

By: Representative Mickens

To: Workforce Development;
Judiciary A

HOUSE BILL NO. 96

1 AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO
2 ESTABLISH THE STATE MINIMUM WAGE AT \$10.00 PER HOUR; TO PROVIDE
3 THAT EMPLOYERS WITH TIPPED EMPLOYEES ARE EXEMPT FROM THE
4 REQUIREMENT TO PAY THE STATE MINIMUM WAGE; TO ESTABLISH GUIDELINES
5 FOR EMPLOYEES ENTITLED TO OVERTIME PAY; TO BRING FORWARD SECTIONS
6 7-7-204, 17-1-51, 23-15-239, 25-3-40, 37-7-307, 57-34-5, 85-3-4,
7 97-3-54.4 AND 99-19-20, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
8 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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

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

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



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

23 (2) Every employer shall pay each of his or her employees
24 wages at the rate of not less than Ten Dollars (\$10.00) per hour,
25 except as otherwise provided in this section.

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

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

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

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



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

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

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

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

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



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

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

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

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

88 (b) Satisfy the following conditions:

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



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

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

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

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

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

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

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



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

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

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

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



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

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



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

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

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



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

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

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

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



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

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



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

244 23-15-239. (1) The executive committee of each county, in
245 the case of a primary election, or the election commissioners of
246 each county, in the case of all other elections, in conjunction
247 with the circuit clerk, shall, in the years in which counties
248 conduct an election, sponsor and conduct, not less than five (5)
249 days before each election, not less than four (4) hours and not
250 more than eight (8) hours of poll manager training to instruct
251 poll managers as to their duties in the proper administration of
252 the election and the operation of the polling place. Any poll
253 manager who completes the online training course provided by the
254 Secretary of State shall only be required to complete two (2)
255 hours of in-person poll manager training. No poll manager shall
256 serve in any election unless he or she has received these
257 instructions once during the twelve (12) months immediately
258 preceding the date upon which the election is held; however,
259 nothing in this section shall prevent the appointment of an
260 alternate poll manager to fill a vacancy in case of an emergency.
261 The county executive committee or the election commissioners, as
262 appropriate, shall train a sufficient number of alternates to
263 serve in the event a poll manager is unable to serve for any
264 reason.

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



267 the circuit clerk or the county election commission authorizing
268 the circuit clerk or the county election commission to perform any
269 of the duties required of the county executive committee pursuant
270 to this section. Any agreement entered into pursuant to this
271 subsection shall be signed by the chair of the county executive
272 committee and the circuit clerk or the chair of the county
273 election commission, as appropriate. The county executive
274 committee shall notify the state executive committee and the
275 Secretary of State of the existence of the agreement.

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



367 25-3-40. On July 1, 1978, and each year thereafter, the
368 Mississippi Compensation Plan shall be amended to provide salary
369 increases in such amounts and percentages as might be recommended
370 by the Legislative Budget Office and as may be authorized by funds
371 appropriated by the Legislature for the purpose of granting
372 incentive salary increases as deemed possible dependent upon the
373 availability of general and special funds.

374 It is hereby declared to be the intent of the Mississippi
375 Legislature to implement the minimum wage as enacted by statutory
376 law of the United States Congress subject to funds being available
377 for that purpose. It is the intent and purpose of this section to
378 maximize annual salary increases consistent with the availability
379 of funds as might be determined by the Mississippi Legislature at
380 its regular annual session and that all salary increases hereafter
381 be made consistent with the provisions of this section.

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

384 37-7-307. (1) For purposes of this section, the term
385 "licensed employee" means any employee of a public school district
386 required to hold a valid license by the Commission on Teacher and
387 Administrator Education, Certification and Licensure and
388 Development.

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



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

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

399 (b) Any unused portion of the total sick leave
400 allowance shall be carried over to the next school year and
401 credited to such licensed employee and teacher assistant if the
402 licensed employee or teacher assistant remains employed in the
403 same school district. In the event any public school licensed
404 employee or teacher assistant transfers from one public school
405 district in Mississippi to another, any unused portion of the
406 total sick leave allowance credited to such licensed employee or
407 teacher assistant shall be credited to such licensed employee or
408 teacher assistant in the computation of unused leave for
409 retirement purposes under Section 25-11-109. Accumulation of sick
410 leave allowed under this section shall be unlimited.

411 (c) No deduction from the pay of such licensed employee
412 or teacher assistant may be made because of absence of such
413 licensed employee or teacher assistant caused by illness or
414 physical disability of the licensed employee or teacher assistant
415 until after all sick leave allowance credited to such licensed
416 employee or teacher assistant has been used.



417 (d) For the first ten (10) days of absence of a
418 licensed employee because of illness or physical disability, in
419 any school year, in excess of the sick leave allowance credited to
420 such licensed employee, there shall be deducted from the pay of
421 such licensed employee the established substitute amount of
422 licensed employee compensation paid in that local school district,
423 necessitated because of the absence of the licensed employee as a
424 result of illness or physical disability. In lieu of deducting
425 the established substitute amount from the pay of such licensed
426 employee, the policy may allow the licensed employee to receive
427 full pay for the first ten (10) days of absence because of illness
428 or physical disability, in any school year, in excess of the sick
429 leave allowance credited to such licensed employee. Thereafter,
430 the regular pay of such absent licensed employee shall be
431 suspended and withheld in its entirety for any period of absence
432 because of illness or physical disability during that school year.

433 (3) (a) Beginning with the school year 1983-1984, each
434 licensed employee at the beginning of each school year shall be
435 credited with a minimum personal leave allowance, with pay, of two
436 (2) days for absences caused by personal reasons during that
437 school year. Effective for the 2010-2011 and 2011-2012 school
438 years, licensed employees shall be credited with an additional
439 one-half (1/2) day of personal leave for every day the licensed
440 employee is furloughed without pay as provided in Section
441 37-7-308. Except as otherwise provided in paragraph (b) of this



442 subsection, such personal leave shall not be taken on the first
443 day of the school term, the last day of the school term, on a day
444 previous to a holiday or a day after a holiday. Personal leave
445 may be used for professional purposes, including absences caused
446 by attendance of such licensed employee at a seminar, class,
447 training program, professional association or other functions
448 designed for educators. No deduction from the pay of such
449 licensed employee may be made because of absence of such licensed
450 employee caused by personal reasons until after all personal leave
451 allowance credited to such licensed employee has been used.
452 However, the superintendent of a school district, in his
453 discretion, may allow a licensed employee personal leave in
454 addition to any minimum personal leave allowance, under the
455 condition that there shall be deducted from the salary of such
456 licensed employee the actual amount of any compensation paid to
457 any person as a substitute, necessitated because of the absence of
458 the licensed employee. Any unused portion of the total personal
459 leave allowance up to five (5) days shall be carried over to the
460 next school year and credited to such licensed employee if the
461 licensed employee remains employed in the same school district.
462 Any personal leave allowed for a furlough day shall not be carried
463 over to the next school year.

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



467 (i) Personal leave may be taken on the first day
468 of the school term, the last day of the school term, on a day
469 previous to a holiday or a day after a holiday if, on the
470 applicable day, an immediate family member of the employee is
471 being deployed for military service.

472 (ii) Personal leave may be taken on a day previous
473 to a holiday or a day after a holiday if an employee of a school
474 district has either a minimum of ten (10) years' experience as an
475 employee of that school district or a minimum of thirty (30) days
476 of unused accumulated leave that has been earned while employed in
477 that school district.

478 (iii) Personal leave may be taken on the first day
479 of the school term, the last day of the school term, on a day
480 previous to a holiday or a day after a holiday if, on the
481 applicable day, the employee has been summoned to appear for jury
482 duty or as a witness in court.

483 (iv) Personal leave may be taken on the first day
484 of the school term, the last day of the school term, on a day
485 previous to a holiday or a day after a holiday if, on the
486 applicable day, an immediate family member of the employee dies or
487 funeral services are held. Any day of the three (3) bereavement
488 days may be used at the discretion of the teacher, and are not
489 required to be taken in consecutive succession.

490 For the purpose of this subsection (3), the term "immediate
491 family member" means spouse, parent, stepparent, child or



492 stepchild, grandparent or sibling, including a stepbrother or
493 stepsister.

494 (4) Beginning with the school year 1992-1993, each licensed
495 employee shall be credited with a professional leave allowance,
496 with pay, for each day of absence caused by reason of such
497 employee's statutorily required membership and attendance at a
498 regular or special meeting held within the State of Mississippi of
499 the State Board of Education, the Commission on Teacher and
500 Administrator Education, Certification and Licensure and
501 Development, the Commission on School Accreditation, the
502 Mississippi Authority for Educational Television, the meetings of
503 the state textbook rating committees or other meetings authorized
504 by local school board policy.

505 (5) Upon retirement from employment, each licensed and
506 nonlicensed employee shall be paid for not more than thirty (30)
507 days of unused accumulated leave earned while employed by the
508 school district in which the employee is last employed. Such
509 payment for licensed employees shall be made by the school
510 district at a rate equal to the amount paid to substitute teachers
511 and for nonlicensed employees, the payment shall be made by the
512 school district at a rate equal to the federal minimum wage. The
513 payment shall be treated in the same manner for retirement
514 purposes as a lump-sum payment for personal leave as provided in
515 Section 25-11-103(f). Any remaining lawfully credited unused
516 leave, for which payment has not been made, shall be certified to



517 the Public Employees' Retirement System in the same manner and
518 subject to the same limitations as otherwise provided by law for
519 unused leave. No payment for unused accumulated leave may be made
520 to either a licensed or nonlicensed employee at termination or
521 separation from service for any purpose other than for the purpose
522 of retirement.

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

527 (a) Requiring the absent employee to furnish the
528 certificate of a physician or dentist or other medical
529 practitioner as to the illness of the absent licensed employee,
530 where the absence is for four (4) or more consecutive school days,
531 or for two (2) consecutive school days immediately preceding or
532 following a nonschool day;

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

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



542 (d) Enlarging, increasing or providing greater sick or
543 personal leave allowances than the minimum standards established
544 by this section in the discretion of the school board of each
545 school district.

546 (7) School boards may include in their budgets provisions
547 for the payment of substitute employees, necessitated because of
548 the absence of regular licensed employees. All such substitute
549 employees shall be paid wholly from district funds, except as
550 otherwise provided for long-term substitute teachers in Section
551 37-19-20. Such school boards, in their discretion, also may pay,
552 from district funds other than adequate education program funds,
553 the whole or any part of the salaries of all employees granted
554 leaves for the purpose of special studies or training.

555 (8) The school board may further adopt rules and regulations
556 which will reasonably implement such leave policies for all other
557 nonlicensed and hourly paid school employees as the board deems
558 appropriate. Effective for the 2010-2011 and 2011-2012 school
559 years, nonlicensed employees shall be credited with an additional
560 one-half (1/2) day of personal leave for every day the nonlicensed
561 employee is furloughed without pay as provided in Section
562 37-7-308.

563 (9) Vacation leave granted to either licensed or nonlicensed
564 employees shall be synonymous with personal leave. Unused
565 vacation or personal leave accumulated by licensed employees in
566 excess of the maximum five (5) days which may be carried over from



567 one year to the next may be converted to sick leave. The annual
568 conversion of unused vacation or personal leave to sick days for
569 licensed or unlicensed employees shall not exceed the allowable
570 number of personal leave days as provided in Section 25-3-93. The
571 annual total number of converted unused vacation and/or personal
572 days added to the annual unused sick days for any employee shall
573 not exceed the combined allowable number of days per year provided
574 in Sections 25-3-93 and 25-3-95. Local school board policies that
575 provide for vacation, personal and sick leave for employees shall
576 not exceed the provisions for leave as provided in Sections
577 25-3-93 and 25-3-95. Any personal or vacation leave previously
578 converted to sick leave under a lawfully adopted policy before May
579 1, 2004, or such personal or vacation leave accumulated and
580 available for use prior to May 1, 2004, under a lawfully adopted
581 policy but converted to sick leave after May 1, 2004, shall be
582 recognized as accrued leave by the local school district and
583 available for use by the employee. The leave converted under a
584 lawfully adopted policy prior to May 1, 2004, or such personal and
585 vacation leave accumulated and available for use as of May 1,
586 2004, which was subsequently converted to sick leave may be
587 certified to the Public Employees' Retirement System upon
588 termination of employment and any such leave previously converted
589 and certified to the Public Employees' Retirement System shall be
590 recognized.



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

594 (i) "Catastrophic injury or illness" means a
595 life-threatening injury or illness of an employee or a member of
596 an employee's immediate family that totally incapacitates the
597 employee from work, as verified by a licensed physician, and
598 forces the employee to exhaust all leave time earned by that
599 employee, resulting in the loss of compensation from the local
600 school district for the employee. Conditions that are short-term
601 in nature, including, but not limited to, common illnesses such as
602 influenza and the measles, and common injuries, are not
603 catastrophic. Chronic illnesses or injuries, such as cancer or
604 major surgery, that result in intermittent absences from work and
605 that are long-term in nature and require long recuperation periods
606 may be considered catastrophic.

607 (ii) "Immediate family" means spouse, parent,
608 stepparent, sibling, child or stepchild, grandparent, stepbrother
609 or stepsister.

610 (b) Any school district employee may donate a portion
611 of his or her unused accumulated personal leave or sick leave to
612 another employee of the same school district who is suffering from
613 a catastrophic injury or illness or who has a member of his or her
614 immediate family suffering from a catastrophic injury or illness,
615 in accordance with the following:



616 (i) The employee donating the leave (the "donor
617 employee") shall designate the employee who is to receive the
618 leave (the "recipient employee") and the amount of unused
619 accumulated personal leave and sick leave that is to be donated,
620 and shall notify the school district superintendent or his
621 designee of his or her designation.

622 (ii) The maximum amount of unused accumulated
623 personal leave that an employee may donate to any other employee
624 may not exceed a number of days that would leave the donor
625 employee with fewer than seven (7) days of personal leave
626 remaining, and the maximum amount of unused accumulated sick leave
627 that an employee may donate to any other employee may not exceed
628 fifty percent (50%) of the unused accumulated sick leave of the
629 donor employee.

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

635 (iv) Before an employee may receive donated leave,
636 he or she must provide the school district superintendent or his
637 designee with a physician's statement that states that the illness
638 meets the catastrophic criteria established under this section,
639 the beginning date of the catastrophic injury or illness, a
640 description of the injury or illness, and a prognosis for recovery



641 and the anticipated date that the recipient employee will be able
642 to return to work.

643 (v) Before an employee may receive donated leave,
644 the superintendent of education of the school district shall
645 appoint a review committee to approve or disapprove the said
646 donations of leave, including the determination that the illness
647 is catastrophic within the meaning of this section.

648 (vi) If the total amount of leave that is donated
649 to any employee is not used by the recipient employee, the whole
650 days of donated leave shall be returned to the donor employees on
651 a pro rata basis, based on the ratio of the number of days of
652 leave donated by each donor employee to the total number of days
653 of leave donated by all donor employees.

654 (vii) Donated leave shall not be used in lieu of
655 disability retirement.

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

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

661 57-34-5. **Definitions.** As used in this chapter, the
662 following words and phrases shall have the meanings ascribed to
663 them in this section, unless the context clearly indicates a
664 different meaning:

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



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

668 (c) "Board of directors" means the board of directors
669 of the authority.

670 (d) "Designated geographic area" means:

671 (i) Those counties in the State of Alabama that
672 share a common border with any county in the State of Mississippi;
673 and

674 (ii) Those counties in the State of Mississippi
675 that share a common border with any county in the State of
676 Alabama.

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

681 (f) "Project" means:

682 (i) Any industrial, commercial, research and
683 development, warehousing, distribution, transportation,
684 processing, mining, United States government or tourism enterprise
685 together with all real property required for construction,
686 maintenance and operation of the enterprise:

687 1. With an initial capital investment of not
688 less than Three Hundred Million Dollars (\$300,000,000.00) from
689 private or United States government sources together with all
690 buildings, and other supporting land and facilities, structures or



691 improvements of whatever kind required or useful for construction,
692 maintenance and operation of the enterprise; or

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

700 3. Which creates at least one thousand
701 (1,000) net new full-time jobs which provide an average hourly
702 wage of not less than two hundred percent (200%) of the federal
703 minimum wage in effect on the date the project is placed in
704 service.

705 (ii) Any addition to, or expansion of, any
706 existing enterprise as described in this paragraph if the addition
707 or expansion:

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

711 2. Has an initial capital investment of not
712 less than One Hundred Fifty Million Dollars (\$150,000,000.00) from
713 private or United States government sources together with all
714 buildings and other supporting land and facilities, structures or
715 improvements of whatever kind required or useful for construction,



716 maintenance and operation of the enterprise and which creates at
717 least one thousand (1,000) net new full-time jobs; or

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

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

727 In addition to meeting the other requirements of this
728 paragraph, in order to fall within the definition of the term
729 "project":

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

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

735 (g) "Project agreement" means an agreement, approved by
736 the Legislature of the states, setting forth certain obligations,
737 responsibilities, benefits, administrative matters and any other
738 matters with respect to a specific project that are not
739 inconsistent with the terms of this chapter as the legislatures of
740 the states deem appropriate with respect to a specific project.



741 (h) "Project tax revenues" means:

742 (i) All of the following state and local taxes
743 paid directly to a state or a local government by the project:
744 income taxes, ad valorem taxes on real and personal property,
745 sales and use taxes, franchise taxes, license taxes, excise taxes
746 and severance taxes; and

747 (ii) All state and local personal income tax and
748 occupational tax withholdings from employees of the project
749 attributable to employment at the project.

750 (i) "States" means the State of Alabama and the State
751 of Mississippi collectively.

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

754 85-3-4. (1) The wages, salaries or other compensation of
755 laborers or employees, residents of this state, shall be exempt
756 from seizure under attachment, execution or garnishment for a
757 period of thirty (30) days from the date of service of any writ of
758 attachment, execution or garnishment.

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

764 (a) In the case of earnings for any workweek, the
765 lesser amount of either,



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

768 (ii) The amount by which his disposable earnings
769 for that week exceed thirty (30) times the federal minimum hourly
770 wage (prescribed by Section 206 (a) (1) of Title 29, USCS) in
771 effect at the time the earnings are payable; or

772 (b) In the case of earnings for any period other than a
773 week, the amount by which his disposable earnings exceed the
774 following "multiple" of the federal minimum hourly wage which is
775 equivalent in effect to that set forth in paragraph (a) (ii) of
776 this subsection (2): The number of workweeks, or fractions
777 thereof multiplied by thirty (30) multiplied by the applicable
778 federal minimum wage.

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

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

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

787 (b) Except as provided in subparagraph (b) (iii) of this
788 subsection (3), the maximum part of the aggregate disposable
789 earnings of an individual for any workweek which is subject to



790 garnishment to enforce any order for the support of any person
791 shall not exceed:

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

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

800 (iii) With respect to the disposable earnings of
801 any individual for that workweek, the fifty percent (50%)
802 specified in subparagraph (b)(i) of this subsection (3) shall be
803 deemed to be fifty-five percent (55%) and the sixty percent (60%)
804 specified in subparagraph (b)(ii) of this subsection (3) shall be
805 deemed to be sixty-five percent (65%), if and to the extent that
806 such earnings are subject to garnishment to enforce a support
807 order with respect to a period which is prior to the period of
808 twelve (12) weeks which ends with the beginning of such workweek.

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

811 97-3-54.4. For the purposes of the Mississippi Human
812 Trafficking Act the following words and phrases shall have the
813 meanings ascribed herein unless the context clearly requires
814 otherwise:



815 (a) "Act" or "this act" means the Mississippi Human
816 Trafficking Act.

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

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

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

823 (i) Causing or threatening to cause bodily harm to
824 any person, physically restraining or confining any person, or
825 threatening to physically restrain or confine any person;

826 (ii) Exposing or threatening to expose any fact or
827 information or disseminating or threatening to disseminate any
828 fact or information that would tend to subject a person to
829 criminal or immigration proceedings, hatred, contempt or ridicule;

830 (iii) Destroying, concealing, removing,
831 confiscating or possessing any actual or purported passport or
832 other immigration document, or any other actual or purported
833 government identification document of any person;

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

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



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

841 (vii) Using blackmail;

842 (viii) Using an individual's personal services as
843 payment or satisfaction of a real or purported debt when: 1. the
844 reasonable value of the services is not applied toward the
845 liquidation of the debt; 2. the length of the services is not
846 limited and the nature of the services is not defined; 3. the
847 principal amount of the debt does not reasonably reflect the value
848 of the items or services for which the debt is incurred; or 4. the
849 individual is prevented from acquiring accurate and timely
850 information about the disposition of the debt; or

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

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

858 (f) "Enterprise" means any individual, sole
859 proprietorship, partnership, corporation, union or other legal
860 entity, or any association or group of individuals associated in
861 fact regardless of whether a legal entity has been formed pursuant
862 to any state, federal or territorial law. It includes illicit as



863 well as licit enterprises and governmental as well as other
864 entities.

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

869 (h) "Forced labor or services" means labor or services
870 that are performed or provided by another person and are obtained
871 or maintained through coercion.

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

873 (j) "Maintain" means, in relation to labor or services,
874 to secure continued performance thereof, regardless of any initial
875 agreement on the part of the trafficked person to perform such
876 labor or service.

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

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

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

882 (i) The greater of the gross income or value to
883 the defendant of the victim's labor or services, including sexual
884 services, not reduced by the expense the defendant incurred as a
885 result of maintaining the victim, or the value of the victim's
886 labor or services calculated under the minimum wage and overtime



887 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
888 seq., whichever is higher;

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

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

- 897 1. Medical services;
- 898 2. Therapy or psychological counseling;
- 899 3. Temporary housing;
- 900 4. Transportation;
- 901 5. Childcare;
- 902 6. Physical and occupational therapy or
903 rehabilitation;
- 904 7. Funeral, interment, and burial services;
905 reasonable attorney's fees and other legal costs; and
- 906 8. Other expenses incurred by the victim.

907 (n) "Serious harm" means harm, whether physical or
908 nonphysical, including psychological, economic or reputational, to
909 an individual that would compel a reasonable person in similar
910 circumstances as the individual to perform or continue to perform
911 labor or services to avoid incurring the harm.



912 (o) "Services" means an ongoing relationship between a
913 person and the actor in which the person performs activities under
914 the supervision of or for the benefit of the actor or a third
915 party and includes, without limitation, commercial sexual
916 activity, sexually explicit performances, or the production of
917 sexually explicit materials.

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

921 (q) "Trafficked person" means a person subjected to the
922 practices prohibited by this act regardless of whether a
923 perpetrator is identified, apprehended, prosecuted or convicted,
924 and is a term used interchangeably with the terms "victim,"
925 "victim of trafficking" and "trafficking victim."

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

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

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

932 99-19-20. (1) Except as otherwise provided under Section
933 99-19-20.1, when any court sentences a defendant to pay a fine,
934 the court may order (a) that the fine be paid immediately, or (b)
935 that the fine be paid in installments to the clerk of the court or
936 to the judge, if there be no clerk, or (c) that payment of the



937 fine be a condition of probation, or (d) that the defendant be
938 required to work on public property for public benefit under the
939 direction of the sheriff for a specific number of hours, or (e)
940 any combination of the above.

941 (2) Except as otherwise provided under Section 99-19-20.1,
942 the defendant may be imprisoned until the fine is paid if the
943 defendant is financially able to pay a fine and the court so
944 finds, subject to the limitations provided under this section.
945 The defendant shall not be imprisoned if the defendant is
946 financially unable to pay a fine and so states to the court in
947 writing, under oath, after sentence is pronounced, and the court
948 so finds, except if the defendant is financially unable to pay a
949 fine and such defendant failed or refused to comply with a prior
950 sentence as specified in subsection (1) of this section, the
951 defendant may be imprisoned.

952 This subsection shall be limited as follows:

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

956 (b) If a sentence of imprisonment, as well as a fine,
957 were imposed, the aggregate of such term for nonpayment of a fine
958 and the original sentence of imprisonment shall not exceed the
959 maximum authorized term of imprisonment.

960 (c) It shall be in the discretion of the judge to
961 determine the rate of the credit to be earned for work performed



962 under subsection (1)(d), but the rate shall be no lower than the
963 rate of the highest current federal minimum wage.

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

967 **SECTION 12.** This act shall take effect and be in force from
968 and after July 1, 2023.

