

By: Representatives Barker, Anderson, Brown
(20th), Massengill, Nelson

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 831
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-103-159, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE ALL STATE AGENCIES IN THE FISCAL YEAR 2017 BUDGET
3 PRESENTATION AND ANNUALLY THEREAFTER TO PROVIDE A LIST OF ALL
4 FEES, FINES AND TAXES ASSESSED OR COLLECTED BY THE AGENCY AND THE
5 BASIS FOR THE METHOD OF ASSESSMENT; TO AMEND SECTION 27-103-129,
6 MISSISSIPPI CODE OF 1972, TO REQUIRE THE LEGISLATIVE BUDGET OFFICE
7 TO PUBLISH ON ITS WEBSITE THE BUDGET REQUESTS SUBMITTED UNDER THE
8 AUTHORITY OF THIS SECTION BY STATE AGENCIES, SPECIAL-FUND AGENCIES
9 AND GENERAL-FUND AGENCIES; TO CREATE THE MISSISSIPPI FINES
10 ACCOUNTABILITY AND TRANSPARENCY TASK FORCE; TO DESCRIBE THE
11 PURPOSE OF SUCH TASK FORCE; TO LIST THE MEMBERS OF THE TASK FORCE;
12 TO PROVIDE THE DUTIES AND POWERS OF THE TASK FORCE; TO PROVIDE A
13 DISSOLUTION DATE FOR THE TASK FORCE; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 27-103-159, Mississippi Code of 1972, is
16 amended as follows:

17 27-103-159. (1) For purposes of this section, the following
18 terms shall have the following meanings ascribed to them:

19 (a) "Evidence-based program" shall mean a program or
20 practice that has had multiple site random controlled trials
21 across heterogeneous populations demonstrating that the program or
22 practice is effective for the population.



23 (b) "Research-based program" shall mean a program or
24 practice that has some research demonstrating effectiveness, but
25 that does not yet meet the standard of evidence-based practices.

26 (c) "Promising practices" shall mean a practice that
27 presents, based upon preliminary information, potential for
28 becoming a research-based or evidence-based program or practice.

29 (d) "Other programs and activities" shall mean all
30 programs and activities that do not fit the definition of
31 evidence-based, research-based or promising practices programs.

32 (e) "Program inventory" shall mean the complete list of
33 all agency programs and activities that meet any definition set
34 out in this section.

35 (f) "Program catalogue" means a compendium of programs
36 compiled by a reputable source that publishes information for use
37 by the government.

38 (2) Beginning with the fiscal year 2016 budget cycle, the
39 Legislative Budget Office shall require the Department of
40 Corrections, the Department of Health, the Department of
41 Education, and the Department of Transportation to comply with the
42 requirements of this section respecting the inventorying of agency
43 programs and activities for use in the budgeting process. The
44 aforementioned agencies shall submit all program information to
45 the Legislative Budget Office in accordance with any policies
46 established by that office setting out requirements for any
47 filings required under this section.



48 (3) The Legislative Budget Office, the PEER Committee staff,
49 and personnel of each of the agencies set out in this section
50 shall review the programs of each agency and shall:

51 (a) Establish an inventory of agency programs and
52 activities;

53 (b) Categorize all agency programs and activities as
54 evidence-based, research-based, promising practices, or other
55 programs and activities with no evidence of effectiveness, and
56 compile them into an agency program inventory. In categorizing
57 programs, the staffs may consult the Washington State Institute
58 for Public Policy's Evidence Based Practices Institute's program
59 catalogue or any other comparable catalogue of evidence-based,
60 research-based, promising practices, or other programs and
61 activities;

62 (c) Identify agency and program premises, goals,
63 objectives, outcomes and outputs, as well as any other indicator
64 or component the staffs consider to be appropriate;

65 (d) Establish a procedure for base-lining programs
66 which are built around promising practices or other programs that
67 do not meet the definition of evidence-based or research-based
68 programs, so that further research can be conducted to gauge the
69 program's effectiveness;

70 (e) Describe any methodologies used to develop any
71 program which is neither evidence-based or research-based; and



72 (f) Establish a procedure for determining cost-benefit
73 ratios for all programs of each agency.

74 (4) The Legislative Budget Office shall report to the
75 Legislative Budget Committee the results of all activities
76 required by subsections (1), (2) and (3) of this section with
77 recommendations as to how this information can be incorporated
78 into budget recommendations and the appropriations process. The
79 Legislative Budget Committee may incorporate such recommendations
80 into the fiscal year 2017 budget and appropriations bills, or
81 delay such incorporation until the committee is satisfied that the
82 information collected and inventoried under the requirements of
83 this * * * section will enhance accountability and performance
84 measurement for the programs and activities of state agencies.

85 (5) Beginning in the fiscal year 2017 budget cycle, the
86 Department of Corrections, the Department of Education, the
87 Department of Health and the Department of Transportation may be
88 exempted from the requirement to prepare any information required
89 by Section 27-103-153 and Section 27-103-155, Mississippi Code of
90 1972, except for the strategic planning requirements of Section
91 27-103-155.

92 (6) Beginning with the fiscal year 2017 budget presentation,
93 and each year thereafter, each state agency, general fund agency
94 and special fund agency shall provide to the Joint Legislative
95 Budget Committee a report of all sources of revenue, including the
96 amounts from each source, collected by the agency in the most



97 recent fiscal year. Such report shall include a list of each tax,
98 fine or fee assessed by the agency, and it shall include the
99 following for each:

100 (a) The amount assessed;

101 (b) The amount collected;

102 (c) The code section, regulation, or other
103 authoritative source that authorized their assessment and
104 collection;

105 (d) The method of determining assessments, including
106 who is assessed, how the agency determines the amount of
107 assessment, including rates;

108 (e) The methods of collecting the amounts assessed;

109 (f) The purposes for which the funds were expended by
110 the agency;

111 (g) The amount of funds transferred to the general
112 fund, if applicable, and the authority by which the transfer took
113 place;

114 (h) The amount of funds transferred to another entity,
115 if applicable, and the authority by which the transfer took place,
116 as well as the name of the entity to which the funds were
117 transferred; and

118 (i) The fiscal year-end balance of every fund that
119 receives revenue generated by fines and fees.

120 For sums received from state sources, the agency shall list
121 each source, including each special fund, along with the amounts



122 received from each fund. For sums received from federal
123 government sources, the agency shall list each source at its most
124 specific level, such as an office or division, not simply the
125 federal department from which it came. The report shall also
126 include a detailed description of the actions or results that were
127 promised by the agency in order to receive these funds.

128 These reports shall be posted on the Legislative Budget
129 Committee's website.

130 (* * *7) The Legislative Budget Committee shall, no later
131 than the 2019 Regular Session of the Legislature, make a
132 recommendation to the Legislature regarding the application of the
133 processes and requirements of this section to all agencies of
134 state government.

135 **SECTION 2.** Section 27-103-129, Mississippi Code of 1972, is
136 amended as follows:

137 27-103-129. (1) To enable the Legislative Budget Office to
138 prepare such budget, it shall have full and plenary power and
139 authority to require all general-fund and special-fund agencies
140 and the Mississippi Department of Transportation and the Division
141 of State Aid Road Construction of the Mississippi Department of
142 Transportation to file a budget request with such information and
143 in such form and in such detail as it may deem necessary and
144 advisable, and it shall have the further power and authority to
145 reduce or eliminate any item or items of requested appropriation
146 by any state agency in the Legislative Budget Office's recommended



147 budget to the Legislature. However, where any item of requested
148 appropriation shall be so reduced or eliminated, the head of the
149 agency involved shall have the right to appear before the
150 appropriate legislative committee to urge a revision of the budget
151 to restore the item reduced or eliminated. * * * The budget
152 requests shall include a definition of the mission of the agency,
153 a description of the duties and responsibilities of the agency,
154 financial data relative to the various programs operated by the
155 agency and performance measures associated with each program of
156 the agency. The performance measures to be contained within the
157 agency budget request shall be developed by cooperative efforts of
158 the Legislative Budget Office, the Department of Finance and
159 Administration and the agency itself and shall be approved jointly
160 by the Legislative Budget Office and the Department of Finance and
161 Administration prior to inclusion within the agency budget
162 request. * * * The budget requests shall also include in an
163 addendum format a five-year strategic plan for the agency which
164 shall include, but not be limited to, the following items of
165 information:

- 166 (a) A comprehensive mission statement,
167 (b) Performance effectiveness objectives for each
168 program of the agency for each of the five (5) years covered by
169 the plan,
170 (c) A description of significant external factors which
171 may affect the projected levels of performance,



172 (d) A description of the agency's internal management
173 system utilized to evaluate its performance achievements in
174 relationship to the targeted performance levels,

175 (e) An evaluation by the agency of the agency's
176 performance achievements in relationship to the targeted
177 performance levels for the two (2) preceding fiscal years for
178 which accounting records have been finalized.

179 (2) All agencies enumerated in subsection (1) of this
180 section shall include in their budget requests the following
181 information regarding contract workers for the most recently
182 completed fiscal year:

183 (a) The name of each worker;

184 (b) The specific type of services provided;

185 (c) Hourly rate of compensation, or the basis for
186 compensation if a rate other than the hourly rate is used;

187 (d) Total gross salary or wages paid; and

188 (e) Whether the worker is a retired member of the
189 Public Employees' Retirement System.

190 (3) (a) In addition to any other information required by
191 law, each state agency, general-fund agency and special-fund
192 agency, as defined in Section 27-103-103, desiring to purchase any
193 vehicle as defined by this section shall submit as part of its
194 budget request to the Legislative Budget Office and the Department
195 of Finance and Administration a detailed justification for the
196 proposed purchase. The Legislative Budget Office and the



197 Department of Finance and Administration shall jointly prescribe
198 the forms and formats to be used by agencies making the requests.
199 Such forms shall require, at minimum, the following information:

200 (i) The kind of vehicle to be purchased;

201 (ii) The person to whom the vehicle will be
202 assigned and the employment responsibilities of that person which
203 necessitate a state-owned vehicle;

204 (iii) Whether the vehicle is a work vehicle or
205 passenger vehicle; and

206 (iv) If the vehicle is assigned to a pool and not
207 an individual, the purposes for which the pool vehicle is assigned
208 and the names of the anticipated users of the pool vehicle.

209 (b) The Legislative Budget Office and the Department of
210 Finance and Administration shall offer a recommendation to the
211 Joint Legislative Budget Committee on all agency requests for
212 vehicles. In making the recommendation, the Legislative Budget
213 Office and the Department of Finance and Administration may
214 consider break-even analyses for the kind of vehicle requested,
215 the travel patterns of the person for whom the vehicle shall be
216 acquired, and shall determine if there exists surplus vehicles in
217 the possession of other agencies that could be used as a
218 substitute for a new vehicle and why such vehicle should not be
219 used. * * * The purchase of vehicles by an agency shall be a
220 specific line item in the agency's appropriation bill.



221 (c) If an agency determines that an urgent need exists
222 for a vehicle when it is not feasible to obtain prior legislative
223 approval, the agency may make an emergency request to the Bureau
224 of Fleet Management. Any emergency determination shall be made
225 only upon the existence of extraordinary circumstances. The
226 Bureau of Fleet Management shall make a recommendation to the
227 Executive Director of the Department of Finance and Administration
228 and shall give notification of such recommendation to the
229 Lieutenant Governor, the Speaker of the House and the Chairmen of
230 the Senate and House of Representatives Appropriations Committees.
231 The Executive Director of the Department of Finance and
232 Administration shall have the final authority to approve or
233 disapprove the emergency request. The executive director must set
234 forth specific reasons for approval which shall be a public
235 record. If approved and if adequate funding is available, the
236 agency may purchase a specific vehicle to meet its specific
237 emergency needs. The Bureau of Fleet Management shall report any
238 emergency purchase to the Legislative Budget Office. Any such
239 vehicle shall be subject to the same rules and regulations as
240 provided for nonemergency vehicles.

241 (d) For purposes of subsections (3) and (4) of this
242 section, the term "passenger vehicle" shall mean a vehicle used
243 primarily in transporting agency personnel and the agency's
244 equipment from one location to another. This term shall include



245 only those vehicles for which a license plate or tag is required
246 under Chapter 19, Title 27, Mississippi Code of 1972.

247 (e) For purposes of subsections (3) and (4) of this
248 section, the term "work vehicle" shall mean a vehicle used
249 primarily to perform a work assignment or task while incidentally
250 transporting agency personnel and agency equipment from one
251 location to another. This term shall include only those vehicles
252 for which a license plate or tag is required under Chapter 19,
253 Title 27, Mississippi Code of 1972.

254 (4) All state agencies, special-fund agencies and
255 general-fund agencies making budget requests under the authority
256 of this section shall include with their budget requests a report
257 of all passenger and work vehicles in their possession. Such
258 report shall detail the persons to whom the vehicles are assigned
259 and the purposes for the vehicles.

260 (5) Subsections (3) and (4) of this section shall not apply
261 to any vehicle assigned to a sworn officer of the Department of
262 Public Safety and used in undercover operations.

263 (6) The provisions of subsections (3) and (4) of this
264 section shall not apply to any state institution of higher
265 learning.

266 (7) * * * The purchase of wireless communication devices as
267 defined in Section 25-53-191 by any state agency, special-fund
268 agency or general-fund agency making budget requests under the



269 authority of this section shall be a specific line item in the
270 agency's appropriation bill.

271 (8) (a) Beginning with the fiscal year 2017 budget
272 submission, the Legislative Budget Office shall annually publish
273 on its website all budget requests submitted under the authority
274 of this section by state agencies, special-fund agencies and
275 general-fund agencies and shall include all budget units for which
276 budget requests are submitted.

277 (b) Beginning with the fiscal year 2017 budget
278 submission, any state agency, special-fund agency and general-fund
279 agency making a budget request under the authority of this section
280 shall annually publish on its agency website a copy of the budget
281 request that it submitted.

282 **SECTION 3.** (1) From and after October 1, 2015, until
283 dissolution, there is created the Mississippi Fines Accountability
284 and Transparency Task Force. The purpose of the task force is to
285 review the amount of fines collected annually by state agencies
286 that collect fines to determine how the agencies expend those
287 fines annually, and to make recommendations on how the agencies
288 should expend those fines each year to ensure a proper mechanism
289 for transparency between each state agency and the citizens of
290 Mississippi. For the purposes of this act, the term "agency" has
291 the meaning defined in Section 25-9-107(d).

292 (2) The Mississippi Fines Accountability and Transparency
293 Task Force shall be composed of the following eleven (11) members:



294 (a) The Chairman of the House of Representatives Select
295 Committee on Accountability, Efficiency and Transparency, or his
296 or her designee;

297 (b) The Chairman of the Senate Committee on
298 Accountability, Efficiency and Transparency, or his or her
299 designee;

300 (c) The Vice Chairman of the Senate Committee on
301 Accountability, Efficiency and Transparency, or his or her
302 designee;

303 (d) The Chairman of the House of Representatives
304 Committee on Fees and Salaries of Public Officers, or his or her
305 designee;

306 (e) The Chairman of the House of Representatives
307 Committee on Appropriations, or his or her designee;

308 (f) The Chairman of the Senate Committee on
309 Appropriations, or his or her designee;

310 (g) One (1) individual from the Joint Committee on
311 Performance Evaluation and Expenditure Review, or his or her
312 designee;

313 (h) One (1) individual from the Mississippi Office of
314 the State Auditor;

315 (i) One (1) nonlegislative individual appointed by the
316 Speaker of the House of Representatives;

317 (j) One (1) nonlegislative individual appointed by the
318 Lieutenant Governor; and



319 (k) One (1) nonlegislative individual appointed by the
320 Governor.

321 (3) The Mississippi Fines Accountability and Transparency
322 Task Force shall have the following duties:

323 (a) To study available information regarding the
324 expenditure of fines by state agencies;

325 (b) To seek input, as it deems appropriate from all
326 branches of state and local government, governmental agencies,
327 businesses and nonprofit organizations throughout the state as is
328 necessary for proper review;

329 (c) To recommend a mechanism that will provide
330 transparency regarding the expenditure of fines by state agencies;

331 (d) To make recommendations based on its findings on
332 how to expend the fines collected by state agencies; and

333 (e) To submit the report from its findings to the
334 Legislature and the Governor not later than December 31, 2015.

335 (4) After submitting the report required in this subsection
336 (3), the Mississippi Fines Accountability and Transparency Task
337 Force shall be dissolved.

338 (5) At its first meeting, the task force shall elect a
339 chairman and vice chairman from its membership and adopt rules for
340 transacting its business and keeping records.

341 (6) Notwithstanding any provisions of the laws of the State
342 of Mississippi to the contrary, state agencies shall be required



343 to cooperate with the Mississippi Fines Accountability and
344 Transparency Task Force.

345 **SECTION 4.** This act shall take effect and be in force from
346 and after July 1, 2015.

