

By: Senator(s) Hill

To: Appropriations

SENATE BILL NO. 2867

1 AN ACT TO AMEND SECTION 27-103-159, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE EACH STATE AGENCY TO INCLUDE A SUMMARY OF ANY
3 MAINTENANCE OF EFFORT (MOE) OR MEMORANDA OF UNDERSTANDING (MOU)
4 AGREEMENTS OR CONTRACTS ENTERED INTO WITH ANY FEDERAL AGENCY WITH
5 ITS ANNUAL BUDGET REQUEST PRESENTATION TO THE LEGISLATIVE BUDGET
6 OFFICE; AND FOR RELATED PURPOSES.

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

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

10 27-103-159. (1) For purposes of this section, the following
11 terms shall have the following meanings ascribed to them:

12 (a) "Evidence-based program" shall mean a program or
13 practice that has had multiple site random controlled trials
14 across heterogeneous populations demonstrating that the program or
15 practice is effective for the population.

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



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

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

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

28 (f) "Program catalogue" means a compendium of programs
29 compiled by a reputable source that publishes information for use
30 by the government.

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

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



44 (a) Establish an inventory of agency programs and
45 activities;

46 (b) Categorize all agency programs and activities as
47 evidence-based, research-based, promising practices, or other
48 programs and activities with no evidence of effectiveness, and
49 compile them into an agency program inventory. In categorizing
50 programs, the staffs may consult the Washington State Institute
51 for Public Policy's Evidence Based Practices Institute's program
52 catalogue or any other comparable catalogue of evidence-based,
53 research-based, promising practices, or other programs and
54 activities;

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

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

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

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

67 (4) The Legislative Budget Office shall report to the
68 Legislative Budget Committee the results of all activities



69 required by subsections (1), (2) and (3) of this section with
70 recommendations as to how this information can be incorporated
71 into budget recommendations and the appropriations process. The
72 Legislative Budget Committee may incorporate such recommendations
73 into the fiscal year 2017 budget and appropriations bills, or
74 delay such incorporation until the committee is satisfied that the
75 information collected and inventoried under the requirements of
76 this section will enhance accountability and performance
77 measurement for the programs and activities of state agencies.

78 (5) Beginning in the fiscal year 2017 budget cycle, the
79 Department of Corrections, the Department of Education, the
80 Department of Health and the Department of Transportation may be
81 exempted from the requirement to prepare any information required
82 by Section 27-103-153 and Section 27-103-155, Mississippi Code of
83 1972, except for the strategic planning requirements of Section
84 27-103-155.

85 (6) Beginning with the fiscal year 2017 budget presentation,
86 and each year thereafter, each state agency, general fund agency
87 and special fund agency shall provide to the Joint Legislative
88 Budget Committee a report of all sources of revenue, including the
89 amounts from each source, collected by the agency in the most
90 recent fiscal year. Such report shall include a list of each tax,
91 fine or fee assessed by the agency, and it shall include the
92 following for each:

93 (a) The amount assessed;



94 (b) The amount collected;

95 (c) The code section, regulation, or other
96 authoritative source that authorized their assessment and
97 collection;

98 (d) The method of determining assessments, including
99 who is assessed, how the agency determines the amount of
100 assessment, including rates;

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

102 (f) The purposes for which the funds were expended by
103 the agency;

104 (g) The amount of funds transferred to the general
105 fund, if applicable, and the authority by which the transfer took
106 place;

107 (h) The amount of funds transferred to another entity,
108 if applicable, and the authority by which the transfer took place,
109 as well as the name of the entity to which the funds were
110 transferred;

111 (i) The fiscal year-end balance of every fund that
112 receives revenue generated by fines and fees; and

113 (j) A summary of any Maintenance of Effort (MOE)
114 agreements, Memoranda of Understanding (MOU) agreements or
115 contracts entered into with any federal agency or subdivision
116 thereof. For each MOE or MOU agreement or contract, this summary
117 shall include:



(i) A description of the MOE or MOU agreement or contract, including:

1. The name of the federal agency or entity that administers the MOE or MOU agreement or contract;

2. The title or name of the program and/or grant associated with the MOE or MOU agreement or contract; any start and completion dates; and any corresponding Catalog of Federal Domestic Assistance (CFDA) grant numbers;

3. When and whether the agency anticipates the MOE or MOU agreement or contract, and any related funding, will be renewed;

4. The specific state statutory authorization for entering into the MOE or MOU agreement or contract and expending any related funds;

5. How the MOE or MOU agreement or contract complies with the agency's strategic plan;

(ii) A valid Internet link to the MOE or MOU agreement or contract. If it is not posted on the Internet, the agency shall supply a physical copy to the Legislative Budget Office (LBO), which shall subsequently post it on the LBO website;

(iii) A description of all obligations the MOE or MOU agreement or contract has imposed or will impose on the agency, including:

1. Monetary matching requirements for current and future years;



143 2. Any changes in existing state policies or
144 procedures;

145 3. The number of full- and part-time
146 positions necessary to carry out the provisions of the MOE or MOU
147 agreement or contract, including a delineation of the number of
148 local, state and federally funded positions and how many of each
149 will be required to be continued into the future when related
150 federal funds are no longer available; and

151 4. A description of all other agency
152 resources and obligations related to application for and
153 implementation of the MOE or MOU agreement or contract, or
154 otherwise agreed to by the agency.

155 For sums received from state sources, the agency shall list
156 each source, including each special fund, along with the amounts
157 received from each fund. For sums received from federal
158 government sources, the agency shall list each source at its most
159 specific level, such as an office or division, not simply the
160 federal department from which it came. The report shall also
161 include a detailed description of the actions or results that were
162 promised by the agency in order to receive these funds.

163 These reports shall be posted on the Legislative Budget
164 Committee's website.

165 (7) The Legislative Budget Committee shall, no later than
166 the 2019 Regular Session of the Legislature, make a recommendation



167 to the Legislature regarding the application of the processes and
168 requirements of this section to all agencies of state government
169 **SECTION 2.** This act shall take effect and be in force from
170 and after July 1, 2018.

