review as to the facts, if supported by evidence and in the  
2974 absence of fraud, shall be conclusive, and the jurisdiction of the  
2975 court shall be confined to questions of law. Such actions, and  
2976 the questions so certified, shall be heard in a summary manner and  
2977 shall be given precedence over all other civil cases. An appeal  
2978 may be taken from the decision of the circuit court of the county  
2979 in which the plaintiff resides to the Supreme Court of  
2980 Mississippi, in the same manner, but not inconsistent with the  
2981 provisions of this chapter, as is provided in civil cases. It  
2982 shall not be necessary, in any judicial proceeding under this



section, to enter exceptions to the rulings of the Board of Review, and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the Board of Review shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the Board of Review shall so order.

**SECTION 48.** Section 71-5-541, Mississippi Code of 1972, is reenacted as follows:

71-5-541. A. (1) In the administration of this chapter, the department shall cooperate with the Department of Labor to the fullest extent consistent with the provisions of this chapter and shall take such action, through the adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act and the Federal-State Extended Unemployment Compensation Act of 1970, all as amended.

(2) In the administration of the provisions of this section, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, the department shall take such actions as may be necessary:

(a) To ensure that the provisions are so interpreted and applied as to meet the requirements of such





3008 federal act as interpreted by the United States Department of  
3009 Labor; and

3010 (b) To secure to this state the full reimbursement  
3011 of the federal share of extended benefits paid under this chapter  
3012 that are reimbursable under the federal act; and also

3013 (c) To limit the amount of extended benefits paid  
3014 as may be necessary so that the reimbursement of the federal share  
3015 of extended benefits paid shall remain at one-half (1/2) of the  
3016 total extended benefits paid.

3017 B. As used in this section, unless the context clearly  
3018 requires otherwise:

3019 (1) "Extended benefit period" means a period which:

3020 (a) Begins with the third week after a week for  
3021 which there is a state "on" indicator; and

3022 (b) Ends with either of the following weeks,  
3023 whichever occurs later:

3024 (i) The third week after the first week for  
3025 which there is a state "off" indicator; or

3026 (ii) The thirteenth consecutive week of such  
3027 period.

3028 No extended benefit period may begin by reason of a state  
3029 "on" indicator before the fourteenth week following the end of a  
3030 prior extended benefit period which was in effect with respect to  
3031 this state.



(2) For weeks beginning after September 25, 1982, there is a "state 'on' indicator" for a week if the rate of insured unemployment under this chapter for the period consisting of such week and the immediately preceding twelve (12) weeks:

(a) Equalled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding period of thirteen (13) weeks ending in each of the preceding two (2) calendar years; and

(b) Equalled or exceeded five percent (5%).

The determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made under this subsection as if (i) paragraph (2) did not contain subparagraph (a) thereof, and (ii) the figure "5" contained in subparagraph (b) thereof were "6"; except that, notwithstanding any such provision of this subsection, any week for which there would otherwise be a "state 'on' indicator" shall continue to be such week and shall not be determined to be a week for which there is a "state 'off' indicator."

(3) There is a "state 'off' indicator" for a week if, for the period consisting of such week and the immediately preceding twelve (12) weeks, either subparagraph (a) or (b) of paragraph (2) was not satisfied.

(4) "Rate of insured unemployment," for purposes of paragraphs (2) and (3) of this subsection, means the percentage derived by dividing:



3057                   (a) The average number of continued weeks claimed  
3058 for regular state compensation in this state for weeks of  
3059 unemployment with respect to the most recent period of thirteen  
3060 (13) consecutive weeks, as determined by the department on the  
3061 basis of its reports to the United States Secretary of Labor; by

3062                   (b) The average monthly employment covered under  
3063 this chapter for the first four (4) of the most recent six (6)  
3064 completed calendar quarters ending before the end of such period  
3065 of thirteen (13) weeks.

3066                   (5) "Regular benefits" means benefits payable to an  
3067 individual under this chapter or under any other state law  
3068 (including benefits payable to federal civilian employees and to  
3069 ex-servicemen pursuant to 5 USCS Section 8501-8525) other than  
3070 extended benefits.

3071                   (6) "Extended benefits" means benefits (including  
3072 benefits payable to federal civilian employees and to  
3073 ex-servicemen pursuant to 5 USCS Section 8501-8525) payable to an  
3074 individual under the provisions of this section for weeks of  
3075 unemployment in his eligibility period.

3076                   (7) "Eligibility period" of an individual means the  
3077 period consisting of the weeks in his benefit year which begin in  
3078 an extended benefit period and, if his benefit year ends within  
3079 such extended benefit period, any weeks thereafter which begin in  
3080 such period.



(8) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 USCS Section 8501-8525) in his current benefit year that includes such week.

For the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(b) Has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week, his benefit year having expired prior to such week; and

(c) (i) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(ii) Has not received and is not seeking unemployment benefits under the Unemployment Compensation Law of



3106 the Virgin Islands or of Canada; but if he is seeking such  
3107 benefits and the appropriate agency finally determines that he is  
3108 not entitled to benefits under such law, he is considered an  
3109 exhaustee; however, the reference in this subsection to the Virgin  
3110 Islands shall be inapplicable effective on the day on which the  
3111 United States Secretary of Labor approves under Section 3304(a) of  
3112 the Internal Revenue Code of 1954, an unemployment compensation  
3113 law submitted to the Secretary by the Virgin Islands for approval.

3114 (9) "State law" means the unemployment insurance law of  
3115 any state, approved by the United States Secretary of Labor under  
3116 Section 3304 of the Internal Revenue Code of 1954 (26 USCS Section  
3117 3304).

3118 C. Except when the result would be inconsistent with the  
3119 other provisions of this section, as provided in the regulations  
3120 of the department, the provisions of this chapter which apply to  
3121 claims for, or the payment of, regular benefits shall apply to  
3122 claims for, and the payment of, extended benefits.

3123 D. An individual shall be eligible to receive extended  
3124 benefits with respect to any week of unemployment in his  
3125 eligibility period only if the department finds that with respect  
3126 to such week:

3127 (1) He is an "exhaustee" as defined in subsection B(8)  
3128 of this section.

3129 (2) He has satisfied the requirements of this chapter  
3130 for the receipt of regular benefits that are applicable to



3131 individuals claiming extended benefits, including not being  
3132 subject to a disqualification for the receipt of benefits.

3133           (3) For a week beginning after September 25, 1982, he  
3134 has, during his base period, been paid wages for insured work  
3135 equal to not less than forty (40) times his weekly benefit amount;  
3136 he has been paid wages for insured work during at least two (2)  
3137 quarters of his base period, and he has, during that quarter of  
3138 his base period in which his total wages were highest, been paid  
3139 wages for insured work equal to not less than twenty-six (26)  
3140 times the minimum weekly benefit amount.

3141           E. The weekly extended benefit amount payable to an  
3142 individual for a week of total unemployment in his eligibility  
3143 period shall be an amount equal to the weekly benefit amount  
3144 payable to him during his applicable benefit year; however,  
3145 benefits paid to individuals during eligibility periods beginning  
3146 before October 1, 1983, shall be computed to the next higher  
3147 multiple of One Dollar (\$1.00), if not a multiple of One Dollar  
3148 (\$1.00); and benefits paid to individuals during eligibility  
3149 periods beginning on or after October 1, 1983, shall be computed  
3150 to the next lower multiple of One Dollar (\$1.00), if not a  
3151 multiple of One Dollar (\$1.00). In no event shall the weekly  
3152 extended benefit amount payable to an individual be more than two  
3153 (2) times the amount of the reimbursement of the federal share of  
3154 extended benefits paid.



3155           F. (1) The total extended benefit amount payable to any  
3156 eligible individual with respect to his applicable benefit year  
3157 shall be the least of the following amounts:

3158                   (a) Fifty percent (50%) of the total amount of  
3159 regular benefits which were payable to him under this chapter in  
3160 his applicable benefit year; however, benefits paid to individuals  
3161 during eligibility periods beginning before October 1, 1983, shall  
3162 be computed to the next higher multiple of One Dollar (\$1.00), if  
3163 not a multiple of One Dollar (\$1.00), and benefits paid to  
3164 individuals during eligibility periods beginning on or after  
3165 October 1, 1983, shall be computed to the next lower multiple of  
3166 One Dollar (\$1.00), if not a multiple of One Dollar (\$1.00); or  
3167                   (b) Thirteen (13) times his weekly benefit amount  
3168 which was payable to him under this chapter for a week of total  
3169 unemployment in the applicable benefit year.

3170           (2) The total extended benefits otherwise payable to an  
3171 individual who is filing an interstate claim under the interstate  
3172 benefit payment plan shall not exceed two (2) weeks whenever an  
3173 extended benefit period is not in effect for such week in the  
3174 state where the claim is filed.

3175           (3) In no event shall the total extended benefit amount  
3176 payable to any eligible individual with respect to his applicable  
3177 benefit year be more than two (2) times the amount of the  
3178 reimbursement of the federal share of extended benefits paid.



3179           G. (1) Whenever an extended benefit period is to become  
3180 effective in this state as a result of a state "on" indicator, or  
3181 an extended benefit period is to be terminated in this state as a  
3182 result of state "off" indicators, the department shall make an  
3183 appropriate public announcement.

3184           (2) Computations required by the provisions of  
3185 subsection B(4) shall be made by the department, in accordance  
3186 with regulations prescribed by the United States Secretary of  
3187 Labor.

3188           H. Extended benefits paid under the provisions of this  
3189 section which are not reimbursable from federal funds shall be  
3190 charged to the experience-rating record of base period employers.

3191           I. (1) Notwithstanding the provisions of subsections C and  
3192 D of this section, an individual shall be disqualified for receipt  
3193 of extended benefits if the department finds that during any week  
3194 of his eligibility period:

3195                   (a) He has failed either to apply for or to accept  
3196 an offer of suitable work (as defined under paragraph (3)) to  
3197 which he was referred by the department; or

3198                   (b) He has failed to furnish tangible evidence  
3199 that he has actively engaged in a systematic and sustained effort  
3200 to find work, unless such individual is not actively engaged in  
3201 seeking work because such individual is:





3202 (i) Before any court of the United States or  
3203 any state pursuant to a lawfully issued summons to appear for jury  
3204 duty;

3205 (ii) Hospitalized for treatment of an  
3206 emergency or a life-threatening condition.

3207 The entitlement to benefits of any individual who is  
3208 determined not to be actively engaged in seeking work in any week  
3209 for the foregoing reasons shall be decided pursuant to the able  
3210 and available requirements in Section 71-5-511 without regard to  
3211 the disqualification provisions otherwise applicable under Section  
3212 71-5-541. The conditions prescribed in clauses (i) and (ii) of  
3213 this subparagraph (b) must be applied in the same manner to  
3214 individuals filing claims for regular benefits.

3215 (2) Such disqualification shall begin with the week in  
3216 which such failure occurred and shall continue until he has been  
3217 employed in each of eight (8) subsequent weeks (whether or not  
3218 consecutive) and has earned remuneration for personal services  
3219 performed for an employer, as in this chapter defined, equal to  
3220 not less than eight (8) times his weekly extended benefit amount.

3221 (3) For the purpose of subparagraph (a) of paragraph  
3222 (1) the term "suitable work" means any work which is within the  
3223 individual's capabilities to perform, if:

3224 (a) The gross average weekly remuneration payable  
3225 for the work exceeds the sum of the individual's weekly extended  
3226 benefit amount plus the amount, if any, of supplemental



3227 unemployment benefits (as defined in Section 501(c)(17)(D) of the  
3228 Internal Revenue Code of 1954) payable to such individual for such  
3229 week;

3230 (b) The wages payable for the work equal the  
3231 higher of the minimum wages provided by Section 6(a)(1) of the  
3232 Fair Labor Standards Act of 1938 (without regard to any  
3233 exemption), or the state or local minimum wage; and

3234 (c) The position was offered to the individual in  
3235 writing or was listed with the state employment service; and

3236 (d) Such work otherwise meets the definition of  
3237 "suitable work" for regular benefits contained in Section  
3238 71-5-513A(4) to the extent that such criteria of suitability are  
3239 not inconsistent with the provisions of this paragraph (3); and

3240 (e) The individual cannot furnish satisfactory  
3241 evidence to the department that his prospects for obtaining work  
3242 in his customary occupation within a reasonably short period are  
3243 good. If such evidence is deemed satisfactory for this purpose,  
3244 the determination of whether any work is suitable with respect to  
3245 such individual shall be made in accordance with the definition of  
3246 suitable work contained in Section 71-5-513A(4) without regard to  
3247 the definition specified by this paragraph (3).

3248 (4) Notwithstanding any provisions of subsection I to  
3249 the contrary, no work shall be deemed to be suitable work for an  
3250 individual which does not accord with the labor standard  
3251 provisions set forth herein under Section 71-5-513A(4).



3252           (5) The employment service shall refer any claimant  
3253 entitled to extended benefits under this section to any suitable  
3254 work which meets the criteria prescribed in paragraph (3).

3255           (6) An individual shall be disqualified for extended  
3256 benefits for the week, or fraction thereof, which immediately  
3257 follows the day on which he left work voluntarily without good  
3258 cause (as defined in Section 71-5-513A(1)), was discharged for  
3259 misconduct connected with his work, or refused suitable work  
3260 (except as provided in subsection I of this section), and for each  
3261 week thereafter until he has earned remuneration for personal  
3262 services performed for an employer, as in this chapter defined,  
3263 equal to not less than eight (8) times his weekly benefit amount,  
3264 as determined in each case.

3265           (7) The provisions of paragraphs I(1) through (6) of  
3266 this section shall not apply to claims for weeks of unemployment  
3267 beginning after March 6, 1993, and before January 1, 1995, and  
3268 during that period the provisions of this chapter applicable to  
3269 claims for regular compensation shall apply.

3270           J. Notwithstanding any other provisions of this chapter, if  
3271 the benefit year of any individual ends within an extended benefit  
3272 period, the remaining balance of extended benefits that such  
3273 individual would, but for this section, be entitled to receive in  
3274 that extended benefit period, with respect to weeks of  
3275 unemployment beginning after the end of the benefit year, shall be  
3276 reduced (but not below zero) by the product of the number of weeks



for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

**SECTION 49.** The following shall be codified as Section 71-5-547, Mississippi Code of 1972:

71-5-547. Sections 71-5-511, 71-5-513, 71-5-517, 71-5-519, 71-5-523, 71-5-525, 71-5-529, 71-5-531 and 71-5-541, Mississippi Code of 1972, shall stand repealed on July 1, 2022.

**SECTION 50.** Section 73-30-25, Mississippi Code of 1972, is reenacted and amended as follows:

73-30-25. (1) It is not the intent of this chapter to regulate against members of other duly regulated professions in this state who do counseling in the normal course of the practice of their own profession. This chapter does not apply to:

(a) Any person registered, certified or licensed by the state to practice any other occupation or profession while rendering counseling services in the performance of the occupation or profession for which he or she is registered, certified or licensed;

(b) Certified school counselors when they are practicing counseling within the scope of their employment;

(c) Certified vocational counselors when they are practicing vocational counseling within the scope of their employment;

(d) [Deleted]



3302                   (e) Student interns or trainees in counseling pursuing  
3303 a course of study in counseling in a regionally or nationally  
3304 accredited institution of higher learning or training institution  
3305 if activities and services constitute a part of the supervised  
3306 course of study, provided that such persons be designated a  
3307 counselor intern;

3308                   (f) [Deleted]

3309                   (g) [Deleted]

3310                   (h) Duly ordained ministers or clergy while functioning  
3311 in their ministerial capacity and duly accredited Christian  
3312 Science practitioners;

3313                   (i) Professional employees of regional mental health  
3314 centers, state mental hospitals, vocational rehabilitation  
3315 institutions, youth court counselors and employees of the  
3316 Mississippi Department of Employment Security or other  
3317 governmental agency so long as they practice within the scope of  
3318 their employment;

3319                   (j) Professional employees of alcohol or drug abuse  
3320 centers or treatment facilities, whether privately or publicly  
3321 funded, so long as they practice within the scope of their  
3322 employment;

3323                   (k) Private employment counselors;

3324                   (l) Any nonresident temporarily employed in this state  
3325 to render counseling services for not more than thirty (30) days  
3326 in any year, if in the opinion of the board the person would



qualify for a license under this chapter and if the person holds any license required for counselors in his or her home state or country; and

(m) [Deleted]

(2) This section shall stand repealed on July 1, 2022.

**SECTION 51.** Section 43-1-30, Mississippi Code of 1972, is reenacted and amended as follows:

43-1-30. (1) There is created the Mississippi TANF Implementation Council. It shall serve as the independent, single state advisory and review council for assuring Mississippi's compliance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), as amended. The council shall further cooperation between government, education and the private sector in meeting the needs of the TANF program. It shall also further cooperation between the business and labor communities, education and training delivery systems, and between businesses in developing highly skilled workers for high skill, high paying jobs in Mississippi.

(2) The council shall be comprised of thirteen (13) public members and certain ex officio nonvoting members. All public members of the council shall be appointed as follows by the Governor:

Ten (10) members shall be representatives from business and industry, provided that no fewer than five (5) members are from the manufacturing and industry sector who are also serving as



3352 members of private industry councils established within the state,  
3353 and one (1) member may be a representative of a nonprofit  
3354 organization. Three (3) members shall be recipients or former  
3355 recipients of TANF assistance appointed from the state at large.

3356 The ex officio nonvoting members of the council shall consist  
3357 of the following, or their designees:

3358 (a) The Executive Director of the Mississippi  
3359 Department of Human Services;

3360 (b) The Executive Director of the Mississippi  
3361 Department of Employment Security;

3362 (c) The Executive Director of the Mississippi  
3363 Development Authority;

3364 (d) The State Superintendent of Public Education;

3365 (e) The Director of the Mississippi Community College  
3366 Board;

3367 (f) The Executive Director of the Division of Medicaid;

3368 (g) The Commissioner of the Mississippi Department of  
3369 Corrections; and

3370 (h) The Director of the Mississippi Cooperative  
3371 Extension Service.

3372 (3) The Governor shall designate one (1) public member to  
3373 serve as chairman of the council for a term of two (2) years and  
3374 until a successor as chairman is appointed and qualified.



3375           (4) The term of office for public members appointed by the  
3376 Governor shall be four (4) years and until their successors are  
3377 appointed and qualified.

3378           (5) Any vacancy shall be filled for the unexpired term by  
3379 the Governor in the manner of the original appointment, unless  
3380 otherwise specified in this section.

3381           (6) Public members shall receive a per diem as authorized in  
3382 Section 25-3-69, for each day actually engaged in meetings of the  
3383 council, and shall be reimbursed for mileage and necessary  
3384 expenses incurred in the performance of their duties, as provided  
3385 in Section 25-3-41.

3386           (7) The council shall:

3387                 (a) Annually review and recommend policies and programs  
3388 to the Governor and the Legislature that will implement and meet  
3389 federal requirements under the TANF program.

3390                 (b) Annually review and recommend policies and programs  
3391 to the Governor and to the Legislature that will enable citizens  
3392 of Mississippi to acquire the skills necessary to maximize their  
3393 economic self-sufficiency.

3394                 (c) Review the provision of services and the use of  
3395 funds and resources under the TANF program, and under all  
3396 state-financed job training and job retraining programs, and  
3397 advise the Governor and the Legislature on methods of coordinating  
3398 such provision of services and use of funds and resources  
3399 consistent with the laws and regulations governing such programs.





3400           (d) Assist in developing outcome and output measures to  
3401 measure the success of the Department of Human Services' efforts  
3402 in implementing the TANF program. These recommendations shall be  
3403 made to the Department of Human Services at such times as required  
3404 in the event that the department implements new programs to comply  
3405 with the TANF program requirements.

3406           (e) Collaborate with the Mississippi Development  
3407 Authority, local planning and development districts and local  
3408 industrial development boards, and shall develop an economic  
3409 development plan for the creation of manufacturing jobs in each of  
3410 the counties in the state that has an unemployment rate of ten  
3411 percent (10%) or more, which shall include, but not be limited to,  
3412 procedures for business development, entrepreneurship and  
3413 financial and technical assistance.

3414           (8) A majority of the members of the council shall  
3415 constitute a quorum for the conduct of meetings and all actions of  
3416 the council shall be by a majority of the members present at a  
3417 meeting.

3418           (9) The council shall adopt rules and regulations as it  
3419 deems necessary to carry out its responsibilities under this  
3420 section and under applicable federal human resources programs.

3421           (10) The council may make and enter into contracts and  
3422 interagency agreements as may be necessary and proper.

3423           (11) The council is authorized to commit and expend monies  
3424 appropriated to it by the Legislature for its authorized purposes.



The council is authorized to solicit, accept and expend public and private gifts, grants, awards and contributions related to furtherance of its statutory duties.

(12) Funds for the operations of the council shall be derived from federal funds for the operation of state councils pursuant to applicable federal human resources programs and from such other monies appropriated to it by the Legislature.

(13) This section shall stand repealed on July 1, 2022.

**SECTION 52.** Section 43-17-5, Mississippi Code of 1972, is reenacted and amended as follows:

43-17-5. (1) The amount of Temporary Assistance for Needy Families (TANF) benefits which may be granted for any dependent child and a needy caretaker relative shall be determined by the county department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case, and in accordance with the rules and regulations made by the Department of Human Services which shall not be less than the Standard of Need in effect for 1988, and shall be sufficient when added to all other income (except that any income specified in the federal Social Security Act, as amended, may be disregarded) and support available to the child to provide such child with a reasonable subsistence compatible with decency and health. The first family member in the dependent child's budget may receive an amount not to exceed One Hundred Ten Dollars (\$110.00) per month; the second family member in the dependent child's budget may



3450 receive an amount not to exceed Thirty-six Dollars (\$36.00) per  
3451 month; and each additional family member in the dependent child's  
3452 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
3453 month. The maximum for any individual family member in the  
3454 dependent child's budget may be exceeded for foster or medical  
3455 care or in cases of children with an intellectual disability or a  
3456 physical disability. TANF benefits granted shall be specifically  
3457 limited only (a) to children existing or conceived at the time the  
3458 caretaker relative initially applies and qualifies for such  
3459 assistance, unless this limitation is specifically waived by the  
3460 department, or (b) to a child born following a  
3461 twelve-consecutive-month period of discontinued benefits by the  
3462 caretaker relative.

3463 (2) TANF benefits in Mississippi shall be provided to the  
3464 recipient family by an online electronic benefits transfer system.

3465 (3) The Department of Human Services shall deny TANF  
3466 benefits to the following categories of individuals, except for  
3467 individuals and families specifically exempt or excluded for good  
3468 cause as allowed by federal statute or regulation:

3469 (a) Families without a minor child residing with the  
3470 custodial parent or other adult caretaker relative of the child;

3471 (b) Families which include an adult who has received  
3472 TANF assistance for sixty (60) months after the commencement of  
3473 the Mississippi TANF program, whether or not such period of time  
3474 is consecutive;



3475           (c) Families not assigning to the state any rights a  
3476 family member may have, on behalf of the family member or of any  
3477 other person for whom the family member has applied for or is  
3478 receiving such assistance, to support from any other person, as  
3479 required by law;

3480           (d) Families who fail to cooperate in establishing  
3481 paternity or obtaining child support, as required by law;

3482           (e) Any individual who has not attained eighteen (18)  
3483 years of age, is not married to the head of household, has a minor  
3484 child at least twelve (12) weeks of age in his or her care, and  
3485 has not successfully completed a high school education or its  
3486 equivalent, if such individual does not participate in educational  
3487 activities directed toward the attainment of a high school diploma  
3488 or its equivalent, or an alternative educational or training  
3489 program approved by the department;

3490           (f) Any individual who has not attained eighteen (18)  
3491 years of age, is not married, has a minor child in his or her  
3492 care, and does not reside in a place or residence maintained by a  
3493 parent, legal guardian or other adult relative or the individual  
3494 as such parent's, guardian's or adult relative's own home;

3495           (g) Any minor child who has been, or is expected by a  
3496 parent or other caretaker relative of the child to be, absent from  
3497 the home for a period of more than thirty (30) days;

3498           (h) Any individual who is a parent or other caretaker  
3499 relative of a minor child who fails to notify the department of



3500 the absence of the minor child from the home for the thirty-day  
3501 period specified in paragraph (g), by the end of the five-day  
3502 period that begins with the date that it becomes clear to the  
3503 individual that the minor child will be absent for the thirty-day  
3504 period;

3505 (i) Any individual who fails to comply with the  
3506 provisions of the Employability Development Plan signed by the  
3507 individual which prescribe those activities designed to help the  
3508 individual become and remain employed, or to participate  
3509 satisfactorily in the assigned work activity, as authorized under  
3510 subsection (6)(c) and (d), or who does not engage in applicant job  
3511 search activities within the thirty-day period for TANF  
3512 application approval after receiving the advice and consultation  
3513 of eligibility workers and/or caseworkers of the department  
3514 providing a detailed description of available job search venues in  
3515 the individual's county of residence or the surrounding counties;

3516 (j) A parent or caretaker relative who has not engaged  
3517 in an allowable work activity once the department determines the  
3518 parent or caretaker relative is ready to engage in work, or once  
3519 the parent or caretaker relative has received TANF assistance  
3520 under the program for twenty-four (24) months, whether or not  
3521 consecutive, whichever is earlier;

3522 (k) Any individual who is fleeing to avoid prosecution,  
3523 or custody or confinement after conviction, under the laws of the  
3524 jurisdiction from which the individual flees, for a crime, or an



3525 attempt to commit a crime, which is a felony under the laws of the  
3526 place from which the individual flees, or who is violating a  
3527 condition of probation or parole imposed under federal or state  
3528 law;

3529 (l) Aliens who are not qualified under federal law;

3530 (m) For a period of ten (10) years following  
3531 conviction, individuals convicted in federal or state court of  
3532 having made a fraudulent statement or representation with respect  
3533 to the individual's place of residence in order to receive TANF,  
3534 food stamps or Supplemental Security Income (SSI) assistance under  
3535 Title XVI or Title XIX simultaneously from two (2) or more states;

3536 (n) Individuals who are recipients of federal  
3537 Supplemental Security Income (SSI) assistance; and

3538 (o) Individuals who are eighteen (18) years of age or  
3539 older who are not in compliance with the drug testing and  
3540 substance use disorder treatment requirements of Section 43-17-6.

3541 (4) (a) Any person who is otherwise eligible for TANF  
3542 benefits, including custodial and noncustodial parents, shall be  
3543 required to attend school and meet the monthly attendance  
3544 requirement as provided in this subsection if all of the following  
3545 apply:

3546 (i) The person is under age twenty (20);

3547 (ii) The person has not graduated from a public or  
3548 private high school or obtained a High School Equivalency Diploma  
3549 equivalent;



3550                   (iii) The person is physically able to attend  
3551 school and is not excused from attending school; and

3552                   (iv) If the person is a parent or caretaker  
3553 relative with whom a dependent child is living, child care is  
3554 available for the child.

3555           The monthly attendance requirement under this subsection  
3556 shall be attendance at the school in which the person is enrolled  
3557 for each day during a month that the school conducts classes in  
3558 which the person is enrolled, with not more than two (2) absences  
3559 during the month for reasons other than the reasons listed in  
3560 paragraph (e)(iv) of this subsection. Persons who fail to meet  
3561 participation requirements in this subsection shall be subject to  
3562 sanctions as provided in paragraph (f) of this subsection.

3563           (b) As used in this subsection, "school" means any one  
3564 (1) of the following:

3565                   (i) A school as defined in Section 37-13-91(2);

3566                   (ii) A vocational, technical and adult education  
3567 program; or

3568                   (iii) A course of study meeting the standards  
3569 established by the State Department of Education for the granting  
3570 of a declaration of equivalency of high school graduation.

3571           (c) If any compulsory-school-age child, as defined in  
3572 Section 37-13-91(2), to which TANF eligibility requirements apply  
3573 is not in compliance with the compulsory school attendance  
3574 requirements of Section 37-13-91(6), the superintendent of schools



3575 of the school district in which the child is enrolled or eligible  
3576 to attend shall notify the county department of human services of  
3577 the child's noncompliance. The Department of Human Services shall  
3578 review school attendance information as provided under this  
3579 paragraph at all initial eligibility determinations and upon  
3580 subsequent report of unsatisfactory attendance.

3581 (d) The signature of a person on an application for  
3582 TANF benefits constitutes permission for the release of school  
3583 attendance records for that person or for any child residing with  
3584 that person. The department shall request information from the  
3585 child's school district about the child's attendance in the school  
3586 district's most recently completed semester of attendance. If  
3587 information about the child's previous school attendance is not  
3588 available or cannot be verified, the department shall require the  
3589 child to meet the monthly attendance requirement for one (1)  
3590 semester or until the information is obtained. The department  
3591 shall use the attendance information provided by a school district  
3592 to verify attendance for a child. The department shall review  
3593 with the parent or caretaker relative a child's claim that he or  
3594 she has a good cause for not attending school.

3595 A school district shall provide information to the department  
3596 about the attendance of a child who is enrolled in a public school  
3597 in the district within five (5) working days of the receipt of a  
3598 written request for that information from the department. The  
3599 school district shall define how many hours of attendance count as





3600 a full day and shall provide that information, upon request, to  
3601 the department. In reporting attendance, the school district may  
3602 add partial days' absence together to constitute a full day's  
3603 absence.

3604 If a school district fails to provide to the department the  
3605 information about the school attendance of any child within  
3606 fifteen (15) working days after a written request, the department  
3607 shall notify the Department of Audit within three (3) working days  
3608 of the school district's failure to comply with that requirement.  
3609 The Department of Audit shall begin audit proceedings within five  
3610 (5) working days of notification by the Department of Human  
3611 Services to determine the school district's compliance with the  
3612 requirements of this subsection (4). If the Department of Audit  
3613 finds that the school district is not in compliance with the  
3614 requirements of this subsection, the school district shall be  
3615 penalized as follows: The Department of Audit shall notify the  
3616 State Department of Education of the school district's  
3617 noncompliance, and the Department of Education shall reduce the  
3618 calculation of the school district's average daily attendance  
3619 (ADA) that is used to determine the allocation of Mississippi  
3620 Adequate Education Program funds by the number of children for  
3621 which the district has failed to provide to the Department of  
3622 Human Services the required information about the school  
3623 attendance of those children. The reduction in the calculation of



3624 the school district's ADA under this paragraph shall be effective  
3625 for a period of one (1) year.

3626 (e) A child who is required to attend school to meet  
3627 the requirements under this subsection shall comply except when  
3628 there is good cause, which shall be demonstrated by any of the  
3629 following circumstances:

3630 (i) The minor parent is the caretaker of a child  
3631 less than twelve (12) weeks old; or

3632 (ii) The department determines that child care  
3633 services are necessary for the minor parent to attend school and  
3634 there is no child care available; or

3635 (iii) The child is prohibited by the school  
3636 district from attending school and an expulsion is pending. This  
3637 exemption no longer applies once the teenager has been expelled;  
3638 however, a teenager who has been expelled and is making  
3639 satisfactory progress towards obtaining a High School Equivalency  
3640 Diploma equivalent shall be eligible for TANF benefits; or

3641 (iv) The child failed to attend school for one or  
3642 more of the following reasons:

3643 1. Illness, injury or incapacity of the child  
3644 or the minor parent's child;

3645 2. Court-required appearances or temporary  
3646 incarceration;

3647 3. Medical or dental appointments for the  
3648 child or minor parent's child;



- 3649 4. Death of a close relative;  
3650 5. Observance of a religious holiday;  
3651 6. Family emergency;  
3652 7. Breakdown in transportation;  
3653 8. Suspension; or  
3654 9. Any other circumstance beyond the control  
3655 of the child, as defined in regulations of the department.

3656 (f) Upon determination that a child has failed without  
3657 good cause to attend school as required, the department shall  
3658 provide written notice to the parent or caretaker relative  
3659 (whoever is the primary recipient of the TANF benefits) that  
3660 specifies:

3661 (i) That the family will be sanctioned in the next  
3662 possible payment month because the child who is required to attend  
3663 school has failed to meet the attendance requirement of this  
3664 subsection;

3665 (ii) The beginning date of the sanction, and the  
3666 child to whom the sanction applies;

3667 (iii) The right of the child's parents or  
3668 caretaker relative (whoever is the primary recipient of the TANF  
3669 benefits) to request a fair hearing under this subsection.

3670 The child's parent or caretaker relative (whoever is the  
3671 primary recipient of the TANF benefits) may request a fair hearing  
3672 on the department's determination that the child has not been  
3673 attending school. If the child's parents or caretaker relative



3674 does not request a fair hearing under this subsection, or if,  
3675 after a fair hearing has been held, the hearing officer finds that  
3676 the child without good cause has failed to meet the monthly  
3677 attendance requirement, the department shall discontinue or deny  
3678 TANF benefits to the child thirteen (13) years old, or older, in  
3679 the next possible payment month. The department shall discontinue  
3680 or deny twenty-five percent (25%) of the family grant when a child  
3681 six (6) through twelve (12) years of age without good cause has  
3682 failed to meet the monthly attendance requirement. Both the child  
3683 and family sanction may apply when children in both age groups  
3684 fail to meet the attendance requirement without good cause. A  
3685 sanction applied under this subsection shall be effective for one  
3686 (1) month for each month that the child failed to meet the monthly  
3687 attendance requirement. In the case of a dropout, the sanction  
3688 shall remain in force until the parent or caretaker relative  
3689 provides written proof from the school district that the child has  
3690 reenrolled and met the monthly attendance requirement for one (1)  
3691 calendar month. Any month in which school is in session for at  
3692 least ten (10) days during the month may be used to meet the  
3693 attendance requirement under this subsection. This includes  
3694 attendance at summer school. The sanction shall be removed the  
3695 next possible payment month.

3696 (5) All parents or caretaker relatives shall have their  
3697 dependent children receive vaccinations and booster vaccinations  
3698 against those diseases specified by the State Health Officer under



3699 Section 41-23-37 in accordance with the vaccination and booster  
3700 vaccination schedule prescribed by the State Health Officer for  
3701 children of that age, in order for the parents or caretaker  
3702 relatives to be eligible or remain eligible to receive TANF  
3703 benefits. Proof of having received such vaccinations and booster  
3704 vaccinations shall be given by presenting the certificates of  
3705 vaccination issued by any health care provider licensed to  
3706 administer vaccinations, and submitted on forms specified by the  
3707 State Board of Health. If the parents without good cause do not  
3708 have their dependent children receive the vaccinations and booster  
3709 vaccinations as required by this subsection and they fail to  
3710 comply after thirty (30) days' notice, the department shall  
3711 sanction the family's TANF benefits by twenty-five percent (25%)  
3712 for the next payment month and each subsequent payment month until  
3713 the requirements of this subsection are met.

3714 (6) (a) If the parent or caretaker relative applying for  
3715 TANF assistance is work eligible, as determined by the Department  
3716 of Human Services, the person shall be required to engage in an  
3717 allowable work activity once the department determines the parent  
3718 or caretaker relative is determined work eligible, or once the  
3719 parent or caretaker relative has received TANF assistance under  
3720 the program for twenty-four (24) months, whether or not  
3721 consecutive, whichever is earlier. No TANF benefits shall be  
3722 given to any person to whom this section applies who fails without  
3723 good cause to comply with the Employability Development Plan



3724 prepared by the department for the person, or who has refused to  
3725 accept a referral or offer of employment, training or education in  
3726 which he or she is able to engage, subject to the penalties  
3727 prescribed in paragraph (e) of this subsection. A person shall be  
3728 deemed to have refused to accept a referral or offer of  
3729 employment, training or education if he or she:

3730 (i) Willfully fails to report for an interview  
3731 with respect to employment when requested to do so by the  
3732 department; or

3733 (ii) Willfully fails to report to the department  
3734 the result of a referral to employment; or

3735 (iii) Willfully fails to report for allowable work  
3736 activities as prescribed in paragraphs (c) and (d) of this  
3737 subsection.

3738 (b) The Department of Human Services shall operate a  
3739 statewide work program for TANF recipients to provide work  
3740 activities and supportive services to enable families to become  
3741 self-sufficient and improve their competitive position in the  
3742 workforce in accordance with the requirements of the federal  
3743 Personal Responsibility and Work Opportunity Reconciliation Act of  
3744 1996 (Public Law 104-193), as amended, and the regulations  
3745 promulgated thereunder, and the Deficit Reduction Act of 2005  
3746 (Public Law 109-171), as amended. Within sixty (60) days after  
3747 the initial application for TANF benefits, the TANF recipient must  
3748 participate in a job search skills training workshop or a job



3749 readiness program, which shall include resume writing, job search  
3750 skills, employability skills and, if available at no charge, the  
3751 General Aptitude Test Battery or its equivalent. All adults who  
3752 are not specifically exempt shall be referred by the department  
3753 for allowable work activities. An adult may be exempt from the  
3754 mandatory work activity requirement for the following reasons:

3755 (i) Incapacity;

3756 (ii) Temporary illness or injury, verified by  
3757 physician's certificate;

3758 (iii) Is in the third trimester of pregnancy, and  
3759 there are complications verified by the certificate of a  
3760 physician, nurse practitioner, physician assistant, or any other  
3761 licensed health care professional practicing under a protocol with  
3762 a licensed physician;

3763 (iv) Caretaker of a child under twelve (12)  
3764 months, for not more than twelve (12) months of the sixty-month  
3765 maximum benefit period;

3766 (v) Caretaker of an ill or incapacitated person,  
3767 as verified by physician's certificate;

3768 (vi) Age, if over sixty (60) or under eighteen  
3769 (18) years of age;

3770 (vii) Receiving treatment for substance abuse, if  
3771 the person is in compliance with the substance abuse treatment  
3772 plan;



3773 (viii) In a two-parent family, the caretaker of a  
3774 severely disabled child, as verified by a physician's certificate;  
3775 or

3776 (ix) History of having been a victim of domestic  
3777 violence, which has been reported as required by state law and is  
3778 substantiated by police reports or court records, and being at  
3779 risk of further domestic violence, shall be exempt for a period as  
3780 deemed necessary by the department but not to exceed a total of  
3781 twelve (12) months, which need not be consecutive, in the  
3782 sixty-month maximum benefit period. For the purposes of this  
3783 subparagraph (ix), "domestic violence" means that an individual  
3784 has been subjected to:

3785 1. Physical acts that resulted in, or  
3786 threatened to result in, physical injury to the individual;

3787 2. Sexual abuse;

3788 3. Sexual activity involving a dependent  
3789 child;

3790 4. Being forced as the caretaker relative of  
3791 a dependent child to engage in nonconsensual sexual acts or  
3792 activities;

3793 5. Threats of, or attempts at, physical or  
3794 sexual abuse;

3795 6. Mental abuse; or

3796 7. Neglect or deprivation of medical care.





3797 (c) For all families, all adults who are not  
3798 specifically exempt shall be required to participate in work  
3799 activities for at least the minimum average number of hours per  
3800 week specified by federal law or regulation, not fewer than twenty  
3801 (20) hours per week (thirty-five (35) hours per week for  
3802 two-parent families) of which are attributable to the following  
3803 allowable work activities:

- 3804 (i) Unsubsidized employment;
- 3805 (ii) Subsidized private employment;
- 3806 (iii) Subsidized public employment;
- 3807 (iv) Work experience (including work associated  
3808 with the refurbishing of publicly assisted housing), if sufficient  
3809 private employment is not available;
- 3810 (v) On-the-job training;
- 3811 (vi) Job search and job readiness assistance  
3812 consistent with federal TANF regulations;
- 3813 (vii) Community service programs;
- 3814 (viii) Vocational educational training (not to  
3815 exceed twelve (12) months with respect to any individual);
- 3816 (ix) The provision of child care services to an  
3817 individual who is participating in a community service program;
- 3818 (x) Satisfactory attendance at high school or in a  
3819 course of study leading to a high school equivalency certificate,  
3820 for heads of household under age twenty (20) who have not  
3821 completed high school or received such certificate;



3822                   (xi) Education directly related to employment, for  
3823 heads of household under age twenty (20) who have not completed  
3824 high school or received such equivalency certificate.

3825                   (d) The following are allowable work activities which  
3826 may be attributable to hours in excess of the minimum specified  
3827 in \* \* \* paragraph (c) of this subsection:

3828                   (i) Job skills training directly related to  
3829 employment;

3830                   (ii) Education directly related to employment for  
3831 individuals who have not completed high school or received a high  
3832 school equivalency certificate;

3833                   (iii) Satisfactory attendance at high school or in  
3834 a course of study leading to a high school equivalency, for  
3835 individuals who have not completed high school or received such  
3836 equivalency certificate;

3837                   (iv) Job search and job readiness assistance  
3838 consistent with federal TANF regulations.

3839                   (e) If any adult or caretaker relative refuses to  
3840 participate in allowable work activity as required under this  
3841 subsection (6), the following full family TANF benefit penalty  
3842 will apply, subject to due process to include notification,  
3843 conciliation and a hearing if requested by the recipient:

3844                   (i) For the first violation, the department shall  
3845 terminate the TANF assistance otherwise payable to the family for



3846 a two-month period or until the person has complied with the  
3847 required work activity, whichever is longer;

3848 (ii) For the second violation, the department  
3849 shall terminate the TANF assistance otherwise payable to the  
3850 family for a six-month period or until the person has complied  
3851 with the required work activity, whichever is longer;

3852 (iii) For the third violation, the department  
3853 shall terminate the TANF assistance otherwise payable to the  
3854 family for a twelve-month period or until the person has complied  
3855 with the required work activity, whichever is longer;

3856 (iv) For the fourth violation, the person shall be  
3857 permanently disqualified.

3858 For a two-parent family, unless prohibited by state or  
3859 federal law, Medicaid assistance shall be terminated only for the  
3860 person whose failure to participate in allowable work activity  
3861 caused the family's TANF assistance to be sanctioned under  
3862 this \* \* \* paragraph (e), unless an individual is pregnant, but  
3863 shall not be terminated for any other person in the family who is  
3864 meeting that person's applicable work requirement or who is not  
3865 required to work. Minor children shall continue to be eligible  
3866 for Medicaid benefits regardless of the disqualification of their  
3867 parent or caretaker relative for TANF assistance under this  
3868 subsection (6), unless prohibited by state or federal law.

3869 (f) Any person enrolled in a two-year or four-year  
3870 college program who meets the eligibility requirements to receive



3871 TANF benefits, and who is meeting the applicable work requirements  
3872 and all other applicable requirements of the TANF program, shall  
3873 continue to be eligible for TANF benefits while enrolled in the  
3874 college program for as long as the person meets the requirements  
3875 of the TANF program, unless prohibited by federal law.

3876 (g) No adult in a work activity required under this  
3877 subsection (6) shall be employed or assigned (i) when any other  
3878 individual is on layoff from the same or any substantially  
3879 equivalent job within six (6) months before the date of the TANF  
3880 recipient's employment or assignment; or (ii) if the employer has  
3881 terminated the employment of any regular employee or otherwise  
3882 caused an involuntary reduction of its workforce in order to fill  
3883 the vacancy so created with an adult receiving TANF assistance.  
3884 The Mississippi Department of Employment Security, established  
3885 under Section 71-5-101, shall appoint one or more impartial  
3886 hearing officers to hear and decide claims by employees of  
3887 violations of this paragraph (g). The hearing officer shall hear  
3888 all the evidence with respect to any claim made hereunder and such  
3889 additional evidence as he may require and shall make a  
3890 determination and the reason therefor. The claimant shall be  
3891 promptly notified of the decision of the hearing officer and the  
3892 reason therefor. Within ten (10) days after the decision of the  
3893 hearing officer has become final, any party aggrieved thereby may  
3894 secure judicial review thereof by commencing an action, in the  
3895 circuit court of the county in which the claimant resides, against



3896 the department for the review of such decision, in which action  
3897 any other party to the proceeding before the hearing officer shall  
3898 be made a defendant. Any such appeal shall be on the record which  
3899 shall be certified to the court by the department in the manner  
3900 provided in Section 71-5-531, and the jurisdiction of the court  
3901 shall be confined to questions of law which shall render its  
3902 decision as provided in that section.

3903 (7) The Department of Human Services may provide child care  
3904 for eligible participants who require such care so that they may  
3905 accept employment or remain employed. The department may also  
3906 provide child care for those participating in the TANF program  
3907 when it is determined that they are satisfactorily involved in  
3908 education, training or other allowable work activities. The  
3909 department may contract with Head Start agencies to provide child  
3910 care services to TANF recipients. The department may also arrange  
3911 for child care by use of contract or vouchers, provide vouchers in  
3912 advance to a caretaker relative, reimburse a child care provider,  
3913 or use any other arrangement deemed appropriate by the department,  
3914 and may establish different reimbursement rates for child care  
3915 services depending on the category of the facility or home. Any  
3916 center-based or group home child care facility under this  
3917 subsection shall be licensed by the State Department of Health  
3918 pursuant to law. When child care is being provided in the child's  
3919 own home, in the home of a relative of the child, or in any other  
3920 unlicensed setting, the provision of such child care may be



3921 monitored on a random basis by the Department of Human Services or  
3922 the State Department of Health. Transitional child care  
3923 assistance may be continued if it is necessary for parents to  
3924 maintain employment once support has ended, unless prohibited  
3925 under state or federal law. Transitional child care assistance  
3926 may be provided for up to twenty-four (24) months after the last  
3927 month during which the family was eligible for TANF assistance, if  
3928 federal funds are available for such child care assistance.

3929       (8) The Department of Human Services may provide  
3930 transportation or provide reasonable reimbursement for  
3931 transportation expenses that are necessary for individuals to be  
3932 able to participate in allowable work activity under the TANF  
3933 program.

3934       (9) Medicaid assistance shall be provided to a family of  
3935 TANF program participants for up to twenty-four (24) consecutive  
3936 calendar months following the month in which the participating  
3937 family would be ineligible for TANF benefits because of increased  
3938 income, expiration of earned income disregards, or increased hours  
3939 of employment of the caretaker relative; however, Medicaid  
3940 assistance for more than twelve (12) months may be provided only  
3941 if a federal waiver is obtained to provide such assistance for  
3942 more than twelve (12) months and federal and state funds are  
3943 available to provide such assistance.

3944       (10) The department shall require applicants for and  
3945 recipients of public assistance from the department to sign a



3946 personal responsibility contract that will require the applicant  
3947 or recipient to acknowledge his or her responsibilities to the  
3948 state.

3949 (11) The department shall enter into an agreement with the  
3950 State Personnel Board and other state agencies that will allow  
3951 those TANF participants who qualify for vacant jobs within state  
3952 agencies to be placed in state jobs. State agencies participating  
3953 in the TANF work program shall receive any and all benefits  
3954 received by employers in the private sector for hiring TANF  
3955 recipients. This subsection (11) shall be effective only if the  
3956 state obtains any necessary federal waiver or approval and if  
3957 federal funds are available therefor.

3958 (12) Any unspent TANF funds remaining from the prior fiscal  
3959 year may be expended for any TANF allowable activities.

3960 (13) The Mississippi Department of Human Services shall  
3961 provide TANF applicants information and referral to programs that  
3962 provide information about birth control, prenatal health care,  
3963 abstinence education, marriage education, family preservation and  
3964 fatherhood.

3965 (14) No new TANF program requirement or restriction  
3966 affecting a person's eligibility for TANF assistance, or allowable  
3967 work activity, which is not mandated by federal law or regulation  
3968 may be implemented by the Department of Human Services after July  
3969 1, 2004, unless such is specifically authorized by an amendment to  
3970 this section by the Legislature.



(15) This section shall stand repealed on July 1, 2022.

**SECTION 53.** Section 43-19-45, Mississippi Code of 1972, is reenacted and amended as follows:

43-19-45. (1) The Child Support Unit shall establish a state parent locator service for the purpose of locating absent and nonsupporting parents and alleged parents, which will utilize all appropriate public and private locator sources. In order to carry out the responsibilities imposed under Sections 43-19-31 through 43-19-53, the Child Support Unit may secure, by administrative subpoena from the customer records of public utilities and cable television companies, the names and addresses of individuals and the names and addresses of employers of such individuals that would enable the location of parents or alleged parents who have a duty to provide support and maintenance for their children. The Child Support Unit may also administratively subpoena any and all financial information, including account numbers, names and social security numbers of record for assets, accounts, and account balances from any individual, financial institution, business or other entity, public or private, needed to establish, modify or enforce a support order. No entity complying with an administrative subpoena to supply the requested information of whatever nature shall be liable in any civil action or proceeding on account of such compliance. Full faith and credit shall be given to all uniform administrative subpoenas issued by other state child support units. The recipient of an





3996 administrative subpoena shall supply the Child Support Unit, other  
3997 state and federal IV-D agencies, its attorneys, investigators,  
3998 probation officers, county or district attorneys in this state,  
3999 all information relative to the location, employment,  
4000 employment-related benefits including, but not limited to,  
4001 availability of medical insurance, income and property of such  
4002 parents and alleged parents and with all information on hand  
4003 relative to the location and prosecution of any person who has, by  
4004 means of a false statement or misrepresentation or by  
4005 impersonation or other fraudulent device, obtained Temporary  
4006 Assistance for Needy Families (TANF) to which he or she was not  
4007 entitled, notwithstanding any provision of law making such  
4008 information confidential. The Mississippi Department of  
4009 Information Technology Services and any other agency in this state  
4010 using the facilities of the Mississippi Department of Information  
4011 Technology Services are directed to permit the Child Support Unit  
4012 access to their files, inclusive of those maintained for other  
4013 state agencies, for the purpose of locating absent and  
4014 nonsupporting parents and alleged parents, except to the extent  
4015 that any such access would violate any valid federal statute or  
4016 regulation issued pursuant thereto. The Child Support Unit, other  
4017 state and federal IV-D agencies, its attorneys, investigators,  
4018 probation officers, or county or district attorneys, shall use  
4019 such information only for the purpose of investigating or  
4020 enforcing the support liability of such absent parents or alleged



4021 parents or for the prosecution of other persons mentioned herein.  
4022 Neither the Child Support Unit nor those authorities shall use the  
4023 information, or disclose it, for any other purpose. All records  
4024 maintained pursuant to the provisions of Sections 43-19-31 through  
4025 43-19-53 shall be confidential and shall be available only to the  
4026 Child Support Unit, other state and federal IV-D agencies, the  
4027 attorneys, investigators and other staff employed or under  
4028 contract under Sections 43-19-31 through 43-19-53, district or  
4029 county attorneys, probation departments, child support units in  
4030 other states, and courts having jurisdiction in paternity, support  
4031 or abandonment proceedings. The Child Support Unit may release to  
4032 the public the name, photo, last-known address, arrearage amount  
4033 and other necessary information of a parent who has a judgment  
4034 against him for child support and is currently in arrears in the  
4035 payment of this support. Such release may be included in a "Most  
4036 Wanted List" or other media in order to solicit assistance.

4037       (2) The Child Support Unit shall have the authority to  
4038 secure information from the records of the Mississippi Department  
4039 of Employment Security that may be necessary to locate absent and  
4040 nonsupporting parents and alleged parents under the provisions of  
4041 Sections 43-19-31 through 43-19-53. Upon request of the Child  
4042 Support Unit, all departments, boards, bureaus and agencies of the  
4043 state shall provide to the Child Support Unit verification of  
4044 employment or payment and the address and social security number  
4045 of any person designated as an absent or nonsupporting parent or



4046 alleged parent. In addition, upon request of the Child Support  
4047 Unit, the Mississippi Department of Employment Security, or any  
4048 private employer or payor of any income to a person designated as  
4049 an absent or nonsupporting parent or alleged parent, shall provide  
4050 to the Child Support Unit verification of employment or payment  
4051 and the address and social security number of the person so  
4052 designated. Full faith and credit shall be given to such notices  
4053 issued by child support units in other states. All such records  
4054 and information shall be confidential and shall not be used for  
4055 any purposes other than those specified by Sections 43-19-31  
4056 through 43-19-53. The violation of the provisions of this  
4057 subsection shall be unlawful and any person convicted of violating  
4058 the provisions of this subsection shall be guilty of a misdemeanor  
4059 and shall pay a fine of not more than Two Hundred Dollars  
4060 (\$200.00).

4061 (3) Federal and state IV-D agencies shall have access to the  
4062 state parent locator service and any system used by the Child  
4063 Support Unit to locate an individual for purposes relating to  
4064 motor vehicles or law enforcement. No employer or other source of  
4065 income who complies with this section shall be liable in any civil  
4066 action or proceeding brought by the obligor or obligee on account  
4067 of such compliance.

4068 (4) This section shall stand repealed on July 1, 2022.

4069 **SECTION 54.** Section 43-19-46, Mississippi Code of 1972, is  
4070 reenacted and amended as follows:



4071           43-19-46. (1) Each employer paying wages, salary or  
4072 commission and doing business in Mississippi shall report to the  
4073 Directory of New Hires within the Mississippi Department of Human  
4074 Services:

4075           (a) The hiring of any person who resides or works in  
4076 this state to whom the employer anticipates paying wages, salary  
4077 or commission; and

4078           (b) The hiring or return to work of any employee who  
4079 was laid off, furloughed, separated, granted leave without pay or  
4080 was terminated from employment.

4081           (2) Employers shall report, by mailing or by other means  
4082 authorized by the Department of Human Services, a copy of the  
4083 employee's W-4 form or its equivalent that will result in timely  
4084 reporting. Each employer shall submit reports within fifteen (15)  
4085 days of the hiring, rehiring or return to work of the employee.  
4086 The report shall contain:

4087           (a) The employee's name, address, social security  
4088 number and the date of birth;

4089           (b) The employer's name, address, and federal and state  
4090 withholding tax identification numbers; and

4091           (c) The date upon which the employee began or resumed  
4092 employment, or is scheduled to begin or otherwise resume  
4093 employment.

4094           (3) The department shall retain the information, which shall  
4095 be forwarded to the federal registry of new hires.



4096           (4) The Department of Human Services may operate the  
4097 program, may enter into a mutual agreement with the Mississippi  
4098 Department of Employment Security or the Department of Revenue, or  
4099 both, for the operation of the Directory of New Hires Program, or  
4100 the Department of Human Services may contract for that service, in  
4101 which case the department shall maintain administrative control of  
4102 the program.

4103           (5) In cases in which an employer fails to report  
4104 information, as required by this section, an administratively  
4105 levied civil penalty in an amount not to exceed Five Hundred  
4106 Dollars (\$500.00) shall apply if the failure is the result of a  
4107 conspiracy between the employer and employee to not supply the  
4108 required report or to supply a false or incomplete report. The  
4109 penalty shall otherwise not exceed Twenty-five Dollars (\$25.00).  
4110 Appeal shall be as provided in Section 43-19-58.

4111           (6) This section shall stand repealed on July 1, 2022.

4112           **SECTION 55.** Section 57-62-5, Mississippi Code of 1972, is  
4113 reenacted as follows:

4114           **[For businesses or industries that received or applied for**  
4115 **incentive payments prior to July 1, 2005, this section shall read**  
4116 **as follows:]**

4117           57-62-5. As used in this chapter, the following words and  
4118 phrases shall have the meanings ascribed in this section unless  
4119 the context clearly indicates otherwise:



4120                   (a) "Qualified business or industry" means any  
4121 corporation, limited liability company, partnership, sole  
4122 proprietorship, business trust or other legal entity and subunits  
4123 or affiliates thereof, pursuant to rules and regulations of the  
4124 MDA, which provides an average annual salary, excluding benefits  
4125 which are not subject to Mississippi income taxes, of at least one  
4126 hundred twenty-five percent (125%) of the most recently published  
4127 state average annual wage or the most recently published average  
4128 annual wage of the county in which the qualified business or  
4129 industry is located as determined by the Mississippi Department of  
4130 Employment Security, whichever is the lesser. An establishment  
4131 shall not be considered to be a qualified business or industry  
4132 unless it offers, or will offer within one hundred eighty (180)  
4133 days of the date it receives the first incentive payment pursuant  
4134 to the provisions of this chapter, a basic health benefits plan to  
4135 the individuals it employs in new direct jobs in this state which  
4136 is approved by the MDA. Qualified business or industry does not  
4137 include retail business or gaming business;

4138                   (b) "New direct job" means full-time employment in this  
4139 state in a qualified business or industry that has qualified to  
4140 receive an incentive payment pursuant to this chapter, which  
4141 employment did not exist in this state before the date of approval  
4142 by the MDA of the application of the qualified business or  
4143 industry pursuant to the provisions of this chapter. "New direct  
4144 job" shall include full-time employment in this state of employees



4145 who are employed by an entity other than the establishment that  
4146 has qualified to receive an incentive payment and who are leased  
4147 to the qualified business or industry, if such employment did not  
4148 exist in this state before the date of approval by the MDA of the  
4149 application of the establishment;

4150 (c) "Full-time job" means a job of at least thirty-five  
4151 (35) hours per week;

4152 (d) "Estimated direct state benefits" means the tax  
4153 revenues projected by the MDA to accrue to the state as a result  
4154 of the qualified business or industry;

4155 (e) "Estimated direct state costs" means the costs  
4156 projected by the MDA to accrue to the state as a result of the  
4157 qualified business or industry;

4158 (f) "Estimated net direct state benefits" means the  
4159 estimated direct state benefits less the estimated direct state  
4160 costs;

4161 (g) "Net benefit rate" means the estimated net direct  
4162 state benefits computed as a percentage of gross payroll, provided  
4163 that:

4164 (i) Except as otherwise provided in this paragraph  
4165 (g), the net benefit rate may be variable and shall not exceed  
4166 four percent (4%) of the gross payroll; and shall be set in the  
4167 sole discretion of the MDA;

4168 (ii) In no event shall incentive payments,  
4169 cumulatively, exceed the estimated net direct state benefits;



(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry; and

(i) "MDA" means the Mississippi Development Authority.

**[For businesses or industries that received or applied for incentive payments from and after July 1, 2005, but prior to July 1, 2010, this section shall read as follows:]**

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section





4195 57-73-21), or which creates not less than one hundred (100) new  
4196 jobs if the enterprise is located in a Tier Three area (as such  
4197 areas are designated in accordance with Section 57-73-21);

4198 (ii) Is a manufacturing or distribution enterprise  
4199 meeting minimum criteria established by the MDA that provides an  
4200 average annual salary, excluding benefits which are not subject to  
4201 Mississippi income taxes, of at least one hundred ten percent  
4202 (110%) of the most recently published state average annual wage or  
4203 the most recently published average annual wage of the county in  
4204 which the qualified business or industry is located as determined  
4205 by the Mississippi Department of Employment Security, whichever is  
4206 the lesser, invests not less than Twenty Million Dollars  
4207 (\$20,000,000.00) in land, buildings and equipment, and creates not  
4208 less than fifty (50) new direct jobs if the enterprise is located  
4209 in a Tier One or Tier Two area (as such areas are designated in  
4210 accordance with Section 57-73-21), or which creates not less than  
4211 twenty (20) new jobs if the enterprise is located in a Tier Three  
4212 area (as such areas are designated in accordance with Section  
4213 57-73-21);

4214 (iii) Is a corporation, limited liability company,  
4215 partnership, sole proprietorship, business trust or other legal  
4216 entity and subunits or affiliates thereof, pursuant to rules and  
4217 regulations of the MDA, which provides an average annual salary,  
4218 excluding benefits which are not subject to Mississippi income  
4219 taxes, of at least one hundred twenty-five percent (125%) of the



4220 most recently published state average annual wage or the most  
4221 recently published average annual wage of the county in which the  
4222 qualified business or industry is located as determined by the  
4223 Mississippi Department of Employment Security, whichever is the  
4224 lesser, and creates not less than twenty-five (25) new direct jobs  
4225 if the enterprise is located in a Tier One or Tier Two area (as  
4226 such areas are designated in accordance with Section 57-73-21), or  
4227 which creates not less than ten (10) new jobs if the enterprise is  
4228 located in a Tier Three area (as such areas are designated in  
4229 accordance with Section 57-73-21). An establishment shall not be  
4230 considered to be a qualified business or industry unless it  
4231 offers, or will offer within one hundred eighty (180) days of the  
4232 date it receives the first incentive payment pursuant to the  
4233 provisions of this chapter, a basic health benefits plan to the  
4234 individuals it employs in new direct jobs in this state which is  
4235 approved by the MDA. Qualified business or industry does not  
4236 include retail business or gaming business; or

4237                   (iv) Is a research and development or a technology  
4238 intensive enterprise meeting minimum criteria established by the  
4239 MDA that provides an average annual salary, excluding benefits  
4240 which are not subject to Mississippi income taxes, of at least one  
4241 hundred fifty percent (150%) of the most recently published state  
4242 average annual wage or the most recently published average annual  
4243 wage of the county in which the qualified business or industry is  
4244 located as determined by the Mississippi Department of Employment



4245 Security, whichever is the lesser, and creates not less than ten  
4246 (10) new direct jobs.

4247       An establishment shall not be considered to be a qualified  
4248 business or industry unless it offers, or will offer within one  
4249 hundred eighty (180) days of the date it receives the first  
4250 incentive payment pursuant to the provisions of this chapter, a  
4251 basic health benefits plan to the individuals it employs in new  
4252 direct jobs in this state which is approved by the MDA. Qualified  
4253 business or industry does not include retail business or gaming  
4254 business.

4255       (b) "New direct job" means full-time employment in this  
4256 state in a qualified business or industry that has qualified to  
4257 receive an incentive payment pursuant to this chapter, which  
4258 employment did not exist in this state before the date of approval  
4259 by the MDA of the application of the qualified business or  
4260 industry pursuant to the provisions of this chapter. "New direct  
4261 job" shall include full-time employment in this state of employees  
4262 who are employed by an entity other than the establishment that  
4263 has qualified to receive an incentive payment and who are leased  
4264 to the qualified business or industry, if such employment did not  
4265 exist in this state before the date of approval by the MDA of the  
4266 application of the establishment.

4267       (c) "Full-time job" or "full-time employment" means a  
4268 job of at least thirty-five (35) hours per week.



(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry.

(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry.

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs.

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits.

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry.

(i) "MDA" means the Mississippi Development Authority.

**[For businesses or industries that apply for incentive payments from and after July 1, 2010, this section shall read as follows:]**



4293           57-62-5. As used in this chapter, the following words and  
4294 phrases shall have the meanings ascribed in this section unless  
4295 the context clearly indicates otherwise:

4296           (a) "Qualified business or industry" means any  
4297 corporation, limited liability company, partnership, sole  
4298 proprietorship, business trust or other legal entity and subunits  
4299 or affiliates thereof, pursuant to rules and regulations of the  
4300 MDA, which:

4301                   (i) Is a data/information processing enterprise  
4302 meeting minimum criteria established by the MDA that provides an  
4303 average annual salary, excluding benefits which are not subject to  
4304 Mississippi income taxes, of at least one hundred percent (100%)  
4305 of the most recently published state average annual wage or the  
4306 most recently published average annual wage of the county in which  
4307 the qualified business or industry is located as determined by the  
4308 Mississippi Department of Employment Security, whichever is the  
4309 lesser, and creates not less than two hundred (200) new direct  
4310 jobs;

4311                   (ii) Is a corporation, limited liability company,  
4312 partnership, sole proprietorship, business trust or other legal  
4313 entity and subunits or affiliates thereof, pursuant to rules and  
4314 regulations of the MDA, which provides an average annual salary,  
4315 excluding benefits which are not subject to Mississippi income  
4316 taxes, of at least one hundred ten percent (110%) of the most  
4317 recently published state average annual wage or the most recently



4318 published average annual wage of the county in which the qualified  
4319 business or industry is located as determined by the Mississippi  
4320 Department of Employment Security, whichever is the lesser, and  
4321 creates not less than twenty-five (25) new direct jobs; or

4322 (iii) Is a corporation, limited liability company,  
4323 partnership, sole proprietorship, business trust or other legal  
4324 entity and subunits or affiliates thereof, pursuant to rules and  
4325 regulations of the MDA, which is a manufacturer that:

4326 1. Provides an average annual salary,  
4327 excluding benefits which are not subject to Mississippi income  
4328 taxes, of at least one hundred ten percent (110%) of the most  
4329 recently published state average annual wage or the most recently  
4330 published average annual wage of the county in which the qualified  
4331 business or industry is located as determined by the Mississippi  
4332 Department of Employment Security, whichever is the lesser;

4333 2. Has a minimum of five thousand (5,000)  
4334 existing employees as of the last day of the previous calendar  
4335 year; and

4336 3. MDA determines will create not less than  
4337 three thousand (3,000) new direct jobs within forty-eight (48)  
4338 months of the date the MDA determines that the applicant is  
4339 qualified to receive incentive payments.

4340 An establishment shall not be considered to be a qualified  
4341 business or industry unless it offers, or will offer within one  
4342 hundred eighty (180) days of the date it receives the first



4343 incentive payment pursuant to the provisions of this chapter, a  
4344 basic health benefits plan to the individuals it employs in new  
4345 direct jobs in this state which is approved by the MDA. Qualified  
4346 business or industry does not include retail business or gaming  
4347 business.

4348 (b) "New direct job" means full-time employment in this  
4349 state in a qualified business or industry that has qualified to  
4350 receive an incentive payment pursuant to this chapter, which  
4351 employment did not exist in this state before the date of approval  
4352 by the MDA of the application of the qualified business or  
4353 industry pursuant to the provisions of this chapter. "New direct  
4354 job" shall include full-time employment in this state of employees  
4355 who are employed by an entity other than the establishment that  
4356 has qualified to receive an incentive payment and who are leased  
4357 to the qualified business or industry, if such employment did not  
4358 exist in this state before the date of approval by the MDA of the  
4359 application of the establishment.

4360 (c) "Full-time job" or "full-time employment" means a  
4361 job of at least thirty-five (35) hours per week.

4362 (d) "Gross payroll" means wages for new direct jobs of  
4363 the qualified business or industry.

4364 (e) "MDA" means the Mississippi Development Authority.

4365 **SECTION 56.** Section 57-62-9, Mississippi Code of 1972, is  
4366 reenacted and amended as follows:



4367           **[For businesses or industries that received or applied for**  
4368 **incentive payments prior to July 1, 2005, this section shall read**  
4369 **as follows:]**

4370           57-62-9. (1) Except as otherwise provided in this section,  
4371 a qualified business or industry that meets the qualifications  
4372 specified in this chapter may receive quarterly incentive payments  
4373 for a period not to exceed ten (10) years from the Department of  
4374 Revenue pursuant to the provisions of this chapter in an amount  
4375 which shall be equal to the net benefit rate multiplied by the  
4376 actual gross payroll of new direct jobs for a calendar quarter as  
4377 verified by the Mississippi Department of Employment Security, but  
4378 not to exceed the amount of money previously paid into the fund by  
4379 the employer. A qualified business or industry that is a project  
4380 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
4381 which the ten-year period will begin. Such date may not be later  
4382 than sixty (60) months after the date the business or industry  
4383 applied for incentive payments.

4384           (2) (a) A qualified business or industry that is a project  
4385 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to  
4386 receive incentive payments for an additional period not to exceed  
4387 five (5) years beyond the expiration date of the initial ten-year  
4388 period if:

4389                       (i) The qualified business or industry creates at  
4390 least three thousand (3,000) new direct jobs within five (5) years





4391 after the date the business or industry commences commercial  
4392 production;

4393 (ii) Within five (5) years after the date the  
4394 business or industry commences commercial production, the average  
4395 annual wage of the jobs is at least one hundred fifty percent  
4396 (150%) of the most recently published state average annual wage or  
4397 the most recently published average annual wage of the county in  
4398 which the qualified business or industry is located as determined  
4399 by the Mississippi Department of Employment Security, whichever is  
4400 the lesser. The criteria for the average annual wage requirement  
4401 shall be based upon the state average annual wage or the average  
4402 annual wage of the county whichever is appropriate, at the time of  
4403 creation of the minimum number of jobs, and the threshold  
4404 established at that time will remain constant for the duration of  
4405 the additional period; and

4406 (iii) The qualified business or industry meets and  
4407 maintains the job and wage requirements of subparagraphs (i) and  
4408 (ii) of this paragraph (a) for four (4) consecutive calendar  
4409 quarters.

4410 (b) A qualified business or industry that is a project  
4411 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
4412 incentive payments for the additional period provided in paragraph  
4413 (a) of this subsection (2) may apply to the MDA to receive  
4414 incentive payments for an additional period not to exceed ten (10)



4415 years beyond the expiration date of the additional period provided  
4416 in paragraph (a) of this subsection (2) if:

4417           (i) The qualified business or industry creates at  
4418 least four thousand (4,000) new direct jobs after qualifying for  
4419 the additional incentive period provided in paragraph (a) of this  
4420 subsection (2) but before the expiration of the additional period.  
4421 For purposes of determining whether the business or industry meets  
4422 the minimum jobs requirement of this subparagraph (i), the number  
4423 of jobs the business or industry created in order to meet the  
4424 minimum jobs requirement of paragraph (a) of this subsection (2)  
4425 shall be subtracted from the minimum jobs requirement of this  
4426 subparagraph (i);

4427           (ii) The average annual wage of the jobs is at  
4428 least one hundred fifty percent (150%) of the most recently  
4429 published state average annual wage or the most recently published  
4430 average annual wage of the county in which the qualified business  
4431 or industry is located as determined by the Mississippi Department  
4432 of Employment Security, whichever is the lesser. The criteria for  
4433 the average annual wage requirement shall be based upon the state  
4434 average annual wage or the average annual wage of the county  
4435 whichever is appropriate, at the time of creation of the minimum  
4436 number of jobs, and the threshold established at that time will  
4437 remain constant for the duration of the additional period; and

4438           (iii) The qualified business or industry meets and  
4439 maintains the job and wage requirements of subparagraphs (i) and



4440 (ii) of this paragraph (b) for four (4) consecutive calendar  
4441 quarters.

4442 (3) In order to receive incentive payments, an establishment  
4443 shall apply to the MDA. The application shall be on a form  
4444 prescribed by the MDA and shall contain such information as may be  
4445 required by the MDA to determine if the applicant is qualified.

4446 (4) In order to qualify to receive such payments, the  
4447 establishment applying shall be required to:

4448 (a) Be engaged in a qualified business or industry;

4449 (b) Provide an average salary, excluding benefits which  
4450 are not subject to Mississippi income taxes, of at least one  
4451 hundred twenty-five percent (125%) of the most recently published  
4452 state average annual wage or the most recently published average  
4453 annual wage of the county in which the qualified business or  
4454 industry is located as determined by the Mississippi Department of  
4455 Employment Security, whichever is the lesser. The criteria for  
4456 this requirement shall be based upon the state average annual wage  
4457 or the average annual wage of the county whichever is appropriate,  
4458 at the time of application, and the threshold established upon  
4459 application will remain constant for the duration of the project;

4460 (c) The business or industry must create and maintain a  
4461 minimum of ten (10) full-time jobs in counties that have an  
4462 average unemployment rate over the previous twelve-month period  
4463 which is at least one hundred fifty percent (150%) of the most  
4464 recently published state unemployment rate, as determined by the



4465 Mississippi Department of Employment Security or in Tier Three  
4466 counties as determined under Section 57-73-21. In all other  
4467 counties, the business or industry must create and maintain a  
4468 minimum of twenty-five (25) full-time jobs. The criteria for this  
4469 requirement shall be based on the designation of the county at the  
4470 time of the application. The threshold established upon the  
4471 application will remain constant for the duration of the project.  
4472 The business or industry must meet its job creation commitment  
4473 within twenty-four (24) months of the application approval.  
4474 However, if the qualified business or industry is applying for  
4475 incentive payments for an additional period under subsection (2)  
4476 of this section, the business or industry must comply with the  
4477 applicable job and wage requirements of subsection (2) of this  
4478 section.

4479 (5) The MDA shall determine if the applicant is qualified to  
4480 receive incentive payments. If the applicant is determined to be  
4481 qualified by the MDA, the MDA shall conduct a cost/benefit  
4482 analysis to determine the estimated net direct state benefits and  
4483 the net benefit rate applicable for a period not to exceed ten  
4484 (10) years and to estimate the amount of gross payroll for the  
4485 period. If the applicant is determined to be qualified to receive  
4486 incentive payments for an additional period under subsection (2)  
4487 of this section, the MDA shall conduct a cost/benefit analysis to  
4488 determine the estimated net direct state benefits and the net  
4489 benefit rate applicable for the appropriate additional period and



4490 to estimate the amount of gross payroll for the additional period.  
4491 In conducting such cost/benefit analysis, the MDA shall consider  
4492 quantitative factors, such as the anticipated level of new tax  
4493 revenues to the state along with the cost to the state of the  
4494 qualified business or industry, and such other criteria as deemed  
4495 appropriate by the MDA, including the adequacy of retirement  
4496 benefits that the business or industry provides to individuals it  
4497 employs in new direct jobs in this state. In no event shall  
4498 incentive payments, cumulatively, exceed the estimated net direct  
4499 state benefits. Once the qualified business or industry is  
4500 approved by the MDA, an agreement shall be deemed to exist between  
4501 the qualified business or industry and the State of Mississippi,  
4502 requiring the continued incentive payment to be made as long as  
4503 the qualified business or industry retains its eligibility.

4504 (6) Upon approval of such an application, the MDA shall  
4505 notify the Department of Revenue and shall provide it with a copy  
4506 of the approved application and the estimated net direct state  
4507 benefits. The Department of Revenue may require the qualified  
4508 business or industry to submit such additional information as may  
4509 be necessary to administer the provisions of this chapter. The  
4510 qualified business or industry shall report to the Department of  
4511 Revenue periodically to show its continued eligibility for  
4512 incentive payments. The qualified business or industry may be  
4513 audited by the Department of Revenue to verify such eligibility.  
4514 In addition, the State Auditor may conduct performance and



4515 compliance audits under this chapter according to Section  
4516 7-7-211(o) and may bill the oversight agency.

4517 (7) If the qualified business or industry is located in an  
4518 area that has been declared by the Governor to be a disaster area  
4519 and as a result of the disaster the business or industry is unable  
4520 to create or maintain the full-time jobs required by this section:

4521 (a) The Commissioner of Revenue may extend the period  
4522 of time that the business or industry may receive incentive  
4523 payments for a period of time not to exceed two (2) years;

4524 (b) The Commissioner of Revenue may waive the  
4525 requirement that a certain number of jobs be maintained for a  
4526 period of time not to exceed twenty-four (24) months; and

4527 (c) The MDA may extend the period of time within which  
4528 the jobs must be created for a period of time not to exceed  
4529 twenty-four (24) months.

4530 (8) This section and Section 57-62-5 shall stand repealed on  
4531 July 1, 2022.

4532 **[For businesses or industries that received or applied for**  
4533 **incentive payments from and after July 1, 2005, but prior to July**  
4534 **1, 2010, this section shall read as follows:]**

4535 57-62-9. (1) (a) Except as otherwise provided in this  
4536 section, a qualified business or industry that meets the  
4537 qualifications specified in this chapter may receive quarterly  
4538 incentive payments for a period not to exceed ten (10) years from  
4539 the Department of Revenue pursuant to the provisions of this



chapter in an amount which shall be equal to the net benefit rate multiplied by the actual gross payroll of new direct jobs for a calendar quarter as verified by the Mississippi Department of Employment Security, but not to exceed:

(i) Ninety percent (90%) of the amount of money previously paid into the fund by the employer if the employer provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred seventy-five percent (175%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser;

(ii) Eighty percent (80%) of the amount of money previously paid into the fund by the employer if the employer provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) but less than one hundred seventy-five percent (175%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser; or

(iii) Seventy percent (70%) of the amount of money previously paid into the fund by the employer if the employer



4565 provides an average annual salary, excluding benefits which are  
4566 not subject to Mississippi income taxes, of less than one hundred  
4567 twenty-five percent (125%) of the most recently published state  
4568 average annual wage or the most recently published average annual  
4569 wage of the county in which the qualified business or industry is  
4570 located as determined by the Mississippi Department of Employment  
4571 Security, whichever is the lesser.

4572 (b) A qualified business or industry that is a project  
4573 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
4574 which the ten-year period will begin. Such date may not be later  
4575 than sixty (60) months after the date the business or industry  
4576 applied for incentive payments.

4577 (2) (a) A qualified business or industry that is a project  
4578 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to  
4579 receive incentive payments for an additional period not to exceed  
4580 five (5) years beyond the expiration date of the initial ten-year  
4581 period if:

4582 (i) The qualified business or industry creates at  
4583 least three thousand (3,000) new direct jobs within five (5) years  
4584 after the date the business or industry commences commercial  
4585 production;

4586 (ii) Within five (5) years after the date the  
4587 business or industry commences commercial production, the average  
4588 annual wage of the jobs is at least one hundred fifty percent  
4589 (150%) of the most recently published state average annual wage or





4590 the most recently published average annual wage of the county in  
4591 which the qualified business or industry is located as determined  
4592 by the Mississippi Department of Employment Security, whichever is  
4593 the lesser. The criteria for the average annual wage requirement  
4594 shall be based upon the state average annual wage or the average  
4595 annual wage of the county whichever is appropriate, at the time of  
4596 creation of the minimum number of jobs, and the threshold  
4597 established at that time will remain constant for the duration of  
4598 the additional period; and

4599 (iii) The qualified business or industry meets and  
4600 maintains the job and wage requirements of subparagraphs (i) and  
4601 (ii) of this paragraph (a) for four (4) consecutive calendar  
4602 quarters.

4603 (b) A qualified business or industry that is a project  
4604 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
4605 incentive payments for the additional period provided in paragraph  
4606 (a) of this subsection (2) may apply to the MDA to receive  
4607 incentive payments for an additional period not to exceed ten (10)  
4608 years beyond the expiration date of the additional period provided  
4609 in paragraph (a) of this subsection (2) if:

4610 (i) The qualified business or industry creates at  
4611 least four thousand (4,000) new direct jobs after qualifying for  
4612 the additional incentive period provided in paragraph (a) of this  
4613 subsection (2) but before the expiration of the additional period.  
4614 For purposes of determining whether the business or industry meets



4615 the minimum jobs requirement of this subparagraph (i), the number  
4616 of jobs the business or industry created in order to meet the  
4617 minimum jobs requirement of paragraph (a) of this subsection (2)  
4618 shall be subtracted from the minimum jobs requirement of this  
4619 subparagraph (i);

4620                   (ii) The average annual wage of the jobs is at  
4621 least one hundred fifty percent (150%) of the most recently  
4622 published state average annual wage or the most recently published  
4623 average annual wage of the county in which the qualified business  
4624 or industry is located as determined by the Mississippi Department  
4625 of Employment Security, whichever is the lesser. The criteria for  
4626 the average annual wage requirement shall be based upon the state  
4627 average annual wage or the average annual wage of the county  
4628 whichever is appropriate, at the time of creation of the minimum  
4629 number of jobs, and the threshold established at that time will  
4630 remain constant for the duration of the additional period; and

4631                   (iii) The qualified business or industry meets and  
4632 maintains the job and wage requirements of subparagraphs (i) and  
4633 (ii) of this paragraph (b) for four (4) consecutive calendar  
4634 quarters.

4635           (3) In order to receive incentive payments, an establishment  
4636 shall apply to the MDA. The application shall be on a form  
4637 prescribed by the MDA and shall contain such information as may be  
4638 required by the MDA to determine if the applicant is qualified.



4639           (4)   (a)   In order to qualify to receive such payments, the  
4640 establishment applying shall be required to meet the definition of  
4641 the term "qualified business or industry";

4642                   (b)   The criteria for the average annual salary  
4643 requirement shall be based upon the state average annual wage or  
4644 the average annual wage of the county whichever is appropriate, at  
4645 the time of application, and the threshold established upon  
4646 application will remain constant for the duration of the project;

4647                   (c)   The business or industry must meet its job creation  
4648 commitment within twenty-four (24) months of the application  
4649 approval. However, if the qualified business or industry is  
4650 applying for incentive payments for an additional period under  
4651 subsection (2) of this section, the business or industry must  
4652 comply with the applicable job and wage requirements of subsection  
4653 (2) of this section.

4654           (5)   (a)   The MDA shall determine if the applicant is  
4655 qualified to receive incentive payments.

4656                   (b)   If the applicant is determined to be qualified to  
4657 receive incentive payments for an additional period under  
4658 subsection (2) of this section, the MDA shall conduct a  
4659 cost/benefit analysis to determine the estimated net direct state  
4660 benefits and the net benefit rate applicable for the appropriate  
4661 additional period and to estimate the amount of gross payroll for  
4662 the additional period. In conducting such cost/benefit analysis,  
4663 the MDA shall consider quantitative factors, such as the



4664 anticipated level of new tax revenues to the state along with the  
4665 cost to the state of the qualified business or industry, and such  
4666 other criteria as deemed appropriate by the MDA, including the  
4667 adequacy of retirement benefits that the business or industry  
4668 provides to individuals it employs in new direct jobs in this  
4669 state. In no event shall incentive payments, cumulatively, exceed  
4670 the estimated net direct state benefits. Once the qualified  
4671 business or industry is approved by the MDA, an agreement shall be  
4672 deemed to exist between the qualified business or industry and the  
4673 State of Mississippi, requiring the continued incentive payment to  
4674 be made as long as the qualified business or industry retains its  
4675 eligibility.

4676       (6) Upon approval of such an application, the MDA shall  
4677 notify the Department of Revenue and shall provide it with a copy  
4678 of the approved application and the estimated net direct state  
4679 benefits. The Department of Revenue may require the qualified  
4680 business or industry to submit such additional information as may  
4681 be necessary to administer the provisions of this chapter. The  
4682 qualified business or industry shall report to the Department of  
4683 Revenue periodically to show its continued eligibility for  
4684 incentive payments. The qualified business or industry may be  
4685 audited by the Department of Revenue to verify such eligibility.  
4686 In addition, the State Auditor may conduct performance and  
4687 compliance audits under this chapter according to Section  
4688 7-7-211(o) and may bill the oversight agency.



(7) If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

(8) This section and Section 57-62-5 shall stand repealed on July 1, 2022.

**[For businesses or industries that apply for incentive payments from and after July 1, 2010, this section shall read as follows:]**

57-62-9. (1) (a) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this chapter in an amount which shall be equal to ninety percent (90%) of the amount of actual income tax withheld for employees with new



4714 direct jobs, but in no event more than four percent (4%) of the  
4715 total annual salary paid for new direct jobs during such period,  
4716 excluding benefits which are not subject to Mississippi income  
4717 taxes.

4718 (b) A qualified business or industry that is a project  
4719 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
4720 which the ten-year period will begin. Such date may not be later  
4721 than sixty (60) months after the date the business or industry  
4722 applied for incentive payments.

4723 (c) A qualified business or industry as defined in  
4724 Section 57-62-5(a)(iii) may elect the date upon which the ten-year  
4725 period will begin and may elect to begin receiving incentive  
4726 payments as early as the second quarter after that date.  
4727 Incentive payments will be calculated on all jobs above the  
4728 existing number of jobs as of the date the MDA determines that the  
4729 applicant is qualified to receive incentive payments. In the  
4730 event that the qualified business or industry falls below the  
4731 number of existing jobs at the time of determination that the  
4732 applicant is qualified to receive the incentive payment, the  
4733 incentive payment shall cease until the qualified business or  
4734 industry once again exceeds that number. If after forty-eight  
4735 (48) months, the qualified business or industry has failed to  
4736 create at least three thousand (3,000) new direct jobs, incentive  
4737 payments shall cease and the qualified business or industry shall  
4738 not be qualified to receive further incentive payments.



4739           (2)   (a)   A qualified business or industry that is a project  
4740 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to  
4741 receive incentive payments for an additional period not to exceed  
4742 five (5) years beyond the expiration date of the initial ten-year  
4743 period if:

4744                       (i)   The qualified business or industry creates at  
4745 least three thousand (3,000) new direct jobs within five (5) years  
4746 after the date the business or industry commences commercial  
4747 production;

4748                       (ii)   Within five (5) years after the date the  
4749 business or industry commences commercial production, the average  
4750 annual wage of the jobs is at least one hundred fifty percent  
4751 (150%) of the most recently published state average annual wage or  
4752 the most recently published average annual wage of the county in  
4753 which the qualified business or industry is located as determined  
4754 by the Mississippi Department of Employment Security, whichever is  
4755 the lesser. The criteria for the average annual wage requirement  
4756 shall be based upon the state average annual wage or the average  
4757 annual wage of the county whichever is appropriate, at the time of  
4758 creation of the minimum number of jobs, and the threshold  
4759 established at that time will remain constant for the duration of  
4760 the additional period; and

4761                       (iii)   The qualified business or industry meets and  
4762 maintains the job and wage requirements of subparagraphs (i) and



4763 (ii) of this paragraph (a) for four (4) consecutive calendar  
4764 quarters.

4765 (b) A qualified business or industry that is a project  
4766 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
4767 incentive payments for the additional period provided in paragraph  
4768 (a) of this subsection (2) may apply to the MDA to receive  
4769 incentive payments for an additional period not to exceed ten (10)  
4770 years beyond the expiration date of the additional period provided  
4771 in paragraph (a) of this subsection (2) if:

4772 (i) The qualified business or industry creates at  
4773 least four thousand (4,000) new direct jobs after qualifying for  
4774 the additional incentive period provided in paragraph (a) of this  
4775 subsection (2) but before the expiration of the additional period.  
4776 For purposes of determining whether the business or industry meets  
4777 the minimum jobs requirement of this subparagraph (i), the number  
4778 of jobs the business or industry created in order to meet the  
4779 minimum jobs requirement of paragraph (a) of this subsection (2)  
4780 shall be subtracted from the minimum jobs requirement of this  
4781 subparagraph (i);

4782 (ii) The average annual wage of the jobs is at  
4783 least one hundred fifty percent (150%) of the most recently  
4784 published state average annual wage or the most recently published  
4785 average annual wage of the county in which the qualified business  
4786 or industry is located as determined by the Mississippi Department  
4787 of Employment Security, whichever is the lesser. The criteria for





4788 the average annual wage requirement shall be based upon the state  
4789 average annual wage or the average annual wage of the county  
4790 whichever is appropriate, at the time of creation of the minimum  
4791 number of jobs, and the threshold established at that time will  
4792 remain constant for the duration of the additional period; and

4793 (iii) The qualified business or industry meets and  
4794 maintains the job and wage requirements of subparagraphs (i) and  
4795 (ii) of this paragraph (b) for four (4) consecutive calendar  
4796 quarters.

4797 (3) In order to receive incentive payments, an establishment  
4798 shall apply to the MDA. The application shall be on a form  
4799 prescribed by the MDA and shall contain such information as may be  
4800 required by the MDA to determine if the applicant is qualified.

4801 (4) (a) In order to qualify to receive such payments, the  
4802 establishment applying shall be required to meet the definition of  
4803 the term "qualified business or industry";

4804 (b) The criteria for the average annual salary  
4805 requirement shall be based upon the state average annual wage or  
4806 the average annual wage of the county whichever is appropriate, at  
4807 the time of application, and the threshold established upon  
4808 application will remain constant for the duration of the project;

4809 (c) Except as otherwise provided for a qualified  
4810 business or industry as defined in Section 57-62-5(a)(iii), the  
4811 business or industry must meet its job creation commitment within  
4812 twenty-four (24) months of the application approval. However, if



4813 the qualified business or industry is applying for incentive  
4814 payments for an additional period under subsection (2) of this  
4815 section, the business or industry must comply with the applicable  
4816 job and wage requirements of subsection (2) of this section.

4817 (5) (a) The MDA shall determine if the applicant is  
4818 qualified to receive incentive payments.

4819 (b) If the applicant is determined to be qualified to  
4820 receive incentive payments for an additional period under  
4821 subsection (2) of this section, the MDA shall conduct an analysis  
4822 to estimate the amount of gross payroll for the appropriate  
4823 additional period. Incentive payments, cumulatively, shall not  
4824 exceed ninety percent (90%) of the amount of actual income tax  
4825 withheld for employees with new direct jobs, but in no event more  
4826 than four percent (4%) of the total annual salary paid for new  
4827 direct jobs during the additional period, excluding benefits which  
4828 are not subject to Mississippi income taxes. Once the qualified  
4829 business or industry is approved by the MDA, an agreement shall be  
4830 deemed to exist between the qualified business or industry and the  
4831 State of Mississippi, requiring the continued incentive payment to  
4832 be made as long as the qualified business or industry retains its  
4833 eligibility.

4834 (6) Upon approval of such an application, the MDA shall  
4835 notify the Department of Revenue and shall provide it with a copy  
4836 of the approved application and the minimum job and salary  
4837 requirements. The Department of Revenue may require the qualified



4838 business or industry to submit such additional information as may  
4839 be necessary to administer the provisions of this chapter. The  
4840 qualified business or industry shall report to the Department of  
4841 Revenue periodically to show its continued eligibility for  
4842 incentive payments. The qualified business or industry may be  
4843 audited by the Department of Revenue to verify such eligibility.  
4844 In addition, the State Auditor may conduct performance and  
4845 compliance audits under this chapter according to Section  
4846 7-7-211(o) and may bill the oversight agency.

4847 (7) If the qualified business or industry is located in an  
4848 area that has been declared by the Governor to be a disaster area  
4849 and as a result of the disaster the business or industry is unable  
4850 to create or maintain the full-time jobs required by this section:

4851 (a) The Commissioner of Revenue may extend the period  
4852 of time that the business or industry may receive incentive  
4853 payments for a period of time not to exceed two (2) years;

4854 (b) The Commissioner of Revenue may waive the  
4855 requirement that a certain number of jobs be maintained for a  
4856 period of time not to exceed twenty-four (24) months; and

4857 (c) The MDA may extend the period of time within which  
4858 the jobs must be created for a period of time not to exceed  
4859 twenty-four (24) months.

4860 (8) This section and Section 57-62-5 shall stand repealed on  
4861 July 1, 2022.



**SECTION 57.** Section 57-75-5, Mississippi Code of 1972, is reenacted and amended as follows:

57-75-5. Words and phrases used in this chapter shall have meanings as follows, unless the context clearly indicates a different meaning:

(a) "Act" means the Mississippi Major Economic Impact Act as originally enacted or as hereafter amended.

(b) "Authority" means the Mississippi Major Economic Impact Authority created pursuant to the act.

(c) "Bonds" means general obligation bonds, interim notes and other evidences of debt of the State of Mississippi issued pursuant to this chapter.

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project within the project area: (i) facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port facilities; (v) highways, streets and other roadways; (vi) public school buildings, classrooms and instructional facilities, training facilities and equipment, including any functionally related facilities; (vii) parks, outdoor recreation facilities and athletic facilities; (viii) auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public



4887 facilities; (ix) health care facilities, public or private; and  
4888 (x) fire protection facilities, equipment and elevated water  
4889 tanks.

4890 (e) "Person" means any natural person, corporation,  
4891 association, partnership, receiver, trustee, guardian, executor,  
4892 administrator, fiduciary, governmental unit, public agency,  
4893 political subdivision, or any other group acting as a unit, and  
4894 the plural as well as the singular.

4895 (f) "Project" means:

4896 (i) Any industrial, commercial, research and  
4897 development, warehousing, distribution, transportation,  
4898 processing, mining, United States government or tourism enterprise  
4899 together with all real property required for construction,  
4900 maintenance and operation of the enterprise with an initial  
4901 capital investment of not less than Three Hundred Million Dollars  
4902 (\$300,000,000.00) from private or United States government sources  
4903 together with all buildings, and other supporting land and  
4904 facilities, structures or improvements of whatever kind required  
4905 or useful for construction, maintenance and operation of the  
4906 enterprise; or with an initial capital investment of not less than  
4907 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
4908 or United States government sources together with all buildings  
4909 and other supporting land and facilities, structures or  
4910 improvements of whatever kind required or useful for construction,  
4911 maintenance and operation of the enterprise and which creates at



4912 least one thousand (1,000) net new full-time jobs; or which  
4913 creates at least one thousand (1,000) net new full-time jobs which  
4914 provides an average salary, excluding benefits which are not  
4915 subject to Mississippi income taxation, of at least one hundred  
4916 twenty-five percent (125%) of the most recently published average  
4917 annual wage of the state as determined by the Mississippi  
4918 Department of Employment Security. "Project" shall include any  
4919 addition to or expansion of an existing enterprise if such  
4920 addition or expansion has an initial capital investment of not  
4921 less than Three Hundred Million Dollars (\$300,000,000.00) from  
4922 private or United States government sources, or has an initial  
4923 capital investment of not less than One Hundred Fifty Million  
4924 Dollars (\$150,000,000.00) from private or United States government  
4925 sources together with all buildings and other supporting land and  
4926 facilities, structures or improvements of whatever kind required  
4927 or useful for construction, maintenance and operation of the  
4928 enterprise and which creates at least one thousand (1,000) net new  
4929 full-time jobs; or which creates at least one thousand (1,000) net  
4930 new full-time jobs which provides an average salary, excluding  
4931 benefits which are not subject to Mississippi income taxation, of  
4932 at least one hundred twenty-five percent (125%) of the most  
4933 recently published average annual wage of the state as determined  
4934 by the Mississippi Department of Employment Security. "Project"  
4935 shall also include any ancillary development or business resulting  
4936 from the enterprise, of which the authority is notified, within



4937 three (3) years from the date that the enterprise entered into  
4938 commercial production, that the project area has been selected as  
4939 the site for the ancillary development or business.

4940 (ii) 1. Any major capital project designed to  
4941 improve, expand or otherwise enhance any active duty or reserve  
4942 United States armed services bases and facilities or any major  
4943 Mississippi National Guard training installations, their support  
4944 areas or their military operations, upon designation by the  
4945 authority that any such base was or is at risk to be recommended  
4946 for closure or realignment pursuant to the Defense Base Closure  
4947 and Realignment Act of 1990, as amended, or other applicable  
4948 federal law; or any major development project determined by the  
4949 authority to be necessary to acquire or improve base properties  
4950 and to provide employment opportunities through construction of  
4951 projects as defined in Section 57-3-5, which shall be located on  
4952 or provide direct support service or access to such military  
4953 installation property in the event of closure or reduction of  
4954 military operations at the installation.

4955 2. Any major study or investigation related  
4956 to such a facility, installation or base, upon a determination by  
4957 the authority that the study or investigation is critical to the  
4958 expansion, retention or reuse of the facility, installation or  
4959 base.

4960 3. Any project as defined in Section 57-3-5,  
4961 any business or enterprise determined to be in the furtherance of



4962 the public purposes of this act as determined by the authority or  
4963 any facility related to such project each of which shall be,  
4964 directly or indirectly, related to any military base or other  
4965 military-related facility no longer operated by the United States  
4966 armed services or the Mississippi National Guard.

4967 (iii) Any enterprise to be maintained, improved or  
4968 constructed in Tishomingo County by or for a National Aeronautics  
4969 and Space Administration facility in such county.

4970 (iv) 1. Any major capital project with an initial  
4971 capital investment from private sources of not less than Seven  
4972 Hundred Fifty Million Dollars (\$750,000,000.00) which will create  
4973 at least three thousand (3,000) jobs meeting criteria established  
4974 by the Mississippi Development Authority.

4975 2. "Project" shall also include any ancillary  
4976 development or business resulting from an enterprise operating a  
4977 project as defined in item 1 of this paragraph (f)(iv), of which  
4978 the authority is notified, within three (3) years from the date  
4979 that the enterprise entered into commercial production, that the  
4980 state has been selected as the site for the ancillary development  
4981 or business.

4982 (v) Any manufacturing, processing or industrial  
4983 project determined by the authority, in its sole discretion, to  
4984 contribute uniquely and significantly to the economic growth and  
4985 development of the state, and which meets the following criteria:





4986                   1. The project shall create at least two  
4987 thousand (2,000) net new full-time jobs meeting criteria  
4988 established by the authority, which criteria shall include, but  
4989 not be limited to, the requirement that such jobs must be held by  
4990 persons eligible for employment in the United States under  
4991 applicable state and federal law.

4992                   2. The project and any facility related to  
4993 the project shall include a total investment from private sources  
4994 of not less than Sixty Million Dollars (\$60,000,000.00), or from  
4995 any combination of sources of not less than Eighty Million Dollars  
4996 (\$80,000,000.00).

4997                   (vi) Any real property owned or controlled by the  
4998 National Aeronautics and Space Administration, the United States  
4999 government, or any agency thereof, which is legally conveyed to  
5000 the State of Mississippi or to the State of Mississippi for the  
5001 benefit of the Mississippi Major Economic Impact Authority, its  
5002 successors and assigns pursuant to Section 212 of Public Law  
5003 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

5004                   (vii) Any major capital project related to the  
5005 establishment, improvement, expansion and/or other enhancement of  
5006 any active duty military installation and having a minimum capital  
5007 investment from any source or combination of sources other than  
5008 the State of Mississippi of at least Forty Million Dollars  
5009 (\$40,000,000.00), and which will create at least four hundred  
5010 (400) military installation related full-time jobs, which jobs may



5011 be military jobs, civilian jobs or a combination of military and  
5012 civilian jobs. The authority shall require that binding  
5013 commitments be entered into requiring that the minimum  
5014 requirements for the project provided for in this subparagraph  
5015 shall be met not later than July 1, 2008.

5016 (viii) Any major capital project with an initial  
5017 capital investment from any source or combination of sources of  
5018 not less than Ten Million Dollars (\$10,000,000.00) which will  
5019 create at least eighty (80) full-time jobs which provide an  
5020 average annual salary, excluding benefits which are not subject to  
5021 Mississippi income taxes, of at least one hundred thirty-five  
5022 percent (135%) of the most recently published average annual wage  
5023 of the state or the most recently published average annual wage of  
5024 the county in which the project is located as determined by the  
5025 Mississippi Department of Employment Security, whichever is the  
5026 lesser. The authority shall require that binding commitments be  
5027 entered into requiring that:

5028 1. The minimum requirements for the project  
5029 provided for in this subparagraph shall be met; and

5030 2. That if such commitments are not met, all  
5031 or a portion of the funds provided by the state for the project as  
5032 determined by the authority shall be repaid.

5033 (ix) Any regional retail shopping mall with an  
5034 initial capital investment from private sources in excess of One  
5035 Hundred Fifty Million Dollars (\$150,000,000.00), with a square



5036 footage in excess of eight hundred thousand (800,000) square feet,  
5037 which will create at least seven hundred (700) full-time jobs with  
5038 an average hourly wage of Eleven Dollars (\$11.00) per hour. The  
5039 authority shall require that binding commitments be entered into  
5040 requiring that:

5041 1. The minimum requirements for the project  
5042 provided for in this subparagraph shall be met; and

5043 2. That if such commitments are not met, all  
5044 or a portion of the funds provided by the state for the project as  
5045 determined by the authority shall be repaid.

5046 (x) Any major capital project with an initial  
5047 capital investment from any source or combination of sources of  
5048 not less than Seventy-five Million Dollars (\$75,000,000.00) which  
5049 will create at least one hundred twenty-five (125) full-time jobs  
5050 which provide an average annual salary, excluding benefits which  
5051 are not subject to Mississippi income taxes, of at least one  
5052 hundred thirty-five percent (135%) of the most recently published  
5053 average annual wage of the state or the most recently published  
5054 average annual wage of the county in which the project is located  
5055 as determined by the Mississippi Department of Employment  
5056 Security, whichever is the greater. The authority shall require  
5057 that binding commitments be entered into requiring that:

5058 1. The minimum requirements for the project  
5059 provided for in this subparagraph shall be met; and



5060                   2. That if such commitments are not met, all  
5061 or a portion of the funds provided by the state for the project as  
5062 determined by the authority shall be repaid.

5063                   (xi) Any potential major capital project that the  
5064 authority has determined is feasible to recruit.

5065                   (xii) Any project built according to the  
5066 specifications and federal provisions set forth by the National  
5067 Aeronautics and Space Administration Center Operations Directorate  
5068 at Stennis Space Center for the purpose of consolidating common  
5069 services from National Aeronautics and Space Administration  
5070 centers in human resources, procurement, financial management and  
5071 information technology located on land owned or controlled by the  
5072 National Aeronautics and Space Administration, which will create  
5073 at least four hundred seventy (470) full-time jobs.

5074                   (xiii) Any major capital project with an initial  
5075 capital investment from any source or combination of sources of  
5076 not less than Ten Million Dollars (\$10,000,000.00) which will  
5077 create at least two hundred fifty (250) full-time jobs. The  
5078 authority shall require that binding commitments be entered into  
5079 requiring that:

5080                   1. The minimum requirements for the project  
5081 provided for in this subparagraph shall be met; and

5082                   2. That if such commitments are not met, all  
5083 or a portion of the funds provided by the state for the project as  
5084 determined by the authority shall be repaid.



5085                   (xiv) Any major pharmaceutical facility with a  
5086 capital investment of not less than Fifty Million Dollars  
5087 (\$50,000,000.00) made after July 1, 2002, through four (4) years  
5088 after the initial date of any loan or grant made by the authority  
5089 for such project, which will maintain at least seven hundred fifty  
5090 (750) full-time employees. The authority shall require that  
5091 binding commitments be entered into requiring that:

5092                   1. The minimum requirements for the project  
5093 provided for in this subparagraph shall be met; and

5094                   2. That if such commitments are not met, all  
5095 or a portion of the funds provided by the state for the project as  
5096 determined by the authority shall be repaid.

5097                   (xv) Any pharmaceutical manufacturing, packaging  
5098 and distribution facility with an initial capital investment from  
5099 any local or federal sources of not less than Five Hundred  
5100 Thousand Dollars (\$500,000.00) which will create at least ninety  
5101 (90) full-time jobs. The authority shall require that binding  
5102 commitments be entered into requiring that:

5103                   1. The minimum requirements for the project  
5104 provided for in this subparagraph shall be met; and

5105                   2. That if such commitments are not met, all  
5106 or a portion of the funds provided by the state for the project as  
5107 determined by the authority shall be repaid.

5108                   (xvi) Any major industrial wood processing  
5109 facility with an initial capital investment of not less than One



5110 Hundred Million Dollars (\$100,000,000.00) which will create at  
5111 least one hundred twenty-five (125) full-time jobs which provide  
5112 an average annual salary, excluding benefits which are not subject  
5113 to Mississippi income taxes, of at least Thirty Thousand Dollars  
5114 (\$30,000.00). The authority shall require that binding  
5115 commitments be entered into requiring that:

5116                   1. The minimum requirements for the project  
5117 provided for in this subparagraph shall be met; and

5118                   2. That if such commitments are not met, all  
5119 or a portion of the funds provided by the state for the project as  
5120 determined by the authority shall be repaid.

5121                   (xvii) Any technical, engineering,  
5122 manufacturing-logistic service provider with an initial capital  
5123 investment of not less than One Million Dollars (\$1,000,000.00)  
5124 which will create at least ninety (90) full-time jobs. The  
5125 authority shall require that binding commitments be entered into  
5126 requiring that:

5127                   1. The minimum requirements for the project  
5128 provided for in this subparagraph shall be met; and

5129                   2. That if such commitments are not met, all  
5130 or a portion of the funds provided by the state for the project as  
5131 determined by the authority shall be repaid.

5132                   (xviii) Any major capital project with an initial  
5133 capital investment from any source or combination of sources other  
5134 than the State of Mississippi of not less than Six Hundred Million



5135 Dollars (\$600,000,000.00) which will create at least four hundred  
5136 fifty (450) full-time jobs with an average annual salary,  
5137 excluding benefits which are not subject to Mississippi income  
5138 taxes, of at least Seventy Thousand Dollars (\$70,000.00). The  
5139 authority shall require that binding commitments be entered into  
5140 requiring that:

5141                   1. The minimum requirements for the project  
5142 provided for in this subparagraph shall be met; and

5143                   2. That if such commitments are not met, all  
5144 or a portion of the funds provided by the state for the project as  
5145 determined by the authority shall be repaid.

5146                   (xix) Any major coal and/or petroleum coke  
5147 gasification project with an initial capital investment from any  
5148 source or combination of sources other than the State of  
5149 Mississippi of not less than Eight Hundred Million Dollars  
5150 (\$800,000,000.00), which will create at least two hundred (200)  
5151 full-time jobs with an average annual salary, excluding benefits  
5152 which are not subject to Mississippi income taxes, of at least  
5153 Forty-five Thousand Dollars (\$45,000.00). The authority shall  
5154 require that binding commitments be entered into requiring that:

5155                   1. The minimum requirements for the project  
5156 provided for in this subparagraph shall be met; and

5157                   2. That if such commitments are not met, all  
5158 or a portion of the funds provided by the state for the project as  
5159 determined by the authority shall be repaid.



5160 (xx) Any planned mixed use development located on  
5161 not less than four thousand (4,000) acres of land that will  
5162 consist of commercial, recreational, resort, tourism and  
5163 residential development with a capital investment from private  
5164 sources of not less than Four Hundred Seventy-five Million Dollars  
5165 (\$475,000,000.00) in the aggregate in any one (1) or any  
5166 combination of tourism projects that will create at least three  
5167 thousand five hundred (3,500) jobs in the aggregate. For the  
5168 purposes of this paragraph (f)(xx), the term "tourism project"  
5169 means and has the same definition as that term has in Section  
5170 57-28-1. In order to meet the minimum capital investment required  
5171 under this paragraph (f)(xx), at least Two Hundred Thirty-seven  
5172 Million Five Hundred Thousand Dollars (\$237,500,000.00) of such  
5173 investment must be made not later than June 1, 2015, and the  
5174 remainder of the minimum capital investment must be made not later  
5175 than June 1, 2017. In order to meet the minimum number of jobs  
5176 required to be created under this paragraph (f)(xx), at least one  
5177 thousand seven hundred fifty (1,750) of such jobs must be created  
5178 not later than June 1, 2015, and the remainder of the jobs must be  
5179 created not later than June 1, 2017. The authority shall require  
5180 that binding commitments be entered into requiring that:

5181 1. The minimum requirements for the project  
5182 provided for in this subparagraph shall be met; and





5183                   2. That if such commitments are not met, all  
5184 or a portion of the funds provided by the state for the project as  
5185 determined by the authority shall be repaid.

5186                   (xxi) Any enterprise owning or operating an  
5187 automotive manufacturing and assembly plant and its affiliates for  
5188 which construction begins after March 2, 2007, and not later than  
5189 December 1, 2007, with an initial capital investment from private  
5190 sources of not less than Five Hundred Million Dollars  
5191 (\$500,000,000.00) which will create at least one thousand five  
5192 hundred (1,500) jobs meeting criteria established by the  
5193 authority, which criteria shall include, but not be limited to,  
5194 the requirement that such jobs must be held by persons eligible  
5195 for employment in the United States under applicable state and  
5196 federal law. The authority shall require that binding commitments  
5197 be entered into requiring that:

5198                   1. The minimum requirements for the project  
5199 provided for in this subparagraph shall be met; and

5200                   2. That if such commitments are not met, all  
5201 or a portion of the funds provided by the state for the project as  
5202 determined by the authority shall be repaid.

5203                   (xxii) Any enterprise owning or operating a major  
5204 powertrain component manufacturing and assembly plant for which  
5205 construction begins after May 11, 2007, and not later than  
5206 December 1, 2007, with an initial capital investment from private  
5207 sources of not less than Three Hundred Million Dollars



5208 (\$300,000,000.00) which will create at least five hundred (500)  
5209 new full-time jobs meeting criteria established by the authority,  
5210 which criteria shall include, but not be limited to, the  
5211 requirement that such jobs must be held by persons eligible for  
5212 employment in the United States under applicable state and federal  
5213 law, and the requirement that the average annual wages and taxable  
5214 benefits of such jobs shall be at least one hundred twenty-five  
5215 percent (125%) of the most recently published average annual wage  
5216 of the state or the most recently published average annual wage of  
5217 the county in which the project is located as determined by the  
5218 Mississippi Department of Employment Security, whichever is the  
5219 lesser. The authority shall require that binding commitments be  
5220 entered into requiring that:

5221 1. The minimum requirements for the project  
5222 provided for in this subparagraph shall be met; and

5223 2. That if such commitments are not met, all  
5224 or a portion of the funds provided by the state for the project as  
5225 determined by the authority shall be repaid.

5226 (xxiii) Any biological and agricultural defense  
5227 project operated by an agency of the government of the United  
5228 States with an initial capital investment of not less than Four  
5229 Hundred Fifty Million Dollars (\$450,000,000.00) from any source  
5230 other than the State of Mississippi and its subdivisions, which  
5231 will create at least two hundred fifty (250) new full-time jobs.  
5232 All jobs created by the project must be held by persons eligible



5233 for employment in the United States under applicable state and  
5234 federal law.

5235 (xxiv) Any enterprise owning or operating an  
5236 existing tire manufacturing plant which adds to such plant capital  
5237 assets of not less than Twenty-five Million Dollars  
5238 (\$25,000,000.00) after January 1, 2009, and that maintains at  
5239 least one thousand two hundred (1,200) full-time jobs in this  
5240 state at one (1) location with an average annual salary, excluding  
5241 benefits which are not subject to Mississippi income taxes, of at  
5242 least Forty-five Thousand Dollars (\$45,000.00). The authority  
5243 shall require that binding commitments be entered into requiring  
5244 that:

5245 1. The minimum requirements for the project  
5246 provided for in this subparagraph shall be met; and

5247 2. That if such commitments are not met, all  
5248 or a portion of the funds provided by the state for the project as  
5249 determined by the authority shall be repaid.

5250 (xxv) Any enterprise owning or operating a  
5251 facility for the manufacture of composite components for the  
5252 aerospace industry which will have an investment from private  
5253 sources of not less than One Hundred Seventy-five Million Dollars  
5254 (\$175,000,000.00) by not later than December 31, 2015, and which  
5255 will result in the full-time employment at the project site of not  
5256 less than two hundred seventy-five (275) persons by December 31,  
5257 2011, and not less than four hundred twenty-five (425) persons by



5258 December 31, 2013, and not less than eight hundred (800) persons  
5259 by December 31, 2017, all with an average annual compensation,  
5260 excluding benefits which are not subject to Mississippi income  
5261 taxes, of at least Fifty-three Thousand Dollars (\$53,000.00). The  
5262 authority shall require that binding commitments be entered into  
5263 requiring that:

5264 1. The minimum requirements for the project  
5265 provided for in this subparagraph shall be met; and

5266 2. That if such commitments are not met, all  
5267 or a portion of the funds provided by the state for the project as  
5268 determined by the authority shall be repaid.

5269 (xxvi) Any enterprise owning or operating a  
5270 facility for the manufacture of pipe which will have an investment  
5271 from any source other than the State of Mississippi and its  
5272 subdivisions of not less than Three Hundred Million Dollars  
5273 (\$300,000,000.00) by not later than December 31, 2015, and which  
5274 will create at least five hundred (500) new full-time jobs within  
5275 five (5) years after the start of commercial production and  
5276 maintain such jobs for at least ten (10) years, all with an  
5277 average annual compensation, excluding benefits which are not  
5278 subject to Mississippi income taxes, of at least Thirty-two  
5279 Thousand Dollars (\$32,000.00). The authority shall require that  
5280 binding commitments be entered into requiring that:

5281 1. The minimum requirements for the project  
5282 provided for in this subparagraph shall be met; and



5283                   2. That if such commitments are not met, all  
5284 or a portion of the funds provided by the state for the project as  
5285 determined by the authority shall be repaid.

5286                   (xxvii) Any enterprise owning or operating a  
5287 facility for the manufacture of solar panels which will have an  
5288 investment from any source other than the State of Mississippi and  
5289 its subdivisions of not less than One Hundred Thirty-two Million  
5290 Dollars (\$132,000,000.00) by not later than December 31, 2015, and  
5291 which will create at least five hundred (500) new full-time jobs  
5292 within five (5) years after the start of commercial production and  
5293 maintain such jobs for at least ten (10) years, all with an  
5294 average annual compensation, excluding benefits which are not  
5295 subject to Mississippi income taxes, of at least Thirty-four  
5296 Thousand Dollars (\$34,000.00). The authority shall require that  
5297 binding commitments be entered into requiring that:

5298                   1. The minimum requirements for the project  
5299 provided for in this subparagraph shall be met; and

5300                   2. That if such commitments are not met, all  
5301 or a portion of the funds provided by the state for the project as  
5302 determined by the authority shall be repaid.

5303                   (xxviii) 1. Any enterprise owning or operating an  
5304 automotive parts manufacturing plant and its affiliates for which  
5305 construction begins after June 1, 2013, and not later than June  
5306 30, 2014, with an initial capital investment of not less than  
5307 Three Hundred Million Dollars (\$300,000,000.00) which will create



5308 at least five hundred (500) new full-time jobs meeting criteria  
5309 established by the authority, which criteria shall include, but  
5310 not be limited to, the requirement that such jobs must be held by  
5311 persons eligible for employment in the United States under  
5312 applicable state and federal law, and the requirement that the  
5313 average annual wages and taxable benefits of such jobs shall be at  
5314 least one hundred ten percent (110%) of the most recently  
5315 published average annual wage of the state or the most recently  
5316 published average annual wage of the county in which the project  
5317 is located as determined by the Mississippi Department of  
5318 Employment Security, whichever is the lesser. The authority shall  
5319 require that binding commitments be entered into requiring that:

- 5320                               a. The minimum requirements for the  
5321 project provided for in this subparagraph shall be met; and  
5322                               b. That if such commitments are not met,  
5323 all or a portion of the funds provided by the state for the  
5324 project as determined by the authority shall be repaid.

5325                               2. It is anticipated that the project defined  
5326 in this subparagraph (xxviii) will expand in three (3) additional  
5327 phases, will create an additional five hundred (500) full-time  
5328 jobs meeting the above criteria in each phase, and will invest an  
5329 additional Three Hundred Million Dollars (\$300,000,000.00) per  
5330 phase.

5331                               (xxix) Any enterprise engaged in the manufacture  
5332 of tires or other related rubber or automotive products for which



5333 construction of a plant begins after January 1, 2016, and is  
5334 substantially completed no later than December 31, 2022, and for  
5335 which such enterprise commits to an aggregate capital investment  
5336 by such enterprise and its affiliates of not less than One Billion  
5337 Four Hundred Fifty Million Dollars (\$1,450,000,000.00) and the  
5338 creation thereby of at least two thousand five hundred (2,500) new  
5339 full-time jobs meeting criteria established by the authority,  
5340 which criteria shall include, but not be limited to, the  
5341 requirement that such jobs must be held by persons eligible for  
5342 employment in the United States under applicable state and federal  
5343 law, and the requirement that the average annual salary or wage,  
5344 excluding the value of any benefits which are not subject to  
5345 Mississippi income tax, of such jobs shall be at least Forty  
5346 Thousand Dollars (\$40,000.00). The authority shall require that  
5347 binding commitments be entered into requiring that:

5348                   1. Minimum requirements for investment and  
5349 jobs for the project shall be met; and

5350                   2. If such requirements are not met, all or a  
5351 portion of the funds provided by the state for the project may, as  
5352 determined by the authority, be subject to repayment by such  
5353 enterprise and/or its affiliates, together with any penalties or  
5354 damages required by the authority in connection therewith.

5355                   (xxx) Any enterprise owning or operating a  
5356 maritime fabrication and assembly facility for which construction  
5357 begins after February 1, 2016, and concludes not later than



5358 December 31, 2018, with an initial capital investment in land,  
5359 buildings and equipment not less than Sixty-eight Million Dollars  
5360 (\$68,000,000.00) and will create not less than one thousand  
5361 (1,000) new full-time jobs meeting criteria established by the  
5362 authority, which criteria shall include, but not be limited to,  
5363 the requirement that such jobs must be held by persons eligible  
5364 for employment in the United States under applicable state and  
5365 federal law, and the requirement that the average annual  
5366 compensation, excluding benefits which are not subject to  
5367 Mississippi income taxes, of at least Forty Thousand Dollars  
5368 (\$40,000.00). The authority shall require that binding  
5369 commitments be entered into requiring that:

5370                   1. The minimum requirements for the project  
5371 provided for in this subparagraph shall be met; and

5372                   2. If such commitments are not met, all or a  
5373 portion of the funds provided by the state for the project may, as  
5374 determined by the authority, be subject to repayment by such  
5375 enterprise, together with any penalties or damages required by the  
5376 authority in connection therewith.

5377                   (g) (i) "Project area" means the project site,  
5378 together with any area or territory within the state lying within  
5379 sixty-five (65) miles of any portion of the project site whether  
5380 or not such area or territory be contiguous; however, for the  
5381 project defined in paragraph (f)(iv) of this section the term  
5382 "project area" means any area or territory within the state. The





5383 project area shall also include all territory within a county if  
5384 any portion of such county lies within sixty-five (65) miles of  
5385 any portion of the project site. "Project site" means the real  
5386 property on which the principal facilities of the enterprise will  
5387 operate. The provisions of this subparagraph (i) shall not apply  
5388 to a project as defined in paragraph (f)(xxi) of this section.

5389 (ii) For the purposes of a project as defined in  
5390 paragraph (f)(xxi) of this section, the term "project area" means  
5391 the acreage authorized in the certificate of convenience and  
5392 necessity issued by the Mississippi Development Authority to a  
5393 regional economic development alliance under Section 57-64-1 et  
5394 seq.

5395 (h) "Public agency" means:

5396 (i) Any department, board, commission, institution  
5397 or other agency or instrumentality of the state;

5398 (ii) Any city, town, county, political  
5399 subdivision, school district or other district created or existing  
5400 under the laws of the state or any public agency of any such city,  
5401 town, county, political subdivision or district or any other  
5402 public entity created or existing under local and private  
5403 legislation;

5404 (iii) Any department, commission, agency or  
5405 instrumentality of the United States of America; and



5406 (iv) Any other state of the United States of  
5407 America which may be cooperating with respect to location of the  
5408 project within the state, or any agency thereof.

5409 (i) "State" means State of Mississippi.

5410 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
5411 the project in lieu of any franchise taxes imposed on the project  
5412 by Chapter 13, Title 27, Mississippi Code of 1972. The  
5413 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
5414 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
5415 enterprise operating an existing project defined in paragraph  
5416 (f)(iv)<sup>1</sup> of this section; however, a fee-in-lieu shall not be  
5417 negotiated for other existing enterprises that fall within the  
5418 definition of the term "project."

5419 (k) "Affiliate" means a subsidiary or related business  
5420 entity which shares a common direct or indirect ownership with the  
5421 enterprise owning or operating a project as defined in paragraph  
5422 (f)(xxi), paragraph (f)(xxviii) or paragraph (f)(xxix) of this  
5423 section. The subsidiary or related business must provide services  
5424 directly related to the core activities of the project.

5425 (l) "Tier One supplier" means a supplier of a project  
5426 as defined in paragraph (f)(xxi) of this section that is certified  
5427 by the enterprise owning the project and creates a minimum of  
5428 fifty (50) new full-time jobs.

5429 This section shall stand repealed on July 1, 2022.



5430           **SECTION 58.** Section 57-80-7, Mississippi Code of 1972, is  
5431 reenacted and amended as follows:

5432           57-80-7. (1) From and after December 31, 2000, the  
5433 following counties may apply to the MDA for the issuance of a  
5434 certificate of public convenience and necessity:

5435           (a) Any county of this state which has an annualized  
5436 unemployment rate that is at least two hundred percent (200%) of  
5437 the state's unemployment rate as of December 31 of any year after  
5438 December 31, 2000, as determined by the Mississippi Department of  
5439 Employment Security's most recently published data;

5440           (b) Any county of this state in which thirty percent  
5441 (30%) or more of the population of the county is at or below the  
5442 federal poverty level according to the official data compiled by  
5443 the United States Census Bureau as of August 30, 2000, for  
5444 counties that apply before December 31, 2002, or the most recent  
5445 official data compiled by the United States Census Bureau for  
5446 counties that apply from and after December 31, 2002; or

5447           (c) Any county of this state having an eligible  
5448 supervisors district.

5449           (2) The application, at a minimum, must contain (a) the  
5450 Mississippi Department of Employment Security's most recently  
5451 published figures that reflect the annualized unemployment rate of  
5452 the applying county as of December 31 or the most recent official  
5453 data by the United States Census Bureau required by subsection (1)  
5454 of this section, as the case may be, and (b) an order or



5455 resolution of the county consenting to the designation of the  
5456 county as a growth and prosperity county.

5457 (3) Any municipality of a designated growth and prosperity  
5458 county or within an eligible supervisors district and not more  
5459 than eight (8) miles from the boundary of the county that meets  
5460 the criteria of subsection (1)(b) of this section may by order or  
5461 resolution of the municipality consent to participation in the  
5462 Growth and Prosperity Program.

5463 (4) No incentive or tax exemption shall be given under this  
5464 chapter without the consent of the affected county or  
5465 municipality.

5466 (5) This section shall stand repealed on July 1, 2022.

5467 **SECTION 59.** Section 69-2-5, Mississippi Code of 1972, is  
5468 reenacted and amended as follows:

5469 69-2-5. (1) The Mississippi Cooperative Extension Service  
5470 shall act as a clearinghouse for the dissemination of information  
5471 regarding programs and services which may be available to help  
5472 those persons and businesses which have been adversely affected by  
5473 the present emergency in the agricultural community. The  
5474 Cooperative Extension Service shall develop a plan of assistance  
5475 which shall identify all programs and services available within  
5476 the state which can be of assistance to those affected by the  
5477 present emergency. The Department of Agriculture and Commerce,  
5478 Department of Finance and Administration, Department of Human  
5479 Services, Department of Mental Health, State Department of Health,



5480 Board of Trustees of State Institutions of Higher Learning,  
5481 Mississippi Community College Board, Research and Development  
5482 Center, Mississippi Development Authority, Department of  
5483 Employment Security, Office of the Governor, Board of Vocational  
5484 and Technical Education, Mississippi Authority for Educational  
5485 Television, and other agencies of the state which have programs  
5486 and services that can be of assistance to those affected by the  
5487 present emergency, shall provide information regarding their  
5488 programs and services to the Cooperative Extension Service for use  
5489 in the clearinghouse. The types of programs and services shall  
5490 include, but not be limited to, financial counseling, farm and  
5491 small business management, employment services, labor market  
5492 information, job retraining, vocational and technical training,  
5493 food stamp programs, personal counseling, health services, and  
5494 free or low cost legal services. The clearinghouse shall provide  
5495 a single contact point to provide program information and referral  
5496 services to individuals interested or needing services from  
5497 state-funded assistance programs affecting agriculture,  
5498 horticulture, aquaculture and other agribusinesses or related  
5499 industries. Such assistance information shall identify all monies  
5500 available under the Small Business Financing Act, the Business  
5501 Investment Act, the Emerging Crops Fund legislation and any other  
5502 sources which may be used singularly or combined, to provide a  
5503 comprehensive financing package. The provisions of this section  
5504 in establishing a single contact point for information and



5505 referral services shall not be construed to authorize the hiring  
5506 of additional personnel.

5507 (2) The Cooperative Extension Service may accept monetary or  
5508 in-kind contributions, gifts and grants for the establishment or  
5509 operation of the clearinghouse.

5510 (3) The Cooperative Extension Service shall establish a  
5511 method for the dissemination of information to those who can be  
5512 benefited by the existing programs and services of the state.

5513 (4) The Cooperative Extension Service shall file an annual  
5514 report with the Governor, Lieutenant Governor and Speaker of the  
5515 House of Representatives regarding the efforts which have been  
5516 made in the clearinghouse operation. The report shall also  
5517 recommend any additional measures, including legislation, which  
5518 may be needed or desired in providing programs and benefits to  
5519 those affected by the agricultural emergency.

5520 (5) This section shall stand repealed on July 1, 2022.

5521 **SECTION 60.** Section 7-1-355, Mississippi Code of 1972, is  
5522 reenacted and amended as follows:

5523 7-1-355. (1) The Mississippi Department of Employment  
5524 Security, Office of the Governor, is designated as the sole  
5525 administrator of all programs for which the state is the prime  
5526 sponsor under Title 1(B) of Public Law 105-220, Workforce  
5527 Investment Act of 1998, and the regulations promulgated  
5528 thereunder, and may take all necessary action to secure to this  
5529 state the benefits of that legislation. The Mississippi



5530 Department of Employment Security, Office of the Governor, may  
5531 receive and disburse funds for those programs that become  
5532 available to it from any source.

5533       (2) The Mississippi Department of Employment Security,  
5534 Office of the Governor, shall establish guidelines on the amount  
5535 and/or percentage of indirect and/or administrative expenses by  
5536 the local fiscal agent or the Workforce Development Center  
5537 operator. The Mississippi Department of Employment Security,  
5538 Office of the Governor, shall develop an accountability system and  
5539 make an annual report to the Legislature before December 31 of  
5540 each year on Workforce Investment Act activities. The report  
5541 shall include, but is not limited to, the following:

5542           (a) The total number of individuals served through the  
5543 Workforce Development Centers and the percentage and number of  
5544 individuals for which a quarterly follow-up is provided;

5545           (b) The number of individuals who receive core services  
5546 by each center;

5547           (c) The number of individuals who receive intensive  
5548 services by each center;

5549           (d) The number of Workforce Investment Act vouchers  
5550 issued by the Workforce Development Centers including:

5551           (i) A list of schools and colleges to which these  
5552 vouchers were issued and the average cost per school of the  
5553 vouchers; and



5554 (ii) A list of the types of programs for which  
5555 these vouchers were issued;

5556 (e) The number of individuals placed in a job through  
5557 Workforce Development Centers;

5558 (f) The monies and the amount retained for  
5559 administrative and other costs received from Workforce Investment  
5560 Act funds for each agency or organization that Workforce  
5561 Investment Act funds flow through as a percentage and actual  
5562 dollar amount of all Workforce Investment Act funds received.

5563 (3) This section shall stand repealed on July 1, 2022.

5564 **SECTION 61.** Section 60, Chapter 572, Laws of 2004, as  
5565 amended by Section 58, Chapter 30, Laws of the First Extraordinary  
5566 Session of 2008, as amended by Section 58, Chapter 559, Laws of  
5567 2010, as amended by Section 59, Chapter 471, Laws of 2011, as last  
5568 amended by Section 58, Chapter 515, Laws of 2012, which provides  
5569 for the repeal of Sections 37-153-1 through 37-153-13, 71-5-5,  
5570 71-5-11, 71-5-19, 71-5-101, 71-5-107 through 71-5-143, 71-5-201,  
5571 71-5-357, 71-5-359, 71-5-451, 71-5-457, 71-5-511, 71-5-513,  
5572 71-5-517, 71-5-519, 71-5-523, 71-5-525, 71-5-529, 71-5-531,  
5573 71-5-541, 73-30-25, 43-1-30, 43-17-5, 43-19-45, 43-19-46, 57-62-5,  
5574 57-62-9, 57-75-5, 57-80-7, 69-2-5, and 7-1-355, Mississippi Code  
5575 of 1972, is repealed.

5576 **SECTION 62.** This act shall take effect and be in force from  
5577 and after July 1, 2019.

