

By: Representative Gibbs (72nd)

To: Workforce Development;  
Appropriations

HOUSE BILL NO. 654

1 AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO  
2 ESTABLISH THE STATE MINIMUM WAGE AT \$12.00 PER HOUR; TO PROVIDE  
3 THAT THE MINIMUM WAGE SHALL BE SUBJECT TO A COST-OF-LIVING  
4 ADJUSTMENT; TO ESTABLISH GUIDELINES FOR EMPLOYEES ENTITLED TO  
5 OVERTIME PAY; TO BRING FORWARD SECTIONS 7-7-204, 17-1-51,  
6 23-15-239, 25-3-40, 37-7-307, 57-34-5, 85-3-4, 97-3-54.4 AND  
7 99-19-20, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE  
8 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

12 **SECTION 2.** (1) As used in this section, "manual laborers"  
13 and "blue collar" workers mean workers who perform work involving  
14 repetitive operations with their hands, physical skill and energy.  
15 They gain the skills and knowledge required for performance of  
16 their routine manual and physical work through apprenticeships and  
17 on-the-job training.

18 (2) (a) Every employer shall pay each of his or her  
19 employees wages at the rate of not less than Twelve Dollars  
20 (\$12.00) per hour, except as otherwise provided in this section.



21 (b) The minimum wage is subject to a cost-of-living  
22 adjustment, as provided in subsection (2)(c).

23 (c) No later than September 30 of each year, an  
24 adjustment of the wage amount specified in subsection (2)(a) must  
25 be made based upon the increase, if any, from August of the  
26 preceding year to August of the year in which the calculation is  
27 made in the consumer price index, United States city average, all  
28 urban consumers, for all items, as published by the Bureau of  
29 Labor Statistics of the United States Department of Labor.

30 (d) The wage amount established under this subsection  
31 (2):

32 (i) Must be rounded to the nearest Five Cents  
33 (\$0.05); and

34 (ii) Becomes effective as the new minimum wage,  
35 replacing the dollar figure specified in subsection (2)(a), on  
36 January 1 of the following year.

37 (3) The overtime pay standard requires that overtime must be  
38 compensated at a rate not less than one and one-half (1-1/2) times  
39 the regular rate at which the employee is actually employed. The  
40 regular rate of pay at which the employee is employed may in no  
41 event be less than the statutory minimum wage rate established in  
42 this section. All employees who receive Four Hundred Fifty-five  
43 Dollars (\$455.00) or less per week, or equivalent amounts for  
44 periods of pay longer than one (1) week, shall be entitled to  
45 receive overtime pay. Additionally, the following people shall



46 not be exempt from receiving overtime pay, regardless of their  
47 salary:

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

49 (b) Police officers, detectives, deputy sheriffs, state  
50 troopers, highway patrol officers, investigators, inspectors,  
51 correctional officers, parole or probation officers, park rangers,  
52 firefighters, paramedics, emergency medical technicians, ambulance  
53 personnel, rescue workers, hazardous materials workers and similar  
54 employees who perform work such as preventing, controlling or  
55 extinguishing fires of any type; rescuing fire, crime or accident  
56 victims; preventing or detecting crimes; conducting investigations  
57 or inspections for violations of law; performing surveillance;  
58 pursuing, restraining and apprehending suspects; detaining or  
59 supervising suspected and convicted criminals, including those on  
60 probation or parole; interviewing witnesses; interrogating and  
61 fingerprinting suspects; preparing investigative reports; or other  
62 similar work;

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

65 (d) Any employee whose primary duty is not the  
66 performance of work directly related to the management or general  
67 business operations of the employer or the employer's customers;  
68 and

69 (e) Any employee whose primary duty is not the  
70 performance of work requiring knowledge of an advanced type in a



71 field of science or learning customarily acquired by a prolonged  
72 course of specialized intellectual instruction or the performance  
73 of work requiring invention, imagination, originality or talent in  
74 a recognized field of artistic or creative endeavor.

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

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

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

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

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



96 (b) Satisfy the following conditions:

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

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

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

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

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

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

117 (d) Agree to work as an auditor at the Office of the  
118 State Auditor upon graduation for a period of time equivalent to  
119 the period of time for which the applicant receives compensation,



120 calculated to the nearest whole month, but in no event less than  
121 two (2) years.

122 (3) (a) Before being placed into the program, each  
123 applicant shall enter into a contract with the Office of the State  
124 Auditor, which shall be deemed a contract with the State of  
125 Mississippi, agreeing to the terms and conditions upon which the  
126 internship shall be granted to him. The contract shall include  
127 such terms and provisions necessary to carry out the full purpose  
128 and intent of this section. The form of such contract shall be  
129 prepared and approved by the Attorney General of this state, and  
130 shall be signed by the State Auditor of the Office of the State  
131 Auditor and the participant.

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

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



145           (d) The Office of the State Auditor is vested with full  
146 and complete authority and power to sue in its own name any  
147 participant for any damages due the state on any such uncompleted  
148 contract, which suit shall be filed and handled by the Attorney  
149 General of the state. The Office of the State Auditor may  
150 contract with a collection agency or banking institution, subject  
151 to approval by the Attorney General, for collection of any damages  
152 due the state from any participant. The State of Mississippi, the  
153 Office of the State Auditor and its employees are immune from any  
154 suit brought in law or equity for actions taken by the collection  
155 agency or banking institution incidental to or arising from their  
156 performance under the contract. The Office of the State Auditor,  
157 collection agency and banking institution may negotiate for the  
158 payment of a sum that is less than full payment in order to  
159 satisfy any damages the participant owes the state, subject to  
160 approval by the director of the sponsoring facility within the  
161 Office of the State Auditor.

162           (4) (a) Any recipient who is accepted into the program by  
163 the Mississippi Office of the State Auditor and who fails to  
164 complete undergraduate- or graduate-level coursework toward a  
165 degree in accounting, or withdraws from school at any time before  
166 completing his or her education, shall be liable to repay the  
167 Office of the State Auditor for all monies received during the  
168 time the recipient was in the program, at the rate of pay received  
169 by the employee while in the program, including benefits paid by



170 the agency for the participant, and monies received for tuition,  
171 books and related fees used to pursue their degree with interest  
172 accruing at ten percent (10%) per annum from the date the  
173 recipient failed or withdrew from school. The recipient also will  
174 not be liable for repayment for any money earned during the  
175 required summer hours. This money shall be considered earned by  
176 the recipient at the federal minimum wage rate.

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

187 (c) If the recipient does not work as an auditor at the  
188 Office of the State Auditor for the period required under  
189 subsection (2) (d) of this section, the recipient shall be liable  
190 for repayment on demand of the remaining portion of the  
191 compensation that the recipient was paid while in the program  
192 which has not been unconditionally earned, with interest accruing  
193 at ten percent (10%) per annum from the recipient's date of  
194 graduation or the date that the recipient last worked at the





195 Office of the State Auditor, whichever is the later date. In  
196 addition, there shall be included in any contract for paid student  
197 internship a provision for liquidated damages equal to Five  
198 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata  
199 basis for each year served under such contract.

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

202 17-1-51. (1) No county, board of supervisors of a county,  
203 municipality or governing authority of a municipality is  
204 authorized to establish a mandatory, minimum living wage rate,  
205 minimum number of vacation or sick days, whether paid or unpaid,  
206 that would regulate how a private employer pays its employees.  
207 Each county, board of supervisors of a county, municipality or  
208 governing authority of a municipality shall be prohibited from  
209 establishing a mandatory, minimum living wage rate, minimum number  
210 of vacation or sick days, whether paid or unpaid, that would  
211 regulate how a private employer pays its employees.

212 (2) The Legislature finds that the prohibitions of  
213 subsection (1) of this section are necessary to ensure an economic  
214 climate conducive to new business development and job growth in  
215 the State of Mississippi. We believe that inconsistent  
216 application of wage and benefit laws from city to city or county  
217 to county must be avoided. While not suggesting a state minimum  
218 wage or minimum benefit package, any debate and subsequent action  
219 on these matters should be assigned to the Mississippi Legislature



220 as provided in Section 25-3-40, and not local counties or  
221 municipalities.

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

237 (4) The Legislature concludes from these findings that, in  
238 order for a business to remain competitive and yet attract and  
239 retain the highest possible caliber of employees, and thereby  
240 remain sound, an enterprise must work in a uniform environment  
241 with respect to minimum wage rates, and mandatory minimum number  
242 of vacation or sick leave days. The net impact of local  
243 variations in mandated wages and mandatory minimum number of  
244 vacation or sick leave days would be economically unstable and



245 create a decline and decrease in the standard of living for the  
246 citizens of the state. Consequently, decisions regarding minimum  
247 wage, living wage and other employee benefit policies must be made  
248 by the state as provided in Section 25-3-40, so that consistency  
249 in the wage market is preserved.

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

252 **[Until January 1, 2020, this section shall read as follows:]**

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



270 The county executive committee or the election commissioners, as  
271 appropriate, shall train a sufficient number of alternates to  
272 serve in the event a poll manager is unable to serve for any  
273 reason.

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

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



295 committee and the Secretary of State of the existence of the  
296 agreement.

297 (3) The board of supervisors and the municipal governing  
298 authority, in their discretion, may compensate poll managers who  
299 attend these training sessions. The compensation shall be at a  
300 rate of not less than the federal hourly minimum wage nor more  
301 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be  
302 compensated for more than sixteen (16) hours of attendance at the  
303 training sessions regardless of the actual amount of time that  
304 they attended the training sessions.

305 (4) The time and location of the training sessions required  
306 pursuant to this section shall be announced to the general public  
307 by posting a notice thereof at the courthouse and by delivering a  
308 copy of the notice to the office of a newspaper having general  
309 circulation in the county five (5) days before the date upon which  
310 the training session is to be conducted. Persons who will serve  
311 as poll watchers for candidates and political parties, as well as  
312 members of the general public, shall be allowed to attend the  
313 sessions.

314 (5) Subject to the following annual limitations, the  
315 election commissioners shall be entitled to receive a per diem in  
316 the amount of One Hundred Dollars (\$100.00), to be paid from the  
317 county general fund, for every day or period of no less than five  
318 (5) hours accumulated over two (2) or more days actually employed



319 in the performance of their duties for the necessary time spent in  
320 conducting training sessions as required by this section:

321 (a) In counties having less than fifteen thousand  
322 (15,000) residents according to the latest federal decennial  
323 census, not more than five (5) days per year;

324 (b) In counties having fifteen thousand (15,000)  
325 residents according to the latest federal decennial census but  
326 less than thirty thousand (30,000) residents according to the  
327 latest federal decennial census, not more than eight (8) days per  
328 year;

329 (c) In counties having thirty thousand (30,000)  
330 residents according to the latest federal decennial census but  
331 less than seventy thousand (70,000) residents according to the  
332 latest federal decennial census, not more than ten (10) days per  
333 year;

334 (d) In counties having seventy thousand (70,000)  
335 residents according to the latest federal decennial census but  
336 less than ninety thousand (90,000) residents according to the  
337 latest federal decennial census, not more than twelve (12) days  
338 per year;

339 (e) In counties having ninety thousand (90,000)  
340 residents according to the latest federal decennial census but  
341 less than one hundred seventy thousand (170,000) residents  
342 according to the latest federal decennial census, not more than  
343 fifteen (15) days per year;



344 (f) In counties having one hundred seventy thousand  
345 (170,000) residents according to the latest federal decennial  
346 census but less than two hundred thousand (200,000) residents  
347 according to the latest federal decennial census, not more than  
348 eighteen (18) days per year;

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

354 (h) In counties having two hundred twenty-five thousand  
355 (225,000) residents or more according to the latest federal  
356 decennial census, not more than twenty-two (22) days per year.

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

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

366 (b) County election commissioners shall designate one  
367 (1) poll manager per precinct, who shall individually access and  
368 complete the online training program, including all skills



369 assessments, at least five (5) days before an election. The poll  
370 manager shall be defined as a "certified poll manager," and  
371 entitled to a "Certificate of Completion" and compensation for the  
372 successful completion of the training and skills assessment in the  
373 amount of Twenty-five Dollars (\$25.00) payable from the Secretary  
374 of State. Compensation paid to any poll manager under this  
375 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per  
376 calendar year.

377 (c) Every election held after January 1, 2018, shall  
378 have at least one (1) certified poll manager appointed by the  
379 county election officials to work in each polling place in the  
380 county during each general election.

381 **[From and after January 1, 2020, this section shall read as**  
382 **follows:]**

383 23-15-239. (1) The executive committee of each county, in  
384 the case of a primary election, or the election commissioners of  
385 each county, in the case of all other elections, in conjunction  
386 with the circuit clerk, shall, in the years in which counties  
387 conduct an election, sponsor and conduct, not less than five (5)  
388 days before each election, not less than four (4) hours and not  
389 more than eight (8) hours of poll manager training to instruct  
390 poll managers as to their duties in the proper administration of  
391 the election and the operation of the polling place. Any poll  
392 manager who completes the online training course provided by the  
393 Secretary of State shall only be required to complete two (2)





394 hours of in-person poll manager training. No poll manager shall  
395 serve in any election unless he or she has received these  
396 instructions once during the twelve (12) months immediately  
397 preceding the date upon which the election is held; however,  
398 nothing in this section shall prevent the appointment of an  
399 alternate poll manager to fill a vacancy in case of an emergency.  
400 The county executive committee or the election commissioners, as  
401 appropriate, shall train a sufficient number of alternates to  
402 serve in the event a poll manager is unable to serve for any  
403 reason.

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

415       (b) If it is eligible under Section 23-15-266, the  
416 municipal executive committee may enter into a written agreement  
417 with the municipal clerk or the municipal election commission  
418 authorizing the municipal clerk or the municipal election



419 commission to perform any of the duties required of the municipal  
420 executive committee pursuant to this section. Any agreement  
421 entered into pursuant to this subsection shall be signed by the  
422 chair of the municipal executive committee and the municipal clerk  
423 or the chair of the municipal election commission, as appropriate.  
424 The municipal executive committee shall notify the state executive  
425 committee and the Secretary of State of the existence of the  
426 agreement.

427 (3) The board of supervisors and the municipal governing  
428 authority, in their discretion, may compensate poll managers who  
429 attend these training sessions. The compensation shall be at a  
430 rate of not less than the federal hourly minimum wage nor more  
431 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be  
432 compensated for more than sixteen (16) hours of attendance at the  
433 training sessions regardless of the actual amount of time that  
434 they attended the training sessions.

435 (4) The time and location of the training sessions required  
436 pursuant to this section shall be announced to the general public  
437 by posting a notice thereof at the courthouse and by delivering a  
438 copy of the notice to the office of a newspaper having general  
439 circulation in the county five (5) days before the date upon which  
440 the training session is to be conducted. Persons who will serve  
441 as poll watchers for candidates and political parties, as well as  
442 members of the general public, shall be allowed to attend the  
443 sessions.



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

451 (a) In counties having less than fifteen thousand  
452 (15,000) residents according to the latest federal decennial  
453 census, not more than five (5) days per year;

454 (b) In counties having fifteen thousand (15,000)  
455 residents according to the latest federal decennial census but  
456 less than thirty thousand (30,000) residents according to the  
457 latest federal decennial census, not more than eight (8) days per  
458 year;

459 (c) In counties having thirty thousand (30,000)  
460 residents according to the latest federal decennial census but  
461 less than seventy thousand (70,000) residents according to the  
462 latest federal decennial census, not more than ten (10) days per  
463 year;

464 (d) In counties having seventy thousand (70,000)  
465 residents according to the latest federal decennial census but  
466 less than ninety thousand (90,000) residents according to the  
467 latest federal decennial census, not more than twelve (12) days  
468 per year;



469           (e) In counties having ninety thousand (90,000)  
470 residents according to the latest federal decennial census but  
471 less than one hundred seventy thousand (170,000) residents  
472 according to the latest federal decennial census, not more than  
473 fifteen (15) days per year;

474           (f) In counties having one hundred seventy thousand  
475 (170,000) residents according to the latest federal decennial  
476 census but less than two hundred thousand (200,000) residents  
477 according to the latest federal decennial census, not more than  
478 eighteen (18) days per year;

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

484           (h) In counties having two hundred twenty-five thousand  
485 (225,000) residents or more according to the latest federal  
486 decennial census, not more than twenty-two (22) days per year.

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

490           (7) (a) To provide poll manager training, the Secretary of  
491 State has developed a single, comprehensive poll manager training  
492 program to ensure uniform, secure elections throughout the state.  
493 The program includes online training on all state and federal



494 election laws and procedures and voting machine opening and  
495 closing procedures.

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

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

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

506 25-3-40. On July 1, 1978, and each year thereafter, the  
507 Mississippi Compensation Plan shall be amended to provide salary  
508 increases in such amounts and percentages as might be recommended  
509 by the Legislative Budget Office and as may be authorized by funds  
510 appropriated by the Legislature for the purpose of granting  
511 incentive salary increases as deemed possible dependent upon the  
512 availability of general and special funds.

513 It is hereby declared to be the intent of the Mississippi  
514 Legislature to implement the minimum wage as enacted by statutory  
515 law of the United States Congress subject to funds being available  
516 for that purpose. It is the intent and purpose of this section to  
517 maximize annual salary increases consistent with the availability  
518 of funds as might be determined by the Mississippi Legislature at



519 its regular annual session and that all salary increases hereafter  
520 be made consistent with the provisions of this section.

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

523             37-7-307. (1) For purposes of this section, the term  
524 "licensed employee" means any employee of a public school district  
525 required to hold a valid license by the Commission on Teacher and  
526 Administrator Education, Certification and Licensure and  
527 Development.

528             (2) The school board of a school district shall establish by  
529 rules and regulations a policy of sick leave with pay for licensed  
530 employees and teacher assistants employed in the school district,  
531 and such policy shall include the following minimum provisions for  
532 sick and emergency leave with pay:

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

538                 (b) Any unused portion of the total sick leave  
539 allowance shall be carried over to the next school year and  
540 credited to such licensed employee and teacher assistant if the  
541 licensed employee or teacher assistant remains employed in the  
542 same school district. In the event any public school licensed  
543 employee or teacher assistant transfers from one public school



544 district in Mississippi to another, any unused portion of the  
545 total sick leave allowance credited to such licensed employee or  
546 teacher assistant shall be credited to such licensed employee or  
547 teacher assistant in the computation of unused leave for  
548 retirement purposes under Section 25-11-109. Accumulation of sick  
549 leave allowed under this section shall be unlimited.

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

556 (d) For the first ten (10) days of absence of a  
557 licensed employee because of illness or physical disability, in  
558 any school year, in excess of the sick leave allowance credited to  
559 such licensed employee, there shall be deducted from the pay of  
560 such licensed employee the established substitute amount of  
561 licensed employee compensation paid in that local school district,  
562 necessitated because of the absence of the licensed employee as a  
563 result of illness or physical disability. In lieu of deducting  
564 the established substitute amount from the pay of such licensed  
565 employee, the policy may allow the licensed employee to receive  
566 full pay for the first ten (10) days of absence because of illness  
567 or physical disability, in any school year, in excess of the sick  
568 leave allowance credited to such licensed employee. Thereafter,



569 the regular pay of such absent licensed employee shall be  
570 suspended and withheld in its entirety for any period of absence  
571 because of illness or physical disability during that school year.

572 (3) (a) Beginning with the school year 1983-1984, each  
573 licensed employee at the beginning of each school year shall be  
574 credited with a minimum personal leave allowance, with pay, of two  
575 (2) days for absences caused by personal reasons during that  
576 school year. Effective for the 2010-2011 and 2011-2012 school  
577 years, licensed employees shall be credited with an additional  
578 one-half (1/2) day of personal leave for every day the licensed  
579 employee is furloughed without pay as provided in Section  
580 37-7-308. Except as otherwise provided in paragraph (b) of this  
581 subsection, such personal leave shall not be taken on the first  
582 day of the school term, the last day of the school term, on a day  
583 previous to a holiday or a day after a holiday. Personal leave  
584 may be used for professional purposes, including absences caused  
585 by attendance of such licensed employee at a seminar, class,  
586 training program, professional association or other functions  
587 designed for educators. No deduction from the pay of such  
588 licensed employee may be made because of absence of such licensed  
589 employee caused by personal reasons until after all personal leave  
590 allowance credited to such licensed employee has been used.  
591 However, the superintendent of a school district, in his  
592 discretion, may allow a licensed employee personal leave in  
593 addition to any minimum personal leave allowance, under the





594 condition that there shall be deducted from the salary of such  
595 licensed employee the actual amount of any compensation paid to  
596 any person as a substitute, necessitated because of the absence of  
597 the licensed employee. Any unused portion of the total personal  
598 leave allowance up to five (5) days shall be carried over to the  
599 next school year and credited to such licensed employee if the  
600 licensed employee remains employed in the same school district.  
601 Any personal leave allowed for a furlough day shall not be carried  
602 over to the next school year.

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

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

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

617 (iii) Personal leave may be taken on the first day  
618 of the school term, the last day of the school term, on a day



619 previous to a holiday or a day after a holiday if, on the  
620 applicable day, the employee has been summoned to appear for jury  
621 duty or as a witness in court.

622 (iv) Personal leave may be taken on the first day  
623 of the school term, the last day of the school term, on a day  
624 previous to a holiday or a day after a holiday if, on the  
625 applicable day, an immediate family member of the employee dies or  
626 funeral services are held. Any day of the three (3) bereavement  
627 days may be used at the discretion of the teacher, and are not  
628 required to be taken in consecutive succession.

629 For the purpose of this subsection (3), the term "immediate  
630 family member" means spouse, parent, stepparent, child or  
631 stepchild, grandparent or sibling, including a stepbrother or  
632 stepsister.

633 (4) Beginning with the school year 1992-1993, each licensed  
634 employee shall be credited with a professional leave allowance,  
635 with pay, for each day of absence caused by reason of such  
636 employee's statutorily required membership and attendance at a  
637 regular or special meeting held within the State of Mississippi of  
638 the State Board of Education, the Commission on Teacher and  
639 Administrator Education, Certification and Licensure and  
640 Development, the Commission on School Accreditation, the  
641 Mississippi Authority for Educational Television, the meetings of  
642 the state textbook rating committees or other meetings authorized  
643 by local school board policy.



644 (5) Upon retirement from employment, each licensed and  
645 nonlicensed employee shall be paid for not more than thirty (30)  
646 days of unused accumulated leave earned while employed by the  
647 school district in which the employee is last employed. Such  
648 payment for licensed employees shall be made by the school  
649 district at a rate equal to the amount paid to substitute teachers  
650 and for nonlicensed employees, the payment shall be made by the  
651 school district at a rate equal to the federal minimum wage. The  
652 payment shall be treated in the same manner for retirement  
653 purposes as a lump-sum payment for personal leave as provided in  
654 Section 25-11-103(f). Any remaining lawfully credited unused  
655 leave, for which payment has not been made, shall be certified to  
656 the Public Employees' Retirement System in the same manner and  
657 subject to the same limitations as otherwise provided by law for  
658 unused leave. No payment for unused accumulated leave may be made  
659 to either a licensed or nonlicensed employee at termination or  
660 separation from service for any purpose other than for the purpose  
661 of retirement.

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

666 (a) Requiring the absent employee to furnish the  
667 certificate of a physician or dentist or other medical  
668 practitioner as to the illness of the absent licensed employee,



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

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

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

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

685 (7) School boards may include in their budgets provisions  
686 for the payment of substitute employees, necessitated because of  
687 the absence of regular licensed employees. All such substitute  
688 employees shall be paid wholly from district funds, except as  
689 otherwise provided for long-term substitute teachers in Section  
690 37-19-20. Such school boards, in their discretion, also may pay,  
691 from district funds other than adequate education program funds,  
692 the whole or any part of the salaries of all employees granted  
693 leaves for the purpose of special studies or training.



694 (8) The school board may further adopt rules and regulations  
695 which will reasonably implement such leave policies for all other  
696 nonlicensed and hourly paid school employees as the board deems  
697 appropriate. Effective for the 2010-2011 and 2011-2012 school  
698 years, nonlicensed employees shall be credited with an additional  
699 one-half (1/2) day of personal leave for every day the nonlicensed  
700 employee is furloughed without pay as provided in Section  
701 37-7-308.

702 (9) Vacation leave granted to either licensed or nonlicensed  
703 employees shall be synonymous with personal leave. Unused  
704 vacation or personal leave accumulated by licensed employees in  
705 excess of the maximum five (5) days which may be carried over from  
706 one year to the next may be converted to sick leave. The annual  
707 conversion of unused vacation or personal leave to sick days for  
708 licensed or unlicensed employees shall not exceed the allowable  
709 number of personal leave days as provided in Section 25-3-93. The  
710 annual total number of converted unused vacation and/or personal  
711 days added to the annual unused sick days for any employee shall  
712 not exceed the combined allowable number of days per year provided  
713 in Sections 25-3-93 and 25-3-95. Local school board policies that  
714 provide for vacation, personal and sick leave for employees shall  
715 not exceed the provisions for leave as provided in Sections  
716 25-3-93 and 25-3-95. Any personal or vacation leave previously  
717 converted to sick leave under a lawfully adopted policy before May  
718 1, 2004, or such personal or vacation leave accumulated and



719 available for use prior to May 1, 2004, under a lawfully adopted  
720 policy but converted to sick leave after May 1, 2004, shall be  
721 recognized as accrued leave by the local school district and  
722 available for use by the employee. The leave converted under a  
723 lawfully adopted policy prior to May 1, 2004, or such personal and  
724 vacation leave accumulated and available for use as of May 1,  
725 2004, which was subsequently converted to sick leave may be  
726 certified to the Public Employees' Retirement System upon  
727 termination of employment and any such leave previously converted  
728 and certified to the Public Employees' Retirement System shall be  
729 recognized.

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

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



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

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

749 (b) Any school district employee may donate a portion  
750 of his or her unused accumulated personal leave or sick leave to  
751 another employee of the same school district who is suffering from  
752 a catastrophic injury or illness or who has a member of his or her  
753 immediate family suffering from a catastrophic injury or illness,  
754 in accordance with the following:

755 (i) The employee donating the leave (the "donor  
756 employee") shall designate the employee who is to receive the  
757 leave (the "recipient employee") and the amount of unused  
758 accumulated personal leave and sick leave that is to be donated,  
759 and shall notify the school district superintendent or his  
760 designee of his or her designation.

761 (ii) The maximum amount of unused accumulated  
762 personal leave that an employee may donate to any other employee  
763 may not exceed a number of days that would leave the donor  
764 employee with fewer than seven (7) days of personal leave  
765 remaining, and the maximum amount of unused accumulated sick leave  
766 that an employee may donate to any other employee may not exceed  
767 fifty percent (50%) of the unused accumulated sick leave of the  
768 donor employee.



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

774 (iv) Before an employee may receive donated leave,  
775 he or she must provide the school district superintendent or his  
776 designee with a physician's statement that states that the illness  
777 meets the catastrophic criteria established under this section,  
778 the beginning date of the catastrophic injury or illness, a  
779 description of the injury or illness, and a prognosis for recovery  
780 and the anticipated date that the recipient employee will be able  
781 to return to work.

782 (v) Before an employee may receive donated leave,  
783 the superintendent of education of the school district shall  
784 appoint a review committee to approve or disapprove the said  
785 donations of leave, including the determination that the illness  
786 is catastrophic within the meaning of this section.

787 (vi) If the total amount of leave that is donated  
788 to any employee is not used by the recipient employee, the whole  
789 days of donated leave shall be returned to the donor employees on  
790 a pro rata basis, based on the ratio of the number of days of  
791 leave donated by each donor employee to the total number of days  
792 of leave donated by all donor employees.





793 (vii) Donated leave shall not be used in lieu of  
794 disability retirement.

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

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

800 57-34-5. **Definitions.** As used in this chapter, the  
801 following words and phrases shall have the meanings ascribed to  
802 them in this section, unless the context clearly indicates a  
803 different meaning:

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

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

807 (c) "Board of directors" means the board of directors  
808 of the authority.

809 (d) "Designated geographic area" means:

810 (i) Those counties in the State of Alabama that  
811 share a common border with any county in the State of Mississippi;  
812 and

813 (ii) Those counties in the State of Mississippi  
814 that share a common border with any county in the State of  
815 Alabama.

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



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

820 (f) "Project" means:

821 (i) Any industrial, commercial, research and  
822 development, warehousing, distribution, transportation,  
823 processing, mining, United States government or tourism enterprise  
824 together with all real property required for construction,  
825 maintenance and operation of the enterprise:

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

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

839 3. Which creates at least one thousand  
840 (1,000) net new full-time jobs which provide an average hourly  
841 wage of not less than two hundred percent (200%) of the federal



842 minimum wage in effect on the date the project is placed in  
843 service.

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

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

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

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

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



866 In addition to meeting the other requirements of this  
867 paragraph, in order to fall within the definition of the term  
868 "project":

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

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

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

880 (h) "Project tax revenues" means:

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

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

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



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

893           85-3-4. (1) The wages, salaries or other compensation of  
894 laborers or employees, residents of this state, shall be exempt  
895 from seizure under attachment, execution or garnishment for a  
896 period of thirty (30) days from the date of service of any writ of  
897 attachment, execution or garnishment.

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

903           (a) In the case of earnings for any workweek, the  
904 lesser amount of either,

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

907                   (ii) The amount by which his disposable earnings  
908 for that week exceed thirty (30) times the federal minimum hourly  
909 wage (prescribed by section 206 (a) (1) of Title 29, USCS) in  
910 effect at the time the earnings are payable; or

911           (b) In the case of earnings for any period other than a  
912 week, the amount by which his disposable earnings exceed the  
913 following "multiple" of the federal minimum hourly wage which is  
914 equivalent in effect to that set forth in subparagraph (a) (ii) of  
915 this subsection (2): The number of workweeks, or fractions



916 thereof multiplied by thirty (30) multiplied by the applicable  
917 federal minimum wage.

918 (3) (a) The restrictions of subsection (1) and (2) of this  
919 section do not apply in the case of:

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

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

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

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

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

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



941 specified in subparagraph (b) (i) of this subsection (3) shall be  
942 deemed to be fifty-five percent (55%) and the sixty percent (60%)  
943 specified in subparagraph (b) (ii) of this subsection (3) shall be  
944 deemed to be sixty-five percent (65%), if and to the extent that  
945 such earnings are subject to garnishment to enforce a support  
946 order with respect to a period which is prior to the period of  
947 twelve (12) weeks which ends with the beginning of such workweek.

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

950 97-3-54.4. For the purposes of the Mississippi Human  
951 Trafficking Act the following words and phrases shall have the  
952 meanings ascribed herein unless the context clearly requires  
953 otherwise:

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

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

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

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

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



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

969 (iii) Destroying, concealing, removing,  
970 confiscating or possessing any actual or purported passport or  
971 other immigration document, or any other actual or purported  
972 government identification document of any person;

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

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

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

980 (vii) Using blackmail;

981 (viii) Using an individual's personal services as  
982 payment or satisfaction of a real or purported debt when: 1. the  
983 reasonable value of the services is not applied toward the  
984 liquidation of the debt; 2. the length of the services is not  
985 limited and the nature of the services is not defined; 3. the  
986 principal amount of the debt does not reasonably reflect the value  
987 of the items or services for which the debt is incurred; or 4. the  
988 individual is prevented from acquiring accurate and timely  
989 information about the disposition of the debt; or





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

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

997                   (f) "Enterprise" means any individual, sole  
998 proprietorship, partnership, corporation, union or other legal  
999 entity, or any association or group of individuals associated in  
1000 fact regardless of whether a legal entity has been formed pursuant  
1001 to any state, federal or territorial law. It includes illicit as  
1002 well as licit enterprises and governmental as well as other  
1003 entities.

1004                   (g) "Financial harm" includes, but is not limited to,  
1005 extortion as defined by Section 97-3-82, Mississippi Code of 1972,  
1006 or violation of the usury law as defined by Title 75, Chapter 17,  
1007 Mississippi Code of 1972.

1008                   (h) "Forced labor or services" means labor or services  
1009 that are performed or provided by another person and are obtained  
1010 or maintained through coercion.

1011                   (i) "Labor" means work of economic or financial value.

1012                   (j) "Maintain" means, in relation to labor or services,  
1013 to secure continued performance thereof, regardless of any initial



1014 agreement on the part of the trafficked person to perform such  
1015 labor or service.

1016 (k) "Minor" means a person under the age of eighteen  
1017 (18) years.

1018 (l) "Obtain" means, in relation to labor or services,  
1019 to secure performance thereof.

1020 (m) "Pecuniary damages" means any of the following:

1021 (i) The greater of the gross income or value to  
1022 the defendant of the victim's labor or services, including sexual  
1023 services, not reduced by the expense the defendant incurred as a  
1024 result of maintaining the victim, or the value of the victim's  
1025 labor or services calculated under the minimum wage and overtime  
1026 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et  
1027 seq., whichever is higher;

1028 (ii) If it is not possible or in the best interest  
1029 of the victim to compute a value under subparagraph (i) of this  
1030 paragraph (m), the equivalent of the value of the victim's labor  
1031 or services if the victim had provided labor or services that were  
1032 subject to the minimum wage and overtime provisions of the Fair  
1033 Labor Standards Act, 29 USCS 201 et seq.;

1034 (iii) Costs and expenses incurred by the victim as  
1035 a result of the offense for:

- 1036 1. Medical services;
- 1037 2. Therapy or psychological counseling;
- 1038 3. Temporary housing;



- 1039 4. Transportation;
- 1040 5. Childcare;
- 1041 6. Physical and occupational therapy or
- 1042 rehabilitation;
- 1043 7. Funeral, interment, and burial services;
- 1044 reasonable attorney's fees and other legal costs; and
- 1045 8. Other expenses incurred by the victim.

1046 (n) "Serious harm" means harm, whether physical or

1047 nonphysical, including psychological, economic or reputational, to

1048 an individual that would compel a reasonable person in similar

1049 circumstances as the individual to perform or continue to perform

1050 labor or services to avoid incurring the harm.

1051 (o) "Services" means an ongoing relationship between a

1052 person and the actor in which the person performs activities under

1053 the supervision of or for the benefit of the actor or a third

1054 party and includes, without limitation, commercial sexual

1055 activity, sexually explicit performances, or the production of

1056 sexually explicit materials.

1057 (p) "Sexually explicit performance" means a live or

1058 public act or show intended to arouse or satisfy the sexual

1059 desires or appeal to the prurient interests of patrons.

1060 (q) "Trafficked person" means a person subjected to the

1061 practices prohibited by this act regardless of whether a

1062 perpetrator is identified, apprehended, prosecuted or convicted,



1063 and is a term used interchangeably with the terms "victim,"  
1064 "victim of trafficking" and "trafficking victim."

1065 (r) "Venture" means any group of two (2) or more  
1066 individuals associated in fact, whether or not a legal entity.

1067 (s) "Sexually oriented material" shall have the meaning  
1068 ascribed in Section 97-5-27, Mississippi Code of 1972.

1069 **SECTION 11.** Section 99-19-20, Mississippi Code of 1972, is  
1070 brought forward as follows:

1071 99-19-20. (1) Except as otherwise provided under Section  
1072 99-19-20.1, when any court sentences a defendant to pay a fine,  
1073 the court may order (a) that the fine be paid immediately, or (b)  
1074 that the fine be paid in installments to the clerk of the court or  
1075 to the judge, if there be no clerk, or (c) that payment of the  
1076 fine be a condition of probation, or (d) that the defendant be  
1077 required to work on public property for public benefit under the  
1078 direction of the sheriff for a specific number of hours, or (e)  
1079 any combination of the above.

1080 (2) Except as otherwise provided under Section 99-19-20.1,  
1081 the defendant may be imprisoned until the fine is paid if the  
1082 defendant is financially able to pay a fine and the court so  
1083 finds, subject to the limitations provided under this section.  
1084 The defendant shall not be imprisoned if the defendant is  
1085 financially unable to pay a fine and so states to the court in  
1086 writing, under oath, after sentence is pronounced, and the court  
1087 so finds, except if the defendant is financially unable to pay a



1088 fine and such defendant failed or refused to comply with a prior  
1089 sentence as specified in subsection (1) of this section, the  
1090 defendant may be imprisoned.

1091 This subsection shall be limited as follows:

1092 (a) In no event shall such period of imprisonment  
1093 exceed one (1) day for each One Hundred Dollars (\$100.00) of the  
1094 fine.

1095 (b) If a sentence of imprisonment, as well as a fine,  
1096 were imposed, the aggregate of such term for nonpayment of a fine  
1097 and the original sentence of imprisonment shall not exceed the  
1098 maximum authorized term of imprisonment.

1099 (c) It shall be in the discretion of the judge to  
1100 determine the rate of the credit to be earned for work performed  
1101 under subsection (1)(d), but the rate shall be no lower than the  
1102 rate of the highest current federal minimum wage.

1103 (3) Periods of confinement imposed for nonpayment of two (2)  
1104 or more fines shall run consecutively unless specified by the  
1105 court to run concurrently.

1106 **SECTION 12.** This act shall take effect and be in force from  
1107 and after July 1, 2021.

