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HOUSE BILL NO. 831

Originated in House _____ Clerk

HOUSE BILL NO. 831

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The amount assessed;

(b) The amount collected;

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

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

(e) The methods of collecting the amounts assessed;

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

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

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

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

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

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

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

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

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

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

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

(a) A comprehensive mission statement,

(b) Performance effectiveness objectives for each program of the agency for each of the five (5) years covered by the plan,

(c) A description of significant external factors which may affect the projected levels of performance,

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

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

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

(a) The name of each worker;

(b) The specific type of services provided;

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

(d) Total gross salary or wages paid; and

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

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

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

(i) The kind of vehicle to be purchased;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED BY THE HOUSE OF REPRESENTATIVES
March 30, 2015

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 31, 2015

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

4/22/15
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