

By: Representative Summers

To: Workforce Development;
Appropriations

HOUSE BILL NO. 343

1 AN ACT TO CREATE THE "MISSISSIPPI MINIMUM WAGE LAW"; TO
2 ESTABLISH THE STATE MINIMUM WAGE AND PROVIDE FOR INCREASES; TO
3 PROVIDE 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) Except as otherwise provided in this section, every
24 employer that employs thirty (30) people or less shall pay each of
25 his or her employees wages at the following rates:

26 (a) Eight Dollars (\$8.00) an hour, beginning July 1,
27 2021;

28 (b) Eight Dollars Fifty Cents (\$8.50) an hour,
29 beginning July 1, 2022;

30 (c) Nine Dollars (\$9.00) an hour, beginning July 1,
31 2023;

32 (d) Nine Dollars Fifty Cents (\$9.50) an hour, beginning
33 July 1, 2024;

34 (e) Ten Dollars (\$10.00) an hour, beginning July 1,
35 2025; and

36 (f) Ten Dollars Fifty Cents (\$10.50) an hour, beginning
37 July 1, 2026.

38 (3) Except as otherwise provided in this section, every
39 employer that employs more than thirty (30) people shall pay each
40 of his or her employees wages at the following rates:

41 (a) Eight Dollars Fifty Cents (\$8.50) an hour,
42 beginning July 1, 2021;

43 (b) Nine Dollars Fifty Cents (\$9.50) an hour, beginning
44 July 1, 2022;



45 (c) Ten Dollars Fifty Cents (\$10.50) an hour, beginning
46 July 1, 2023;

47 (d) Twelve Dollars (\$12.00) an hour, beginning July 1,
48 2024;

49 (e) Thirteen Dollars Fifty Cents (\$13.50) an hour,
50 beginning July 1, 2025; and

51 (f) Fifteen Dollars (\$15.00) an hour, beginning July 1,
52 2026.

53 (4) Every employer shall pay each of his or her tipped
54 employees wages at the rate of not less than Three Dollars
55 Sixty-two cents (\$3.62) per hour and increase that amount by One
56 Dollar Fifty Cents (\$1.50) per hour at the time prescribed in
57 subsections (2) and (3) for increasing the minimum wage.

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

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



70 (b) Police officers, detectives, deputy sheriffs, state
71 troopers, highway patrol officers, investigators, inspectors,
72 correctional officers, parole or probation officers, park rangers,
73 firefighters, paramedics, emergency medical technicians, ambulance
74 personnel, rescue workers, hazardous materials workers and similar
75 employees who perform work such as preventing, controlling or
76 extinguishing fires of any type; rescuing fire, crime or accident
77 victims; preventing or detecting crimes; conducting investigations
78 or inspections for violations of law; performing surveillance;
79 pursuing, restraining and apprehending suspects; detaining or
80 supervising suspected and convicted criminals, including those on
81 probation or parole; interviewing witnesses; interrogating and
82 fingerprinting suspects; preparing investigative reports; or other
83 similar work;

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

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

90 (e) Any employee whose primary duty is not the
91 performance of work requiring knowledge of an advanced type in a
92 field of science or learning customarily acquired by a prolonged
93 course of specialized intellectual instruction or the performance



94 of work requiring invention, imagination, originality or talent in
95 a recognized field of artistic or creative endeavor.

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

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

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

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

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

117 (b) Satisfy the following conditions:



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

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

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

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

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

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

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



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

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

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

166 (d) The Office of the State Auditor is vested with full
167 and complete authority and power to sue in its own name any



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

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



193 accruing at ten percent (10%) per annum from the date the
194 recipient failed or withdrew from school. The recipient also will
195 not be liable for repayment for any money earned during the
196 required summer hours. This money shall be considered earned by
197 the recipient at the federal minimum wage rate.

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

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



218 internship a provision for liquidated damages equal to Five
219 Thousand Dollars (\$5,000.00) which may be reduced on a pro rata
220 basis for each year served under such contract.

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

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

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



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

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



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

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

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

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



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

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

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



318 (3) The board of supervisors and the municipal governing
319 authority, in their discretion, may compensate poll managers who
320 attend these training sessions. The compensation shall be at a
321 rate of not less than the federal hourly minimum wage nor more
322 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
323 compensated for more than sixteen (16) hours of attendance at the
324 training sessions regardless of the actual amount of time that
325 they attended the training sessions.

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

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



342 (a) In counties having less than fifteen thousand
343 (15,000) residents according to the latest federal decennial
344 census, not more than five (5) days per year;

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

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

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

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

365 (f) In counties having one hundred seventy thousand
366 (170,000) residents according to the latest federal decennial



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

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

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

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

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

387 (b) County election commissioners shall designate one
388 (1) poll manager per precinct, who shall individually access and
389 complete the online training program, including all skills
390 assessments, at least five (5) days before an election. The poll
391 manager shall be defined as a "certified poll manager," and



392 entitled to a "Certificate of Completion" and compensation for the
393 successful completion of the training and skills assessment in the
394 amount of Twenty-five Dollars (\$25.00) payable from the Secretary
395 of State. Compensation paid to any poll manager under this
396 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per
397 calendar year.

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

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

404 23-15-239. (1) The executive committee of each county, in
405 the case of a primary election, or the election commissioners of
406 each county, in the case of all other elections, in conjunction
407 with the circuit clerk, shall, in the years in which counties
408 conduct an election, sponsor and conduct, not less than five (5)
409 days before each election, not less than four (4) hours and not
410 more than eight (8) hours of poll manager training to instruct
411 poll managers as to their duties in the proper administration of
412 the election and the operation of the polling place. Any poll
413 manager who completes the online training course provided by the
414 Secretary of State shall only be required to complete two (2)
415 hours of in-person poll manager training. No poll manager shall
416 serve in any election unless he or she has received these



417 instructions once during the twelve (12) months immediately
418 preceding the date upon which the election is held; however,
419 nothing in this section shall prevent the appointment of an
420 alternate poll manager to fill a vacancy in case of an emergency.
421 The county executive committee or the election commissioners, as
422 appropriate, shall train a sufficient number of alternates to
423 serve in the event a poll manager is unable to serve for any
424 reason.

425 (2) (a) If it is eligible under Section 23-15-266, the
426 county executive committee may enter into a written agreement with
427 the circuit clerk or the county election commission authorizing
428 the circuit clerk or the county election commission to perform any
429 of the duties required of the county executive committee pursuant
430 to this section. Any agreement entered into pursuant to this
431 subsection shall be signed by the chair of the county executive
432 committee and the circuit clerk or the chair of the county
433 election commission, as appropriate. The county executive
434 committee shall notify the state executive committee and the
435 Secretary of State of the existence of the agreement.

436 (b) If it is eligible under Section 23-15-266, the
437 municipal executive committee may enter into a written agreement
438 with the municipal clerk or the municipal election commission
439 authorizing the municipal clerk or the municipal election
440 commission to perform any of the duties required of the municipal
441 executive committee pursuant to this section. Any agreement



442 entered into pursuant to this subsection shall be signed by the
443 chair of the municipal executive committee and the municipal clerk
444 or the chair of the municipal election commission, as appropriate.
445 The municipal executive committee shall notify the state executive
446 committee and the Secretary of State of the existence of the
447 agreement.

448 (3) The board of supervisors and the municipal governing
449 authority, in their discretion, may compensate poll managers who
450 attend these training sessions. The compensation shall be at a
451 rate of not less than the federal hourly minimum wage nor more
452 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
453 compensated for more than sixteen (16) hours of attendance at the
454 training sessions regardless of the actual amount of time that
455 they attended the training sessions.

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

465 (5) Subject to the following annual limitations, the
466 election commissioners shall be entitled to receive a per diem in



467 the amount of One Hundred Dollars (\$100.00), to be paid from the
468 county general fund, for every day or period of no less than five
469 (5) hours accumulated over two (2) or more days actually employed
470 in the performance of their duties for the necessary time spent in
471 conducting training sessions as required by this section:

472 (a) In counties having less than fifteen thousand
473 (15,000) residents according to the latest federal decennial
474 census, not more than five (5) days per year;

475 (b) In counties having fifteen thousand (15,000)
476 residents according to the latest federal decennial census but
477 less than thirty thousand (30,000) residents according to the
478 latest federal decennial census, not more than eight (8) days per
479 year;

480 (c) In counties having thirty thousand (30,000)
481 residents according to the latest federal decennial census but
482 less than seventy thousand (70,000) residents according to the
483 latest federal decennial census, not more than ten (10) days per
484 year;

485 (d) In counties having seventy thousand (70,000)
486 residents according to the latest federal decennial census but
487 less than ninety thousand (90,000) residents according to the
488 latest federal decennial census, not more than twelve (12) days
489 per year;

490 (e) In counties having ninety thousand (90,000)
491 residents according to the latest federal decennial census but



492 less than one hundred seventy thousand (170,000) residents
493 according to the latest federal decennial census, not more than
494 fifteen (15) days per year;

495 (f) In counties having one hundred seventy thousand
496 (170,000) residents according to the latest federal decennial
497 census but less than two hundred thousand (200,000) residents
498 according to the latest federal decennial census, not more than
499 eighteen (18) days per year;

500 (g) In counties having two hundred thousand (200,000)
501 residents according to the latest federal decennial census but
502 less than two hundred twenty-five thousand (225,000) residents
503 according to the latest federal decennial census, not more than
504 nineteen (19) days per year;

505 (h) In counties having two hundred twenty-five thousand
506 (225,000) residents or more according to the latest federal
507 decennial census, not more than twenty-two (22) days per year.

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

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



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

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

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

527 25-3-40. On July 1, 1978, and each year thereafter, the
528 Mississippi Compensation Plan shall be amended to provide salary
529 increases in such amounts and percentages as might be recommended
530 by the Legislative Budget Office and as may be authorized by funds
531 appropriated by the Legislature for the purpose of granting
532 incentive salary increases as deemed possible dependent upon the
533 availability of general and special funds.

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



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

544 37-7-307. (1) For purposes of this section, the term
545 "licensed employee" means any employee of a public school district
546 required to hold a valid license by the Commission on Teacher and
547 Administrator Education, Certification and Licensure and
548 Development.

549 (2) The school board of a school district shall establish by
550 rules and regulations a policy of sick leave with pay for licensed
551 employees and teacher assistants employed in the school district,
552 and such policy shall include the following minimum provisions for
553 sick and emergency leave with pay:

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

559 (b) Any unused portion of the total sick leave
560 allowance shall be carried over to the next school year and
561 credited to such licensed employee and teacher assistant if the
562 licensed employee or teacher assistant remains employed in the
563 same school district. In the event any public school licensed
564 employee or teacher assistant transfers from one public school
565 district in Mississippi to another, any unused portion of the
566 total sick leave allowance credited to such licensed employee or



567 teacher assistant shall be credited to such licensed employee or
568 teacher assistant in the computation of unused leave for
569 retirement purposes under Section 25-11-109. Accumulation of sick
570 leave allowed under this section shall be unlimited.

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

577 (d) For the first ten (10) days of absence of a
578 licensed employee because of illness or physical disability, in
579 any school year, in excess of the sick leave allowance credited to
580 such licensed employee, there shall be deducted from the pay of
581 such licensed employee the established substitute amount of
582 licensed employee compensation paid in that local school district,
583 necessitated because of the absence of the licensed employee as a
584 result of illness or physical disability. In lieu of deducting
585 the established substitute amount from the pay of such licensed
586 employee, the policy may allow the licensed employee to receive
587 full pay for the first ten (10) days of absence because of illness
588 or physical disability, in any school year, in excess of the sick
589 leave allowance credited to such licensed employee. Thereafter,
590 the regular pay of such absent licensed employee shall be



591 suspended and withheld in its entirety for any period of absence
592 because of illness or physical disability during that school year.

593 (3) (a) Beginning with the school year 1983-1984, each
594 licensed employee at the beginning of each school year shall be
595 credited with a minimum personal leave allowance, with pay, of two
596 (2) days for absences caused by personal reasons during that
597 school year. Effective for the 2010-2011 and 2011-2012 school
598 years, licensed employees shall be credited with an additional
599 one-half (1/2) day of personal leave for every day the licensed
600 employee is furloughed without pay as provided in Section
601 37-7-308. Except as otherwise provided in paragraph (b) of this
602 subsection, such personal leave shall not be taken on the first
603 day of the school term, the last day of the school term, on a day
604 previous to a holiday or a day after a holiday. Personal leave
605 may be used for professional purposes, including absences caused
606 by attendance of such licensed employee at a seminar, class,
607 training program, professional association or other functions
608 designed for educators. No deduction from the pay of such
609 licensed employee may be made because of absence of such licensed
610 employee caused by personal reasons until after all personal leave
611 allowance credited to such licensed employee has been used.
612 However, the superintendent of a school district, in his
613 discretion, may allow a licensed employee personal leave in
614 addition to any minimum personal leave allowance, under the
615 condition that there shall be deducted from the salary of such



616 licensed employee the actual amount of any compensation paid to
617 any person as a substitute, necessitated because of the absence of
618 the licensed employee. Any unused portion of the total personal
619 leave allowance up to five (5) days shall be carried over to the
620 next school year and credited to such licensed employee if the
621 licensed employee remains employed in the same school district.
622 Any personal leave allowed for a furlough day shall not be carried
623 over to the next school year.

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

627 (i) Personal leave may be taken on the first day
628 of the school term, the last day of the school term, on a day
629 previous to a holiday or a day after a holiday if, on the
630 applicable day, an immediate family member of the employee is
631 being deployed for military service.

632 (ii) Personal leave may be taken on a day previous
633 to a holiday or a day after a holiday if an employee of a school
634 district has either a minimum of ten (10) years' experience as an
635 employee of that school district or a minimum of thirty (30) days
636 of unused accumulated leave that has been earned while employed in
637 that school district.

638 (iii) Personal leave may be taken on the first day
639 of the school term, the last day of the school term, on a day
640 previous to a holiday or a day after a holiday if, on the



641 applicable day, the employee has been summoned to appear for jury
642 duty or as a witness in court.

643 (iv) Personal leave may be taken on the first day
644 of the school term, the last day of the school term, on a day
645 previous to a holiday or a day after a holiday if, on the
646 applicable day, an immediate family member of the employee dies or
647 funeral services are held. Any day of the three (3) bereavement
648 days may be used at the discretion of the teacher, and are not
649 required to be taken in consecutive succession.

650 For the purpose of this subsection (3), the term "immediate
651 family member" means spouse, parent, stepparent, child or
652 stepchild, grandparent or sibling, including a stepbrother or
653 stepsister.

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



665 (5) Upon retirement from employment, each licensed and
666 nonlicensed employee shall be paid for not more than thirty (30)
667 days of unused accumulated leave earned while employed by the
668 school district in which the employee is last employed. Such
669 payment for licensed employees shall be made by the school
670 district at a rate equal to the amount paid to substitute teachers
671 and for nonlicensed employees, the payment shall be made by the
672 school district at a rate equal to the federal minimum wage. The
673 payment shall be treated in the same manner for retirement
674 purposes as a lump-sum payment for personal leave as provided in
675 Section 25-11-103(f). Any remaining lawfully credited unused
676 leave, for which payment has not been made, shall be certified to
677 the Public Employees' Retirement System in the same manner and
678 subject to the same limitations as otherwise provided by law for
679 unused leave. No payment for unused accumulated leave may be made
680 to either a licensed or nonlicensed employee at termination or
681 separation from service for any purpose other than for the purpose
682 of retirement.

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

687 (a) Requiring the absent employee to furnish the
688 certificate of a physician or dentist or other medical
689 practitioner as to the illness of the absent licensed employee,



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

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

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

702 (d) Enlarging, increasing or providing greater sick or
703 personal leave allowances than the minimum standards established
704 by this section in the discretion of the school board of each
705 school district.

706 (7) School boards may include in their budgets provisions
707 for the payment of substitute employees, necessitated because of
708 the absence of regular licensed employees. All such substitute
709 employees shall be paid wholly from district funds, except as
710 otherwise provided for long-term substitute teachers in Section
711 37-19-20. Such school boards, in their discretion, also may pay,
712 from district funds other than adequate education program funds,
713 the whole or any part of the salaries of all employees granted
714 leaves for the purpose of special studies or training.



715 (8) The school board may further adopt rules and regulations
716 which will reasonably implement such leave policies for all other
717 nonlicensed and hourly paid school employees as the board deems
718 appropriate. Effective for the 2010-2011 and 2011-2012 school
719 years, nonlicensed employees shall be credited with an additional
720 one-half (1/2) day of personal leave for every day the nonlicensed
721 employee is furloughed without pay as provided in Section
722 37-7-308.

723 (9) Vacation leave granted to either licensed or nonlicensed
724 employees shall be synonymous with personal leave. Unused
725 vacation or personal leave accumulated by licensed employees in
726 excess of the maximum five (5) days which may be carried over from
727 one year to the next may be converted to sick leave. The annual
728 conversion of unused vacation or personal leave to sick days for
729 licensed or unlicensed employees shall not exceed the allowable
730 number of personal leave days as provided in Section 25-3-93. The
731 annual total number of converted unused vacation and/or personal
732 days added to the annual unused sick days for any employee shall
733 not exceed the combined allowable number of days per year provided
734 in Sections 25-3-93 and 25-3-95. Local school board policies that
735 provide for vacation, personal and sick leave for employees shall
736 not exceed the provisions for leave as provided in Sections
737 25-3-93 and 25-3-95. Any personal or vacation leave previously
738 converted to sick leave under a lawfully adopted policy before May
739 1, 2004, or such personal or vacation leave accumulated and



740 available for use prior to May 1, 2004, under a lawfully adopted
741 policy but converted to sick leave after May 1, 2004, shall be
742 recognized as accrued leave by the local school district and
743 available for use by the employee. The leave converted under a
744 lawfully adopted policy prior to May 1, 2004, or such personal and
745 vacation leave accumulated and available for use as of May 1,
746 2004, which was subsequently converted to sick leave may be
747 certified to the Public Employees' Retirement System upon
748 termination of employment and any such leave previously converted
749 and certified to the Public Employees' Retirement System shall be
750 recognized.

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

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



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

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

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

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

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



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

795 (iv) Before an employee may receive donated leave,
796 he or she must provide the school district superintendent or his
797 designee with a physician's statement that states that the illness
798 meets the catastrophic criteria established under this section,
799 the beginning date of the catastrophic injury or illness, a
800 description of the injury or illness, and a prognosis for recovery
801 and the anticipated date that the recipient employee will be able
802 to return to work.

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

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



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

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

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

821 57-34-5. **Definitions.** As used in this chapter, the
822 following words and phrases shall have the meanings ascribed to
823 them in this section, unless the context clearly indicates a
824 different meaning:

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

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

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

830 (d) "Designated geographic area" means:

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

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

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



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

841 (f) "Project" means:

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

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

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

860 3. Which creates at least one thousand
861 (1,000) net new full-time jobs which provide an average hourly
862 wage of not less than two hundred percent (200%) of the federal



863 minimum wage in effect on the date the project is placed in
864 service.

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

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

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

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

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



887 In addition to meeting the other requirements of this
888 paragraph, in order to fall within the definition of the term
889 "project":

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

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

895 (g) "Project agreement" means an agreement, approved by
896 the Legislature of the states, setting forth certain obligations,
897 responsibilities, benefits, administrative matters and any other
898 matters with respect to a specific project that are not
899 inconsistent with the terms of this chapter as the legislatures of
900 the states deem appropriate with respect to a specific project.

901 (h) "Project tax revenues" means:

902 (i) All of the following state and local taxes
903 paid directly to a state or a local government by the project:
904 income taxes, ad valorem taxes on real and personal property,
905 sales and use taxes, franchise taxes, license taxes, excise taxes
906 and severance taxes; and

907 (ii) All state and local personal income tax and
908 occupational tax withholdings from employees of the project
909 attributable to employment at the project.

910 (i) "States" means the State of Alabama and the State
911 of Mississippi collectively.



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

914 85-3-4. (1) The wages, salaries or other compensation of
915 laborers or employees, residents of this state, shall be exempt
916 from seizure under attachment, execution or garnishment for a
917 period of thirty (30) days from the date of service of any writ of
918 attachment, execution or garnishment.

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

924 (a) In the case of earnings for any workweek, the
925 lesser amount of either,

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

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

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



937 thereof multiplied by thirty (30) multiplied by the applicable
938 federal minimum wage.

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

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

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

947 (b) Except as provided in subparagraph (b)(iii) of this
948 subsection (3), the maximum part of the aggregate disposable
949 earnings of an individual for any workweek which is subject to
950 garnishment to enforce any order for the support of any person
951 shall not exceed:

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

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

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



962 specified in subparagraph (b) (i) of this subsection (3) shall be
963 deemed to be fifty-five percent (55%) and the sixty percent (60%)
964 specified in subparagraph (b) (ii) of this subsection (3) shall be
965 deemed to be sixty-five percent (65%), if and to the extent that
966 such earnings are subject to garnishment to enforce a support
967 order with respect to a period which is prior to the period of
968 twelve (12) weeks which ends with the beginning of such workweek.

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

971 97-3-54.4. For the purposes of the Mississippi Human
972 Trafficking Act the following words and phrases shall have the
973 meanings ascribed herein unless the context clearly requires
974 otherwise:

975 (a) "Act" or "this act" means the Mississippi Human
976 Trafficking Act.

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

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

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

983 (i) Causing or threatening to cause bodily harm to
984 any person, physically restraining or confining any person, or
985 threatening to physically restrain or confine any person;



986 (ii) Exposing or threatening to expose any fact or
987 information or disseminating or threatening to disseminate any
988 fact or information that would tend to subject a person to
989 criminal or immigration proceedings, hatred, contempt or ridicule;
990 (iii) Destroying, concealing, removing,
991 confiscating or possessing any actual or purported passport or
992 other immigration document, or any other actual or purported
993 government identification document of any person;
994 (iv) Providing a controlled substance to a person
995 for the purpose of compelling the person to engage in labor or
996 sexual servitude against the person's will;
997 (v) Causing or threatening to cause financial harm
998 to any person or using financial control over any person;
999 (vi) Abusing or threatening to abuse a position of
1000 power, the law, or legal process;
1001 (vii) Using blackmail;
1002 (viii) Using an individual's personal services as
1003 payment or satisfaction of a real or purported debt when: 1. the
1004 reasonable value of the services is not applied toward the
1005 liquidation of the debt; 2. the length of the services is not
1006 limited and the nature of the services is not defined; 3. the
1007 principal amount of the debt does not reasonably reflect the value
1008 of the items or services for which the debt is incurred; or 4. the
1009 individual is prevented from acquiring accurate and timely
1010 information about the disposition of the debt; or



1011 (ix) Using any scheme, plan or pattern of conduct
1012 intended to cause any person to believe that, if the person did
1013 not perform the labor or services, that the person or another
1014 person would suffer serious harm or physical restraint.

1015 (e) "Commercial sexual activity" means any sex act on
1016 account of which anything of value is given to, promised to, or
1017 received by any person.

1018 (f) "Enterprise" means any individual, sole
1019 proprietorship, partnership, corporation, union or other legal
1020 entity, or any association or group of individuals associated in
1021 fact regardless of whether a legal entity has been formed pursuant
1022 to any state, federal or territorial law. It includes illicit as
1023 well as licit enterprises and governmental as well as other
1024 entities.

1025 (g) "Financial harm" includes, but is not limited to,
1026 extortion as defined by Section 97-3-82, Mississippi Code of 1972,
1027 or violation of the usury law as defined by Title 75, Chapter 17,
1028 Mississippi Code of 1972.

1029 (h) "Forced labor or services" means labor or services
1030 that are performed or provided by another person and are obtained
1031 or maintained through coercion.

1032 (i) "Labor" means work of economic or financial value.

1033 (j) "Maintain" means, in relation to labor or services,
1034 to secure continued performance thereof, regardless of any initial



1035 agreement on the part of the trafficked person to perform such
1036 labor or service.

1037 (k) "Minor" means a person under the age of eighteen
1038 (18) years.

1039 (l) "Obtain" means, in relation to labor or services,
1040 to secure performance thereof.

1041 (m) "Pecuniary damages" means any of the following:

1042 (i) The greater of the gross income or value to
1043 the defendant of the victim's labor or services, including sexual
1044 services, not reduced by the expense the defendant incurred as a
1045 result of maintaining the victim, or the value of the victim's
1046 labor or services calculated under the minimum wage and overtime
1047 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
1048 seq., whichever is higher;

1049 (ii) If it is not possible or in the best interest
1050 of the victim to compute a value under subparagraph (i) of this
1051 paragraph (m), the equivalent of the value of the victim's labor
1052 or services if the victim had provided labor or services that were
1053 subject to the minimum wage and overtime provisions of the Fair
1054 Labor Standards Act, 29 USCS 201 et seq.;

1055 (iii) Costs and expenses incurred by the victim as
1056 a result of the offense for:

- 1057 1. Medical services;
1058 2. Therapy or psychological counseling;
1059 3. Temporary housing;



- 1060 4. Transportation;
- 1061 5. Childcare;
- 1062 6. Physical and occupational therapy or
1063 rehabilitation;
- 1064 7. Funeral, interment, and burial services;
1065 reasonable attorney's fees and other legal costs; and
- 1066 8. Other expenses incurred by the victim.

1067 (n) "Serious harm" means harm, whether physical or
1068 nonphysical, including psychological, economic or reputational, to
1069 an individual that would compel a reasonable person in similar
1070 circumstances as the individual to perform or continue to perform
1071 labor or services to avoid incurring the harm.

1072 (o) "Services" means an ongoing relationship between a
1073 person and the actor in which the person performs activities under
1074 the supervision of or for the benefit of the actor or a third
1075 party and includes, without limitation, commercial sexual
1076 activity, sexually explicit performances, or the production of
1077 sexually explicit materials.

1078 (p) "Sexually explicit performance" means a live or
1079 public act or show intended to arouse or satisfy the sexual
1080 desires or appeal to the prurient interests of patrons.

1081 (q) "Trafficked person" means a person subjected to the
1082 practices prohibited by this act regardless of whether a
1083 perpetrator is identified, apprehended, prosecuted or convicted,



1084 and is a term used interchangeably with the terms "victim,"
1085 "victim of trafficking" and "trafficking victim."

1086 (r) "Venture" means any group of two (2) or more
1087 individuals associated in fact, whether or not a legal entity.

1088 (s) "Sexually oriented material" shall have the meaning
1089 ascribed in Section 97-5-27, Mississippi Code of 1972.

1090 **SECTION 11.** Section 99-19-20, Mississippi Code of 1972, is
1091 brought forward as follows:

1092 99-19-20. (1) Except as otherwise provided under Section
1093 99-19-20.1, when any court sentences a defendant to pay a fine,
1094 the court may order (a) that the fine be paid immediately, or (b)
1095 that the fine be paid in installments to the clerk of the court or
1096 to the judge, if there be no clerk, or (c) that payment of the
1097 fine be a condition of probation, or (d) that the defendant be
1098 required to work on public property for public benefit under the
1099 direction of the sheriff for a specific number of hours, or (e)
1100 any combination of the above.

1101 (2) Except as otherwise provided under Section 99-19-20.1,
1102 the defendant may be imprisoned until the fine is paid if the
1103 defendant is financially able to pay a fine and the court so
1104 finds, subject to the limitations provided under this section.
1105 The defendant shall not be imprisoned if the defendant is
1106 financially unable to pay a fine and so states to the court in
1107 writing, under oath, after sentence is pronounced, and the court
1108 so finds, except if the defendant is financially unable to pay a



1109 fine and such defendant failed or refused to comply with a prior
1110 sentence as specified in subsection (1) of this section, the
1111 defendant may be imprisoned.

1112 This subsection shall be limited as follows:

1113 (a) In no event shall such period of imprisonment
1114 exceed one (1) day for each One Hundred Dollars (\$100.00) of the
1115 fine.

1116 (b) If a sentence of imprisonment, as well as a fine,
1117 were imposed, the aggregate of such term for nonpayment of a fine
1118 and the original sentence of imprisonment shall not exceed the
1119 maximum authorized term of imprisonment.

1120 (c) It shall be in the discretion of the judge to
1121 determine the rate of the credit to be earned for work performed
1122 under subsection (1)(d), but the rate shall be no lower than the
1123 rate of the highest current federal minimum wage.

1124 (3) Periods of confinement imposed for nonpayment of two (2)
1125 or more fines shall run consecutively unless specified by the
1126 court to run concurrently.

1127 **SECTION 12.** This act shall take effect and be in force from
1128 and after July 1, 2021.

