

By: Representative Osborne

To: Workforce Development;
Judiciary A

HOUSE BILL NO. 1345

1 AN ACT TO CREATE THE "FAIR MINIMUM WAGE ACT"; TO ESTABLISH
2 THE STATE MINIMUM WAGE AT \$15.00 PER HOUR; TO BRING FORWARD
3 SECTIONS 7-7-204, 17-1-51, 23-15-239, 25-3-40, 37-7-307, 57-34-5,
4 85-3-4, 97-3-54.4 AND 99-19-20, MISSISSIPPI CODE OF 1972, FOR
5 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** This act shall be known and may be cited as the
8 "Fair Minimum Wage Act."

9 **SECTION 2.** (1) The Legislature finds that:

10 (a) The current minimum wage is insufficient to keep
11 families out of poverty.

12 (b) Due to inflation and federal inaction, the value of
13 the federal minimum wage has plummeted.

14 (c) State services are strained by families of
15 minimum-wage workers who qualify for public programs like Medicaid
16 and other benefits.

17 (2) This law is enacted to increase the wages of low-income
18 workers, promote the economic strength of the state and take
19 pressure off state social service programs.



20 **SECTION 3.** (1) No employer shall pay less than the state
21 minimum wage designated in this section to each employee in every
22 occupation.

23 (2) Except as otherwise provided in this section, the
24 minimum wage for employees shall be Fifteen Dollars (\$15.00) per
25 hour.

26 (3) On September 30, 2022, and on September 30 of each year
27 thereafter, the Mississippi Department of Employment Security
28 shall calculate an adjusted minimum wage rate in direct proportion
29 to an increase or decrease in the United States Department of
30 Labor's Consumer Price Index for Urban Wage Earners and Clerical
31 Workers (CPI-W), or a successor index, for the prior period of
32 July 1 to June 30. That adjusted minimum wage shall take effect on
33 the following January 1.

34 (4) Employers, including employers regulated under the
35 federal Fair Labor Standards Act, may not include any amount
36 received by employees as commissions or tips in determining the
37 amount of the minimum wage required to be paid.

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

40 7-7-204. (1) Within the limits of the funds available to
41 the Office of the State Auditor for such purpose, the State
42 Auditor may grant a paid internship to students pursuing junior or
43 senior undergraduate-level year coursework toward a bachelor's
44 degree in accounting or graduate-level coursework toward a



45 master's degree in accounting. Those applicants deemed qualified
46 shall receive funds that may be used to pay for tuition, books and
47 related fees to pursue their degree. It is the intent of the
48 Legislature that the paid internship program (hereinafter referred
49 to as the program) shall be used as an incentive for accounting
50 students to develop job-related skills and to encourage accounting
51 careers at the Office of the State Auditor.

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

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

56 (b) Satisfy the following conditions:

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

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

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

67 (ii) Graduate stipulations: Applicants must have
68 met the regular admission standards and have been accepted into



69 the master of science accounting program at a Mississippi
70 institution of higher learning.

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

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

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

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

92 (b) Upon entry into the program, participants will
93 become employees of the Office of the State Auditor during their



94 time in the program and shall be eligible for benefits such as
95 medical insurance paid by the agency for the participant; however,
96 in accordance with Section 25-11-105II(b), those participants
97 shall not become members of the Public Employees' Retirement
98 System while participating in the program. Participants shall not
99 accrue personal or major medical leave while they are in the
100 program.

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

105 (d) The Office of the State Auditor is vested with full
106 and complete authority and power to sue in its own name any
107 participant for any damages due the state on any such uncompleted
108 contract, which suit shall be filed and handled by the Attorney
109 General of the state. The Office of the State Auditor may
110 contract with a collection agency or banking institution, subject
111 to approval by the Attorney General, for collection of any damages
112 due the state from any participant. The State of Mississippi, the
113 Office of the State Auditor and its employees are immune from any
114 suit brought in law or equity for actions taken by the collection
115 agency or banking institution incidental to or arising from their
116 performance under the contract. The Office of the State Auditor,
117 collection agency and banking institution may negotiate for the
118 payment of a sum that is less than full payment in order to



119 satisfy any damages the participant owes the state, subject to
120 approval by the director of the sponsoring facility within the
121 Office of the State Auditor.

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

137 (b) All paid internship compensation received by the
138 recipient while in school shall be considered earned conditioned
139 upon the fulfillment of the terms and obligations of the paid
140 internship contract and this section. However, no recipient of
141 the paid internship shall accrue personal or major medical leave
142 while the recipient is pursuing junior or senior
143 undergraduate-level year coursework toward a bachelor's degree in



144 accounting or graduate-level coursework toward a master's degree
145 in accounting. The recipient shall not be liable for liquidated
146 damages.

147 (c) If the recipient does not work as an auditor at the
148 Office of the State Auditor for the period required under
149 subsection (2) (d) of this section, the recipient shall be liable
150 for repayment on demand of the remaining portion of the
151 compensation that the recipient was paid while in the program
152 which has not been unconditionally earned, with interest accruing
153 at ten percent (10%) per annum from the recipient's date of
154 graduation or the date that the recipient last worked at the
155 Office of the State Auditor, whichever is the later date. In
156 addition, there shall be included in any contract for paid student
157 internship a provision for liquidated damages equal to Five
158 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata
159 basis for each year served under such contract.

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

162 17-1-51. (1) No county, board of supervisors of a county,
163 municipality or governing authority of a municipality is
164 authorized to establish a mandatory, minimum living wage rate,
165 minimum number of vacation or sick days, whether paid or unpaid,
166 that would regulate how a private employer pays its employees.
167 Each county, board of supervisors of a county, municipality or
168 governing authority of a municipality shall be prohibited from



169 establishing a mandatory, minimum living wage rate, minimum number
170 of vacation or sick days, whether paid or unpaid, that would
171 regulate how a private employer pays its employees.

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

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



194 the business environment of the state and to the citizens,
195 businesses and governments of the local jurisdictions as well as
196 the local labor markets.

197 (4) The Legislature concludes from these findings that, in
198 order for a business to remain competitive and yet attract and
199 retain the highest possible caliber of employees, and thereby
200 remain sound, an enterprise must work in a uniform environment
201 with respect to minimum wage rates, and mandatory minimum number
202 of vacation or sick leave days. The net impact of local
203 variations in mandated wages and mandatory minimum number of
204 vacation or sick leave days would be economically unstable and
205 create a decline and decrease in the standard of living for the
206 citizens of the state. Consequently, decisions regarding minimum
207 wage, living wage and other employee benefit policies must be made
208 by the state as provided in Section 25-3-40, so that consistency
209 in the wage market is preserved.

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

212 23-15-239. (1) The executive committee of each county, in
213 the case of a primary election, or the election commissioners of
214 each county, in the case of all other elections, in conjunction
215 with the circuit clerk, shall, in the years in which counties
216 conduct an election, sponsor and conduct, not less than five (5)
217 days before each election, not less than four (4) hours and not
218 more than eight (8) hours of poll manager training to instruct



219 poll managers as to their duties in the proper administration of
220 the election and the operation of the polling place. Any poll
221 manager who completes the online training course provided by the
222 Secretary of State shall only be required to complete two (2)
223 hours of in-person poll manager training. No poll manager shall
224 serve in any election unless he or she has received these
225 instructions once during the twelve (12) months immediately
226 preceding the date upon which the election is held; however,
227 nothing in this section shall prevent the appointment of an
228 alternate poll manager to fill a vacancy in case of an emergency.
229 The county executive committee or the election commissioners, as
230 appropriate, shall train a sufficient number of alternates to
231 serve in the event a poll manager is unable to serve for any
232 reason.

233 (2) (a) If it is eligible under Section 23-15-266, the
234 county executive committee may enter into a written agreement with
235 the circuit clerk or the county election commission authorizing
236 the circuit clerk or the county election commission to perform any
237 of the duties required of the county executive committee pursuant
238 to this section. Any agreement entered into pursuant to this
239 subsection shall be signed by the chair of the county executive
240 committee and the circuit clerk or the chair of the county
241 election commission, as appropriate. The county executive
242 committee shall notify the state executive committee and the
243 Secretary of State of the existence of the agreement.



244 (b) If it is eligible under Section 23-15-266, the
245 municipal executive committee may enter into a written agreement
246 with the municipal clerk or the municipal election commission
247 authorizing the municipal clerk or the municipal election
248 commission to perform any of the duties required of the municipal
249 executive committee pursuant to this section. Any agreement
250 entered into pursuant to this subsection shall be signed by the
251 chair of the municipal executive committee and the municipal clerk
252 or the chair of the municipal election commission, as appropriate.
253 The municipal executive committee shall notify the state executive
254 committee and the Secretary of State of the existence of the
255 agreement.

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

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



269 the training session is to be conducted. Persons who will serve
270 as poll watchers for candidates and political parties, as well as
271 members of the general public, shall be allowed to attend the
272 sessions.

273 (5) Subject to the following annual limitations, the
274 election commissioners shall be entitled to receive a per diem in
275 the amount of One Hundred Dollars (\$100.00), to be paid from the
276 county general fund, for every day or period of no less than five
277 (5) hours accumulated over two (2) or more days actually employed
278 in the performance of their duties for the necessary time spent in
279 conducting training sessions as required by this section:

280 (a) In counties having less than fifteen thousand
281 (15,000) residents according to the latest federal decennial
282 census, not more than five (5) days per year;

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

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



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

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

303 (f) In counties having one hundred seventy thousand
304 (170,000) residents according to the latest federal decennial
305 census but less than two hundred thousand (200,000) residents
306 according to the latest federal decennial census, not more than
307 eighteen (18) days per year;

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

313 (h) In counties having two hundred twenty-five thousand
314 (225,000) residents or more according to the latest federal
315 decennial census, not more than twenty-two (22) days per year.



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

319 (7) (a) To provide poll manager training, the Secretary of
320 State has developed a single, comprehensive poll manager training
321 program to ensure uniform, secure elections throughout the state.
322 The program includes online training on all state and federal
323 election laws and procedures and voting machine opening and
324 closing procedures.

325 (b) County poll managers who individually access and
326 complete the online training program, including all skills
327 assessments, at least five (5) days before an election shall be
328 defined as "certified poll managers," and entitled to a
329 "Certificate of Completion."

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

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

335 25-3-40. On July 1, 1978, and each year thereafter, the
336 Mississippi Compensation Plan shall be amended to provide salary
337 increases in such amounts and percentages as might be recommended
338 by the Legislative Budget Office and as may be authorized by funds
339 appropriated by the Legislature for the purpose of granting



340 incentive salary increases as deemed possible dependent upon the
341 availability of general and special funds.

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

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

352 37-7-307. (1) For purposes of this section, the term
353 "licensed employee" means any employee of a public school district
354 required to hold a valid license by the Commission on Teacher and
355 Administrator Education, Certification and Licensure and
356 Development.

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

362 (a) Each licensed employee and teacher assistant, at
363 the beginning of each school year, shall be credited with a
364 minimum sick leave allowance, with pay, of seven (7) days for



365 absences caused by illness or physical disability of the employee
366 during that school year.

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

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

385 (d) For the first ten (10) days of absence of a
386 licensed employee because of illness or physical disability, in
387 any school year, in excess of the sick leave allowance credited to
388 such licensed employee, there shall be deducted from the pay of
389 such licensed employee the established substitute amount of



390 licensed employee compensation paid in that local school district,
391 necessitated because of the absence of the licensed employee as a
392 result of illness or physical disability. In lieu of deducting
393 the established substitute amount from the pay of such licensed
394 employee, the policy may allow the licensed employee to receive
395 full pay for the first ten (10) days of absence because of illness
396 or physical disability, in any school year, in excess of the sick
397 leave allowance credited to such licensed employee. Thereafter,
398 the regular pay of such absent licensed employee shall be
399 suspended and withheld in its entirety for any period of absence
400 because of illness or physical disability during that school year.

401 (3) (a) Beginning with the school year 1983-1984, each
402 licensed employee at the beginning of each school year shall be
403 credited with a minimum personal leave allowance, with pay, of two
404 (2) days for absences caused by personal reasons during that
405 school year. Effective for the 2010-2011 and 2011-2012 school
406 years, licensed employees shall be credited with an additional
407 one-half (1/2) day of personal leave for every day the licensed
408 employee is furloughed without pay as provided in Section
409 37-7-308. Except as otherwise provided in paragraph (b) of this
410 subsection, such personal leave shall not be taken on the first
411 day of the school term, the last day of the school term, on a day
412 previous to a holiday or a day after a holiday. Personal leave
413 may be used for professional purposes, including absences caused
414 by attendance of such licensed employee at a seminar, class,



415 training program, professional association or other functions
416 designed for educators. No deduction from the pay of such
417 licensed employee may be made because of absence of such licensed
418 employee caused by personal reasons until after all personal leave
419 allowance credited to such licensed employee has been used.
420 However, the superintendent of a school district, in his
421 discretion, may allow a licensed employee personal leave in
422 addition to any minimum personal leave allowance, under the
423 condition that there shall be deducted from the salary of such
424 licensed employee the actual amount of any compensation paid to
425 any person as a substitute, necessitated because of the absence of
426 the licensed employee. Any unused portion of the total personal
427 leave allowance up to five (5) days shall be carried over to the
428 next school year and credited to such licensed employee if the
429 licensed employee remains employed in the same school district.
430 Any personal leave allowed for a furlough day shall not be carried
431 over to the next school year.

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

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



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

446 (iii) Personal leave may be taken on the first day
447 of the school term, the last day of the school term, on a day
448 previous to a holiday or a day after a holiday if, on the
449 applicable day, the employee has been summoned to appear for jury
450 duty or as a witness in court.

451 (iv) Personal leave may be taken on the first day
452 of the school term, the last day of the school term, on a day
453 previous to a holiday or a day after a holiday if, on the
454 applicable day, an immediate family member of the employee dies or
455 funeral services are held. Any day of the three (3) bereavement
456 days may be used at the discretion of the teacher, and are not
457 required to be taken in consecutive succession.

458 For the purpose of this subsection (3), the term "immediate
459 family member" means spouse, parent, stepparent, child or
460 stepchild, grandparent or sibling, including a stepbrother or
461 stepsister.

462 (4) Beginning with the school year 1992-1993, each licensed
463 employee shall be credited with a professional leave allowance,
464 with pay, for each day of absence caused by reason of such



465 employee's statutorily required membership and attendance at a
466 regular or special meeting held within the State of Mississippi of
467 the State Board of Education, the Commission on Teacher and
468 Administrator Education, Certification and Licensure and
469 Development, the Commission on School Accreditation, the
470 Mississippi Authority for Educational Television, the meetings of
471 the state textbook rating committees or other meetings authorized
472 by local school board policy.

473 (5) Upon retirement from employment, each licensed and
474 nonlicensed employee shall be paid for not more than thirty (30)
475 days of unused accumulated leave earned while employed by the
476 school district in which the employee is last employed. Such
477 payment for licensed employees shall be made by the school
478 district at a rate equal to the amount paid to substitute teachers
479 and for nonlicensed employees, the payment shall be made by the
480 school district at a rate equal to the federal minimum wage. The
481 payment shall be treated in the same manner for retirement
482 purposes as a lump-sum payment for personal leave as provided in
483 Section 25-11-103(f). Any remaining lawfully credited unused
484 leave, for which payment has not been made, shall be certified to
485 the Public Employees' Retirement System in the same manner and
486 subject to the same limitations as otherwise provided by law for
487 unused leave. No payment for unused accumulated leave may be made
488 to either a licensed or nonlicensed employee at termination or



489 separation from service for any purpose other than for the purpose
490 of retirement.

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

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

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

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

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



514 (7) School boards may include in their budgets provisions
515 for the payment of substitute employees, necessitated because of
516 the absence of regular licensed employees. All such substitute
517 employees shall be paid wholly from district funds, except as
518 otherwise provided for long-term substitute teachers in Section
519 37-19-20. Such school boards, in their discretion, also may pay,
520 from district funds other than adequate education program funds,
521 the whole or any part of the salaries of all employees granted
522 leaves for the purpose of special studies or training.

523 (8) The school board may further adopt rules and regulations
524 which will reasonably implement such leave policies for all other
525 nonlicensed and hourly paid school employees as the board deems
526 appropriate. Effective for the 2010-2011 and 2011-2012 school
527 years, nonlicensed employees shall be credited with an additional
528 one-half (1/2) day of personal leave for every day the nonlicensed
529 employee is furloughed without pay as provided in Section
530 37-7-308.

531 (9) Vacation leave granted to either licensed or nonlicensed
532 employees shall be synonymous with personal leave. Unused
533 vacation or personal leave accumulated by licensed employees in
534 excess of the maximum five (5) days which may be carried over from
535 one year to the next may be converted to sick leave. The annual
536 conversion of unused vacation or personal leave to sick days for
537 licensed or unlicensed employees shall not exceed the allowable
538 number of personal leave days as provided in Section 25-3-93. The



539 annual total number of converted unused vacation and/or personal
540 days added to the annual unused sick days for any employee shall
541 not exceed the combined allowable number of days per year provided
542 in Sections 25-3-93 and 25-3-95. Local school board policies that
543 provide for vacation, personal and sick leave for employees shall
544 not exceed the provisions for leave as provided in Sections
545 25-3-93 and 25-3-95. Any personal or vacation leave previously
546 converted to sick leave under a lawfully adopted policy before May
547 1, 2004, or such personal or vacation leave accumulated and
548 available for use prior to May 1, 2004, under a lawfully adopted
549 policy but converted to sick leave after May 1, 2004, shall be
550 recognized as accrued leave by the local school district and
551 available for use by the employee. The leave converted under a
552 lawfully adopted policy prior to May 1, 2004, or such personal and
553 vacation leave accumulated and available for use as of May 1,
554 2004, which was subsequently converted to sick leave may be
555 certified to the Public Employees' Retirement System upon
556 termination of employment and any such leave previously converted
557 and certified to the Public Employees' Retirement System shall be
558 recognized.

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

562 (i) "Catastrophic injury or illness" means a
563 life-threatening injury or illness of an employee or a member of



564 an employee's immediate family that totally incapacitates the
565 employee from work, as verified by a licensed physician, and
566 forces the employee to exhaust all leave time earned by that
567 employee, resulting in the loss of compensation from the local
568 school district for the employee. Conditions that are short-term
569 in nature, including, but not limited to, common illnesses such as
570 influenza and the measles, and common injuries, are not
571 catastrophic. Chronic illnesses or injuries, such as cancer or
572 major surgery, that result in intermittent absences from work and
573 that are long-term in nature and require long recuperation periods
574 may be considered catastrophic.

575 (ii) "Immediate family" means spouse, parent,
576 stepparent, sibling, child or stepchild, grandparent, stepbrother
577 or stepsister.

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

584 (i) The employee donating the leave (the "donor
585 employee") shall designate the employee who is to receive the
586 leave (the "recipient employee") and the amount of unused
587 accumulated personal leave and sick leave that is to be donated,



588 and shall notify the school district superintendent or his
589 designee of his or her designation.

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

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

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

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



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

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

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

624 (11) Effective January 1, 2020, the provisions of this
625 section shall be fully applicable to any licensed employee of the
626 Mississippi School of the Arts (MSA).

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

629 57-34-5. **Definitions.** As used in this chapter, the
630 following words and phrases shall have the meanings ascribed to
631 them in this section, unless the context clearly indicates a
632 different meaning:

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

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

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



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

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

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

649 (f) "Project" means:

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

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

661 2. With an initial capital investment of not
662 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from



663 private or United States government sources together with all
664 buildings and other supporting land and facilities, structures or
665 improvements of whatever kind required or useful for construction,
666 maintenance and operation of the enterprise and which creates at
667 least one thousand (1,000) net new full-time jobs; or

668 3. Which creates at least one thousand
669 (1,000) net new full-time jobs which provide an average hourly
670 wage of not less than two hundred percent (200%) of the federal
671 minimum wage in effect on the date the project is placed in
672 service.

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

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

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

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



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

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

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

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

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

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

709 (h) "Project tax revenues" means:

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



713 sales and use taxes, franchise taxes, license taxes, excise taxes
714 and severance taxes; and

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

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

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

722 85-3-4. (1) The wages, salaries or other compensation of
723 laborers or employees, residents of this state, shall be exempt
724 from seizure under attachment, execution or garnishment for a
725 period of thirty (30) days from the date of service of any writ of
726 attachment, execution or garnishment.

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

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

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

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



738 wage (prescribed by Section 206 (a) (1) of Title 29, USCS) in
739 effect at the time the earnings are payable; or

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

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

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

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

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

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



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

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

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

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

779 97-3-54.4. For the purposes of the Mississippi Human
780 Trafficking Act the following words and phrases shall have the
781 meanings ascribed herein unless the context clearly requires
782 otherwise:

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

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



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

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

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

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

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

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

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

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

809 (vii) Using blackmail;

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



812 reasonable value of the services is not applied toward the
813 liquidation of the debt; 2. the length of the services is not
814 limited and the nature of the services is not defined; 3. the
815 principal amount of the debt does not reasonably reflect the value
816 of the items or services for which the debt is incurred; or 4. the
817 individual is prevented from acquiring accurate and timely
818 information about the disposition of the debt; or

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

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

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

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



837 (h) "Forced labor or services" means labor or services
838 that are performed or provided by another person and are obtained
839 or maintained through coercion.

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

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

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

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

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

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

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



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

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

- 865 1. Medical services;
- 866 2. Therapy or psychological counseling;
- 867 3. Temporary housing;
- 868 4. Transportation;
- 869 5. Childcare;
- 870 6. Physical and occupational therapy or
871 rehabilitation;
- 872 7. Funeral, interment, and burial services;
873 reasonable attorney's fees and other legal costs; and
- 874 8. Other expenses incurred by the victim.

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

880 (o) "Services" means an ongoing relationship between a
881 person and the actor in which the person performs activities under
882 the supervision of or for the benefit of the actor or a third
883 party and includes, without limitation, commercial sexual
884 activity, sexually explicit performances, or the production of
885 sexually explicit materials.



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

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

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

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

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

900 99-19-20. (1) Except as otherwise provided under Section
901 99-19-20.1, when any court sentences a defendant to pay a fine,
902 the court may order (a) that the fine be paid immediately, or (b)
903 that the fine be paid in installments to the clerk of the court or
904 to the judge, if there be no clerk, or (c) that payment of the
905 fine be a condition of probation, or (d) that the defendant be
906 required to work on public property for public benefit under the
907 direction of the sheriff for a specific number of hours, or (e)
908 any combination of the above.

909 (2) Except as otherwise provided under Section 99-19-20.1,
910 the defendant may be imprisoned until the fine is paid if the



911 defendant is financially able to pay a fine and the court so
912 finds, subject to the limitations provided under this section.
913 The defendant shall not be imprisoned if the defendant is
914 financially unable to pay a fine and so states to the court in
915 writing, under oath, after sentence is pronounced, and the court
916 so finds, except if the defendant is financially unable to pay a
917 fine and such defendant failed or refused to comply with a prior
918 sentence as specified in subsection (1) of this section, the
919 defendant may be imprisoned.

920 This subsection shall be limited as follows:

921 (a) In no event shall such period of imprisonment
922 exceed one (1) day for each One Hundred Dollars (\$100.00) of the
923 fine.

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

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

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



935 **SECTION 13.** This act shall take effect and be in force from
936 and after July 1, 2022.

