

By: Representative Clark

To: Workforce Development;  
Judiciary A

HOUSE BILL NO. 222

1 AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO  
2 ESTABLISH THE STATE MINIMUM WAGE AT \$8.25 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 Eight Dollars Twenty-five Cents  
25 (\$8.25) per hour, 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



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

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

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

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

67 (5) Employers and employees who are not specifically  
68 mentioned in this section shall fall under the purview of the Fair  
69 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



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

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

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

137 (d) The Office of the State Auditor is vested with full  
138 and complete authority and power to sue in its own name any  
139 participant for any damages due the state on any such uncompleted  
140 contract, which suit shall be filed and handled by the Attorney  
141 General of the state. The Office of the State Auditor may  
142 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



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

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



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

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

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



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

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

289           (3)   The board of supervisors and the municipal governing  
290 authority, in their discretion, may compensate poll managers who



291 attend these training sessions. The compensation shall be at a  
292 rate of not less than the federal hourly minimum wage nor more  
293 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be  
294 compensated for more than sixteen (16) hours of attendance at the  
295 training sessions regardless of the actual amount of time that  
296 they attended the training sessions.

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

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

313 (a) In counties having less than fifteen thousand  
314 (15,000) residents according to the latest federal decennial  
315 census, not more than five (5) days per year;



316           (b) In counties having fifteen thousand (15,000)  
317 residents according to the latest federal decennial census but  
318 less than thirty thousand (30,000) residents according to the  
319 latest federal decennial census, not more than eight (8) days per  
320 year;

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

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

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

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



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

346 (h) In counties having two hundred twenty-five thousand  
347 (225,000) residents or more according to the latest federal  
348 decennial census, not more than twenty-two (22) days per year.

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

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

358 (b) County election commissioners shall designate one  
359 (1) poll manager per precinct, who shall individually access and  
360 complete the online training program, including all skills  
361 assessments, at least five (5) days before an election. The poll  
362 manager shall be defined as a "certified poll manager," and  
363 entitled to a "Certificate of Completion" and compensation for the  
364 successful completion of the training and skills assessment in the  
365 amount of Twenty-five Dollars (\$25.00) payable from the Secretary



366 of State. Compensation paid to any poll manager under this  
367 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per  
368 calendar year.

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

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

375 23-15-239. (1) The executive committee of each county, in  
376 the case of a primary election, or the election commissioners of  
377 each county, in the case of all other elections, in conjunction  
378 with the circuit clerk, shall, in the years in which counties  
379 conduct an election, sponsor and conduct, not less than five (5)  
380 days before each election, not less than four (4) hours and not  
381 more than eight (8) hours of poll manager training to instruct  
382 poll managers as to their duties in the proper administration of  
383 the election and the operation of the polling place. Any poll  
384 manager who completes the online training course provided by the  
385 Secretary of State shall only be required to complete two (2)  
386 hours of in-person poll manager training. No poll manager shall  
387 serve in any election unless he or she has received these  
388 instructions once during the twelve (12) months immediately  
389 preceding the date upon which the election is held; however,  
390 nothing in this section shall prevent the appointment of an





391 alternate poll manager to fill a vacancy in case of an emergency.  
392 The county executive committee or the election commissioners, as  
393 appropriate, shall train a sufficient number of alternates to  
394 serve in the event a poll manager is unable to serve for any  
395 reason.

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

407         (b) If it is eligible under Section 23-15-266, the  
408 municipal executive committee may enter into a written agreement  
409 with the municipal clerk or the municipal election commission  
410 authorizing the municipal clerk or the municipal election  
411 commission to perform any of the duties required of the municipal  
412 executive committee pursuant to this section. Any agreement  
413 entered into pursuant to this subsection shall be signed by the  
414 chair of the municipal executive committee and the municipal clerk  
415 or the chair of the municipal election commission, as appropriate.



416 The municipal executive committee shall notify the state executive  
417 committee and the Secretary of State of the existence of the  
418 agreement.

419 (3) The board of supervisors and the municipal governing  
420 authority, in their discretion, may compensate poll managers who  
421 attend these training sessions. The compensation shall be at a  
422 rate of not less than the federal hourly minimum wage nor more  
423 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be  
424 compensated for more than sixteen (16) hours of attendance at the  
425 training sessions regardless of the actual amount of time that  
426 they attended the training sessions.

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

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



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

443 (a) In counties having less than fifteen thousand  
444 (15,000) residents according to the latest federal decennial  
445 census, not more than five (5) days per year;

446 (b) In counties having fifteen thousand (15,000)  
447 residents according to the latest federal decennial census but  
448 less than thirty thousand (30,000) residents according to the  
449 latest federal decennial census, not more than eight (8) days per  
450 year;

451 (c) In counties having thirty thousand (30,000)  
452 residents according to the latest federal decennial census but  
453 less than seventy thousand (70,000) residents according to the  
454 latest federal decennial census, not more than ten (10) days per  
455 year;

456 (d) In counties having seventy thousand (70,000)  
457 residents according to the latest federal decennial census but  
458 less than ninety thousand (90,000) residents according to the  
459 latest federal decennial census, not more than twelve (12) days  
460 per year;

461 (e) In counties having ninety thousand (90,000)  
462 residents according to the latest federal decennial census but  
463 less than one hundred seventy thousand (170,000) residents  
464 according to the latest federal decennial census, not more than  
465 fifteen (15) days per year;



466 (f) In counties having one hundred seventy thousand  
467 (170,000) residents according to the latest federal decennial  
468 census but less than two hundred thousand (200,000) residents  
469 according to the latest federal decennial census, not more than  
470 eighteen (18) days per year;

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

476 (h) In counties having two hundred twenty-five thousand  
477 (225,000) residents or more according to the latest federal  
478 decennial census, not more than twenty-two (22) days per year.

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

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

488 (b) County poll managers who individually access and  
489 complete the online training program, including all skills  
490 assessments, at least five (5) days before an election shall be



491 defined as "certified poll managers," and entitled to a  
492 "Certificate of Completion."

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

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

498 25-3-40. On July 1, 1978, and each year thereafter, the  
499 Mississippi Compensation Plan shall be amended to provide salary  
500 increases in such amounts and percentages as might be recommended  
501 by the Legislative Budget Office and as may be authorized by funds  
502 appropriated by the Legislature for the purpose of granting  
503 incentive salary increases as deemed possible dependent upon the  
504 availability of general and special funds.

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

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



515           37-7-307. (1) For purposes of this section, the term  
516 "licensed employee" means any employee of a public school district  
517 required to hold a valid license by the Commission on Teacher and  
518 Administrator Education, Certification and Licensure and  
519 Development.

520           (2) The school board of a school district shall establish by  
521 rules and regulations a policy of sick leave with pay for licensed  
522 employees and teacher assistants employed in the school district,  
523 and such policy shall include the following minimum provisions for  
524 sick and emergency leave with pay:

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

530                 (b) Any unused portion of the total sick leave  
531 allowance shall be carried over to the next school year and  
532 credited to such licensed employee and teacher assistant if the  
533 licensed employee or teacher assistant remains employed in the  
534 same school district. In the event any public school licensed  
535 employee or teacher assistant transfers from one public school  
536 district in Mississippi to another, any unused portion of the  
537 total sick leave allowance credited to such licensed employee or  
538 teacher assistant shall be credited to such licensed employee or  
539 teacher assistant in the computation of unused leave for



540 retirement purposes under Section 25-11-109. Accumulation of sick  
541 leave allowed under this section shall be unlimited.

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

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



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





589 the licensed employee. Any unused portion of the total personal  
590 leave allowance up to five (5) days shall be carried over to the  
591 next school year and credited to such licensed employee if the  
592 licensed employee remains employed in the same school district.  
593 Any personal leave allowed for a furlough day shall not be carried  
594 over to the next school year.

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

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

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

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



614 (iv) Personal leave may be taken on the first day  
615 of the school term, the last day of the school term, on a day  
616 previous to a holiday or a day after a holiday if, on the  
617 applicable day, an immediate family member of the employee dies or  
618 funeral services are held. Any day of the three (3) bereavement  
619 days may be used at the discretion of the teacher, and are not  
620 required to be taken in consecutive succession.

621 For the purpose of this subsection (3), the term "immediate  
622 family member" means spouse, parent, stepparent, child or  
623 stepchild, grandparent or sibling, including a stepbrother or  
624 stepsister.

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

636 (5) Upon retirement from employment, each licensed and  
637 nonlicensed employee shall be paid for not more than thirty (30)  
638 days of unused accumulated leave earned while employed by the



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

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

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



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

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

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

677 (7) School boards may include in their budgets provisions  
678 for the payment of substitute employees, necessitated because of  
679 the absence of regular licensed employees. All such substitute  
680 employees shall be paid wholly from district funds, except as  
681 otherwise provided for long-term substitute teachers in Section  
682 37-19-20. Such school boards, in their discretion, also may pay,  
683 from district funds other than adequate education program funds,  
684 the whole or any part of the salaries of all employees granted  
685 leaves for the purpose of special studies or training.

686 (8) The school board may further adopt rules and regulations  
687 which will reasonably implement such leave policies for all other  
688 nonlicensed and hourly paid school employees as the board deems



689 appropriate. Effective for the 2010-2011 and 2011-2012 school  
690 years, nonlicensed employees shall be credited with an additional  
691 one-half (1/2) day of personal leave for every day the nonlicensed  
692 employee is furloughed without pay as provided in Section  
693 37-7-308.

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



714 available for use by the employee. The leave converted under a  
715 lawfully adopted policy prior to May 1, 2004, or such personal and  
716 vacation leave accumulated and available for use as of May 1,  
717 2004, which was subsequently converted to sick leave may be  
718 certified to the Public Employees' Retirement System upon  
719 termination of employment and any such leave previously converted  
720 and certified to the Public Employees' Retirement System shall be  
721 recognized.

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

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



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

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

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

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

761 (iii) An employee must have exhausted all of his  
762 or her available leave before he or she will be eligible to



763 receive any leave donated by another employee. Eligibility for  
764 donated leave shall be based upon review and approval by the donor  
765 employee's supervisor.

766 (iv) Before an employee may receive donated leave,  
767 he or she must provide the school district superintendent or his  
768 designee with a physician's statement that states that the illness  
769 meets the catastrophic criteria established under this section,  
770 the beginning date of the catastrophic injury or illness, a  
771 description of the injury or illness, and a prognosis for recovery  
772 and the anticipated date that the recipient employee will be able  
773 to return to work.

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

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

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





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

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

792 57-34-5. **Definitions.** As used in this chapter, the  
793 following words and phrases shall have the meanings ascribed to  
794 them in this section, unless the context clearly indicates a  
795 different meaning:

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

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

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

801 (d) "Designated geographic area" means:

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

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

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



812 (f) "Project" means:

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

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

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

831 3. Which creates at least one thousand  
832 (1,000) net new full-time jobs which provide an average hourly  
833 wage of not less than two hundred percent (200%) of the federal  
834 minimum wage in effect on the date the project is placed in  
835 service.



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

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

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

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

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

858 In addition to meeting the other requirements of this  
859 paragraph, in order to fall within the definition of the term  
860 "project":



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

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

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

872 (h) "Project tax revenues" means:

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

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

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

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



885           85-3-4. (1) The wages, salaries or other compensation of  
886 laborers or employees, residents of this state, shall be exempt  
887 from seizure under attachment, execution or garnishment for a  
888 period of thirty (30) days from the date of service of any writ of  
889 attachment, execution or garnishment.

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

895                   (a) In the case of earnings for any workweek, the  
896 lesser amount of either,

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

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

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



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

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

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

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

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

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

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



935 specified in subparagraph (b) (ii) of this subsection (3) shall be  
936 deemed to be sixty-five percent (65%), if and to the extent that  
937 such earnings are subject to garnishment to enforce a support  
938 order with respect to a period which is prior to the period of  
939 twelve (12) weeks which ends with the beginning of such workweek.

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

942 97-3-54.4. For the purposes of the Mississippi Human  
943 Trafficking Act the following words and phrases shall have the  
944 meanings ascribed herein unless the context clearly requires  
945 otherwise:

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

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

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

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

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

957 (ii) Exposing or threatening to expose any fact or  
958 information or disseminating or threatening to disseminate any



959 fact or information that would tend to subject a person to  
960 criminal or immigration proceedings, hatred, contempt or ridicule;

961 (iii) Destroying, concealing, removing,  
962 confiscating or possessing any actual or purported passport or  
963 other immigration document, or any other actual or purported  
964 government identification document of any person;

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

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

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

972 (vii) Using blackmail;

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

982 (ix) Using any scheme, plan or pattern of conduct  
983 intended to cause any person to believe that, if the person did





984 not perform the labor or services, that the person or another  
985 person would suffer serious harm or physical restraint.

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

989 (f) "Enterprise" means any individual, sole  
990 proprietorship, partnership, corporation, union or other legal  
991 entity, or any association or group of individuals associated in  
992 fact regardless of whether a legal entity has been formed pursuant  
993 to any state, federal or territorial law. It includes illicit as  
994 well as licit enterprises and governmental as well as other  
995 entities.

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

1000 (h) "Forced labor or services" means labor or services  
1001 that are performed or provided by another person and are obtained  
1002 or maintained through coercion.

1003 (i) "Labor" means work of economic or financial value.

1004 (j) "Maintain" means, in relation to labor or services,  
1005 to secure continued performance thereof, regardless of any initial  
1006 agreement on the part of the trafficked person to perform such  
1007 labor or service.



1008 (k) "Minor" means a person under the age of eighteen  
1009 (18) years.

1010 (l) "Obtain" means, in relation to labor or services,  
1011 to secure performance thereof.

1012 (m) "Pecuniary damages" means any of the following:

1013 (i) The greater of the gross income or value to  
1014 the defendant of the victim's labor or services, including sexual  
1015 services, not reduced by the expense the defendant incurred as a  
1016 result of maintaining the victim, or the value of the victim's  
1017 labor or services calculated under the minimum wage and overtime  
1018 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et  
1019 seq., whichever is higher;

1020 (ii) If it is not possible or in the best interest  
1021 of the victim to compute a value under subparagraph (i) of this  
1022 paragraph (m), the equivalent of the value of the victim's labor  
1023 or services if the victim had provided labor or services that were  
1024 subject to the minimum wage and overtime provisions of the Fair  
1025 Labor Standards Act, 29 USCS 201 et seq.;

1026 (iii) Costs and expenses incurred by the victim as  
1027 a result of the offense for:

- 1028 1. Medical services;  
1029 2. Therapy or psychological counseling;  
1030 3. Temporary housing;  
1031 4. Transportation;  
1032 5. Childcare;



1033                   6. Physical and occupational therapy or  
1034 rehabilitation;

1035                   7. Funeral, interment, and burial services;  
1036 reasonable attorney's fees and other legal costs; and

1037                   8. Other expenses incurred by the victim.

1038           (n) "Serious harm" means harm, whether physical or  
1039 nonphysical, including psychological, economic or reputational, to  
1040 an individual that would compel a reasonable person in similar  
1041 circumstances as the individual to perform or continue to perform  
1042 labor or services to avoid incurring the harm.

1043           (o) "Services" means an ongoing relationship between a  
1044 person and the actor in which the person performs activities under  
1045 the supervision of or for the benefit of the actor or a third  
1046 party and includes, without limitation, commercial sexual  
1047 activity, sexually explicit performances, or the production of  
1048 sexually explicit materials.

1049           (p) "Sexually explicit performance" means a live or  
1050 public act or show intended to arouse or satisfy the sexual  
1051 desires or appeal to the prurient interests of patrons.

1052           (q) "Trafficked person" means a person subjected to the  
1053 practices prohibited by this act regardless of whether a  
1054 perpetrator is identified, apprehended, prosecuted or convicted,  
1055 and is a term used interchangeably with the terms "victim,"  
1056 "victim of trafficking" and "trafficking victim."



1057 (r) "Venture" means any group of two (2) or more  
1058 individuals associated in fact, whether or not a legal entity.

1059 (s) "Sexually oriented material" shall have the meaning  
1060 ascribed in Section 97-5-27, Mississippi Code of 1972.

1061 **SECTION 11.** Section 99-19-20, Mississippi Code of 1972, is  
1062 brought forward as follows:

1063 99-19-20. (1) Except as otherwise provided under Section  
1064 99-19-20.1, when any court sentences a defendant to pay a fine,  
1065 the court may order (a) that the fine be paid immediately, or (b)  
1066 that the fine be paid in installments to the clerk of the court or  
1067 to the judge, if there be no clerk, or (c) that payment of the  
1068 fine be a condition of probation, or (d) that the defendant be  
1069 required to work on public property for public benefit under the  
1070 direction of the sheriff for a specific number of hours, or (e)  
1071 any combination of the above.

1072 (2) Except as otherwise provided under Section 99-19-20.1,  
1073 the defendant may be imprisoned until the fine is paid if the  
1074 defendant is financially able to pay a fine and the court so  
1075 finds, subject to the limitations provided under this section.  
1076 The defendant shall not be imprisoned if the defendant is  
1077 financially unable to pay a fine and so states to the court in  
1078 writing, under oath, after sentence is pronounced, and the court  
1079 so finds, except if the defendant is financially unable to pay a  
1080 fine and such defendant failed or refused to comply with a prior



1081 sentence as specified in subsection (1) of this section, the  
1082 defendant may be imprisoned.

1083 This subsection shall be limited as follows:

1084 (a) In no event shall such period of imprisonment  
1085 exceed one (1) day for each One Hundred Dollars (\$100.00) of the  
1086 fine.

1087 (b) If a sentence of imprisonment, as well as a fine,  
1088 were imposed, the aggregate of such term for nonpayment of a fine  
1089 and the original sentence of imprisonment shall not exceed the  
1090 maximum authorized term of imprisonment.

1091 (c) It shall be in the discretion of the judge to  
1092 determine the rate of the credit to be earned for work performed  
1093 under subsection (1)(d), but the rate shall be no lower than the  
1094 rate of the highest current federal minimum wage.

1095 (3) Periods of confinement imposed for nonpayment of two (2)  
1096 or more fines shall run consecutively unless specified by the  
1097 court to run concurrently.

1098 **SECTION 12.** This act shall take effect and be in force from  
1099 and after July 1, 2021.

