

By: Representatives Baker (74th), Moore

To: Fees and Salaries of
Public Officers;
Appropriations

HOUSE BILL NO. 59

1 AN ACT TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO
2 REMOVE CERTAIN PERSONS FROM BEING EXEMPT FROM THE PROVISION OF LAW
3 THAT PROHIBIT PUBLIC EMPLOYEES; AND FOR 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
9 state, in the executive branch of government, shall be paid a
10 salary or compensation, directly or indirectly, greater than one
11 hundred fifty percent (150%) of the salary fixed in Section
12 25-3-31 for the Governor. * * * Licensed physicians who are
13 public employees shall be exempt from this subsection. The
14 Governor shall fix the annual salary of the Executive Director of
15 the Mississippi Development Authority and the annual salary of the
16 Chief of Staff of the Governor's Office, which salaries shall be
17 completely paid by the state and may not be supplemented with any
18 funds from any source, including federal or private funds.
19 Provided, however, that the salary of the Executive Director of
20 the Mississippi Development Authority and the Governor's Chief of
21 Staff shall not be greater than one hundred fifty percent (150%)
22 of the salary of the Governor. * * *

23 (2) No public officer, employee or administrator shall be
24 paid a salary or compensation, directly or indirectly, in excess
25 of the salary authorized to be paid the executive head of the
26 state agency or department in which he is employed. The State
27 Personnel Board, based upon its findings of fact, may exempt

28 physicians and actuaries from this subsection when the acquisition
29 of such professional services is precluded based on the prevailing
30 wage in the relevant labor market.

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

35 **SECTION 2.** This act shall take effect and be in force from
36 and after July 1, 2006.