

By: Representatives Brown (70th), Johnson, Hines, Banks, Clark, Crudup, Gibbs, Holloway, Hulum, Mickens, Rosebud, Sanders, Taylor

To: Workforce Development; Judiciary A

HOUSE BILL NO. 583

1 AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO
2 ESTABLISH THE STATE MINIMUM WAGE AT \$8.50 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 WHEREAS, when Governor Tate Reeves released his Fiscal Year
10 2024 executive budget recommendation as required under Section
11 27-103-139, he stated, "Mississippi's economy is booming.
12 Unemployment rates are at all-time lows, and we're on pace to
13 achieve record-shattering capital investment in 2022...Our
14 ultimate aim is straightforward: to advance responsible policies
15 that lay the foundation of a strong society and allow
16 Mississippians to flourish"; and

17 WHEREAS, according to the National Conference of State
18 Legislators, thirty (30) states and Washington D.C. have minimum
19 wages above the federal minimum wage of Seven Dollars Twenty-five
20 Cents (\$7.25) per hour, and five (5) states, including



21 Mississippi, have not adopted a minimum wage, which means the
22 federal wage applies; and

23 WHEREAS, in 2022, the federal poverty level for an individual
24 person was Thirteen Thousand Five Hundred Ninety Dollars
25 (\$13,590.00), just One Thousand Four Hundred Ninety Dollars
26 (\$1,490.00) less than what minimum wage earners make in
27 Mississippi, meaning that every worker in Mississippi is only One
28 Hundred Twenty-four Dollars (\$124.00) away from the poverty level;
29 and

30 WHEREAS, according to the Urban Institute, if a higher
31 minimum wage was adopted, the annual family earnings of
32 approximately 56 million affected workers nationwide would rise,
33 with Hispanic workers seeing the largest increases in earnings and
34 reductions in poverty, and certain states would also see the
35 largest reductions in poverty in the country, including
36 Mississippi, which would see an estimated 2.8 percentage point
37 reduction; and

38 WHEREAS, an increase in the minimum wage in Mississippi would
39 not only "lay the foundation of a strong society and allow
40 Mississippians to flourish" as the Governor strives to accomplish,
41 but the increase would also lift an estimated 2.8 percent of
42 people out of poverty in the state, which is currently ranked 50th
43 in official poverty rate based on data collected from the United
44 States Census Bureau; NOW, THEREFORE,

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



46 SECTION 1. This act shall be known and may be cited as the
47 "Mississippi Minimum Wage Act."

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

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

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

59 (2) Every employer shall pay each of his or her employees
60 wages at the rate of not less than Eight Dollars
61 Fifty-Cents (\$8.50) per hour, except as otherwise provided in this
62 section.

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

66 (4) The overtime pay standard requires that overtime must be
67 compensated at a rate not less than one and one-half (1-1/2) times
68 the regular rate at which the employee is actually employed. The
69 regular rate of pay at which the employee is employed may in no
70 event be less than the statutory minimum wage rate established in



71 this section. All employees who receive Four Hundred Fifty-five
72 Dollars (\$455.00) or less per week, or equivalent amounts for
73 periods of pay longer than one (1) week, shall be entitled to
74 receive overtime pay. Additionally, the following people shall
75 not be exempt from receiving overtime pay, regardless of their
76 salary:

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

78 (b) Police officers, detectives, deputy sheriffs, state
79 troopers, highway patrol officers, investigators, inspectors,
80 correctional officers, parole or probation officers, park rangers,
81 firefighters, paramedics, emergency medical technicians, ambulance
82 personnel, rescue workers, hazardous materials workers and similar
83 employees who perform work such as preventing, controlling or
84 extinguishing fires of any type; rescuing fire, crime or accident
85 victims; preventing or detecting crimes; conducting investigations
86 or inspections for violations of law; performing surveillance;
87 pursuing, restraining and apprehending suspects; detaining or
88 supervising suspected and convicted criminals, including those on
89 probation or parole; interviewing witnesses; interrogating and
90 fingerprinting suspects; preparing investigative reports; or other
91 similar work;

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

94 (d) Any employee whose primary duty is not the
95 performance of work directly related to the management or general



96 business operations of the employer or the employer's customers;
97 and

98 (e) Any employee whose primary duty is not the
99 performance of work requiring knowledge of an advanced type in a
100 field of science or learning customarily acquired by a prolonged
101 course of specialized intellectual instruction or the performance
102 of work requiring invention, imagination, originality or talent in
103 a recognized field of artistic or creative endeavor.

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

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

109 7-7-204. (1) Within the limits of the funds available to
110 the Office of the State Auditor for such purpose, the State
111 Auditor may grant a paid internship to students pursuing junior or
112 senior undergraduate-level year coursework toward a bachelor's
113 degree in accounting or graduate-level coursework toward a
114 master's degree in accounting. Those applicants deemed qualified
115 shall receive funds that may be used to pay for tuition, books and
116 related fees to pursue their degree. It is the intent of the
117 Legislature that the paid internship program (hereinafter referred
118 to as the program) shall be used as an incentive for accounting
119 students to develop job-related skills and to encourage accounting
120 careers at the Office of the State Auditor.



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

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

125 (b) Satisfy the following conditions:

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

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

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

136 (ii) Graduate stipulations: Applicants must have
137 met the regular admission standards and have been accepted into
138 the master of science accounting program at a Mississippi
139 institution of higher learning.

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

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



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

151 (3) (a) Before being placed into the program, each
152 applicant shall enter into a contract with the Office of the State
153 Auditor, which shall be deemed a contract with the State of
154 Mississippi, agreeing to the terms and conditions upon which the
155 internship shall be granted to him. The contract shall include
156 such terms and provisions necessary to carry out the full purpose
157 and intent of this section. The form of such contract shall be
158 prepared and approved by the Attorney General of this state, and
159 shall be signed by the State Auditor of the Office of the State
160 Auditor and the participant.

161 (b) Upon entry into the program, participants will
162 become employees of the Office of the State Auditor during their
163 time in the program and shall be eligible for benefits such as
164 medical insurance paid by the agency for the participant; however,
165 in accordance with Section 25-11-105II(b), those participants
166 shall not become members of the Public Employees' Retirement
167 System while participating in the program. Participants shall not
168 accrue personal or major medical leave while they are in the
169 program.



170 (c) The Office of the State Auditor shall have the
171 authority to cancel any contract made between it and any program
172 participant upon such cause being deemed sufficient by the State
173 Auditor.

174 (d) The Office of the State Auditor is vested with full
175 and complete authority and power to sue in its own name any
176 participant for any damages due the state on any such uncompleted
177 contract, which suit shall be filed and handled by the Attorney
178 General of the state. The Office of the State Auditor may
179 contract with a collection agency or banking institution, subject
180 to approval by the Attorney General, for collection of any damages
181 due the state from any participant. The State of Mississippi, the
182 Office of the State Auditor and its employees are immune from any
183 suit brought in law or equity for actions taken by the collection
184 agency or banking institution incidental to or arising from their
185 performance under the contract. The Office of the State Auditor,
186 collection agency and banking institution may negotiate for the
187 payment of a sum that is less than full payment in order to
188 satisfy any damages the participant owes the state, subject to
189 approval by the director of the sponsoring facility within the
190 Office of the State Auditor.

191 (4) (a) Any recipient who is accepted into the program by
192 the Mississippi Office of the State Auditor and who fails to
193 complete undergraduate- or graduate-level coursework toward a
194 degree in accounting, or withdraws from school at any time before



195 completing his or her education, shall be liable to repay the
196 Office of the State Auditor for all monies received during the
197 time the recipient was in the program, at the rate of pay received
198 by the employee while in the program, including benefits paid by
199 the agency for the participant, and monies received for tuition,
200 books and related fees used to pursue their degree with interest
201 accruing at ten percent (10%) per annum from the date the
202 recipient failed or withdrew from school. The recipient also will
203 not be liable for repayment for any money earned during the
204 required summer hours. This money shall be considered earned by
205 the recipient at the federal minimum wage rate.

206 (b) All paid internship compensation received by the
207 recipient while in school shall be considered earned conditioned
208 upon the fulfillment of the terms and obligations of the paid
209 internship contract and this section. However, no recipient of
210 the paid internship shall accrue personal or major medical leave
211 while the recipient is pursuing junior or senior
212 undergraduate-level year coursework toward a bachelor's degree in
213 accounting or graduate-level coursework toward a master's degree
214 in accounting. The recipient shall not be liable for liquidated
215 damages.

216 (c) If the recipient does not work as an auditor at the
217 Office of the State Auditor for the period required under
218 subsection (2) (d) of this section, the recipient shall be liable
219 for repayment on demand of the remaining portion of the



220 compensation that the recipient was paid while in the program
221 which has not been unconditionally earned, with interest accruing
222 at ten percent (10%) per annum from the recipient's date of
223 graduation or the date that the recipient last worked at the
224 Office of the State Auditor, whichever is the later date. In
225 addition, there shall be included in any contract for paid student
226 internship a provision for liquidated damages equal to Five
227 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata
228 basis for each year served under such contract.

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

231 17-1-51. (1) No county, board of supervisors of a county,
232 municipality or governing authority of a municipality is
233 authorized to establish a mandatory, minimum living wage rate,
234 minimum number of vacation or sick days, whether paid or unpaid,
235 that would regulate how a private employer pays its employees.
236 Each county, board of supervisors of a county, municipality or
237 governing authority of a municipality shall be prohibited from
238 establishing a mandatory, minimum living wage rate, minimum number
239 of vacation or sick days, whether paid or unpaid, that would
240 regulate how a private employer pays its employees.

241 (2) The Legislature finds that the prohibitions of
242 subsection (1) of this section are necessary to ensure an economic
243 climate conducive to new business development and job growth in
244 the State of Mississippi. We believe that inconsistent



245 application of wage and benefit laws from city to city or county
246 to county must be avoided. While not suggesting a state minimum
247 wage or minimum benefit package, any debate and subsequent action
248 on these matters should be assigned to the Mississippi Legislature
249 as provided in Section 25-3-40, and not local counties or
250 municipalities.

251 (3) The Legislature further finds that wages and employee
252 benefits comprise the most significant expense of operating a
253 business. It also recognizes that neither potential employees or
254 business patrons are likely to restrict themselves to employment
255 opportunities or goods and services in any particular county or
256 municipality. Consequently, local variations in legally required
257 minimum wage rates or mandatory minimum number of vacation or sick
258 leave days would threaten many businesses with a loss of employees
259 to local governments which require a higher minimum wage rate and
260 many other businesses with the loss of patrons to areas which
261 allow for a lower wage rate and more or less vacation or sick
262 days. The net effect of this situation would be detrimental to
263 the business environment of the state and to the citizens,
264 businesses and governments of the local jurisdictions as well as
265 the local labor markets.

266 (4) The Legislature concludes from these findings that, in
267 order for a business to remain competitive and yet attract and
268 retain the highest possible caliber of employees, and thereby
269 remain sound, an enterprise must work in a uniform environment



270 with respect to minimum wage rates, and mandatory minimum number
271 of vacation or sick leave days. The net impact of local
272 variations in mandated wages and mandatory minimum number of
273 vacation or sick leave days would be economically unstable and
274 create a decline and decrease in the standard of living for the
275 citizens of the state. Consequently, decisions regarding minimum
276 wage, living wage and other employee benefit policies must be made
277 by the state as provided in Section 25-3-40, so that consistency
278 in the wage market is preserved.

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

281 23-15-239. (1) The executive committee of each county, in
282 the case of a primary election, or the election commissioners of
283 each county, in the case of all other elections, in conjunction
284 with the circuit clerk, shall, in the years in which counties
285 conduct an election, sponsor and conduct, not less than five (5)
286 days before each election, not less than four (4) hours and not
287 more than eight (8) hours of poll manager training to instruct
288 poll managers as to their duties in the proper administration of
289 the election and the operation of the polling place. Any poll
290 manager who completes the online training course provided by the
291 Secretary of State shall only be required to complete two (2)
292 hours of in-person poll manager training. No poll manager shall
293 serve in any election unless he or she has received these
294 instructions once during the twelve (12) months immediately



295 preceding the date upon which the election is held; however,
296 nothing in this section shall prevent the appointment of an
297 alternate poll manager to fill a vacancy in case of an emergency.
298 The county executive committee or the election commissioners, as
299 appropriate, shall train a sufficient number of alternates to
300 serve in the event a poll manager is unable to serve for any
301 reason.

302 (2) (a) If it is eligible under Section 23-15-266, the
303 county executive committee may enter into a written agreement with
304 the circuit clerk or the county election commission authorizing
305 the circuit clerk or the county election commission to perform any
306 of the duties required of the county executive committee pursuant
307 to this section. Any agreement entered into pursuant to this
308 subsection shall be signed by the chair of the county executive
309 committee and the circuit clerk or the chair of the county
310 election commission, as appropriate. The county executive
311 committee shall notify the state executive committee and the
312 Secretary of State of the existence of the agreement.

313 (b) If it is eligible under Section 23-15-266, the
314 municipal executive committee may enter into a written agreement
315 with the municipal clerk or the municipal election commission
316 authorizing the municipal clerk or the municipal election
317 commission to perform any of the duties required of the municipal
318 executive committee pursuant to this section. Any agreement
319 entered into pursuant to this subsection shall be signed by the



320 chair of the municipal executive committee and the municipal clerk
321 or the chair of the municipal election commission, as appropriate.
322 The municipal executive committee shall notify the state executive
323 committee and the Secretary of State of the existence of the
324 agreement.

325 (3) The board of supervisors and the municipal governing
326 authority, in their discretion, may compensate poll managers who
327 attend these training sessions. The compensation shall be at a
328 rate of not less than the federal hourly minimum wage nor more
329 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
330 compensated for more than sixteen (16) hours of attendance at the
331 training sessions regardless of the actual amount of time that
332 they attended the training sessions.

333 (4) The time and location of the training sessions required
334 pursuant to this section shall be announced to the general public
335 by posting a notice thereof at the courthouse and by delivering a
336 copy of the notice to the office of a newspaper having general
337 circulation in the county five (5) days before the date upon which
338 the training session is to be conducted. Persons who will serve
339 as poll watchers for candidates and political parties, as well as
340 members of the general public, shall be allowed to attend the
341 sessions.

342 (5) Subject to the following annual limitations, the
343 election commissioners shall be entitled to receive a per diem in
344 the amount of One Hundred Dollars (\$100.00), to be paid from the



345 county general fund, for every day or period of no less than five
346 (5) hours accumulated over two (2) or more days actually employed
347 in the performance of their duties for the necessary time spent in
348 conducting training sessions as required by this section:

349 (a) In counties having less than fifteen thousand
350 (15,000) residents according to the latest federal decennial
351 census, not more than five (5) days per year;

352 (b) In counties having fifteen thousand (15,000)
353 residents according to the latest federal decennial census but
354 less than thirty thousand (30,000) residents according to the
355 latest federal decennial census, not more than eight (8) days per
356 year;

357 (c) In counties having thirty thousand (30,000)
358 residents according to the latest federal decennial census but
359 less than seventy thousand (70,000) residents according to the
360 latest federal decennial census, not more than ten (10) days per
361 year;

362 (d) In counties having seventy thousand (70,000)
363 residents according to the latest federal decennial census but
364 less than ninety thousand (90,000) residents according to the
365 latest federal decennial census, not more than twelve (12) days
366 per year;

367 (e) In counties having ninety thousand (90,000)
368 residents according to the latest federal decennial census but
369 less than one hundred seventy thousand (170,000) residents



370 according to the latest federal decennial census, not more than
371 fifteen (15) days per year;

372 (f) In counties having one hundred seventy thousand
373 (170,000) residents according to the latest federal decennial
374 census but less than two hundred thousand (200,000) residents
375 according to the latest federal decennial census, not more than
376 eighteen (18) days per year;

377 (g) In counties having two hundred thousand (200,000)
378 residents according to the latest federal decennial census but
379 less than two hundred twenty-five thousand (225,000) residents
380 according to the latest federal decennial census, not more than
381 nineteen (19) days per year;

382 (h) In counties having two hundred twenty-five thousand
383 (225,000) residents or more according to the latest federal
384 decennial census, not more than twenty-two (22) days per year.

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

388 (7) (a) To provide poll manager training, the Secretary of
389 State has developed a single, comprehensive poll manager training
390 program to ensure uniform, secure elections throughout the state.
391 The program includes online training on all state and federal
392 election laws and procedures and voting machine opening and
393 closing procedures.



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

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

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

404 25-3-40. On July 1, 1978, and each year thereafter, the
405 Mississippi Compensation Plan shall be amended to provide salary
406 increases in such amounts and percentages as might be recommended
407 by the Legislative Budget Office and as may be authorized by funds
408 appropriated by the Legislature for the purpose of granting
409 incentive salary increases as deemed possible dependent upon the
410 availability of general and special funds.

411 It is hereby declared to be the intent of the Mississippi
412 Legislature to implement the minimum wage as enacted by statutory
413 law of the United States Congress subject to funds being available
414 for that purpose. It is the intent and purpose of this section to
415 maximize annual salary increases consistent with the availability
416 of funds as might be determined by the Mississippi Legislature at
417 its regular annual session and that all salary increases hereafter
418 be made consistent with the provisions of this section.



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

421 37-7-307. (1) For purposes of this section, the term
422 "licensed employee" means any employee of a public school district
423 required to hold a valid license by the Commission on Teacher and
424 Administrator Education, Certification and Licensure and
425 Development.

426 (2) The school board of a school district shall establish by
427 rules and regulations a policy of sick leave with pay for licensed
428 employees and teacher assistants employed in the school district,
429 and such policy shall include the following minimum provisions for
430 sick and emergency leave with pay:

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

436 (b) Any unused portion of the total sick leave
437 allowance shall be carried over to the next school year and
438 credited to such licensed employee and teacher assistant if the
439 licensed employee or teacher assistant remains employed in the
440 same school district. In the event any public school licensed
441 employee or teacher assistant transfers from one public school
442 district in Mississippi to another, any unused portion of the
443 total sick leave allowance credited to such licensed employee or



444 teacher assistant shall be credited to such licensed employee or
445 teacher assistant in the computation of unused leave for
446 retirement purposes under Section 25-11-109. Accumulation of sick
447 leave allowed under this section shall be unlimited.

448 (c) No deduction from the pay of such licensed employee
449 or teacher assistant may be made because of absence of such
450 licensed employee or teacher assistant caused by illness or
451 physical disability of the licensed employee or teacher assistant
452 until after all sick leave allowance credited to such licensed
453 employee or teacher assistant has been used.

454 (d) For the first ten (10) days of absence of a
455 licensed employee because of illness or physical disability, in
456 any school year, in excess of the sick leave allowance credited to
457 such licensed employee, there shall be deducted from the pay of
458 such licensed employee the established substitute amount of
459 licensed employee compensation paid in that local school district,
460 necessitated because of the absence of the licensed employee as a
461 result of illness or physical disability. In lieu of deducting
462 the established substitute amount from the pay of such licensed
463 employee, the policy may allow the licensed employee to receive
464 full pay for the first ten (10) days of absence because of illness
465 or physical disability, in any school year, in excess of the sick
466 leave allowance credited to such licensed employee. Thereafter,
467 the regular pay of such absent licensed employee shall be



468 suspended and withheld in its entirety for any period of absence
469 because of illness or physical disability during that school year.

470 (3) (a) Beginning with the school year 1983-1984, each
471 licensed employee at the beginning of each school year shall be
472 credited with a minimum personal leave allowance, with pay, of two
473 (2) days for absences caused by personal reasons during that
474 school year. Effective for the 2010-2011 and 2011-2012 school
475 years, licensed employees shall be credited with an additional
476 one-half (1/2) day of personal leave for every day the licensed
477 employee is furloughed without pay as provided in Section
478 37-7-308. Except as otherwise provided in paragraph (b) of this
479 subsection, such personal leave shall not be taken on the first
480 day of the school term, the last day of the school term, on a day
481 previous to a holiday or a day after a holiday. Personal leave
482 may be used for professional purposes, including absences caused
483 by attendance of such licensed employee at a seminar, class,
484 training program, professional association or other functions
485 designed for educators. No deduction from the pay of such
486 licensed employee may be made because of absence of such licensed
487 employee caused by personal reasons until after all personal leave
488 allowance credited to such licensed employee has been used.
489 However, the superintendent of a school district, in his
490 discretion, may allow a licensed employee personal leave in
491 addition to any minimum personal leave allowance, under the
492 condition that there shall be deducted from the salary of such



493 licensed employee the actual amount of any compensation paid to
494 any person as a substitute, necessitated because of the absence of
495 the licensed employee. Any unused portion of the total personal
496 leave allowance up to five (5) days shall be carried over to the
497 next school year and credited to such licensed employee if the
498 licensed employee remains employed in the same school district.
499 Any personal leave allowed for a furlough day shall not be carried
500 over to the next school year.

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

504 (i) Personal leave may be taken on the first day
505 of the school term, the last day of the school term, on a day
506 previous to a holiday or a day after a holiday if, on the
507 applicable day, an immediate family member of the employee is
508 being deployed for military service.

509 (ii) Personal leave may be taken on a day previous
510 to a holiday or a day after a holiday if an employee of a school
511 district has either a minimum of ten (10) years' experience as an
512 employee of that school district or a minimum of thirty (30) days
513 of unused accumulated leave that has been earned while employed in
514 that school district.

515 (iii) Personal leave may be taken on the first day
516 of the school term, the last day of the school term, on a day
517 previous to a holiday or a day after a holiday if, on the



518 applicable day, the employee has been summoned to appear for jury
519 duty or as a witness in court.

520 (iv) Personal leave may be taken on the first day
521 of the school term, the last day of the school term, on a day
522 previous to a holiday or a day after a holiday if, on the
523 applicable day, an immediate family member of the employee dies or
524 funeral services are held. Any day of the three (3) bereavement
525 days may be used at the discretion of the teacher, and are not
526 required to be taken in consecutive succession.

527 For the purpose of this subsection (3), the term "immediate
528 family member" means spouse, parent, stepparent, child or
529 stepchild, grandparent or sibling, including a stepbrother or
530 stepsister.

531 (4) Beginning with the school year 1992-1993, each licensed
532 employee shall be credited with a professional leave allowance,
533 with pay, for each day of absence caused by reason of such
534 employee's statutorily required membership and attendance at a
535 regular or special meeting held within the State of Mississippi of
536 the State Board of Education, the Commission on Teacher and
537 Administrator Education, Certification and Licensure and
538 Development, the Commission on School Accreditation, the
539 Mississippi Authority for Educational Television, the meetings of
540 the state textbook rating committees or other meetings authorized
541 by local school board policy.



542 (5) Upon retirement from employment, each licensed and
543 nonlicensed employee shall be paid for not more than thirty (30)
544 days of unused accumulated leave earned while employed by the
545 school district in which the employee is last employed. Such
546 payment for licensed employees shall be made by the school
547 district at a rate equal to the amount paid to substitute teachers
548 and for nonlicensed employees, the payment shall be made by the
549 school district at a rate equal to the federal minimum wage. The
550 payment shall be treated in the same manner for retirement
551 purposes as a lump-sum payment for personal leave as provided in
552 Section 25-11-103(f). Any remaining lawfully credited unused
553 leave, for which payment has not been made, shall be certified to
554 the Public Employees' Retirement System in the same manner and
555 subject to the same limitations as otherwise provided by law for
556 unused leave. No payment for unused accumulated leave may be made
557 to either a licensed or nonlicensed employee at termination or
558 separation from service for any purpose other than for the purpose
559 of retirement.

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

564 (a) Requiring the absent employee to furnish the
565 certificate of a physician or dentist or other medical
566 practitioner as to the illness of the absent licensed employee,



567 where the absence is for four (4) or more consecutive school days,
568 or for two (2) consecutive school days immediately preceding or
569 following a nonschool day;

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

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

579 (d) Enlarging, increasing or providing greater sick or
580 personal leave allowances than the minimum standards established
581 by this section in the discretion of the school board of each
582 school district.

583 (7) School boards may include in their budgets provisions
584 for the payment of substitute employees, necessitated because of
585 the absence of regular licensed employees. All such substitute
586 employees shall be paid wholly from district funds, except as
587 otherwise provided for long-term substitute teachers in Section
588 37-19-20. Such school boards, in their discretion, also may pay,
589 from district funds other than adequate education program funds,
590 the whole or any part of the salaries of all employees granted
591 leaves for the purpose of special studies or training.



592 (8) The school board may further adopt rules and regulations
593 which will reasonably implement such leave policies for all other
594 nonlicensed and hourly paid school employees as the board deems
595 appropriate. Effective for the 2010-2011 and 2011-2012 school
596 years, nonlicensed employees shall be credited with an additional
597 one-half (1/2) day of personal leave for every day the nonlicensed
598 employee is furloughed without pay as provided in Section
599 37-7-308.

600 (9) Vacation leave granted to either licensed or nonlicensed
601 employees shall be synonymous with personal leave. Unused
602 vacation or personal leave accumulated by licensed employees in
603 excess of the maximum five (5) days which may be carried over from
604 one year to the next may be converted to sick leave. The annual
605 conversion of unused vacation or personal leave to sick days for
606 licensed or unlicensed employees shall not exceed the allowable
607 number of personal leave days as provided in Section 25-3-93. The
608 annual total number of converted unused vacation and/or personal
609 days added to the annual unused sick days for any employee shall
610 not exceed the combined allowable number of days per year provided
611 in Sections 25-3-93 and 25-3-95. Local school board policies that
612 provide for vacation, personal and sick leave for employees shall
613 not exceed the provisions for leave as provided in Sections
614 25-3-93 and 25-3-95. Any personal or vacation leave previously
615 converted to sick leave under a lawfully adopted policy before May
616 1, 2004, or such personal or vacation leave accumulated and



617 available for use prior to May 1, 2004, under a lawfully adopted
618 policy but converted to sick leave after May 1, 2004, shall be
619 recognized as accrued leave by the local school district and
620 available for use by the employee. The leave converted under a
621 lawfully adopted policy prior to May 1, 2004, or such personal and
622 vacation leave accumulated and available for use as of May 1,
623 2004, which was subsequently converted to sick leave may be
624 certified to the Public Employees' Retirement System upon
625 termination of employment and any such leave previously converted
626 and certified to the Public Employees' Retirement System shall be
627 recognized.

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

631 (i) "Catastrophic injury or illness" means a
632 life-threatening injury or illness of an employee or a member of
633 an employee's immediate family that totally incapacitates the
634 employee from work, as verified by a licensed physician, and
635 forces the employee to exhaust all leave time earned by that
636 employee, resulting in the loss of compensation from the local
637 school district for the employee. Conditions that are short-term
638 in nature, including, but not limited to, common illnesses such as
639 influenza and the measles, and common injuries, are not
640 catastrophic. Chronic illnesses or injuries, such as cancer or
641 major surgery, that result in intermittent absences from work and



642 that are long-term in nature and require long recuperation periods
643 may be considered catastrophic.

644 (ii) "Immediate family" means spouse, parent,
645 stepparent, sibling, child or stepchild, grandparent, stepbrother
646 or stepsister.

647 (b) Any school district employee may donate a portion
648 of his or her unused accumulated personal leave or sick leave to
649 another employee of the same school district who is suffering from
650 a catastrophic injury or illness or who has a member of his or her
651 immediate family suffering from a catastrophic injury or illness,
652 in accordance with the following:

653 (i) The employee donating the leave (the "donor
654 employee") shall designate the employee who is to receive the
655 leave (the "recipient employee") and the amount of unused
656 accumulated personal leave and sick leave that is to be donated,
657 and shall notify the school district superintendent or his
658 designee of his or her designation.

659 (ii) The maximum amount of unused accumulated
660 personal leave that an employee may donate to any other employee
661 may not exceed a number of days that would leave the donor
662 employee with fewer than seven (7) days of personal leave
663 remaining, and the maximum amount of unused accumulated sick leave
664 that an employee may donate to any other employee may not exceed
665 fifty percent (50%) of the unused accumulated sick leave of the
666 donor employee.



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

672 (iv) Before an employee may receive donated leave,
673 he or she must provide the school district superintendent or his
674 designee with a physician's statement that states that the illness
675 meets the catastrophic criteria established under this section,
676 the beginning date of the catastrophic injury or illness, a
677 description of the injury or illness, and a prognosis for recovery
678 and the anticipated date that the recipient employee will be able
679 to return to work.

680 (v) Before an employee may receive donated leave,
681 the superintendent of education of the school district shall
682 appoint a review committee to approve or disapprove the said
683 donations of leave, including the determination that the illness
684 is catastrophic within the meaning of this section.

685 (vi) If the total amount of leave that is donated
686 to any employee is not used by the recipient employee, the whole
687 days of donated leave shall be returned to the donor employees on
688 a pro rata basis, based on the ratio of the number of days of
689 leave donated by each donor employee to the total number of days
690 of leave donated by all donor employees.



691 (vii) Donated leave shall not be used in lieu of
692 disability retirement.

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

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

698 57-34-5. **Definitions.** As used in this chapter, the
699 following words and phrases shall have the meanings ascribed to
700 them in this section, unless the context clearly indicates a
701 different meaning:

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

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

705 (c) "Board of directors" means the board of directors
706 of the authority.

707 (d) "Designated geographic area" means:

708 (i) Those counties in the State of Alabama that
709 share a common border with any county in the State of Mississippi;
710 and

711 (ii) Those counties in the State of Mississippi
712 that share a common border with any county in the State of
713 Alabama.

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



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

718 (f) "Project" means:

719 (i) Any industrial, commercial, research and
720 development, warehousing, distribution, transportation,
721 processing, mining, United States government or tourism enterprise
722 together with all real property required for construction,
723 maintenance and operation of the enterprise:

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

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

737 3. Which creates at least one thousand
738 (1,000) net new full-time jobs which provide an average hourly
739 wage of not less than two hundred percent (200%) of the federal



740 minimum wage in effect on the date the project is placed in
741 service.

742 (ii) Any addition to, or expansion of, any
743 existing enterprise as described in this paragraph if the addition
744 or expansion:

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

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

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

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



764 In addition to meeting the other requirements of this
765 paragraph, in order to fall within the definition of the term
766 "project":

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

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

772 (g) "Project agreement" means an agreement, approved by
773 the Legislature of the states, setting forth certain obligations,
774 responsibilities, benefits, administrative matters and any other
775 matters with respect to a specific project that are not
776 inconsistent with the terms of this chapter as the legislatures of
777 the states deem appropriate with respect to a specific project.

778 (h) "Project tax revenues" means:

779 (i) All of the following state and local taxes
780 paid directly to a state or a local government by the project:
781 income taxes, ad valorem taxes on real and personal property,
782 sales and use taxes, franchise taxes, license taxes, excise taxes
783 and severance taxes; and

784 (ii) All state and local personal income tax and
785 occupational tax withholdings from employees of the project
786 attributable to employment at the project.

787 (i) "States" means the State of Alabama and the State
788 of Mississippi collectively.



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

791 85-3-4. (1) The wages, salaries or other compensation of
792 laborers or employees, residents of this state, shall be exempt
793 from seizure under attachment, execution or garnishment for a
794 period of thirty (30) days from the date of service of any writ of
795 attachment, execution or garnishment.

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

801 (a) In the case of earnings for any workweek, the
802 lesser amount of either,

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

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

809 (b) In the case of earnings for any period other than a
810 week, the amount by which his disposable earnings exceed the
811 following "multiple" of the federal minimum hourly wage which is
812 equivalent in effect to that set forth in paragraph (a) (ii) of
813 this subsection (2): The number of workweeks, or fractions



814 thereof multiplied by thirty (30) multiplied by the applicable
815 federal minimum wage.

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

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

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

824 (b) Except as provided in subparagraph (b)(iii) of this
825 subsection (3), the maximum part of the aggregate disposable
826 earnings of an individual for any workweek which is subject to
827 garnishment to enforce any order for the support of any person
828 shall not exceed:

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

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

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



839 specified in subparagraph (b) (i) of this subsection (3) shall be
840 deemed to be fifty-five percent (55%) and the sixty percent (60%)
841 specified in subparagraph (b) (ii) of this subsection (3) shall be
842 deemed to be sixty-five percent (65%), if and to the extent that
843 such earnings are subject to garnishment to enforce a support
844 order with respect to a period which is prior to the period of
845 twelve (12) weeks which ends with the beginning of such workweek.

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

848 97-3-54.4. For the purposes of the Mississippi Human
849 Trafficking Act the following words and phrases shall have the
850 meanings ascribed herein unless the context clearly requires
851 otherwise:

852 (a) "Act" or "this act" means the Mississippi Human
853 Trafficking Act.

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

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

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

860 (i) Causing or threatening to cause bodily harm to
861 any person, physically restraining or confining any person, or
862 threatening to physically restrain or confine any person;



863 (ii) Exposing or threatening to expose any fact or
864 information or disseminating or threatening to disseminate any
865 fact or information that would tend to subject a person to
866 criminal or immigration proceedings, hatred, contempt or ridicule;
867 (iii) Destroying, concealing, removing,
868 confiscating or possessing any actual or purported passport or
869 other immigration document, or any other actual or purported
870 government identification document of any person;
871 (iv) Providing a controlled substance to a person
872 for the purpose of compelling the person to engage in labor or
873 sexual servitude against the person's will;
874 (v) Causing or threatening to cause financial harm
875 to any person or using financial control over any person;
876 (vi) Abusing or threatening to abuse a position of
877 power, the law, or legal process;
878 (vii) Using blackmail;
879 (viii) Using an individual's personal services as
880 payment or satisfaction of a real or purported debt when: 1. the
881 reasonable value of the services is not applied toward the
882 liquidation of the debt; 2. the length of the services is not
883 limited and the nature of the services is not defined; 3. the
884 principal amount of the debt does not reasonably reflect the value
885 of the items or services for which the debt is incurred; or 4. the
886 individual is prevented from acquiring accurate and timely
887 information about the disposition of the debt; or



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

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

895 (f) "Enterprise" means any individual, sole
896 proprietorship, partnership, corporation, union or other legal
897 entity, or any association or group of individuals associated in
898 fact regardless of whether a legal entity has been formed pursuant
899 to any state, federal or territorial law. It includes illicit as
900 well as licit enterprises and governmental as well as other
901 entities.

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

906 (h) "Forced labor or services" means labor or services
907 that are performed or provided by another person and are obtained
908 or maintained through coercion.

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

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



912 agreement on the part of the trafficked person to perform such
913 labor or service.

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

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

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

919 (i) The greater of the gross income or value to
920 the defendant of the victim's labor or services, including sexual
921 services, not reduced by the expense the defendant incurred as a
922 result of maintaining the victim, or the value of the victim's
923 labor or services calculated under the minimum wage and overtime
924 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
925 seq., whichever is higher;

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

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

- 934 1. Medical services;
935 2. Therapy or psychological counseling;
936 3. Temporary housing;



- 937 4. Transportation;
- 938 5. Childcare;
- 939 6. Physical and occupational therapy or
- 940 rehabilitation;
- 941 7. Funeral, interment, and burial services;
- 942 reasonable attorney's fees and other legal costs; and
- 943 8. Other expenses incurred by the victim.

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

945 nonphysical, including psychological, economic or reputational, to

946 an individual that would compel a reasonable person in similar

947 circumstances as the individual to perform or continue to perform

948 labor or services to avoid incurring the harm.

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

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

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

952 party and includes, without limitation, commercial sexual

953 activity, sexually explicit performances, or the production of

954 sexually explicit materials.

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

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

957 desires or appeal to the prurient interests of patrons.

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

959 practices prohibited by this act regardless of whether a

960 perpetrator is identified, apprehended, prosecuted or convicted,



961 and is a term used interchangeably with the terms "victim,"
962 "victim of trafficking" and "trafficking victim."

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

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

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

969 99-19-20. (1) Except as otherwise provided under Section
970 99-19-20.1, when any court sentences a defendant to pay a fine,
971 the court may order (a) that the fine be paid immediately, or (b)
972 that the fine be paid in installments to the clerk of the court or
973 to the judge, if there be no clerk, or (c) that payment of the
974 fine be a condition of probation, or (d) that the defendant be
975 required to work on public property for public benefit under the
976 direction of the sheriff for a specific number of hours, or (e)
977 any combination of the above.

978 (2) Except as otherwise provided under Section 99-19-20.1,
979 the defendant may be imprisoned until the fine is paid if the
980 defendant is financially able to pay a fine and the court so
981 finds, subject to the limitations provided under this section.
982 The defendant shall not be imprisoned if the defendant is
983 financially unable to pay a fine and so states to the court in
984 writing, under oath, after sentence is pronounced, and the court
985 so finds, except if the defendant is financially unable to pay a



986 fine and such defendant failed or refused to comply with a prior
987 sentence as specified in subsection (1) of this section, the
988 defendant may be imprisoned.

989 This subsection shall be limited as follows:

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

993 (b) If a sentence of imprisonment, as well as a fine,
994 were imposed, the aggregate of such term for nonpayment of a fine
995 and the original sentence of imprisonment shall not exceed the
996 maximum authorized term of imprisonment.

997 (c) It shall be in the discretion of the judge to
998 determine the rate of the credit to be earned for work performed
999 under subsection (1)(d), but the rate shall be no lower than the
1000 rate of the highest current federal minimum wage.

1001 (3) Periods of confinement imposed for nonpayment of two (2)
1002 or more fines shall run consecutively unless specified by the
1003 court to run concurrently.

1004 **SECTION 12.** This act shall take effect and be in force from
1005 and after July 1, 2023.

