

By: Representatives Brown, Clark, Nelson

To: Workforce Development;  
Business and Commerce

## HOUSE BILL NO. 1550

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, according to the National Conference of State  
10 Legislators, thirty (30) states and Washington D.C. have minimum  
11 wages above the federal minimum wage of Seven Dollars Twenty-five  
12 Cents (\$7.25) per hour, and five (5) states, including  
13 Mississippi, have not adopted a minimum wage, which means the  
14 federal wage applies; and

15 WHEREAS, in 2022, the federal poverty level for an individual  
16 person was Thirteen Thousand Five Hundred Ninety Dollars  
17 (\$13,590.00), just One Thousand Four Hundred Ninety Dollars  
18 (\$1,490.00) less than what minimum wage earners make in  
19 Mississippi, meaning that every worker in Mississippi is only One  
20 Hundred Twenty-four Dollars (\$124.00) away from the poverty level;  
21 and



22 WHEREAS, according to the Urban Institute, if a higher  
23 minimum wage was adopted, the annual family earnings of  
24 approximately 56 million affected workers nationwide would rise,  
25 with Hispanic workers seeing the largest increases in earnings and  
26 reductions in poverty, and certain states would also see the  
27 largest reductions in poverty in the country, including  
28 Mississippi, which would see an estimated 2.8 percentage point  
29 reduction; and

30 WHEREAS, an increase in the minimum wage in Mississippi would  
31 not only lay the foundation of a strong society and allow  
32 Mississippians to flourish, but the increase would also lift an  
33 estimated 2.8 percent of people out of poverty in the state, which  
34 is currently ranked 50th in official poverty rate based on data  
35 collected from the United States Census Bureau; NOW, THEREFORE,

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

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

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

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

45 (b) "Manual laborers" and "blue collar" workers mean  
46 workers who perform work involving repetitive operations with



their hands, physical skill and energy. They gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training.

(2) Every city and county and the State of Mississippi, in their role as employers, shall pay each of its employees wages at the rate of not less than Eight Dollars Fifty-Cents (\$8.50) per hour, except as otherwise provided in this section.

(3) Every city and county and the State of Mississippi, in their role as employers, shall pay each of its tipped employees wages at the rate of not less than Three Dollars Sixty-two Cents (\$3.62) per hour.

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

(a) Manual laborers or other blue collar workers;

(b) Police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, investigators, inspectors,



72 correctional officers, parole or probation officers, park rangers,  
73 firefighters, paramedics, emergency medical technicians, ambulance  
74 personnel, rescue workers, hazardous materials workers and similar  
75 employees who perform work such as preventing, controlling or  
76 extinguishing fires of any type; rescuing fire, crime or accident  
77 victims; preventing or detecting crimes; conducting investigations  
78 or inspections for violations of law; performing surveillance;  
79 pursuing, restraining and apprehending suspects; detaining or  
80 supervising suspected and convicted criminals, including those on  
81 probation or parole; interviewing witnesses; interrogating and  
82 fingerprinting suspects; preparing investigative reports; or other  
83 similar work;

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

86 (d) Any employee whose primary duty is not the  
87 performance of work directly related to the management or general  
88 business operations of the employer or the employer's customers;  
89 and

90 (e) Any employee whose primary duty is not the  
91 performance of work requiring knowledge of an advanced type in a  
92 field of science or learning customarily acquired by a prolonged  
93 course of specialized intellectual instruction or the performance  
94 of work requiring invention, imagination, originality or talent in  
95 a recognized field of artistic or creative endeavor.



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

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

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

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

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

(b) Satisfy the following conditions:

(i) Undergraduate stipulations: Applicants must have successfully obtained a minimum of fifty-eight (58) semester



hours toward a bachelor of science degree in accounting from a Mississippi institution of higher learning.

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

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

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

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

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

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

(3) (a) Before being placed into the program, each applicant shall enter into a contract with the Office of the State



Auditor, which shall be deemed a contract with the State of Mississippi, agreeing to the terms and conditions upon which the internship shall be granted to him. The contract shall include such terms and provisions necessary to carry out the full purpose and intent of this section. The form of such contract shall be prepared and approved by the Attorney General of this state, and shall be signed by the State Auditor of the Office of the State Auditor and the participant.

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

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

(d) The Office of the State Auditor is vested with full and complete authority and power to sue in its own name any participant for any damages due the state on any such uncompleted contract, which suit shall be filed and handled by the Attorney



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

(4) (a) Any recipient who is accepted into the program by the Mississippi Office of the State Auditor and who fails to complete undergraduate- or graduate-level coursework toward a degree in accounting, or withdraws from school at any time before completing his or her education, shall be liable to repay the Office of the State Auditor for all monies received during the time the recipient was in the program, at the rate of pay received by the employee while in the program, including benefits paid by the agency for the participant, and monies received for tuition, books and related fees used to pursue their degree with interest accruing at ten percent (10%) per annum from the date the recipient failed or withdrew from school. The recipient also will





not be liable for repayment for any money earned during the required summer hours. This money shall be considered earned by the recipient at the federal minimum wage rate.

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

(c) If the recipient does not work as an auditor at the Office of the State Auditor for the period required under subsection (2)(d) of this section, the recipient shall be liable for repayment on demand of the remaining portion of the compensation that the recipient was paid while in the program which has not been unconditionally earned, with interest accruing at ten percent (10%) per annum from the recipient's date of graduation or the date that the recipient last worked at the Office of the State Auditor, whichever is the later date. In addition, there shall be included in any contract for paid student internship a provision for liquidated damages equal to Five



219 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata  
220 basis for each year served under such contract.

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

223       17-1-51. (1) No county, board of supervisors of a county,  
224 municipality or governing authority of a municipality is  
225 authorized to establish a mandatory, minimum living wage rate,  
226 minimum number of vacation or sick days, whether paid or unpaid,  
227 that would regulate how a private employer pays its employees.  
228 Each county, board of supervisors of a county, municipality or  
229 governing authority of a municipality shall be prohibited from  
230 establishing a mandatory, minimum living wage rate, minimum number  
231 of vacation or sick days, whether paid or unpaid, that would  
232 regulate how a private employer pays its employees.

233       (2) The Legislature finds that the prohibitions of  
234 subsection (1) of this section are necessary to ensure an economic  
235 climate conducive to new business development and job growth in  
236 the State of Mississippi. We believe that inconsistent  
237 application of wage and benefit laws from city to city or county  
238 to county must be avoided. While not suggesting a state minimum  
239 wage or minimum benefit package, any debate and subsequent action  
240 on these matters should be assigned to the Mississippi Legislature  
241 as provided in Section 25-3-40, and not local counties or  
242 municipalities.



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

258           (4) The Legislature concludes from these findings that, in  
259 order for a business to remain competitive and yet attract and  
260 retain the highest possible caliber of employees, and thereby  
261 remain sound, an enterprise must work in a uniform environment  
262 with respect to minimum wage rates, and mandatory minimum number  
263 of vacation or sick leave days. The net impact of local  
264 variations in mandated wages and mandatory minimum number of  
265 vacation or sick leave days would be economically unstable and  
266 create a decline and decrease in the standard of living for the  
267 citizens of the state. Consequently, decisions regarding minimum



wage, living wage and other employee benefit policies must be made by the state as provided in Section 25-3-40, so that consistency in the wage market is preserved.

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

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



serve in the event a poll manager is unable to serve for any reason.

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

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



317           (3) The board of supervisors and the municipal governing  
318 authority, in their discretion, may compensate poll managers who  
319 attend these training sessions. The compensation shall be at a  
320 rate of not less than the federal hourly minimum wage and not more  
321 than Twenty Dollars (\$20.00) per hour. Poll managers shall not be  
322 compensated for more than sixteen (16) hours of attendance at the  
323 training sessions regardless of the actual amount of time that  
324 they attended the training sessions.

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

334           (5) Subject to the following annual limitations, the  
335 election commissioners shall be entitled to receive a per diem in  
336 the amount of One Hundred Ten Dollars (\$110.00), to be paid from  
337 the county general fund, for every day or period of no less than  
338 five (5) hours accumulated over two (2) or more days actually  
339 employed in the performance of their duties for the necessary time  
340 spent in conducting training sessions as required by this section:



341 (a) In counties having less than fifteen thousand  
342 (15,000) residents according to the latest federal decennial  
343 census, not more than five (5) days per year;

344 (b) In counties having fifteen thousand (15,000)  
345 residents according to the latest federal decennial census but  
346 less than thirty thousand (30,000) residents according to the  
347 latest federal decennial census, not more than eight (8) days per  
348 year;

349 (c) In counties having thirty thousand (30,000)  
350 residents according to the latest federal decennial census but  
351 less than seventy thousand (70,000) residents according to the  
352 latest federal decennial census, not more than ten (10) days per  
353 year;

354 (d) In counties having seventy thousand (70,000)  
355 residents according to the latest federal decennial census but  
356 less than ninety thousand (90,000) residents according to the  
357 latest federal decennial census, not more than twelve (12) days  
358 per year;

359 (e) In counties having ninety thousand (90,000)  
360 residents according to the latest federal decennial census but  
361 less than one hundred seventy thousand (170,000) residents  
362 according to the latest federal decennial census, not more than  
363 fifteen (15) days per year;

364 (f) In counties having one hundred seventy thousand  
365 (170,000) residents according to the latest federal decennial



census but less than two hundred thousand (200,000) residents according to the latest federal decennial census, not more than eighteen (18) days per year;

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

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

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

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

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





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

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

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

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

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

37-7-307. (1) For purposes of this section, the term "licensed employee" means any employee of a public school district required to hold a valid license by the Commission on Teacher and



416 Administrator Education, Certification and Licensure and  
417 Development.

418 (2) The school board of a school district shall establish by  
419 rules and regulations a policy of sick leave with pay for licensed  
420 employees and teacher assistants employed in the school district,  
421 and such policy shall include the following minimum provisions for  
422 sick and emergency leave with pay:

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

428 (b) Any unused portion of the total sick leave  
429 allowance shall be carried over to the next school year and  
430 credited to such licensed employee and teacher assistant if the  
431 licensed employee or teacher assistant remains employed in the  
432 same school district. In the event any public school licensed  
433 employee or teacher assistant transfers from one public school  
434 district in Mississippi to another, any unused portion of the  
435 total sick leave allowance credited to such licensed employee or  
436 teacher assistant shall be credited to such licensed employee or  
437 teacher assistant in the computation of unused leave for  
438 retirement purposes under Section 25-11-109. Accumulation of sick  
439 leave allowed under this section shall be unlimited.



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

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

(3) (a) Beginning with the school year 1983-1984, each licensed employee at the beginning of each school year shall be credited with a minimum personal leave allowance, with pay, of two



465 (2) days for absences caused by personal reasons during that  
466 school year. Effective for the 2010-2011 and 2011-2012 school  
467 years, licensed employees shall be credited with an additional  
468 one-half (1/2) day of personal leave for every day the licensed  
469 employee is furloughed without pay as provided in Section  
470 37-7-308. Except as otherwise provided in paragraph (b) of this  
471 subsection, such personal leave shall not be taken on the first  
472 day of the school term, the last day of the school term, on a day  
473 previous to a holiday or a day after a holiday. Personal leave  
474 may be used for professional purposes, including absences caused  
475 by attendance of such licensed employee at a seminar, class,  
476 training program, professional association or other functions  
477 designed for educators. No deduction from the pay of such  
478 licensed employee may be made because of absence of such licensed  
479 employee caused by personal reasons until after all personal leave  
480 allowance credited to such licensed employee has been used.  
481 However, the superintendent of a school district, in his  
482 discretion, may allow a licensed employee personal leave in  
483 addition to any minimum personal leave allowance, under the  
484 condition that there shall be deducted from the salary of such  
485 licensed employee the actual amount of any compensation paid to  
486 any person as a substitute, necessitated because of the absence of  
487 the licensed employee. Any unused portion of the total personal  
488 leave allowance up to five (5) days shall be carried over to the  
489 next school year and credited to such licensed employee if the



licensed employee remains employed in the same school district.  
Any personal leave allowed for a furlough day shall not be carried  
over to the next school year.

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

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

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

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

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



515 applicable day, an immediate family member of the employee dies or  
516 funeral services are held. Any day of the three (3) bereavement  
517 days may be used at the discretion of the teacher, and are not  
518 required to be taken in consecutive succession.

519 For the purpose of this subsection (3), the term "immediate  
520 family member" means spouse, parent, stepparent, child or  
521 stepchild, grandparent or sibling, including a stepbrother or  
522 stepsister.

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

534 (5) Upon retirement from employment, each licensed and  
535 nonlicensed employee shall be paid for not more than thirty (30)  
536 days of unused accumulated leave earned while employed by the  
537 school district in which the employee is last employed. Such  
538 payment for licensed employees shall be made by the school  
539 district at a rate equal to the amount paid to substitute teachers



and for nonlicensed employees, the payment shall be made by the school district at a rate equal to the federal minimum wage. The payment shall be treated in the same manner for retirement purposes as a lump-sum payment for personal leave as provided in Section 25-11-103(f). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave. No payment for unused accumulated leave may be made to either a licensed or nonlicensed employee at termination or separation from service for any purpose other than for the purpose of retirement.

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

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

(b) Providing penalties, by way of full deduction from salary, or entry on the work record of the employee, or other



appropriate penalties, for any materially false statement by the employee as to the cause of absence;

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

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

(7) School boards may include in their budgets provisions for the payment of substitute employees, necessitated because of the absence of regular licensed employees. All such substitute employees shall be paid wholly from district funds. Such school boards, in their discretion, also may pay, from district funds other than the total funding formula funds provided for in Sections 37-151-200 through 37-151-215, the whole or any part of the salaries of all employees granted leaves for the purpose of special studies or training.

(8) The school board may further adopt rules and regulations which will reasonably implement such leave policies for all other nonlicensed and hourly paid school employees as the board deems appropriate. Effective for the 2010-2011 and 2011-2012 school years, nonlicensed employees shall be credited with an additional





one-half (1/2) day of personal leave for every day the nonlicensed employee is furloughed without pay as provided in Section 37-7-308.

(9) Vacation leave granted to either licensed or nonlicensed employees shall be synonymous with personal leave. Unused vacation or personal leave accumulated by licensed employees in excess of the maximum five (5) days which may be carried over from one year to the next may be converted to sick leave. The annual conversion of unused vacation or personal leave to sick days for licensed or unlicensed employees shall not exceed the allowable number of personal leave days as provided in Section 25-3-93. The annual total number of converted unused vacation and/or personal days added to the annual unused sick days for any employee shall not exceed the combined allowable number of days per year provided in Sections 25-3-93 and 25-3-95. Local school board policies that provide for vacation, personal and sick leave for employees shall not exceed the provisions for leave as provided in Sections 25-3-93 and 25-3-95. Any personal or vacation leave previously converted to sick leave under a lawfully adopted policy before May 1, 2004, or such personal or vacation leave accumulated and available for use prior to May 1, 2004, under a lawfully adopted policy but converted to sick leave after May 1, 2004, shall be recognized as accrued leave by the local school district and available for use by the employee. The leave converted under a lawfully adopted policy prior to May 1, 2004, or such personal and



vacation leave accumulated and available for use as of May 1, 2004, which was subsequently converted to sick leave may be certified to the Public Employees' Retirement System upon termination of employment and any such leave previously converted and certified to the Public Employees' Retirement System shall be recognized.

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

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

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



639           (b) Any school district employee may donate a portion  
640 of his or her unused accumulated personal leave or sick leave to  
641 another employee of the same school district who is suffering from  
642 a catastrophic injury or illness or who has a member of his or her  
643 immediate family suffering from a catastrophic injury or illness,  
644 in accordance with the following:

645           (i) The employee donating the leave (the "donor  
646 employee") shall designate the employee who is to receive the  
647 leave (the "recipient employee") and the amount of unused  
648 accumulated personal leave and sick leave that is to be donated,  
649 and shall notify the school district superintendent or his  
650 designee of his or her designation.

651           (ii) The maximum amount of unused accumulated  
652 personal leave that an employee may donate to any other employee  
653 may not exceed a number of days that would leave the donor  
654 employee with fewer than seven (7) days of personal leave  
655 remaining, and the maximum amount of unused accumulated sick leave  
656 that an employee may donate to any other employee may not exceed  
657 fifty percent (50%) of the unused accumulated sick leave of the  
658 donor employee.

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



664 (iv) Before an employee may receive donated leave,  
665 he or she must provide the school district superintendent or his  
666 designee with a physician's statement that states that the illness  
667 meets the catastrophic criteria established under this section,  
668 the beginning date of the catastrophic injury or illness, a  
669 description of the injury or illness, and a prognosis for recovery  
670 and the anticipated date that the recipient employee will be able  
671 to return to work.

672 (v) Before an employee may receive donated leave,  
673 the superintendent of education of the school district shall  
674 appoint a review committee to approve or disapprove the said  
675 donations of leave, including the determination that the illness  
676 is catastrophic within the meaning of this section.

677 (vi) If the total amount of leave that is donated  
678 to any employee is not used by the recipient employee, the whole  
679 days of donated leave shall be returned to the donor employees on  
680 a pro rata basis, based on the ratio of the number of days of  
681 leave donated by each donor employee to the total number of days  
682 of leave donated by all donor employees.

683 (vii) Donated leave shall not be used in lieu of  
684 disability retirement.

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



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

690           57-34-5. **Definitions.** As used in this chapter, the  
691 following words and phrases shall have the meanings ascribed to  
692 them in this section, unless the context clearly indicates a  
693 different meaning:

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

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

697           (c) "Board of directors" means the board of directors  
698 of the authority.

699           (d) "Designated geographic area" means:

700           (i) Those counties in the State of Alabama that  
701 share a common border with any county in the State of Mississippi;  
702 and

703           (ii) Those counties in the State of Mississippi  
704 that share a common border with any county in the State of  
705 Alabama.

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

710           (f) "Project" means:

711           (i) Any industrial, commercial, research and  
712 development, warehousing, distribution, transportation,



processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise:

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

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

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

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



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

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

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

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

756           In addition to meeting the other requirements of this  
757 paragraph, in order to fall within the definition of the term  
758 "project":

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



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

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

(h) "Project tax revenues" means:

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

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

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

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

85-3-4. (1) The wages, salaries or other compensation of laborers or employees, residents of this state, shall be exempt from seizure under attachment, execution or garnishment for a





786 period of thirty (30) days from the date of service of any writ of  
787 attachment, execution or garnishment.

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

793 (a) In the case of earnings for any workweek, the  
794 lesser amount of either,

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

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

801 (b) In the case of earnings for any period other than a  
802 week, the amount by which his disposable earnings exceed the  
803 following "multiple" of the federal minimum hourly wage which is  
804 equivalent in effect to that set forth in paragraph (a) (ii) of  
805 this subsection (2): The number of workweeks, or fractions  
806 thereof multiplied by thirty (30) multiplied by the applicable  
807 federal minimum wage.

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



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

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

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

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

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

(iii) With respect to the disposable earnings of any individual for that workweek, the fifty percent (50%) specified in subparagraph (b) (i) of this subsection (3) shall be deemed to be fifty-five percent (55%) and the sixty percent (60%) specified in subparagraph (b) (ii) of this subsection (3) shall be deemed to be sixty-five percent (65%), if and to the extent that



such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the period of twelve (12) weeks which ends with the beginning of such workweek.

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

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

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

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

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

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

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

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



859 (iii) Destroying, concealing, removing,  
860 confiscating or possessing any actual or purported passport or  
861 other immigration document, or any other actual or purported  
862 government identification document of any person;

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

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

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

870 (vii) Using blackmail;

871 (viii) Using an individual's personal services as  
872 payment or satisfaction of a real or purported debt when: 1. the  
873 reasonable value of the services is not applied toward the  
874 liquidation of the debt; 2. the length of the services is not  
875 limited and the nature of the services is not defined; 3. the  
876 principal amount of the debt does not reasonably reflect the value  
877 of the items or services for which the debt is incurred; or 4. the  
878 individual is prevented from acquiring accurate and timely  
879 information about the disposition of the debt; or

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



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

887           (f) "Enterprise" means any individual, sole  
888 proprietorship, partnership, corporation, union or other legal  
889 entity, or any association or group of individuals associated in  
890 fact regardless of whether a legal entity has been formed pursuant  
891 to any state, federal or territorial law. It includes illicit as  
892 well as licit enterprises and governmental as well as other  
893 entities.

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

898           (h) "Forced labor or services" means labor or services  
899 that are performed or provided by another person and are obtained  
900 or maintained through coercion.

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

902           (j) "Maintain" means, in relation to labor or services,  
903 to secure continued performance thereof, regardless of any initial  
904 agreement on the part of the trafficked person to perform such  
905 labor or service.

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



908               (1) "Obtain" means, in relation to labor or services,  
909 to secure performance thereof.

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

911                       (i) The greater of the gross income or value to  
912 the defendant of the victim's labor or services, including sexual  
913 services, not reduced by the expense the defendant incurred as a  
914 result of maintaining the victim, or the value of the victim's  
915 labor or services calculated under the minimum wage and overtime  
916 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et  
917 seq., whichever is higher;

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

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

- 926                               1. Medical services;  
927                               2. Therapy or psychological counseling;  
928                               3. Temporary housing;  
929                               4. Transportation;  
930                               5. Childcare;  
931                               6. Physical and occupational therapy or  
932 rehabilitation;



933                   7. Funeral, interment, and burial services;  
934 reasonable attorney's fees and other legal costs; and

935                   8. Other expenses incurred by the victim.

936           (n) "Serious harm" means harm, whether physical or  
937 nonphysical, including psychological, economic or reputational, to  
938 an individual that would compel a reasonable person in similar  
939 circumstances as the individual to perform or continue to perform  
940 labor or services to avoid incurring the harm.

941           (o) "Services" means an ongoing relationship between a  
942 person and the actor in which the person performs activities under  
943 the supervision of or for the benefit of the actor or a third  
944 party and includes, without limitation, commercial sexual  
945 activity, sexually explicit performances, or the production of  
946 sexually explicit materials.

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

950           (q) "Trafficked person" means a person subjected to the  
951 practices prohibited by this act regardless of whether a  
952 perpetrator is identified, apprehended, prosecuted or convicted,  
953 and is a term used interchangeably with the terms "victim,"  
954 "victim of trafficking" and "trafficking victim."

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



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

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

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

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

This subsection shall be limited as follows:





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

985                   (b) If a sentence of imprisonment, as well as a fine,  
986 were imposed, the aggregate of such term for nonpayment of a fine  
987 and the original sentence of imprisonment shall not exceed the  
988 maximum authorized term of imprisonment.

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

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

996                   **SECTION 12.** This act shall take effect and be in force from  
997 and after July 1, 2025.

