

By: Representative Currie

To: Accountability,  
Efficiency, Transparency

## HOUSE BILL NO. 49

1 AN ACT TO CREATE THE OFFICE OF INSPECTOR GENERAL; TO DEFINE  
2 CERTAIN TERMS; TO REQUIRE THE OFFICE OF INSPECTOR GENERAL TO BE  
3 ADMINISTRATIVELY ATTACHED TO THE OFFICE OF THE GOVERNOR FOR THE  
4 PURPOSE OF INVESTIGATING AND PURSUING CHARGES WITH RESPECT TO THE  
5 DETECTION AND ERADICATION OF FRAUD, WASTE, MISCONDUCT,  
6 INEFFICIENCIES, MISMANAGEMENT, ABUSE AND CORRUPTION IN THE  
7 EXECUTIVE BRANCH OF STATE GOVERNMENT; TO REQUIRE THE GOVERNOR,  
8 WITH THE ADVICE AND CONSENT OF THE SENATE, TO APPOINT A STATE  
9 INSPECTOR GENERAL; TO REQUIRE THE GOVERNOR TO FIX THE SALARY OF  
10 THE INSPECTOR GENERAL; TO ESTABLISH MINIMUM QUALIFICATIONS FOR THE  
11 STATE INSPECTOR GENERAL; TO PRESCRIBE THE POWERS AND DUTIES OF THE  
12 OFFICE OF INSPECTOR GENERAL; TO REQUIRE AGENCIES UNDER  
13 INVESTIGATION TO COOPERATE WITH THE OFFICE OF INSPECTOR GENERAL;  
14 TO PROHIBIT AN AGENCY FROM TAKING ADVERSE ACTION AGAINST AN  
15 EMPLOYEE FOR DISCLOSING PROHIBITED ACTIVITY TO THE INSPECTOR  
16 GENERAL; TO AUTHORIZE THE INSPECTOR GENERAL TO ADMINISTER OATHS  
17 AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE  
18 PRODUCTION OF ITEMS CONSTITUTING EVIDENCE; TO AUTHORIZE THE  
19 INSPECTOR GENERAL TO EMPLOY PEACE OFFICERS TO ASSIST THE OFFICE IN  
20 CARRYING OUT ITS DUTIES AND CONDUCTING CRIMINAL INVESTIGATIONS; TO  
21 AMEND SECTION 25-9-171, MISSISSIPPI CODE OF 1972, TO INCLUDE THE  
22 OFFICE OF INSPECTOR GENERAL IN THE DEFINITION OF "STATE  
23 INVESTIGATIVE BODY" AS THAT TERM IS USED IN STATUTES GRANTING  
24 WHISTLEBLOWER PROTECTION TO PUBLIC EMPLOYEES; TO RESCIND EXECUTIVE  
25 ORDER NO. 728, DATED APRIL 5, 1993, WHICH CREATED THE POSITION OF  
26 STATE INSPECTOR GENERAL IN THE OFFICE OF THE GOVERNOR; AND FOR  
27 RELATED PURPOSES.

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



**SECTION 1.**

As used in this act, the following words and phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

(a) "Abuse" means the intentional, wrongful or improper use or destruction of state resources.

(b) "Agency" means a state agency, board, commission, committee, council, department, governing authority or other body in the executive branch of state government. "Agency" does not include an agency, board, commission, committee, council, department, governing authority or other body in the legislative or judicial branch of state government.

(c) "Corruption" means an intentional act of fraud, waste or abuse or the use of public office for personal or pecuniary gain for oneself or another.

(d) "Employee" means a person employed by the State of Mississippi who works in an agency in the executive branch of state government, including the director or head of an agency.

(e) "Fraud" means an act of intentional or reckless deceit to mislead or otherwise deceive.

(f) "Inefficiencies" mean wasted time, effort or expense in performing essential tasks related to the mission or functions of an agency when there exists an alternative, more cost-effective method to performing the same tasks with the same level of effectiveness which results in maximum productivity in carrying out the agency's mission or functions.



54           (g) "Misconduct" means unacceptable or improper  
55 behavior by an employee of an agency. "Misconduct" includes, but  
56 is not limited to: an intentional, knowing or deliberate failure  
57 to perform a duty; the performance of a duty in a grossly  
58 negligent manner; or a violation of an agency's written rules,  
59 regulations or policies or the agency's standard practices.

60           (h) "Mismanagement" means the failure to competently  
61 plan, organize and control the operations of an agency, or part of  
62 an agency, which places the agency's ability to accomplish its  
63 mission at risk. "Mismanagement" includes, but is not limited to,  
64 poor decisions, inept operations or failure to properly manage  
65 resources.

66           (i) "Office" means the Office of Inspector General  
67 created by Section 2 of this act.

68           (j) "State Inspector General" or "Inspector General"  
69 means the person appointed by the Governor under Section 2 of this  
70 act to serve as the Inspector General. "State Inspector General"  
71 or "Inspector General" includes an employee of the Office of  
72 Inspector General designated by the Inspector General to act on  
73 behalf of the Inspector General.

74           (k) "Waste" means a reckless or grossly negligent act  
75 that causes state funds to be spent in a manner that was not  
76 authorized or which represents significant inefficiency and  
77 needless expense.



**SECTION 2.**

(1) There is created the Office of Inspector General, administratively attached to the Office of the Governor. The purpose of the Office of Inspector General is to examine, investigate, make recommendations and pursue charges with respect to the deterrence, detection, prevention and eradication of fraud, waste, misconduct, inefficiencies, mismanagement, abuse and corruption in the executive branch of state government. The jurisdiction, authorization, powers and duties granted to the Office of Inspector General are in addition to, and not in contravention of, the jurisdiction, authorization, powers and duties of the Attorney General, State Auditor and all other agencies vested with law enforcement powers.

(2) (a) The Governor shall appoint a State Inspector General, with the advice and consent of the Senate. The State Inspector General shall be the fulltime executive officer of the Office of Inspector General and shall be responsible for the proper and efficient administration of the office in exercising the powers and performing the duties set forth by law and such other duties as may be prescribed by the Governor from time to time.

(b) The State Inspector General shall receive an annual salary fixed by the Governor, not to exceed the maximum amount allowed under Section 25-3-39, in addition to all actual and necessary expenses incurred in the discharge of official duties, including mileage and expenses as authorized by law.



(c) In order to be eligible to hold the position of State Inspector General, a person must be designated a Certified Inspector General by the Association of Inspectors General at the time the individual is appointed by the Governor or no later than one (1) year following the date of appointment.

(d) The State Inspector General shall report to and serve at the will and pleasure of the Governor.

(e) In exercising the powers and carrying out the duties of the Office of Inspector General, the State Inspector General has jurisdiction over each official, officer, employee, department, division, bureau, board, commission and agency in the executive branch of state government.

(f) The State Inspector General, with the approval of the Governor, shall establish the organizational structure appropriate for carrying out the responsibilities and functions of the Office of Inspector General. Subject to the rules and regulations of the State Personnel Board, the Inspector General may employ, promote and remove such professional, administrative and technical personnel as deemed necessary for the effective and efficient administration of the office.

**SECTION 3.** The Office of Inspector General shall exercise the following powers and perform the following duties:

(a) Make investigations and prepare reports relating to the administration of the programs and operations of agencies



127 which, in the determination of the Inspector General, are  
128 necessary or desirable;

129 (b) Initiate, supervise and coordinate investigative  
130 activities relating to fraud, waste, misconduct, inefficiencies,  
131 mismanagement, abuse or corruption in agencies;

132 (c) Receive complaints from any source alleging fraud,  
133 waste, misconduct, inefficiencies, mismanagement, abuse or  
134 corruption that has been committed or is being committed against  
135 or within an agency and determine whether or not each specific  
136 complaint warrants investigation;

137 (d) When appropriate, investigate complaints of fraud,  
138 waste, misconduct, inefficiencies, mismanagement, abuse or  
139 corruption and determine whether disciplinary action, civil or  
140 criminal prosecution, or further investigation by relevant  
141 federal, state or local agencies is warranted;

142 (e) Request information or assistance, as necessary,  
143 for carrying out the duties and responsibilities of the Office of  
144 Inspector General from any federal, state or local governmental  
145 agency;

146 (f) Report complaints of fraud, waste, misconduct,  
147 inefficiencies, mismanagement, abuse or corruption in agencies to  
148 appropriate federal, state or local agencies when there is  
149 evidence that a person other than an officer, official or employee  
150 of an agency has engaged in what may be criminal activity or when  
151 otherwise appropriate;



(g) Investigate whistleblower complaints of workplace reprisal or retaliatory action by an officer, official or employee of an agency which is filed pursuant to Section 25-9-173;

(h) Report suspected acts of fraud, waste, misconduct, inefficiencies, mismanagement, abuse or corruption against or within an agency to the Governor and, as appropriate, other state or federal entities having jurisdiction over the matter;

(i) Upon conclusion of an investigation that results in a finding of fraud, waste, misconduct, inefficiencies, mismanagement, abuse or corruption, issue a report or letter to the Office of the Governor and release the report to the public unless:

(i) The public release of the report would compromise a pending criminal investigation known to the Inspector General; or

(ii) The report is exempt from disclosure under the Mississippi Public Records Act of 1983 or other state law;

(j) Instruct and educate agencies on the detection and prevention of fraud, waste, misconduct, inefficiencies, mismanagement, abuse or corruption, including recommending policies;

(k) Following an investigation of alleged fraud, waste, misconduct, inefficiencies, mismanagement, abuse or corruption in an agency, conduct, supervise and coordinate activities in that agency which are designed to deter, detect, prevent and eradicate



those activities, including evaluating and auditing relevant agency policies and procedures, creating a remedial action plan to prevent a recurrence of the activity, and monitoring day-to-day operations and making recommendations for improvement;

(l) Close an investigation when the Inspector General concludes there is insufficient evidence that a violation has occurred. Closure does not bar the Inspector General from reopening the investigation whenever warranted by circumstances;

(m) Act as a liaison with outside agencies and agencies of the United States government to promote accountability, integrity and efficiency in state government;

(n) Act as a liaison and monitor the activities of internal affairs units, inspectors general, and offices of professional standards within agencies; however, the Inspector General does not have supervisory authority over any such units, inspectors general or offices in agencies;

(o) Conduct special investigations and management reviews of agencies at the request of the Governor; and

(p) Perform other duties assigned by the Governor which are consistent with this act and involve or concern the management, operation or personnel of agencies.

**SECTION 4.** (1) An agency must cooperate with an investigation conducted by the Office of Inspector General pursuant to this act.





201           (2) In an agency where fraud, waste, misconduct,  
202 inefficiencies, mismanagement, abuse or corruption is detected,  
203 the agency must take remedial steps to prevent recurrences of  
204 similar conduct, including implementation of any remedial action  
205 plan created pursuant to paragraph (k) of Section 3 of this act.

206           (3) Upon receipt of written notice from the Office of  
207 Inspector General, an agency immediately must provide all  
208 information, documents, reports, answers, records, accounts,  
209 papers and other necessary data and documentary evidence to the  
210 extent that such information and items may be obtained by the  
211 Governor under the Mississippi Constitution of 1890 or state law.

212           (4) The State Inspector General may enter upon the premises  
213 of an agency at any time, without prior announcement, if deemed  
214 necessary for the successful completion of an investigation. In  
215 the course of an investigation, the Inspector General may question  
216 an official, officer or employee serving in the agency and may  
217 inspect and copy books, records and papers in the possession of  
218 the agency, taking care to preserve the confidentiality of  
219 information contained in responses to questions or the books,  
220 records or papers whenever that information is made confidential  
221 by law.

222           (5) The Inspector General shall have direct and prompt  
223 access to the head of an agency whenever necessary for purposes  
224 pertaining to the performance of functions and responsibilities  
225 under this act.



**SECTION 5.**

(1) The knowing failure of an official, officer or employee of an agency to comply with an investigation made pursuant to this act or the knowing provision of false information during an investigation may be cause for discipline, up to and including termination by the agency, so long as the official, officer or employee is subject to termination or other discipline by that agency.

(2) An agency, officer or official may not take action against an official, officer or employee of an agency for disclosing or threatening to disclose the existence of activity constituting fraud, waste, misconduct, inefficiencies, mismanagement, abuse or corruption to the Inspector General, unless the disclosure or threatened disclosure was made with knowledge that the disclosure was false or was made with willful disregard for its truth or falsity.

(3) The State Inspector General, exercising discretion, may redact or otherwise protect the names of complainants and witnesses or other facts that, if not redacted, might compromise the identity of a complainant or witness.

**SECTION 6.**

(1) In performing an investigation authorized by this act, the State Inspector General may administer oaths and examine witnesses under oath. The Inspector General may issue subpoenas and subpoenas duces tecum deemed necessary to compel the attendance of witnesses and the production of all information, documents, reports, answers, books, records, accounts, papers and



other data in any medium constituting or containing evidence that the Inspector General finds reasonably relevant or material to the investigation.

(2) (a) Service of a subpoena or subpoena duces tecum issued under this act may be made by any designated person.

(b) Service upon a natural person may be made by:

(i) Personal delivery of the subpoena or subpoena duces tecum to that person;

(ii) Registered or certified mail or overnight delivery, in which case the return receipt constitutes prima facie proof of service; or

(iii) Serving the person's counsel of record.

(c) Service upon a domestic or foreign corporation may be made by delivering the subpoena or subpoena duces tecum to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

(3) A subpoena requiring the attendance of a witness may be served at any place within this state.

(4) In the case of a refusal to obey an issued subpoena or subpoena duces tecum, the Inspector General or the Inspector General's designee may request that the Attorney General petition the circuit court within the county where the investigation is occurring, where the subpoenaed person resides, or where the subpoenaed person carries on business or may be found to compel compliance with the subpoena. The Attorney General shall petition



the court upon receipt of the request. Upon the filing of the petition, the court must enter an order directing the person to appear before the court at a specified time to show cause why the person has not attended, answered questions under penalty of perjury, or produced the requested items as required. If the court determines that the subpoena or subpoena duces tecum was issued regularly by the Inspector General, the court must enter an order commanding the person named in the subpoena to appear at the time and place fixed in the order and answer questions under penalty of perjury or produce the requested items as required. Upon failure to obey the order, the person is subject to being held in contempt of court. All process issued in proceedings pursuant to this subsection may be served at any place within this state.

(5) This section may not be construed to limit or alter a person's existing rights or protections under state or federal law.

**SECTION 7.** (1) The State Inspector General may employ or designate one or more persons as peace officers to assist the Office of Inspector General in carrying out its duties. A person employed as a peace officer must possess or receive within two (2) years of the person's initial employment in the position a minimum level of basic law enforcement training, as jointly determined and prescribed by the Board on Law Enforcement Officer Standards and Training and the Inspector General. Upon the failure of a person



301 designated a peace officer to receive the required training within  
302 the designated time, the person may not exercise the powers of a  
303 peace officer.

304 (2) A person employed fulltime or parttime by the Office of  
305 Inspector General for the purpose of conducting potential criminal  
306 investigations under this act must be a peace officer having the  
307 power, among others, to obtain, serve and execute search warrants.  
308 With the written approval of the Inspector General, a person  
309 employed as a peace officer may exercise the same powers and  
310 authority as a constable and may carry a firearm of a standard  
311 police issue when engaged in detecting, investigating or  
312 preventing crimes under this act.

313 **SECTION 8.** Section 25-9-171, Mississippi Code of 1972, is  
314 amended as follows:

315 25-9-171. For purposes of Sections 25-9-171 through  
316 25-9-177, the following terms shall have the meanings ascribed to  
317 them herein:

318 (a) "Abuse" means acting in an arbitrary and capricious  
319 manner that adversely affects the accomplishment of a function of  
320 any governmental entity.

321 (b) "Governmental entity" means a board, commission,  
322 department, office or other agency of the state or a political  
323 subdivision of the state.

324 (c) "Employee" means any individual employed or holding  
325 office in any department or agency of state or local government.



(d) "Improper governmental action" means any action by an employee which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment:

(i) Which is in violation of any federal or state law or regulation, is an abuse of authority, results in substantial abuse, misuse, destruction, waste, or loss of public funds or public resources; or

(ii) Which is of substantial and specific danger to the public health or safety; or

(iii) Which is discrimination based on race or gender.

"Improper governmental action" does not include personnel actions for which other remedies exist, including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state personnel system or local personnel policies, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any personnel action which may be taken under federal or state law.

(e) "Misuse" means an illegal or unauthorized use.



(f) "Personnel action" means an action that affects an employee's promotion, demotion, transfer, work assignment or performance evaluation.

(g) "State investigative body" shall mean the Attorney General of the State of Mississippi, the Office of Inspector General, the State Auditor, the Mississippi Ethics Commission, the Joint Legislative Committee on Performance Evaluation and Expenditure Review or any other standing committee of the Legislature, or any district attorney of the State of Mississippi.

(h) "Use of official authority or influence" includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation or other disciplinary action.

(i) "Waste" means an unnecessary or unreasonable expenditure or use.

(j) "Whistleblower" means an employee who in good faith reports an alleged improper governmental action to a state investigative body, initiating an investigation. For purposes of the provisions of Sections 25-9-171 through 25-7-177, the term "whistleblower" also means an employee who in good faith provides information to a state investigative body, or an employee who is believed to have reported alleged improper governmental action to a state investigative body or to have provided information to a



373 state investigative body but who, in fact, has not reported such  
374 action or provided such information.

375       **SECTION 9.** Executive Order No. 728, dated April 5, 1993, by  
376 the Governor of the State of Mississippi, which created the  
377 position of State Inspector General in the Office of the Governor,  
378 is rescinded.

379       **SECTION 10.** This act shall take effect and be in force from  
380 and after July 1, 2025.

