

By: Representative Brown

To: Workforce Development;
State Affairs

HOUSE BILL NO. 306

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

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

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

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

69 (b) Police officers, detectives, deputy sheriffs, state
70 troopers, highway patrol officers, investigators, inspectors,
71 correctional officers, parole or probation officers, park rangers,



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

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

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

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



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

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

100 7-7-204. (1) Within the limits of the funds available to
101 the Office of the State Auditor for such purpose, the State
102 Auditor may grant a paid internship to students pursuing junior or
103 senior undergraduate-level year coursework toward a bachelor's
104 degree in accounting or graduate-level coursework toward a
105 master's degree in accounting. Those applicants deemed qualified
106 shall receive funds that may be used to pay for tuition, books and
107 related fees to pursue their degree. It is the intent of the
108 Legislature that the paid internship program (hereinafter referred
109 to as the program) shall be used as an incentive for accounting
110 students to develop job-related skills and to encourage accounting
111 careers at the Office of the State Auditor.

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

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

116 (b) Satisfy the following conditions:

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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



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

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

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



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

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

222 17-1-51. (1) No county, board of supervisors of a county,
223 municipality or governing authority of a municipality is
224 authorized to establish a mandatory, minimum living wage rate,
225 minimum number of vacation or sick days, whether paid or unpaid,
226 that would regulate how a private employer pays its employees.
227 Each county, board of supervisors of a county, municipality or
228 governing authority of a municipality shall be prohibited from
229 establishing a mandatory, minimum living wage rate, minimum number
230 of vacation or sick days, whether paid or unpaid, that would
231 regulate how a private employer pays its employees.

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



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

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



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

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

272 23-15-239. (1) The executive committee of each county, in
273 the case of a primary election, or the election commissioners of
274 each county, in the case of all other elections, in conjunction
275 with the circuit clerk, shall, in the years in which counties
276 conduct an election, sponsor and conduct, not less than five (5)
277 days before each election, not less than four (4) hours and not
278 more than eight (8) hours of poll manager training to instruct
279 poll managers as to their duties in the proper administration of
280 the election and the operation of the polling place. Any poll
281 manager who completes the online training course provided by the
282 Secretary of State shall only be required to complete two (2)
283 hours of in-person poll manager training. No poll manager shall
284 serve in any election unless he or she has received these
285 instructions once during the twelve (12) months immediately
286 preceding the date upon which the election is held; however,
287 nothing in this section shall prevent the appointment of an
288 alternate poll manager to fill a vacancy in case of an emergency.
289 The county executive committee or the election commissioners, as
290 appropriate, shall train a sufficient number of alternates to



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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

395 25-3-40. On July 1, 1978, and each year thereafter, the
396 Mississippi Compensation Plan shall be amended to provide salary
397 increases in such amounts and percentages as might be recommended
398 by the Legislative Budget Office and as may be authorized by funds
399 appropriated by the Legislature for the purpose of granting
400 incentive salary increases as deemed possible dependent upon the
401 availability of general and special funds.

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

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

412 37-7-307. (1) For purposes of this section, the term
413 "licensed employee" means any employee of a public school district
414 required to hold a valid license by the Commission on Teacher and



415 Administrator Education, Certification and Licensure and
416 Development.

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

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

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



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

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

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



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



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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

574 (7) School boards may include in their budgets provisions
575 for the payment of substitute employees, necessitated because of
576 the absence of regular licensed employees. All such substitute
577 employees shall be paid wholly from district funds, except as
578 otherwise provided for long-term substitute teachers in Section
579 37-19-20. Such school boards, in their discretion, also may pay,
580 from district funds other than adequate education program funds,
581 the whole or any part of the salaries of all employees granted
582 leaves for the purpose of special studies or training.

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



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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

689 57-34-5. **Definitions.** As used in this chapter, the
690 following words and phrases shall have the meanings ascribed to
691 them in this section, unless the context clearly indicates a
692 different meaning:

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

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

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

698 (d) "Designated geographic area" means:

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

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

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

709 (f) "Project" means:

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



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

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

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

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

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



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

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

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

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

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

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



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

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

769 (h) "Project tax revenues" means:

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

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

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

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

782 85-3-4. (1) The wages, salaries or other compensation of
783 laborers or employees, residents of this state, shall be exempt
784 from seizure under attachment, execution or garnishment for a



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

839 97-3-54.4. For the purposes of the Mississippi Human
840 Trafficking Act the following words and phrases shall have the
841 meanings ascribed herein unless the context clearly requires
842 otherwise:

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

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

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

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

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

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



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

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

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

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

869 (vii) Using blackmail;

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

934 8. Other expenses incurred by the victim.

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

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

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

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

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



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

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

960 99-19-20. (1) Except as otherwise provided under Section
961 99-19-20.1, when any court sentences a defendant to pay a fine,
962 the court may order (a) that the fine be paid immediately, or (b)
963 that the fine be paid in installments to the clerk of the court or
964 to the judge, if there be no clerk, or (c) that payment of the
965 fine be a condition of probation, or (d) that the defendant be
966 required to work on public property for public benefit under the
967 direction of the sheriff for a specific number of hours, or (e)
968 any combination of the above.

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

980 This subsection shall be limited as follows:



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

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

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

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

995 **SECTION 12.** This act shall take effect and be in force from
996 and after July 1, 2024.

