

By: Senator(s) Chism

To: Finance

SENATE BILL NO. 2314

1 AN ACT TO AMEND SECTION 27-103-159, MISSISSIPPI CODE OF 1972,
 2 TO ENACT THE FEDERAL FUNDING TRANSPARENCY ACT; TO REVISE THE
 3 INFORMATION REQUIRED TO BE CONTAINED IN THE REPORT PROVIDED BY A
 4 STATE AGENCY, DEPARTMENT OR INSTITUTION WITH ITS ANNUAL BUDGET
 5 REQUEST SUBMISSION; TO IMPOSE A CIVIL PENALTY OF \$100.00 PER
 6 VIOLATION, PER DAY, PLUS ALL REASONABLE ATTORNEY'S FEES AND COSTS
 7 IN CIRCUIT COURT, ON ANY AGENCY HEAD OR DIRECTOR, OR INDIVIDUAL
 8 HOLDING A SUBSTANTIALLY SIMILAR POSITION, WHO NEGLECTS TO ANNUALLY
 9 PROVIDE THE REPORT REQUIRED; TO PROVIDE THAT THE INDIVIDUAL SHALL
 10 BE PERSONALLY LIABLE FOR THESE AMOUNTS, AND SOVEREIGN IMMUNITY
 11 SHALL NOT BE AN AFFIRMATIVE DEFENSE; AND FOR RELATED PURPOSES.

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

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

15 27-103-159. (1) For purposes of this section, the following
 16 terms shall have the following meanings as defined in this
 17 subsection:

18 (a) "Evidence-based program" means an intervention
 19 program that has had multiple site randomized controlled trials
 20 across heterogeneous populations demonstrating that the program is
 21 effective for the population and that does not have an equivalent



22 or more probative body of rigorous evaluation demonstrating its
23 ineffectiveness.

24 (b) "Intervention program" means a discrete and
25 systematic set of activities designed to achieve one or more
26 specific outcomes not constituted or reliably achieved by the
27 activities themselves.

28 (c) "Research-based program" means an intervention
29 program that has had at least one (1) rigorous controlled
30 evaluation demonstrating effectiveness and does not have an
31 equivalent or more probative body of evaluations demonstrating its
32 ineffectiveness.

33 (d) "Promising program" means an intervention program
34 that has had at least one (1) rigorous controlled evaluation
35 demonstrating effectiveness.

36 (e) "Other programs" means all programs that do not fit
37 the definition of evidence-based, research-based or promising
38 programs. This category may include nonintervention programs as
39 well as intervention programs with rigorous evidence of
40 ineffectiveness, mixed evidence of effectiveness, or an absence of
41 evidence.

42 (f) "Program inventory" means the list of all agency
43 programs that for purposes of accountability means a set of
44 activities upon which state resources are expended.

45 (g) "Rigorous controlled evaluation" means an
46 evaluation for which the program received a ranking of at least



47 three (3) on the Maryland Scientific Methods Scale, which level
48 requires a control group.

49 (2) Beginning with the fiscal year 2016 budget cycle, the
50 Legislative Budget Office shall require the Department of
51 Corrections, the Department of Health, the Department of
52 Education, and the Department of Transportation to comply with the
53 requirements of this section respecting the inventorying of agency
54 programs and activities for use in the budgeting process. The
55 aforementioned agencies shall submit all program information to
56 the Legislative Budget Office in accordance with any policies
57 established by that office setting out requirements for any
58 filings required under this section. Additional agencies shall be
59 required to comply with the provisions of this subsection as
60 provided in subsection (5) of this section.

61 (3) The Legislative Budget Office, the PEER Committee staff,
62 and personnel of each of the agencies required to comply with this
63 section shall review the programs of each agency and shall:

64 (a) Establish an initial inventory of agency programs
65 as defined in subsection (1)(a) through (e) of this section;

66 (b) Categorize all agency programs as intervention or
67 nonintervention and all intervention programs as evidence-based,
68 research-based, promising, or other. Where possible, other
69 intervention programs should be further classified according to
70 the subcategories in subsection (1) of this section;



71 (c) Identify agency and program premises, goals,
72 objectives, outcomes and outputs, as well as any other indicator
73 or component the staffs consider to be appropriate, such as
74 evidence of a program's adherence to best practices;

75 (d) Report estimated expenditures and full-time
76 equivalent (FTE) positions for each agency program for each fiscal
77 year;

78 (e) Recommend new and additional budget programs that
79 capture the work of the agency identified through the inventory
80 process and that are reasonable in number for making
81 appropriations;

82 (f) Establish a procedure for base-lining programs
83 which are built around promising practices or other programs that
84 do not meet the definition of evidence-based or research-based
85 programs, so that further research can be conducted to gauge the
86 program's effectiveness;

87 (g) Describe the goals and theories used to develop any
88 program that is neither evidence-based or research-based;

89 (h) Develop procedures for optimizing
90 cost-effectiveness of agency programs; and

91 (i) Annually update each agency's inventory and related
92 data as specified in paragraphs (b) through (e) of this subsection
93 (3).

94 (4) This subsection shall be known and may be cited as the
95 Federal Funding Transparency Act. Beginning with the fiscal



96 year * * * 2026 budget request submission, and each year
97 thereafter, each state agency, general fund agency * * *, special
98 fund agency, department and institution shall provide * * * a
99 report of all sources of revenue, including the amounts from each
100 source, collected by the agency, department or institution in the
101 most recent fiscal year. * * * The report shall be posted on the
102 Legislature's website in a manner and location easily accessible
103 to the general public. The report shall include a list of each
104 tax, fine or fee assessed by the agency, department or
105 institution, and it shall include the following for each:

- 106 (a) The amount assessed;
- 107 (b) The amount collected;
- 108 (c) The state or federal code section, regulation,
109 guidance document or other authoritative source that authorized
110 their assessment and collection;
- 111 (d) The method of determining assessments, including
112 who is assessed, how the agency determines the amount of
113 assessment, including rates;
- 114 (e) The methods of collecting the amounts assessed;
- 115 (f) The purposes for which the funds were expended by
116 the agency;
- 117 (g) The amount of funds transferred to the general
118 fund, if applicable, and the authority by which the transfer took
119 place;



120 (h) The amount of funds transferred to another entity,
121 if applicable, and the authority by which the transfer took place,
122 as well as the name of the entity to which the funds were
123 transferred, including any nonprofit entities or public-private
124 partnerships;

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

127 (j) * * * A list of all nonprofit corporations that
128 have received subgrants or contracts involving state or federal
129 funds from said agency, department or institution in the most
130 recent fiscal year;

131 (k) For sums received from state sources, the agency
132 shall list each source, including each special fund, along with
133 the amounts received from each fund. For sums received from
134 federal government sources, the agency shall list each source at
135 its most specific level, such as an office or division, not simply
136 the federal department from which it came. The report shall also
137 include a detailed description of the actions or results that were
138 promised by the agency in order to receive these funds * * *; and

139 (l) A summary of any Maintenance of Effort (MOE)
140 agreements, Memorandum of Understanding (MOU) agreements, consent
141 decrees, or contracts entered into with any federal agency or
142 subdivision thereof. For each MOE or MOU agreement, consent
143 decree, or contract, this summary shall include:



144 (i) The name of the federal agency or entity that
145 administers the MOE or MOU agreement, consent decree, or contract;
146 (ii) The title or name of the program and/or grant
147 associated with the MOE or MOU agreement, consent decree, or
148 contract, any start and completion dates, and any corresponding
149 Catalog of Federal Domestic Assistance (CFDA) grant numbers;
150 (iii) When and whether the agency, department or
151 institution anticipates that the MOE or MOU agreement, consent
152 decree, or contract, and any related funding, will be renewed;
153 (iv) The specific state statutory or judicial
154 authorization for entering into the MOE or MOU agreement, consent
155 decree, or contract and expending any related funds;
156 (v) How the MOE or MOU agreement, consent decree,
157 or contract complies with the agency, department or institution's
158 strategic plan;
159 (vi) A valid internet link to the MOE or MOU
160 agreement, consent decree, or contract. If it is not posted on
161 the internet, the agency, department or institution shall supply a
162 physical copy within ten (10) business days to any person upon
163 request; and
164 (vii) A description of all obligations the MOE or
165 MOU agreement, consent decree, or contract has imposed or will
166 impose on the agency, department or institution, including:
167 1. Monetary matching requirements for current
168 and future years;



169 2. Any changes in existing state policies or
170 procedures;

171 3. The number of full-time and part-time
172 positions necessary to carry out the provisions of the MOE or MOU
173 agreement, consent decree, or contract, including a delineation of
174 the number of local, state and federally funded positions, and how
175 many of each will be required to be continued into the future when
176 related federal funds are no longer available; and

177 4. A description of all other agency
178 resources and obligations related to application for and
179 implementation of the MOE or MOU agreement, consent decree, or
180 contract, or otherwise agreed to by the agency.

181 * * *

182 Any agency head or director, or individual holding a
183 substantially similar position, who neglects to annually provide
184 the report required by this section may be civilly liable in his
185 personal capacity in a sum not to exceed One Hundred Dollars
186 (\$100.00) per violation, per day, plus all reasonable attorney's
187 fees and costs incurred by the party bringing suit in the circuit
188 court, which shall have jurisdiction over the agency, department
189 or institution. Sovereign immunity shall not be an affirmative
190 defense in any action pursuant to this section.

191 (5) Upon recommendations of the PEER Committee staff, the
192 Legislative Budget Office may for the fiscal year 2021 budget
193 cycle and all later budget cycles, annually designate additional



194 agencies that shall be required to comply with the provisions of
195 subsections (1), (2) and (3) of this section. Material collected
196 in association with the provisions of subsections (1), (2) and (3)
197 of this section may be incorporated into agency appropriations
198 bills to the extent deemed practicable by the Legislative Budget
199 Committee.

200 **SECTION 2.** This act shall take effect and be in force from
201 and after July 1, 2024.

