

By: Representative Owen

To: Judiciary B;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 134

1 AN ACT TO REQUIRE MUNICIPALITIES, COUNTIES AND STATE AGENCIES
2 TO LIST ANY EXPENDITURE OF PUBLIC FUNDS USED TO PAY SETTLEMENTS
3 FOR SEXUAL HARASSMENT; TO AMEND SECTION 27-104-155, MISSISSIPPI
4 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** (1) Each board of supervisors of a county or
8 governing authority of a municipality shall have listed on the
9 official website of the county or municipality, any expenditures
10 of county, municipal or state funds from all funding sources in an
11 amount of One Hundred Fifty Thousand Dollars (\$150,000.00) or more
12 that are used to pay settlements for sexual harassment claims.
13 The official website of each county and municipality shall include
14 a link on the front page of its official website that includes the
15 required information.

16 (2) Each state agency shall have listed on its agency
17 website and in accordance with Section 27-104-155, the amounts of
18 all expenditures of state funds from all funding sources that are



19 used to pay settlements for sexual harassment claims in an amount
20 of One Hundred Fifty Thousand Dollars (\$150,000.00) or more.

21 **SECTION 2.** Section 27-104-155, Mississippi Code of 1972, is
22 amended as follows:

23 27-104-155. (1) The Department of Finance and
24 Administration shall develop and operate a searchable website that
25 includes information on expenditures of state funds from all
26 funding sources. The website shall have a unique and simplified
27 website address, and the department shall require each agency that
28 maintains a generally accessible Internet site or for which a
29 generally accessible Internet site is maintained to include a link
30 on the front page of the agency's Internet site to the searchable
31 website required under this section.

32 (a) With regard to disbursement of funds, the website
33 shall include, but not be limited to:

34 (i) The name and principal location of the entity
35 or recipients of the funds, excluding release of information
36 relating to an individual's place of residence, the identity of
37 recipients of state or federal assistance payments, and any other
38 information deemed confidential by state or federal law relating
39 to privacy rights;

40 (ii) The amount of state funds expended;

41 (iii) A descriptive purpose of the funding action
42 or expenditure;

43 (iv) The funding source of the expenditure;



(v) The budget program or activity of the expenditure;

(vi) The specific source of authority and descriptive purpose of the expenditure, to include a link to the funding authorization document(s) in a searchable PDF form;

(vii) The specific source of authority for the expenditure including, but not limited to, a grant, subgrant, contract, or the general discretion of the agency director, provided that if the authority is a grant, subgrant or contract, the website entry shall include a grant, subgrant or contract number or similar information that clearly identifies the specific source of authority. The information required under this paragraph includes data relative to tax exemptions and credits;

(viii) The expending agency;

(ix) The type of transaction;

(x) The expected performance outcomes achieved for the funding action or expenditure;

(xi) Links to any state audit or report relating to the entity or recipient of funds or the budget program or activity or agency; * * *

(xii) Any other information deemed relevant by the Department of Finance and Administration * * *; and

(xiii) A designation that indicates the expenditure was used to pay a settlement for a sexual harassment claim in accordance with Section 1 of this act.



69 (b) When the expenditure of state funds involves the
70 expenditure of bond proceeds, the searchable website must include
71 a clear, detailed description of the purpose of the bonds, a
72 current status report on the project or projects being financed by
73 the bonds, and a current status report on the payment of the
74 principal and interest on the bonds.

75 (c) The searchable website must include access to an
76 electronic summary of each grant, including amendments; subgrant,
77 including amendments; contract, including amendments; and payment
78 voucher that includes, wherever possible, a hyperlink to the
79 actual document in a searchable PDF format, subject to the
80 restrictions in paragraph (d) of this subsection. The Department
81 of Finance and Administration may cooperate with other agencies to
82 accomplish the requirements of this paragraph.

83 (d) Nothing in Sections 27-104-151 through 27-104-159
84 shall permit or require the disclosure of trade secrets or other
85 proprietary information, including confidential vendor
86 information, or any other information that is required to be
87 confidential by state or federal law.

88 (e) The information available from the searchable
89 website must be updated no later than fourteen (14) days after the
90 receipt of data from an agency, and the Department of Finance and
91 Administration shall require each agency to provide to the
92 department access to all data that is required to be accessible
93 from the searchable website within fourteen (14) days of each



94 expenditure, grant award, including amendments; subgrant,
95 including amendments; or contract, including amendments; executed
96 by the agency.

97 (f) The searchable website must include all information
98 required by this section for all transactions that are initiated
99 in fiscal year 2015 or later. In addition, all information that
100 is included on the searchable website from the date of the
101 inception of the website until July 1, 2014, must be maintained on
102 the website according to the requirements of this section before
103 July 1, 2014, and remain accessible for ten (10) years from the
104 date it was originally made available. All data on the searchable
105 website must remain accessible to the public for a minimum of ten
106 (10) years.

107 (g) For the purposes of this subsection (1), the term
108 "contract" includes, but is not limited to, personal and
109 professional services contracts.

110 (2) The Board of Trustees of State Institutions of Higher
111 Learning shall create the IHL Accountability and Transparency
112 website to include its executive office and the institutions of
113 higher learning no later than July 1, 2012. This website shall:

114 (a) Provide access to existing financial reports,
115 financial audits, budgets and other financial documents that are
116 used to allocate, appropriate, spend and account for appropriated
117 funds;

118 (b) Have a unique and simplified website address;



119 (c) Be directly accessible via a link from the main
120 page of the Department of Finance and Administration website, as
121 well as the IHL website and the main page of the website of each
122 institution of higher learning;

123 (d) Include other links, features or functionality that
124 will assist the public in obtaining and reviewing public financial
125 information;

126 (e) Report expenditure information currently available
127 within these enterprise resource planning (ERP) computer
128 systems; * * *

129 (f) Design the reporting format using the existing
130 capabilities of these ERP computer systems * * *; and

131 (g) Include a designation that indicates the
132 expenditure was used to pay a settlement for a sexual harassment
133 claim in accordance with Section 1 of this act.

134 (3) The Mississippi Community College Board shall create the
135 Community and Junior Colleges Accountability and Transparency
136 website to include its executive office and the community and
137 junior colleges no later than July 1, 2012. This website shall:

138 (a) Provide access to existing financial reports,
139 financial audits, budgets and other financial documents that are
140 used to allocate, appropriate, spend and account for appropriated
141 funds;

142 (b) Have a unique and simplified website address;



(c) Be directly accessible via a link from the main page of the Department of Finance and Administration website, as well as the Mississippi Community College Board website and the main page of the website of each community and junior college;

(d) Include other links, features or functionality that will assist the public in obtaining and reviewing public financial information;

(e) Report expenditure information currently available within the computer system of each community and junior college; * * *

(f) Design the reporting format using the existing capabilities of the computer system of each community and junior college * * *; and

(g) Include a designation that indicates the expenditure was used to pay a settlement for a sexual harassment claim in accordance with Section 1 of this act.

(4) Not later than January 1, 2016, the owner or owners of a community hospital, as defined in Section 41-13-10, shall create and maintain an accountability and transparency website for the community hospital or set up a separate section for the community hospital on the current website of the owner or owners. This website of the community hospital or section of the website of the owner or owners shall:

(a) Provide access to existing financial reports, financial audits, budgets and other financial documents of the



community hospital that are used to allocate, appropriate, spend and account for public funds;

(b) Have a unique and simplified website address if it is a new website for the community hospital, or be an easily accessible section of the website of the owner or owners;

(c) Include links, features or functionality that will assist the public in obtaining and reviewing public financial information of the community hospital;

(d) Report expenditure information of the community hospital in functional expenditure categories that is currently available within the computer system of the community hospital; * * *

(e) Design the reporting format using the existing capabilities of the computer system or systems of the owner or owners of the community hospital * * *; and

(f) Include a designation that indicates the expenditure was used to pay a settlement for a sexual harassment claim in accordance with Section 1 of this act.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

