

By: Senator(s) Little, Gordon, Robertson,
Burton, Hewes, Frazier, Thames

To: Fees, Salaries and
Administration

SENATE BILL NO. 2603

1 AN ACT TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO
2 ALLOW AN EXECUTIVE AGENCY HEAD TO DECLINE A STATE SALARY; AND FOR
3 RELATED PURPOSES.

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

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

7 25-3-39. (1) No public officer, public employee,
8 administrator or executive head of any arm or agency of the state,
9 in the executive branch of government, shall be paid a salary or
10 compensation, directly or indirectly, greater than one hundred
11 fifty percent (150%) the salary fixed in Section 25-3-31 for the
12 Governor. All academic officials, members of the teaching staffs
13 and employees of the state institutions of higher learning, the
14 State Board for Community and Junior Colleges, and community and
15 junior colleges, and licensed physicians who are public employees,
16 shall be exempt from this subsection. The Governor shall fix the
17 annual salary of the Executive Director of the Mississippi
18 Development Authority and the annual salary of the Chief of Staff
19 of the Governor's Office, which salaries shall be completely paid
20 by the state and may not be supplemented with any funds from any
21 source, including federal or private funds. Provided, however,
22 that the salary of the Executive Director of the Mississippi
23 Development Authority and the Governor's Chief of Staff shall not
24 be greater than one hundred fifty percent (150%) of the salary of
25 the Governor. Furthermore, all professional employees who hold a
26 bachelor's degree or more advanced degree from an accredited
27 four-year college or university or a certificate or license issued

28 by a state licensing board, commission or agency and who are
29 employed by the Department of Mental Health shall be exempt from
30 this subsection if the State Personnel Board approves the
31 exemption.

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

40 (3) Nothing in this section shall be construed to prohibit
41 an executive head of any arm or agency of the state in the
42 executive branch of government directly under the appointing
43 authority of the Governor from declining a salary or compensation
44 from the state. In the event that any executive head of any arm
45 or agency of the state directly under the appointing authority of
46 the Governor declines a salary or compensation from the state, the
47 salary or compensation for public officers, employees or
48 administrators for whom Section 25-3-39(2) applies shall be based
49 upon the established end salary for said executive head, as
50 established by the State Personnel Board.

51 **SECTION 2.** This act shall take effect and be in force from
52 and after its passage.