

By: Senator(s) Huggins

To: Fees, Salaries and  
Administration;  
Appropriations

SENATE BILL NO. 2888

1 AN ACT TO ESTABLISH THE PERFORMANCE REVIEW COMMISSION TO  
2 REVIEW THE DELIVERY OF STATE SERVICES AND PROGRAMS, PREPARE A  
3 PERFORMANCE AUDIT WORK PLAN, PROVIDE FOR FISCAL POLICY PLANNING,  
4 REVIEW SCHOOL DISTRICTS, UNIVERSITIES AND COLLEGES AND STATE  
5 AGENCIES AND MAKE REPORTS AND RECOMMENDATIONS TO THE LEGISLATURE  
6 AND THE GOVERNOR; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** As used in this act, "stage agency" includes any  
9 board, commission, department, institution, agency or office  
10 within the legislative, executive or judicial branch of state  
11 government including an institution of higher education.

12 **SECTION 2.** (1) In accordance with this act, there is  
13 created the Performance Review Commission composed of:

14 (a) Three (3) appointments by the Governor, one (1) of  
15 whom shall be from the private sector.

16 (b) Three (3) appointments by the Lieutenant Governor,  
17 one (1) of whom shall be from the private sector.

18 (c) Three (3) appointments by the Speaker of the House  
19 of Representatives, one (1) of whom shall be from the private  
20 sector.

21 (2) The commission shall elect a chairman and a  
22 vice-chairman from among its members.

23 **SECTION 3.** The commission shall:

24 (a) Challenge and question the basic assumptions  
25 underlying all state agencies and the programs and services  
26 offered by the state to identify those that are vital to the best  
27 interest of the people of the State of Mississippi and those that  
28 no longer meet that goal;

29           (b) Conduct a complete review of all state agencies,  
30 including the organization and management of all programs,  
31 services and activities operated by those agencies;

32           (c) Identify overlapping functions and outmoded  
33 methodologies and advances in technology applicable to state  
34 government functions;

35           (d) Evaluate the efficiency with which state agencies  
36 operate the programs under their jurisdiction and fulfill the  
37 duties assigned to them by law;

38           (e) Determine methods to maximize the amount of federal  
39 funds received by the state for its programs in order to better  
40 ensure that the people of Mississippi receive a greater share of  
41 the taxes levied on them by the federal government;

42           (f) Identify any state agency or any program or service  
43 now offered by a state agency that can be eliminated or  
44 transferred to the private sector without injury to the public  
45 good and well-being;

46           (g) Examine state government's fiscal management  
47 practices and the financial relationships among state agencies;

48           (h) Examine work force issues, including benefits  
49 provided to state employees;

50           (i) Consider changes to the state's revenue system to  
51 increase government income without changing the rates or bases of  
52 the state's major taxes or adding new tax sources;

53           (j) Recommend basic principles of debt management  
54 policy for the state;

55           (k) Make recommendations for the programs and services  
56 that the various agencies provide, as well as recommendations for  
57 the elimination of, or reduction in, funding to various agencies,  
58 programs or services based on the results of the performance audit  
59 review, and consolidation and reorganization where appropriate;

60 and

61           (1) Make recommendations to the 2007 Legislature as to  
62 amendments to statutory and constitutional provisions that will  
63 improve the efficiency of state government, including, if  
64 appropriate, recommendations on the reorganization or  
65 consolidation of state agencies.

66           **SECTION 4.** The commission may secure the services of a state  
67 official from a state that has conducted numerous similar  
68 performance reviews, and also a retired state agency director  
69 familiar with state agency budgets and operations as co-executive  
70 directors. In addition, the commission may hold public hearings.

71           **SECTION 5.** The commission may require any state agency to  
72 assist the commission and provide information required for the  
73 commission to complete its duties under this act, and each state  
74 agency shall fully and completely cooperate with the commission in  
75 that regard.

76           **SECTION 6.** The commission may direct state agencies to  
77 provide staff to assist as necessary for the performance of its  
78 duties under this act. The commission may accept gifts, grants or  
79 assistance, including the provision of specialized personnel, from  
80 any private or public institution, association or organization or  
81 state agency.

82           **SECTION 7.** (1) In performing its duties under this act, the  
83 commission shall adopt a performance audit review work plan, and  
84 may appoint task forces and committees as necessary.

85           (2) The commission shall report the results of its reviews  
86 and audits under this act, together with recommendations, as soon  
87 as practicable. An initial report shall be delivered to the House  
88 and Senate Appropriations Committees and the Governor, not later  
89 than ninety (90) days after the effective date of this act.  
90 Consistent with generally accepted audit principles, the  
91 commission shall complete its duties and make its final reports  
92 under this act by October 1, 2006.

93           **SECTION 8.** The expenses of the commission created under this  
94 act shall be paid from funds appropriated to each state agency and  
95 office and from funds appropriated to other agencies assisting the  
96 commission, which funds shall be provided through interagency  
97 contracts. Those contracts may be executed by the commission and  
98 the agencies for this purpose without regard to the reimbursement  
99 requirements of existing law.

100           **SECTION 9.** The commission shall provide for continuing  
101 review and analysis of state fiscal policy and make  
102 recommendations for long-term strategic planning. For that  
103 purpose, the commission shall adopt recommendations that establish  
104 a four-year strategic plan.

105           **SECTION 10.** (1) The commission may periodically review the  
106 effectiveness and efficiency of the operations of school  
107 districts, community and junior colleges, institutions of higher  
108 learning and state agencies.

109           (2) The commission shall:

110                 (a) Prepare a report showing the results of each review  
111 conducted under this section;

112                 (b) File the report with the chief executive of each  
113 district, institution or agency, the Governor, the Lieutenant  
114 Governor, the Speaker of the House of Representatives, the chairs  
115 of the standing committees of the Senate and the House of  
116 Representatives with jurisdiction over public education, and the  
117 state superintendent of public education; and

118                 (c) Make this report and a summary of the report  
119 available to the public over the Internet.

120           (3) The Legislature may consider the commission's reports in  
121 the appropriations process.

122           **SECTION 11.** This act shall take effect and be in force from  
123 and after its passage.