

## **Miss. Code Ann. § 27-103-159**

Current through HB 366, 2019 Regular Session, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation. The final official version of the statutes affected by 2019 legislation will appear on Lexis Advance in September 2019.

**Mississippi Code 1972 Annotated > Title 27. Taxation and Finance (Chs. 1 — 115) > Chapter 103. State Budget (§§ 27-103-1 — 27-103-303) > Mississippi Performance Budget and Strategic Planning Act of 1994 (§§ 27-103-151 — 27-103-159)**

### **§ 27-103-159. Certain state departments required to provide inventory of programs and activities; components of inventory; all state agencies required to provide report of all sources of revenue; components of report.**

(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 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;
  - (i) The fiscal year-end balance of every fund that receives revenue generated by fines and fees; and
  - (j) Any Maintenance of Effort agreements entered into with any federal agency or subdivision thereof.

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.

## History

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Laws, 2014, ch. 444, § [1](#); Laws, 2015, ch. 480, § [1](#); Laws, 2016, ch. 358, § [1](#), eff from and after July 1, 2016.

Annotations

## Notes

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### Editor's Notes —

Laws of 2015, ch. 480, § [3](#), effective July 1, 2015, provides:

“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.”

#### **Amendment Notes —**

The 2015 amendment, in (4), inserted “subsections (1), (2) and (3) of” in the first sentence, and substituted “requirements of this section” for “requirements of this bill” in the last sentence; and added (6), and redesignated former (6) as (7).

The 2016 amendment added (6)(j) and made related changes.

Mississippi Code 1972 Annotated

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