

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



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

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

54 (3) Every city and county and the State of Mississippi, in
55 their role as employers, shall pay each of its tipped employees
56 wages at the rate of not less than Three Dollars Sixty-two Cents
57 (\$3.62) per hour.

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

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

70 (b) Police officers, detectives, deputy sheriffs, state
71 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.

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

99 **SECTION 3.** Section 7-7-204, Mississippi Code of 1972, is
100 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.

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

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

117 (b) Satisfy the following conditions:

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

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

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

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

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

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

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

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

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



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

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

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

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



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

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



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

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

208 (c) If the recipient does not work as an auditor at the
209 Office of the State Auditor for the period required under
210 subsection (2) (d) of this section, the recipient shall be liable
211 for repayment on demand of the remaining portion of the
212 compensation that the recipient was paid while in the program
213 which has not been unconditionally earned, with interest accruing
214 at ten percent (10%) per annum from the recipient's date of
215 graduation or the date that the recipient last worked at the
216 Office of the State Auditor, whichever is the later date. In
217 addition, there shall be included in any contract for paid student
218 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.



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



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

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

273 23-15-239. (1) The executive committee of each county, in
274 the case of a primary election, or the election commissioners of
275 each county, in the case of all other elections, in conjunction
276 with the circuit clerk, shall, in the years in which counties
277 conduct an election, sponsor and conduct, not less than five (5)
278 days before each election, not less than four (4) hours and not
279 more than eight (8) hours of poll manager training to instruct
280 poll managers as to their duties in the proper administration of
281 the election and the operation of the polling place. Any poll
282 manager who completes the online training course provided by the
283 Secretary of State shall only be required to complete two (2)
284 hours of in-person poll manager training. No poll manager shall
285 serve in any election unless he or she has received these
286 instructions once during the twelve (12) months immediately
287 preceding the date upon which the election is held; however,
288 nothing in this section shall prevent the appointment of an
289 alternate poll manager to fill a vacancy in case of an emergency.
290 The county executive committee or the election commissioners, as
291 appropriate, shall train a sufficient number of alternates to

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

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

305 (b) If it is eligible under Section 23-15-266, the
306 municipal executive committee may enter into a written agreement
307 with the municipal clerk or the municipal election commission
308 authorizing the municipal clerk or the municipal election
309 commission to perform any of the duties required of the municipal
310 executive committee pursuant to this section. Any agreement
311 entered into pursuant to this subsection shall be signed by the
312 chair of the municipal executive committee and the municipal clerk
313 or the chair of the municipal election commission, as appropriate.
314 The municipal executive committee shall notify the state executive
315 committee and the Secretary of State of the existence of the
316 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.

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



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

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

374 (h) In counties having two hundred twenty-five thousand
375 (225,000) residents or more according to the latest federal
376 decennial census, not more than twenty-two (22) days per year.

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

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

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

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

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

396 25-3-40. On July 1, 1978, and each year thereafter, the
397 Mississippi Compensation Plan shall be amended to provide salary
398 increases in such amounts and percentages as might be recommended
399 by the Legislative Budget Office and as may be authorized by funds
400 appropriated by the Legislature for the purpose of granting
401 incentive salary increases as deemed possible dependent upon the
402 availability of general and special funds.

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

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

413 37-7-307. (1) For purposes of this section, the term
414 "licensed employee" means any employee of a public school district
415 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.

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

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

462 (3) (a) Beginning with the school year 1983-1984, each
463 licensed employee at the beginning of each school year shall be
464 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



490 licensed employee remains employed in the same school district.

491 Any personal leave allowed for a furlough day shall not be carried
492 over to the next school year.

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

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

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

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

512 (iv) Personal leave may be taken on the first day
513 of the school term, the last day of the school term, on a day
514 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

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

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

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

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

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

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

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

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

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



589 one-half (1/2) day of personal leave for every day the nonlicensed
590 employee is furloughed without pay as provided in Section
591 37-7-308.

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



614 vacation leave accumulated and available for use as of May 1,
615 2004, which was subsequently converted to sick leave may be
616 certified to the Public Employees' Retirement System upon
617 termination of employment and any such leave previously converted
618 and certified to the Public Employees' Retirement System shall be
619 recognized.

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

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

636 (ii) "Immediate family" means spouse, parent,
637 stepparent, sibling, child or stepchild, grandparent, stepbrother
638 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,

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

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

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

729 3. Which creates at least one thousand
730 (1,000) net new full-time jobs which provide an average hourly
731 wage of not less than two hundred percent (200%) of the federal
732 minimum wage in effect on the date the project is placed in
733 service.

734 (ii) Any addition to, or expansion of, any
735 existing enterprise as described in this paragraph if the addition
736 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

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

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

770 (h) "Project tax revenues" means:

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

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

781 **SECTION 9.** Section 85-3-4, Mississippi Code of 1972, is

782 brought forward as follows:

783 85-3-4. (1) The wages, salaries or other compensation of
784 laborers or employees, residents of this state, shall be exempt
785 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:

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

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

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

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

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



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

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

840 97-3-54.4. For the purposes of the Mississippi Human
841 Trafficking Act the following words and phrases shall have the
842 meanings ascribed herein unless the context clearly requires
843 otherwise:

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

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

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

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

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

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





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.

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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:

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.

