

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.