

By: Representatives Janus, Akins, Aldridge, Barnett, Beckett, Bentz, Bounds, Chism, Davis, Ellington, Fillingane, Hamilton (6th), Lott, Martinson, Mims, Moore, Reeves, Simpson, Snowden, Staples, Turner, Wells-Smith, Zuber, Guice

To: Fees and Salaries of Public Officers; Appropriations

HOUSE BILL NO. 1308

1 AN ACT TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE THE EXECUTIVE HEAD OF ANY STATE AGENCY OR DEPARTMENT
 3 APPOINTED BY THE GOVERNOR TO WAIVE ALL OR ANY PORTION OF THE
 4 SALARY OR COMPENSATION LAWFULLY ESTABLISHED FOR THE POSITION; AND
 5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 25-3-39, Mississippi Code of 1972, is
 8 amended as follows:

9 25-3-39. (1) No public officer, public employee,
 10 administrator, or executive head of any arm or agency of the
 11 state, in the executive branch of government, shall be paid a
 12 salary or compensation, directly or indirectly, greater than one
 13 hundred fifty percent (150%) the salary fixed in Section 25-3-31
 14 for the Governor. All academic officials, members of the teaching
 15 staffs and employees of the state institutions of higher learning,
 16 the State Board for Community and Junior Colleges, and community
 17 and junior colleges, and licensed physicians who are public
 18 employees, shall be exempt from this subsection. The Governor
 19 shall fix the annual salary of the Executive Director of the
 20 Mississippi Development Authority and the annual salary of the
 21 Chief of Staff of the Governor's Office, which salaries shall be
 22 completely paid by the state and may not be supplemented with any
 23 funds from any source, including federal or private funds.
 24 Provided, however, that the salary of the Executive Director of
 25 the Mississippi Development Authority and the Governor's Chief of
 26 Staff shall not be greater than one hundred fifty percent (150%)
 27 of the salary of the Governor. Furthermore, all professional
 28 employees who hold a bachelor's degree or more advanced degree

29 from an accredited four-year college or university or a
30 certificate or license issued by a state licensing board,
31 commission or agency and who are employed by the Department of
32 Mental Health shall be exempt from this subsection if the State
33 Personnel Board approves the exemption.

34 (2) No public officer, employee or administrator shall be
35 paid a salary or compensation, directly or indirectly, in excess
36 of the salary authorized to be paid the executive head of the
37 state agency or department in which he is employed. The State
38 Personnel Board, based upon its findings of fact, may exempt
39 physicians and actuaries from this subsection when the acquisition
40 of such professional services is precluded based on the prevailing
41 wage in the relevant labor market.

42 (3) The executive head of any state agency or department
43 appointed by the Governor, in such executive head's discretion,
44 may waive all or any portion of the salary or compensation
45 lawfully established for the position.

46 **SECTION 2.** This act shall take effect and be in force from
47 and after July 1, 2004.