

By: Representative Johnson

To: Workforce Development;  
Business and Commerce

## HOUSE BILL NO. 364

1 AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO  
2 ESTABLISH THE STATE MINIMUM WAGE AT \$10.00 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 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, the following words  
13 and phrases shall have the following meanings, unless the context  
14 clearly requires otherwise:

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

18 (b) "Manual laborers" and "blue collar" workers mean  
19 workers who perform work involving repetitive operations with  
20 their hands, physical skill and energy. They gain the skills and



21 knowledge required for performance of their routine manual and  
22 physical work through apprenticeships and on-the-job training.

23 (2) Every employer shall pay each of his or her employees  
24 wages at the rate of not less than Ten Dollars (\$10.00) per hour,  
25 except as otherwise provided in this section.

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

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

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

41 (b) Police officers, detectives, deputy sheriffs, state  
42 troopers, highway patrol officers, investigators, inspectors,  
43 correctional officers, parole or probation officers, park rangers,  
44 firefighters, paramedics, emergency medical technicians, ambulance  
45 personnel, rescue workers, hazardous materials workers and similar



employees who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work;

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

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

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

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



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

72           7-7-204. (1) Within the limits of the funds available to  
73 the Office of the State Auditor for such purpose, the State  
74 Auditor may grant a paid internship to students pursuing junior or  
75 senior undergraduate-level year coursework toward a bachelor's  
76 degree in accounting or graduate-level coursework toward a  
77 master's degree in accounting. Those applicants deemed qualified  
78 shall receive funds that may be used to pay for tuition, books and  
79 related fees to pursue their degree. It is the intent of the  
80 Legislature that the paid internship program (hereinafter referred  
81 to as the program) shall be used as an incentive for accounting  
82 students to develop job-related skills and to encourage accounting  
83 careers at the Office of the State Auditor.

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

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

88                   (b) Satisfy the following conditions:

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



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

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

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

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

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

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

114 (3) (a) Before being placed into the program, each  
115 applicant shall enter into a contract with the Office of the State  
116 Auditor, which shall be deemed a contract with the State of  
117 Mississippi, agreeing to the terms and conditions upon which the



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

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

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

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



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

154       (4) (a) Any recipient who is accepted into the program by  
155 the Mississippi Office of the State Auditor and who fails to  
156 complete undergraduate- or graduate-level coursework toward a  
157 degree in accounting, or withdraws from school at any time before  
158 completing his or her education, shall be liable to repay the  
159 Office of the State Auditor for all monies received during the  
160 time the recipient was in the program, at the rate of pay received  
161 by the employee while in the program, including benefits paid by  
162 the agency for the participant, and monies received for tuition,  
163 books and related fees used to pursue their degree with interest  
164 accruing at ten percent (10%) per annum from the date the  
165 recipient failed or withdrew from school. The recipient also will  
166 not be liable for repayment for any money earned during the



167 required summer hours. This money shall be considered earned by  
168 the recipient at the federal minimum wage rate.

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

179 (c) If the recipient does not work as an auditor at the  
180 Office of the State Auditor for the period required under  
181 subsection (2)(d) of this section, the recipient shall be liable  
182 for repayment on demand of the remaining portion of the  
183 compensation that the recipient was paid while in the program  
184 which has not been unconditionally earned, with interest accruing  
185 at ten percent (10%) per annum from the recipient's date of  
186 graduation or the date that the recipient last worked at the  
187 Office of the State Auditor, whichever is the later date. In  
188 addition, there shall be included in any contract for paid student  
189 internship a provision for liquidated damages equal to Five  
190 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata  
191 basis for each year served under such contract.





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

194           17-1-51. (1) No county, board of supervisors of a county,  
195 municipality or governing authority of a municipality is  
196 authorized to establish a mandatory, minimum living wage rate,  
197 minimum number of vacation or sick days, whether paid or unpaid,  
198 that would regulate how a private employer pays its employees.  
199 Each county, board of supervisors of a county, municipality or  
200 governing authority of a municipality shall be prohibited from  
201 establishing a mandatory, minimum living wage rate, minimum number  
202 of vacation or sick days, whether paid or unpaid, that would  
203 regulate how a private employer pays its employees.

204           (2) The Legislature finds that the prohibitions of  
205 subsection (1) of this section are necessary to ensure an economic  
206 climate conducive to new business development and job growth in  
207 the State of Mississippi. We believe that inconsistent  
208 application of wage and benefit laws from city to city or county  
209 to county must be avoided. While not suggesting a state minimum  
210 wage or minimum benefit package, any debate and subsequent action  
211 on these matters should be assigned to the Mississippi Legislature  
212 as provided in Section 25-3-40, and not local counties or  
213 municipalities.

214           (3) The Legislature further finds that wages and employee  
215 benefits comprise the most significant expense of operating a  
216 business. It also recognizes that neither potential employees or



business patrons are likely to restrict themselves to employment opportunities or goods and services in any particular county or municipality. Consequently, local variations in legally required minimum wage rates or mandatory minimum number of vacation or sick leave days would threaten many businesses with a loss of employees to local governments which require a higher minimum wage rate and many other businesses with the loss of patrons to areas which allow for a lower wage rate and more or less vacation or sick days. The net effect of this situation would be detrimental to the business environment of the state and to the citizens, businesses and governments of the local jurisdictions as well as the local labor markets.

(4) The Legislature concludes from these findings that, in order for a business to remain competitive and yet attract and retain the highest possible caliber of employees, and thereby remain sound, an enterprise must work in a uniform environment with respect to minimum wage rates, and mandatory minimum number of vacation or sick leave days. The net impact of local variations in mandated wages and mandatory minimum number of vacation or sick leave days would be economically unstable and create a decline and decrease in the standard of living for the citizens of the state. Consequently, decisions regarding minimum wage, living wage and other employee benefit policies must be made by the state as provided in Section 25-3-40, so that consistency in the wage market is preserved.



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

244           23-15-239. (1) The executive committee of each county, in  
245 the case of a primary election, or the election commissioners of  
246 each county, in the case of all other elections, in conjunction  
247 with the circuit clerk, shall, in the years in which counties  
248 conduct an election, sponsor and conduct, not less than five (5)  
249 days before each election, not less than four (4) hours and not  
250 more than eight (8) hours of poll manager training to instruct  
251 poll managers as to their duties in the proper administration of  
252 the election and the operation of the polling place. Any poll  
253 manager who completes the online training course provided by the  
254 Secretary of State shall only be required to complete two (2)  
255 hours of in-person poll manager training. No poll manager shall  
256 serve in any election unless he or she has received these  
257 instructions once during the twelve (12) months immediately  
258 preceding the date upon which the election is held; however,  
259 nothing in this section shall prevent the appointment of an  
260 alternate poll manager to fill a vacancy in case of an emergency.  
261 The county executive committee or the election commissioners, as  
262 appropriate, shall train a sufficient number of alternates to  
263 serve in the event a poll manager is unable to serve for any  
264 reason.

265           (2) (a) If it is eligible under Section 23-15-266, the  
266 county executive committee may enter into a written agreement with



the circuit clerk or the county election commission authorizing the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chair of the county executive committee and the circuit clerk or the chair of the county election commission, as appropriate. The county executive committee shall notify the state executive committee and the Secretary of State of the existence of the agreement.

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

(3) The board of supervisors and the municipal governing authority, in their discretion, may compensate poll managers who attend these training sessions. The compensation shall be at a rate of not less than the federal hourly minimum wage and not more



than Twenty Dollars (\$20.00) per hour. Poll managers shall not be compensated for more than sixteen (16) hours of attendance at the training sessions regardless of the actual amount of time that they attended the training sessions.

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

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

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

(b) In counties having fifteen thousand (15,000) residents according to the latest federal decennial census but



317 less than thirty thousand (30,000) residents according to the  
318 latest federal decennial census, not more than eight (8) days per  
319 year;

320 (c) In counties having thirty thousand (30,000)  
321 residents according to the latest federal decennial census but  
322 less than seventy thousand (70,000) residents according to the  
323 latest federal decennial census, not more than ten (10) days per  
324 year;

325 (d) In counties having seventy thousand (70,000)  
326 residents according to the latest federal decennial census but  
327 less than ninety thousand (90,000) residents according to the  
328 latest federal decennial census, not more than twelve (12) days  
329 per year;

330 (e) In counties having ninety thousand (90,000)  
331 residents according to the latest federal decennial census but  
332 less than one hundred seventy thousand (170,000) residents  
333 according to the latest federal decennial census, not more than  
334 fifteen (15) days per year;

335 (f) In counties having one hundred seventy thousand  
336 (170,000) residents according to the latest federal decennial  
337 census but less than two hundred thousand (200,000) residents  
338 according to the latest federal decennial census, not more than  
339 eighteen (18) days per year;

340 (g) In counties having two hundred thousand (200,000)  
341 residents according to the latest federal decennial census but



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

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

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

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

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

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

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



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

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

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

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

(2) The school board of a school district shall establish by rules and regulations a policy of sick leave with pay for licensed employees and teacher assistants employed in the school district,





and such policy shall include the following minimum provisions for sick and emergency leave with pay:

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

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

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



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

(3) (a) Beginning with the school year 1983-1984, each licensed employee at the beginning of each school year shall be credited with a minimum personal leave allowance, with pay, of two (2) days for absences caused by personal reasons during that school year. Effective for the 2010-2011 and 2011-2012 school years, licensed employees shall be credited with an additional one-half (1/2) day of personal leave for every day the licensed employee is furloughed without pay as provided in Section 37-7-308. Except as otherwise provided in paragraph (b) of this



subsection, such personal leave shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday. Personal leave may be used for professional purposes, including absences caused by attendance of such licensed employee at a seminar, class, training program, professional association or other functions designed for educators. No deduction from the pay of such licensed employee may be made because of absence of such licensed employee caused by personal reasons until after all personal leave allowance credited to such licensed employee has been used. However, the superintendent of a school district, in his discretion, may allow a licensed employee personal leave in addition to any minimum personal leave allowance, under the condition that there shall be deducted from the salary of such licensed employee the actual amount of any compensation paid to any person as a substitute, necessitated because of the absence of the licensed employee. Any unused portion of the total personal leave allowance up to five (5) days shall be carried over to the next school year and credited to such licensed employee if the licensed employee remains employed in the same school district. Any personal leave allowed for a furlough day shall not be carried over to the next school year.

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



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

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

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

483 (iv) Personal leave may be taken on the first day  
484 of the school term, the last day of the school term, on a day  
485 previous to a holiday or a day after a holiday if, on the  
486 applicable day, an immediate family member of the employee dies or  
487 funeral services are held. Any day of the three (3) bereavement  
488 days may be used at the discretion of the teacher, and are not  
489 required to be taken in consecutive succession.

490 For the purpose of this subsection (3), the term "immediate  
491 family member" means spouse, parent, stepparent, child or



stepchild, grandparent or sibling, including a stepbrother or stepsister.

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

(5) Upon retirement from employment, each licensed and nonlicensed employee shall be paid for not more than thirty (30) days of unused accumulated leave earned while employed by the school district in which the employee is last employed. Such payment for licensed employees shall be made by the school district at a rate equal to the amount paid to substitute teachers and for nonlicensed employees, the payment shall be made by the school district at a rate equal to the federal minimum wage. The payment shall be treated in the same manner for retirement purposes as a lump-sum payment for personal leave as provided in Section 25-11-103(f). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to



the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave. No payment for unused accumulated leave may be made to either a licensed or nonlicensed employee at termination or separation from service for any purpose other than for the purpose of retirement.

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

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

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

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



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

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

555 (8) The school board may further adopt rules and regulations  
556 which will reasonably implement such leave policies for all other  
557 nonlicensed and hourly paid school employees as the board deems  
558 appropriate. Effective for the 2010-2011 and 2011-2012 school  
559 years, nonlicensed employees shall be credited with an additional  
560 one-half (1/2) day of personal leave for every day the nonlicensed  
561 employee is furloughed without pay as provided in Section  
562 37-7-308.

563 (9) Vacation leave granted to either licensed or nonlicensed  
564 employees shall be synonymous with personal leave. Unused  
565 vacation or personal leave accumulated by licensed employees in  
566 excess of the maximum five (5) days which may be carried over from



567 one year to the next may be converted to sick leave. The annual  
568 conversion of unused vacation or personal leave to sick days for  
569 licensed or unlicensed employees shall not exceed the allowable  
570 number of personal leave days as provided in Section 25-3-93. The  
571 annual total number of converted unused vacation and/or personal  
572 days added to the annual unused sick days for any employee shall  
573 not exceed the combined allowable number of days per year provided  
574 in Sections 25-3-93 and 25-3-95. Local school board policies that  
575 provide for vacation, personal and sick leave for employees shall  
576 not exceed the provisions for leave as provided in Sections  
577 25-3-93 and 25-3-95. Any personal or vacation leave previously  
578 converted to sick leave under a lawfully adopted policy before May  
579 1, 2004, or such personal or vacation leave accumulated and  
580 available for use prior to May 1, 2004, under a lawfully adopted  
581 policy but converted to sick leave after May 1, 2004, shall be  
582 recognized as accrued leave by the local school district and  
583 available for use by the employee. The leave converted under a  
584 lawfully adopted policy prior to May 1, 2004, or such personal and  
585 vacation leave accumulated and available for use as of May 1,  
586 2004, which was subsequently converted to sick leave may be  
587 certified to the Public Employees' Retirement System upon  
588 termination of employment and any such leave previously converted  
589 and certified to the Public Employees' Retirement System shall be  
590 recognized.





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

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

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

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



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

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

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

(iv) Before an employee may receive donated leave, he or she must provide the school district superintendent or his designee with a physician's statement that states that the illness meets the catastrophic criteria established under this section, the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery



and the anticipated date that the recipient employee will be able to return to work.

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

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

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

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

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

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

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



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

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

(d) "Designated geographic area" means:

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

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

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

(f) "Project" means:

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

1. With an initial capital investment of not less than Three Hundred Million Dollars (\$300,000,000.00) from private or United States government sources together with all buildings, and other supporting land and facilities, structures or



improvements of whatever kind required or useful for construction,  
maintenance and operation of the enterprise; or

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

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

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

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

2. Has an initial capital investment of not  
less than One Hundred Fifty Million Dollars (\$150,000,000.00) from  
private or United States government sources together with all  
buildings and other supporting land and facilities, structures or  
improvements of whatever kind required or useful for construction,



716 maintenance and operation of the enterprise and which creates at  
717 least one thousand (1,000) net new full-time jobs; or

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

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

727           In addition to meeting the other requirements of this  
728 paragraph, in order to fall within the definition of the term  
729 "project":

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

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

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



741 (h) "Project tax revenues" means:

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

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

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

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

754 85-3-4. (1) The wages, salaries or other compensation of  
755 laborers or employees, residents of this state, shall be exempt  
756 from seizure under attachment, execution or garnishment for a  
757 period of thirty (30) days from the date of service of any writ of  
758 attachment, execution or garnishment.

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

764 (a) In the case of earnings for any workweek, the  
765 lesser amount of either,



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

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

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

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

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

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

(b) Except as provided in subparagraph (b) (iii) of this subsection (3), the maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to





790 garnishment to enforce any order for the support of any person  
791 shall not exceed:

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

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

800 (iii) With respect to the disposable earnings of  
801 any individual for that workweek, the fifty percent (50%)  
802 specified in subparagraph (b) (i) of this subsection (3) shall be  
803 deemed to be fifty-five percent (55%) and the sixty percent (60%)  
804 specified in subparagraph (b) (ii) of this subsection (3) shall be  
805 deemed to be sixty-five percent (65%), if and to the extent that  
806 such earnings are subject to garnishment to enforce a support  
807 order with respect to a period which is prior to the period of  
808 twelve (12) weeks which ends with the beginning of such workweek.

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

811 97-3-54.4. For the purposes of the Mississippi Human  
812 Trafficking Act the following words and phrases shall have the  
813 meanings ascribed herein unless the context clearly requires  
814 otherwise:



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

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

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

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

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

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

830                         (iii) Destroying, concealing, removing,  
831 confiscating or possessing any actual or purported passport or  
832 other immigration document, or any other actual or purported  
833 government identification document of any person;

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

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



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

(vii) Using blackmail;

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

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

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

(f) "Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact regardless of whether a legal entity has been formed pursuant to any state, federal or territorial law. It includes illicit as



863 well as licit enterprises and governmental as well as other  
864 entities.

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

869 (h) "Forced labor or services" means labor or services  
870 that are performed or provided by another person and are obtained  
871 or maintained through coercion.

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

873 (j) "Maintain" means, in relation to labor or services,  
874 to secure continued performance thereof, regardless of any initial  
875 agreement on the part of the trafficked person to perform such  
876 labor or service.

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

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

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

882 (i) The greater of the gross income or value to  
883 the defendant of the victim's labor or services, including sexual  
884 services, not reduced by the expense the defendant incurred as a  
885 result of maintaining the victim, or the value of the victim's  
886 labor or services calculated under the minimum wage and overtime



887 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et  
888 seq., whichever is higher;

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

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

- 897 1. Medical services;
- 898 2. Therapy or psychological counseling;
- 899 3. Temporary housing;
- 900 4. Transportation;
- 901 5. Childcare;
- 902 6. Physical and occupational therapy or  
903 rehabilitation;
- 904 7. Funeral, interment, and burial services;  
905 reasonable attorney's fees and other legal costs; and
- 906 8. Other expenses incurred by the victim.

907 (n) "Serious harm" means harm, whether physical or  
908 nonphysical, including psychological, economic or reputational, to  
909 an individual that would compel a reasonable person in similar  
910 circumstances as the individual to perform or continue to perform  
911 labor or services to avoid incurring the harm.



912 (o) "Services" means an ongoing relationship between a  
913 person and the actor in which the person performs activities under  
914 the supervision of or for the benefit of the actor or a third  
915 party and includes, without limitation, commercial sexual  
916 activity, sexually explicit performances, or the production of  
917 sexually explicit materials.

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

921 (q) "Trafficked person" means a person subjected to the  
922 practices prohibited by this act regardless of whether a  
923 perpetrator is identified, apprehended, prosecuted or convicted,  
924 and is a term used interchangeably with the terms "victim,"  
925 "victim of trafficking" and "trafficking victim."

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

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

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

932 99-19-20. (1) Except as otherwise provided under Section  
933 99-19-20.1, when any court sentences a defendant to pay a fine,  
934 the court may order (a) that the fine be paid immediately, or (b)  
935 that the fine be paid in installments to the clerk of the court or  
936 to the judge, if there be no clerk, or (c) that payment of the



fine be a condition of probation, or (d) that the defendant be required to work on public property for public benefit under the direction of the sheriff for a specific number of hours, or (e) any combination of the above.

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

This subsection shall be limited as follows:

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

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

(c) It shall be in the discretion of the judge to determine the rate of the credit to be earned for work performed



962 under subsection (1)(d), but the rate shall be no lower than the  
963 rate of the highest current federal minimum wage.

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

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

