



WAYNE STATE  
UNIVERSITY

Center for Urban Studies

## Legislative Oversight in Mississippi

### Capacity and Usage Assessment

Oversight through Analytic Bureaucracies:	Moderate
Oversight through the Appropriations Process:	Moderate
Oversight through Committees:	Moderate
Oversight through Administrative Rule Review:	Minimal
Oversight through Advice and Consent:	Limited
Oversight through Monitoring Contracts:	Limited
Judgment of Overall Institutional Capacity for Oversight:	Moderate
Judgment of Overall Use of Institutional Capacity for Oversight:	Moderate

### Summary Assessment

Mississippi's Program Evaluation and Expenditure Review (PEER) Joint Committee and its staff provide outstanding empirical evidence for legislators to use for overseeing the work of the executive branch. PEER staff produces award winning reports. Despite the quality of these reports, the PEER committee did not meet at all during 2016. Appropriations committees themselves claim that the budget process lacks transparency, thwarting their ability to evaluate departmental needs. Their fixes so far seemed to have created just as much if not more confusion. In addition, the fixes did not call in key agency staff for testimony on how the process will affect important services like the Mississippi State Department of Health. All of this has occurred against the back drop of deep cuts. No records of committee hearings are kept so it is difficult to say what exactly is going on, but it appears that politics play a substantial role in actions that are framed as legislative oversight. The legislature lacks any authority to review administrative rules or executive orders.

### Major Strengths

PEER is an outstanding analytic support agency. PEER and the Office of the State Auditor (OSA) work products are used by the legislature to improve government. Statutes are passed that attempt to resolve issues addressed in PEER and OSA reports. The PEER is required by statute to review the state procurement process on a biennial basis. Budget battles demonstrate legislature has some capacity to check the power of the governor, but less capacity to check the power wielded by the lieutenant governor as president of the senate.

### Challenges

Independence of the legislature from the executive branch is undermined by the extraordinary powers wielded by the lieutenant governor, who chooses chairs of senate committees and acts as the chair of the Joint Legislative Budget Committee. The Joint Legislative Committee on PEER, the primary oversight committee in the legislature, did not meet for a whole year because the lieutenant governor refused to name the senators to the committee. The lieutenant governor exercises similar control over the work of the Joint Legislative Budget Committee. Legislative attempts to reform the appropriations process appear to be politically motivated based on the lack of basic hearings and testimony from key actors on their effects. There is no oversight of agency rulemaking from either the legislature or other executive branch agencies. Agencies need only respond to public petitions, which appear likely to occur only when wealthy individuals or special interests object to rules.

### Relevant Institutional Characteristics

The Mississippi legislature consists of 122 Representatives and 52 Senators.<sup>1</sup> The National Conference of State Legislatures (2017) classifies Mississippi's legislature as a "citizen legislature"—the job takes less than half the hours in a normal work week, the pay requires a second job, and the staff size to support the legislature is relatively small. Both representatives and senators run for reelection every four years during the year preceding a presidential election, and there are no limits on the number of terms a legislator may serve. Mississippi's legislative session is enshrined in the state's constitution, which specifies that a session is 90 calendar days unless the session follows a gubernatorial election. Then it is 125 calendar days (NCLS 2010). The yearly salary is \$23,500 plus a per diem of \$144 plus mileage reimbursement tied to the federal rate (NCLS 2011). Therefore, legislators earn almost \$36,000 per year for three years of their term and \$41,000 during the year following a gubernatorial election. The legislature has 173 staff members, 140 of which are permanent (NCLS 2015). Based on these characteristics, Squire (2017) ranks Mississippi's legislature as 37<sup>th</sup> in professionalism.

Mississippi grants relatively limited institutional powers to its governors, and historically the legislature, even though it is not rated as a highly professional institution by Squire or NCLS, was considered stronger than the governor. Several changes have reduced this imbalance, however. These changes include: the reorganization act, which gave the governor the sole authority to propose an executive budget (1984), a constitutional amendment that permitted governors to succeed themselves (1986), and a Mississippi Supreme Court decision preventing state legislators from serving on executive boards and commissions (1983) (Haider-Markel 2008). The governor, however, has fewer opportunities to appoint top executive officers than many other governors do.

Except for this limited appointment power, Mississippi's governor has many powers that most other governors have, such as the line-item veto. To override a gubernatorial veto the legislature must muster a 2/3<sup>rds</sup> vote by those present when the vote is taken, but vetoes that

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<sup>1</sup> [https://ballotpedia.org/Mississippi\\_State\\_Legislature](https://ballotpedia.org/Mississippi_State_Legislature) accessed 7/25/18

occur after the legislature adjourns can be overridden during the next regular legislative session. The governor also has the ability to call and set the agenda of special legislative sessions. During a special session the legislature can only consider or take action on items listed in the gubernatorial proclamation calling for the session, impeachments, and investigations of state office accounts.<sup>2</sup> So even though the executive branch has gained power vis-à-vis the legislature, Mississippi's governor does not dominate state politics. In fact, the lieutenant governor appears to be more powerful than the governor due to his or her ability to choose chairs of senate committees and his or her power to chair the Joint Legislative Budget Committee.<sup>3</sup>

Mississippi's state and local government employees make up 15% of total employment in the state, the 4<sup>th</sup> most among the 50 states plus the District of Columbia. The following percentages of Mississippi's workers are engaged in specific local and state government employment: 8.1% are engaged in the education sector, 1.7% are employed in public safety, 3% in welfare, 1.4% in general services, and .8% in other sectors (Edwards, 2006). Surprisingly Mississippi has a higher percentage of its citizens employed in welfare than any other state and its proportion employed in education is higher than 47 other states.

## Political Context

The current government in Mississippi is considered a Republican "trifecta," in that both chambers and the governor are controlled by Republicans. The 2018 legislature consists of a Republican-controlled Senate, 33 to 19, and a Republican-controlled House, 73 to 47 with 2 vacancies.<sup>4</sup> From 1992 to 2012, Mississippi's legislature was controlled by Democrats, although during most of this time the governor was a Republican (NGA 2017). Democrats achieved a trifecta briefly from 2000 to 2003, the only time since 1992 that the state elected a Democratic governor. Republicans have maintained one-party control since 2012 (NCSL 2017).

The Mississippi Republican Party is characterized by Haider Markel (2008) as white and strongly conservative in contrast to his description of the Mississippi Democratic Party as a diverse mixture of people with black, brown, and white skin. He goes on to say that within this party, the black Democrats generally favor liberal positions on education, crime, and race-related issues while the white Democrats are generally liberal on education and race-related issues but not on crime (Haider-Markel 2008). There are well-organized interests in the state on economic issues, ranging from the AFL-CIO and educators to the Economic Council and Farm Bureau (Haider-Markel 2008). Despite these factions, the state legislature has surprisingly low levels of partisan polarization. Each chamber is rated as the 35<sup>th</sup> most polarized in the nation based on the difference between Republican's and Democrat's ideological positions (Shor and McCarty 2015). This could be a legacy of the era before partisan realignment in the south in which southern Democrats were ideologically conservative. Indeed, the Mississippi Democrats in both chambers are among the least liberal in the country ranking 11<sup>th</sup> least liberal in the house and 10<sup>th</sup> least liberal in the senate.

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<sup>2</sup> [https://ballotpedia.org/Governor\\_of\\_Mississippi](https://ballotpedia.org/Governor_of_Mississippi), accessed 11/1/18

<sup>3</sup> [https://ballotpedia.org/Mississippi\\_State\\_Legislature](https://ballotpedia.org/Mississippi_State_Legislature), accessed 11/3/18

<sup>4</sup> [https://ballotpedia.org/2018\\_Mississippi\\_legislative\\_session](https://ballotpedia.org/2018_Mississippi_legislative_session) accessed 7/25/18

# Dimensions of Oversight

## Oversight Through Analytic Bureaucracies

Mississippi has three analytic support bureaucracies that provide information and analysis to support the legislature. One of these is a performance evaluation agency embedded within a legislative committee. Another of these bureaucracies is led by an elected state auditor. The final support bureaucracy is a legislative fiscal staff unit.

The primary analytic bureaucracy for the Mississippi legislature is the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER). PEER is a joint standing committee consisting of seven senators appointed by the lieutenant governor, seven representatives appointed by the speaker of the house, 21 staff including an executive director, and a chair and vice chair, both of whom are elected annually and rotate between the chambers.<sup>5</sup> Currently PEER consists of 10 Republicans and 2 Democrats<sup>6</sup> or 83% control of seats by Republicans compared to 63% in the Senate and 60% in the House.<sup>7</sup> It appears there are two vacancies that tilt the partisan balance toward the majority party in both chambers. The PEER Committee is enabled by Section 5-3-65 of the Mississippi Code<sup>8</sup> to employ staff, and this staff is organized into five offices: Performance Evaluation, Performance Accountability, Quality Assurance and Reporting, Legal, and Administrative.<sup>9</sup> PEER's authority is enshrined in Section 60 of the Mississippi Constitution, which grants the legislature unilateral authority to create "legislative committees to administer oaths, to send for persons and papers, and generally make legislative investigations effective."<sup>10</sup>

Historically, PEER superseded the 1946 General Legislative Investigative Committee (GLIC), which was used for both the purpose of promoting good government and something like the House Un-American Committee<sup>11</sup> in that it accused Americans of communist sympathies.<sup>12</sup> In 1969, the Eagleton Institute was commissioned by the legislature to study the Mississippi

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<sup>5</sup> [http://www.peer.ms.gov/Pages/About\\_PEER\\_Committee.aspx](http://www.peer.ms.gov/Pages/About_PEER_Committee.aspx) accessed 8/6/18

<sup>6</sup> [http://www.peer.ms.gov/Pages/Committee\\_Members.aspx](http://www.peer.ms.gov/Pages/Committee_Members.aspx) accessed 8/6/18

<sup>7</sup> [https://ballotpedia.org/Mississippi\\_State\\_Legislature](https://ballotpedia.org/Mississippi_State_Legislature) accessed 8/6/18

<sup>8</sup> <https://law.justia.com/codes/mississippi/2016/title-5/chapter-3/joint-legislative-committee-on-performance-evaluation-and-expenditure-review/> accessed 8/6/18

<sup>9</sup> [http://www.peer.ms.gov/Pages/About\\_PEER\\_Committee.aspx](http://www.peer.ms.gov/Pages/About_PEER_Committee.aspx) accessed 8/6/18

<sup>10</sup> [http://www.sos.ms.gov/Education-Publications/Documents/Downloads/Mississippi\\_Constitution.pdf](http://www.sos.ms.gov/Education-Publications/Documents/Downloads/Mississippi_Constitution.pdf) accessed 8/6/18

<sup>11</sup> <https://books.google.com/books?id=ZPUaBwAAQBAJ&pg=PA124&lpg=PA124&dq=Mississippi+General+Legislative+Investigation+Committee+GLIC&source=bl&ots=fXiox-juzI&sig=HGcTW05d8grNupp7xcuWHJ5j6XQ&hl=en&sa=X&ved=2ahUKEwj1pKaR69jcAhWSu1MKHULsCy0Q6AEwA3oECAgQAQ#v=onepage&q=Mississippi%20General%20Legislative%20Investigation%20Committee%20GLIC&f=false> page 124

<sup>12</sup> [https://books.google.com/books?id=DdCApZN4xjwC&pg=PA54&lpg=PA54&dq=Mississippi+General+Legislative+Investigation+Committee+GLIC&source=bl&ots=7G1SgH3QRo&sig=1PcxohUK12O\\_QMkcr9LPI\\_wyVVg&hl=en&sa=X&ved=2ahUKEwj1pKaR69jcAhWSu1MKHULsCy0Q6AEwA3oECAgQAQ#v=onepage&q=Mississippi%20General%20Legislative%20Investigation%20Committee%20GLIC&f=false](https://books.google.com/books?id=DdCApZN4xjwC&pg=PA54&lpg=PA54&dq=Mississippi+General+Legislative+Investigation+Committee+GLIC&source=bl&ots=7G1SgH3QRo&sig=1PcxohUK12O_QMkcr9LPI_wyVVg&hl=en&sa=X&ved=2ahUKEwj1pKaR69jcAhWSu1MKHULsCy0Q6AEwA3oECAgQAQ#v=onepage&q=Mississippi%20General%20Legislative%20Investigation%20Committee%20GLIC&f=false) page 54-57

legislature's structural and procedural deficiencies. Eagleton's report suggested a Legislative Auditor model, but the legislature instead chose a committee model like GLIC for PEER. They did, however, add "performance evaluation"<sup>13</sup> to PEER's portfolio. The PEER enabling legislation is Section 5-3-51 through 5-3-71 in the Mississippi Code, which passed in 1972.<sup>14</sup>

PEER's work products had been varied, ample, and well respected within the professional evaluators association, National Legislative Program Evaluation Society (NLPES). Their charge is to provide the Mississippi Legislature with input relevant to oversight by analyzing state agency programs and operations.<sup>15</sup> PEER produced performance evaluations, expenditure reviews, background investigations of appointments, fiscal forecasting of proposed laws estimating changes in revenues and expenditures, bill writing assistance, audits, assistance with performance budgeting, and internal oversight.<sup>16</sup> PEER staff's role in investigating appointments that require senatorial advice and consent is somewhat unique in the states and is discussed in the section "Oversight through Advice and Consent." In 2017, PEER produced 11 evaluations.<sup>17</sup> PEER was recognized by the NLPES with its top award in 2016 and its director was recognized with its highest honor for an individual person, the retired Executive Director of PEER, in 2015.<sup>18</sup>

Legislators serving on the Joint Legislative Committee on PEER are the decision makers regarding PEER staff efforts. Committee members determine both the workflow of PEER staff and whether to publish a report (interview notes 2018). There have been instances over a decade ago in which committee members voted against the release of a report because the agency had self-corrected, and the report was no longer needed (interview notes 2018), but no such activity has occurred recently. In 2016, the PEER committee members did not meet due to the lieutenant governor failing to name the senate appointees, an issue which will be described in the section "oversight through standing committees." Typically, the PEER committee members meet monthly (interview notes 2018) including between sessions but PEER staff is available to assist legislators year-round.<sup>19</sup> We are told that PEER committee members consider input on which issues to pursue from PEER staff, the governor's office, agency heads, tax payers, and legislators, but the primary initiators are the PEER committee members themselves and other legislators (interview notes 2018). PEER workflow is determined to a lesser extent by statute. We are also told that requests for PEER reports focus on efficiency, effectiveness, and economy, rather than partisan interests, which are filtered out through public debate and discussion during PEER committee meetings (interview notes 2018).

It appears that PEER evaluations regularly trigger legislative action. In its application for its 2016 NLPES Excellence Award,<sup>20</sup> PEER reports several instances in which its reports

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<sup>13</sup> <http://www.peer.ms.gov/Pages/FAQs.aspx> accessed 8/6/18

<sup>14</sup> <http://www.peer.ms.gov/Reports/reports/rpt343.pdf> accessed 8/6/18

<sup>15</sup> <http://www.peer.ms.gov/Pages/default.aspx> accessed 8/6/18

<sup>16</sup> [http://www.peer.ms.gov/Pages/About\\_Peer\\_Committee.aspx](http://www.peer.ms.gov/Pages/About_Peer_Committee.aspx) accessed 8/6/18

<sup>17</sup> <http://www.peer.ms.gov/Pages/Publications.aspx> accessed 8/6/18

<sup>18</sup> <http://www.ncsl.org/legislators-staff/legislative-staff/program-evaluation/past-nlpes-award-winners.aspx>, accessed 8/6/18

<sup>19</sup> <https://www.clarionledger.com/story/news/politics/2016/12/01/peer-committee-running/94670848/> accessed 7/25/18

<sup>20</sup> <http://www.ncsl.org/Portals/1/Documents/nlpes/NLPESExcelAwardNar2016MS.pdf>, accessed 11/1/18.

resulted in the enactment of legislation. Moreover, PEER reports that its evaluations led to improvements in monitoring service delivery from state entities, such as the Mississippi prison industries corporation. PEER's reports have also, according to its NLPES application, identified unspent funds and convinced the legislature that the state would lose money if it took proposed actions, such as changing the distribution of oil severance tax collections.

In addition to PEER, Mississippi has an Office of the State Auditor (OSA). The State Auditor is a separately-elected constitutional official in the executive branch serving for a four-year term.<sup>21</sup> In 2015, Republican Stacey Pickering was elected to the post but in 2018 resigned to take a position in Veterans Affairs<sup>22</sup> with the governor appointing his replacement.<sup>23</sup> The OSA is comprised of five divisions: financial and compliance audit, investigative, performance audit, technical assistance, and property.<sup>24</sup> Although the OSA is large and well-funded (total budget of \$12 million dollars of which \$5.6 million is a state appropriation), practitioners told us that the OSA serves a smaller role in legislative oversight of the executive than does PEER. There are for several reasons for this. First, the legislature directs the work of PEER staff, while the OSA priorities are determined by the elected state auditor. Second, PEER has a much broader notion of performance evaluation than the OSA does. Third, PEER has a publicly open process for requesting an audit, voting on its release, holds a public hearing on the results to provide for a public discussion of the findings, and responds to a legislative interest. While the OSA lacks these features, there are also questions about the independence of the OSA given that it is headed by a single politician. We were also told the two entities have never collaborated on a joint report but there were times PEER contacted the OSA for further details regarding an OSA report. The OSA Performance Audit Division is a relatively small unit within the OSA, comprised of 10 professional staff out of the 130 staff of the OSA (NASACT 2015). Despite its small size produced 11 reports in 2017.<sup>25</sup>

PEER staff and OSA work products appear to be well utilized by both the PEER committee and the legislature. For example, a state audit revealed that the MS Department of Education awarded information technology contracts to former colleagues of the sitting state superintendent of education, in some cases splitting contracts into amounts that fall below thresholds for automatic oversight or mislabeling invoices in a fashion to avoid scrutiny (Pender and Harris 2017). Legislative interest raised the issue in PEER hearings where Department of Education officials stated that the staff responsible for these contracts no longer works for the agency. The current state superintendent stated that new employees were hired, changes were made, and an internal audit is underway.<sup>26</sup> As a result of this situation, PEER staff produced a report in 2017 that looked at the entirety of the procurement laws and used the Mississippi

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<sup>21</sup> [https://ballotpedia.org/Mississippi\\_State\\_Auditor#cite\\_note-1](https://ballotpedia.org/Mississippi_State_Auditor#cite_note-1) accessed 8/6/18

<sup>22</sup> <https://www.clarionledger.com/get-access/?return=https%3A%2F%2Fwww.clarionledger.com%2Fstory%2Fnews%2Fpolitics%2F2018%2F06%2F25%2Fpickering-resigning-auditor-veterans-post%2F730646002%2F> accessed 8/6/18

<sup>23</sup> <https://www.clarionledger.com/get-access/?return=https%3A%2F%2Fwww.clarionledger.com%2Fstory%2Fnews%2Fpolitics%2F2018%2F07%2F06%2Fgov-phil-bryant-surprise-pick-state-auditor-replace-pickering%2F762629002%2F> accessed 8/6/18

<sup>24</sup> <http://www.osa.ms.gov/about/> accessed 8/6/18

<sup>25</sup> <http://www.osa.ms.gov/reports/performance/Default.aspx> accessed 8/6/18

<sup>26</sup> <https://www.clarionledger.com/story/news/politics/2017/10/23/wright-contracts-investigation-mde-cronyism/790498001/> accessed 8/6/18

Department of Education as a case study to understand actual practices.<sup>27</sup> PEER also has a statutorily mandated procurement report scheduled for 2019, with plans to repeat that report every two years after that.

The final analytic support agency, the Legislative Budget Office (LBO), provides staff support to the Joint Legislative Budget Committee and the legislature in order to assist in the adoption of a budget and to ensure a balanced budget. The LBO assists the Joint Legislative Budget Committee both to develop the Legislative Budget Recommendation and throughout the budget cycle to ensure a balanced budget. Moreover, it provides data processing support to the legislature.<sup>28</sup> The LBO has 23 professional staff listed on their website.<sup>29</sup> There are 16 reports listed on their website with a 2017 publication date, but these are fiscal reports (budget summaries, revenue estimates, etc.) not performance audits.<sup>30</sup>

### Oversight Through the Appropriations Process

The Legislative Budget Office (LBO) outlines the following steps in the annual budget cycle: 1) agencies make budget requests using the LBO's online budget request system in June; 2) agency five-year strategic plan is due July 15<sup>th</sup>; 3) Joint Legislative Budget Committee (JLBC) hears agency budget requests and revenue estimates in September; and 4) in December the JLBC adopts a Legislative Budget Recommendation.<sup>31</sup> The Joint Legislative Budget Committee is an important substantive, standing committee in the appropriations process due to its role in adopting the Legislative Budget Recommendation and monitoring state expenditures. The JLBC consists of 13 legislators and the lieutenant governor, who chairs the committee. The speaker of the house is the vice-chair, while the senate president pro-tempore and house speaker pro-tempore are committee members. The remaining members are the chairs of key committees: Senate Appropriations, Senate Finance, Senate Public Health and Welfare, Senate Energy, House Appropriations, House Ways and Means, House Energy, and House Wildlife, Fisheries, and Parks.<sup>32</sup>

The budget is based on revenue estimated by the governor's office and the JLBC. Although the governor shares responsibility with the legislature for building a budget, the governor is responsible for a balanced budget. In 2017, Mississippi's governor made a series of mid-year cuts when revenue fell short of projections. These were across the board cuts rather than savings identified through the state's newly adopted performance-based budgeting, which is currently shelved until the budget process can be simplified and made conducive to performance-based budgeting techniques. The July 2016 and May 2017 cuts totaled \$171 million because tax collections were less than expected. Despite a lawsuit arguing that this action violated the

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<sup>27</sup> <http://www.peer.ms.gov/Reports/reports/611.pdf> accessed 8/6/18

<sup>28</sup> <http://www.lbo.ms.gov/Home/About>, accessed 8/6/18

<sup>29</sup> <http://www.lbo.ms.gov/Home/Staff> 8/6/18

<sup>30</sup> <http://www.lbo.ms.gov/Home/Publications> 8/6/18

<sup>31</sup> <http://www.lbo.ms.gov/Home/BudgetProcessCycle> accessed 8/6/18

<sup>32</sup> <http://www.lbo.ms.gov/Home/CommitteeMembers> accessed 8/6/18

separation of powers between the legislative and executive branches,<sup>33</sup> the Mississippi Supreme Court affirmed the constitutionality of the governor's budget cuts.<sup>34</sup> The legislature then rolled these mid-year cuts into the budget for the next fiscal year. Republican senate leadership, the lieutenant governor and house speaker took credit for these cuts, saying, "We Republicans have campaigned for many, many years that we are for living within our means, we are for controlling spending, we are for reducing the size of government."<sup>35</sup>

Another key figure in the budget process is the separately elected lieutenant governor. In addition to the duties usually performed by a lieutenant governor (president of the senate in which he votes to break a tie), whoever holds this office in Mississippi has sole authority to appoint members to Senate committees, including the JLBC. Additionally, the lieutenant governor is vice chair or chair of certain senate committees.<sup>36</sup> This means that legislators often must negotiate with the lieutenant governor before sending the budget to the governor. For example, in 2016 then Lieutenant Governor Tate Reeves, a Republican, placed a priority on tax cuts. House Ways and Means Committee Chairman Jeff Smith, R-Columbus, characterized the role Reeves played in the 2016 saying, "It doesn't take a genius to figure out that if we don't do something on tax cuts, the lieutenant governor isn't going to sign a bond bill."<sup>37</sup> So even though the legislature has a role in the budget process, the lieutenant governor's control over the legislative budget process undermines the independence of legislative oversight. Although currently the lieutenant governor shares party affiliation with the majority party in both chambers, one can easily imagine the tension that would arise if these players were from opposite political parties. Additionally, it is plausible that the governor and lieutenant governor could be from opposite political parties, which would further complicate negotiations.

Despite these constraints on the legislature's autonomy in the appropriations process, there is ample evidence that, at least when there is one-party control, the legislature has impact on state agencies through the budget process. For example, in December of 2016, the Joint Legislative Budget Committee (JLBC) proposed a 2017 budget that eliminated 1,999 unfilled state government positions, removed State Personnel Board protection from a large number of state employees so that agencies could more easily fire them, and changed agency transportation rules to reduce out-of-state travel and placed a moratorium on state government purchases of new cars (Pender 2016). These budget proposals were described as consistent with the JLBC's 2016 strategic vision of utilizing performance budgeting to make cuts, according to the JLBC.<sup>38</sup>

Another example of the legislature making broad, systematic changes to the budgeting process is SB2362 of 2016, entitled Budget Transparency and Simplification.<sup>39</sup> It is clear from hearings on this bill that the legislation claimed to simplify the budget process and make it more

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<sup>33</sup> <https://www.usnews.com/news/best-states/mississippi/articles/2018-06-06/mississippi-high-court-mulls-case-over-power-to-cut-budgets> accessed 8/6/18

<sup>34</sup> <http://www.governing.com/topics/finance/Governor-Can-Make-Mid-Year-Budget-Cuts-Mississippi-Court-Rules.html>, accessed 11/2/18.

<sup>35</sup> <https://www.sunherald.com/opinion/other-voices/article146012644.html> accessed 9/6/18

<sup>36</sup> [https://ballotpedia.org/Lieutenant\\_Governor\\_of\\_Mississippi](https://ballotpedia.org/Lieutenant_Governor_of_Mississippi) accessed 8/6/18

<sup>37</sup> <http://www.jacksonfreepress.com/news/2016/apr/17/mississippi-plans-budget-cuts-weak-revenues-lt-gov/>, accessed 8/6/18

<sup>38</sup> [http://www.lbo.ms.gov/pdfs/fy18\\_jlbc\\_rec.pdf](http://www.lbo.ms.gov/pdfs/fy18_jlbc_rec.pdf), accessed 11/3/18

<sup>39</sup> [http://www.law.mc.edu/legislature/bill\\_details.php?id=5033&session=2016](http://www.law.mc.edu/legislature/bill_details.php?id=5033&session=2016), accessed 8/6/18



transparent by eliminating special funds and the practice of billing between agencies, thereby decreasing the complexity in the budgeting process. It is exceptionally difficult to ascertain the details of this legislative action, however, because some of the video archives of committee hearings do not work and the minutes of committee meetings only record whether the committee approved legislation or not. For this specific bill, there are three videos of five supposedly available that work.<sup>40</sup> There is a debate on the floor of the legislature on March 2<sup>nd</sup> 2016 (16 minutes and 18 seconds),<sup>41</sup> and then two other recordings March 31<sup>st</sup> (12 seconds), and April 5<sup>th</sup> (18 seconds). Only the first video provides content about the bill, which is that the funding streams for various agencies—fees, fees charged to other state agencies, general fund, special funds, and so on—that are used by agencies to justify their budget needs confuse legislators. It makes it hard for legislators to determine the agency’s actual needs and their true cost. It is clear that SB2362 was framed as a way to improve budget transparency and for the legislature to more easily distinguish meritorious from unmeritorious agency spending requests, especially spending on staff salaries.

There was some debate during the floor proceedings, during which one legislator stated:

We have an underground economy going on in state government... we had PEER do a study... rent and fees charged to other agencies total 100 million dollars... this clouds the true cost of government... [SB2362] breaks that down so there will be no charges.<sup>42</sup>

This same legislator stated that performance measures will be applied once greater transparency and simplification is brought to the budget process through SB2362. At the same brief floor debate, the Democratic attorney general (AG) expressed concerns through a proxy—Senator Bob M. Dearing— about the legality of removing special funds and the effect it would have on his agency. The answer he received is that there will be more money in the general fund once the special funds are eliminated, and the larger general fund will be able to fund the AG Office’s needs. When asked to explain why some special funds were being consolidated and others weren’t, the answer was that the special funds that are being eliminated by SB2362 are the ones the drafters want to handle presently and that they are the biggest. This floor debate would portend a fiscal debate that is currently shaping the 2019 gubernatorial election, wherein the presumptive Democratic candidate, current AG Jim Hood, is decrying the Republican backed SB2362, while Republican candidate and current Lieutenant Governor Tate Reeves is defending the legislation.

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<sup>40</sup> The Mississippi College website that chose to archive the legislature’s audio/visual relies on the legislature’s online journal to connect an issue with the correct audio/visual. SB2362 has nine total video links, but 4 are linked to procedural steps in the journal that have no corresponding audio/visual. 2 of the remaining 5 links are for days that the Audio/Visual system crashed (interview notes 2018). We were told that despite the NCSL website stating the existence of audio/visual for committee meetings, these in fact do not exist. Only floor proceedings are recorded. We were also told by sources close to the issue that committee meetings do not have minutes or audio/visual, rather they only have the votes for approve and not approve (interview notes 2018).

<sup>41</sup> [https://s3.amazonaws.com/legislative/SB2362\\_03022016.mp4](https://s3.amazonaws.com/legislative/SB2362_03022016.mp4) 8/6/18

<sup>42</sup> [https://s3.amazonaws.com/legislative/SB2362\\_03022016.mp4](https://s3.amazonaws.com/legislative/SB2362_03022016.mp4) 8/10/18

SB2362, while framed by Republicans as a way to simplify the budget, was challenged by Democrats as a way to hide budget cuts. Democrats argue that Republicans railroaded the bill through without proper hearings. The Mississippi Legislative Black Caucus hosted a June 8<sup>th</sup>, 2016 public hearing in the State Capitol to discuss some of the consequences of SB2362 on public health.<sup>43</sup> The hearing was hosted by a political organization rather than an official committee of the Mississippi legislature. Media outlets reported on this hearing and indicated agency heads expressed their opinions about SB2362. These included concern over the losing the special off-budget funds, but also praise for not having to pay fees to other agencies for services.<sup>44</sup>

Evidence that the bill was pushed through without allowing some parties to testify comes from the Mississippi Public Health Officer who was not asked to give testimony on SB2362 when it was discussed in the legislature, but provided testimony at the Mississippi Legislative Black Caucus hearing. The Officer expressed several concerns regarding SB2362, such as recent budget cuts and the current state of the Mississippi State Department of Health. The bill would reduce the department's budget by 11 percent from 2016 to 2017, cut 64 currently filled positions, and eliminate 89 vacant positions. She identified the infant mortality initiative and environmental services as the areas within the Health Department that would be the most affected.<sup>45</sup> Moreover, she explained how the prohibition on one department charging another a fee for service would have a negative effect on the Health Department's budget. The lieutenant governor's office assured her that "the department will be able to provide emergency response services and other critical services that the law technically forbids."<sup>46</sup>

Mississippi AG Jim Hood was more pointed in his criticism of the process by which SB2362 passed. The governor signed SB2362 in May of 2016. On June 20<sup>th</sup>, 2016, the attorney general advised agencies that the conversion of agency trust and special funds into the general fund was on legally shaky ground. Therefore, he recommended that agency heads keep collecting funds in these accounts as if SB2362 never passed.<sup>47</sup> Furthermore, AG Hood asserts that the conversion of these funds into the general fund was an attempt by the legislature to cover-up the "budget-busting tax breaks they've handed out to corporations."<sup>48</sup> Rolled into this criticism is the claim that due to the confusion created by transitioning to the new, simplified and transparent budget process, legislators voted on the 2017 budget blindly after delays in receiving the LBO figures. He asserts that SB 2362 caused the delay.<sup>49</sup> One effect of the votes was known: more layoffs in the Department of Health. But with the budget confusion, no one knew exactly how many layoffs.

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<sup>43</sup> <http://yallpolitics.com/index.php/yp/post/44103>, accessed 8/10/18

<sup>44</sup> <https://www.watchdog.org/issues/budgettaxes/mississippi-legislators-bemoan-budget-cuts-to-health-care-agencies/>, accessed 11/2/18

<sup>45</sup> <http://www.jacksonfreepress.com/news/2016/jun/09/health-department-will-have-send-home-more-people-/>, accessed 8/6/18

<sup>46</sup> <http://www.jacksonfreepress.com/news/2016/jun/09/health-department-will-have-send-home-more-people-/>, accessed 8/6/18

<sup>47</sup> <https://www.clarionledger.com/story/news/politics/2016/06/15/hood-budget-opinions/85927636/>, accessed 8/6/18

<sup>48</sup> <https://www.clarionledger.com/story/news/politics/2016/06/20/hood-state-budget/86136978/>, accessed 8/6/18

<sup>49</sup> <https://mississippitoday.org/2016/06/10/questions-cloud-start-of-states-fiscal-year/> accessed 8/6/18

The Republican lieutenant governor and Democratic attorney general continue to spar in the media. They will likely be their respective parties' candidate for governor in the 2019 election.<sup>50</sup> It is clear that the fights over appropriations feature prominently in Mississippi politics. Although the legislature has some power over the budget process, the lieutenant governor has a great deal of power to shape appropriations in the state. Given the power of the lieutenant governor, it would be difficult for the legislature to oppose him or her. A similar contest over control of the senate occurred in 2003-2008 when Republican Lt. Gov. Amy Tuck appointed Republicans to chair several key committees despite Democrats holding the majority of the seats in the senate.

## Oversight Through Committees<sup>51</sup>

Practitioners told us that the Joint Legislative Committee on Performance Evaluation and Expenditure Review (JLCPEER) is the primary committee performing legislative oversight in Mississippi.<sup>52</sup> JLCPEER is a joint standing committee consisting of seven senators appointed by the lieutenant governor, seven representatives appointed by the speaker of the house, and two officer positions— a chair and vice chair— which are both annually elected and rotate between the chambers.<sup>53</sup> This is the same as the process used for selecting JLBC committee members. A more detailed description of this committee was presented in the section on *Oversight through Analytic Bureaucracies*.

JLCPEER's functioning has been hobbled in recent years. Lt. Governor Reeves prevented the JLCPEER from meeting by holding up key appointments,<sup>54</sup> effectively rendering it useless from December 15<sup>th</sup>, 2015—the date of its last report—until at best October 2016,<sup>55</sup>

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<sup>50</sup> <https://www.clarionledger.com/story/news/politics/2018/08/01/jim-hood-tate-reeves-preview-possible-2019-gubernatorial-battle/875496002/>, accessed 8/6/18

<sup>51</sup> Rule 36 of the Senate ([http://billstatus.ls.state.ms.us/htms/s\\_rules.pdf](http://billstatus.ls.state.ms.us/htms/s_rules.pdf)) and Rule 60 (1) of the House ([http://billstatus.ls.state.ms.us/htms/h\\_rules.pdf](http://billstatus.ls.state.ms.us/htms/h_rules.pdf)) enumerates the standing committees of the respective chambers. Rule 36 of the Senate enumerates the Joint Committees. There are listed 39 standing committees in the Senate ([http://billstatus.ls.state.ms.us/htms/s\\_cmtmemb.xml](http://billstatus.ls.state.ms.us/htms/s_cmtmemb.xml)) and 47 standing committees in the House ([http://billstatus.ls.state.ms.us/htms/h\\_cmtmemb.xml](http://billstatus.ls.state.ms.us/htms/h_cmtmemb.xml)). Senate rules list four joint committees in addition to the joint committees noted in this paper: the Performance Evaluation and Expenditure Review Committee, Legislative Budget Committee, and the Reapportionment Committee.

<sup>52</sup> The House Accountability, Efficiency, Transparency Committee, the Senate Accountability, Efficiency, Transparency Committee, and the House Performance Budget Committee each presumably engage in some level of oversight, but hearing records are scant. The Performance Budget Committee is new as of 2016 and will be discussed in the section on Performance Budgeting. The Chair of the House Accountability, Efficiency, and Transparency Committee is quoted often in news stories on oversight, such as this one <https://www.clarionledger.com/story/news/2018/03/24/mississippi-prison-industries-loses-3-2-m-fires-ceo/415867002/> but I can't find examples of committee hearings in news media documenting the work that they are doing and there exists no archive of committee hearing audio/visual.

<sup>53</sup> [http://www.peer.ms.gov/Pages/About\\_PEER\\_Committee.aspx](http://www.peer.ms.gov/Pages/About_PEER_Committee.aspx) accessed 8/6/18

<sup>54</sup> <https://www.clarionledger.com/story/news/politics/2016/09/13/peer-committee-hold/90302002/> accessed 7/25/18

<sup>55</sup> <https://www.sunherald.com/news/politics-government/state-politics/article128266949.html> accessed 7/25/18

when the appointments were made.<sup>56</sup> The spokesperson for Lt. Gov. Reeves offered the following explanation for his actions on September, 2016:

The lieutenant governor believes the best use of PEER staff's time for the first six months of a new term was for them to be working on implementation of performance-based budgeting, individual legislative requests, and those reports required by state law. He very recently met with the director, and I expect he will make his appointments in the very near future.<sup>57</sup>

The appointments were made the following year on October 21<sup>st</sup>, 2016, without any additional explanation for the delay.<sup>58</sup> During the time without senate appointments, PEER could not initiate new reports, release completed reports, or hold hearings, but PEER staff did continue working on legally mandated reports and on projects that were already assigned by the previous Joint Committee on PEER. Practitioners stated the event was unusual but had no comment regarding why the appointments were held up or the effect on legislative oversight (interview notes 2018).

As noted in our section on Oversight through Analytic Bureaucracies, the JLCPEER holds hearings to follow up on both reports created by PEER staff and issues identified by other analytic bureaucracies, like the state auditor. For example, the state auditor uncovered issues surrounding the awarding of contracts by the Mississippi Department of Education and the legislature tasked JLCPEER to review the findings. From news reports and conversations with sources close to the issues, JLCPEER is relied on by the legislature to perform oversight of the executive both through its capacity to direct PEER staff to create reports, but also through other inputs including findings from other committee hearings, state auditor reports, and the accountability environment generally.

The Mississippi legislature in 2013 created an external oversight entity, the Corrections and Criminal Justice Oversight Task Force,<sup>59</sup> which consisted of members of the legal and criminal justice community including: judges, police, public defenders, district attorneys, the parole board chair. This task force, with the technical support of Pew Charitable Trusts and the Crime and Justice Institute, submitted recommendations to the legislature to “improve public safety, ensure clarity in sentencing, and control corrections costs.”<sup>60</sup> This task force recommended a series of criminal justice reforms in its 2017 report. Bills based on these recommendations were introduced in both chambers, and one, HB 387, was signed by the governor March 26, 2018.

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<sup>56</sup> <https://www.clarionledger.com/story/news/politics/2016/12/01/peer-committee-running/94670848/> accessed 7/25/18

<sup>57</sup> <https://www.clarionledger.com/story/news/politics/2016/09/13/peer-committee-hold/90302002/> accessed 7/25/18

<sup>58</sup> <https://www.clarionledger.com/story/news/politics/2016/12/01/peer-committee-running/94670848/> accessed 7/25/18

<sup>59</sup> <http://www.jacksonfreepress.com/news/2018/feb/14/re-entry-reforms-still-alive-legislature/>, accessed 11/3/18

<sup>60</sup> <http://www.ospd.ms.gov/Task%20Force/CORRECTIONS%20AND%20CRIMINAL%20JUSTICE%20TASK%20FORCE%202017%20FINAL%20REPORT.pdf>, accessed 11/3/18

## Oversight Through the Administrative Rules Process

No formal rule review is performed by either the legislative and executive branches. The Secretary of State is responsible for creating the forms and determining the format for rules, but that office has no authority to review the rules. The final decision about implementing a new rule rests solely on the agency promulgating the rule. The agency is required to complete various impact analyses that include the need for the rule and the benefits of the rule as well as economic impacts. The public has the right to challenge a rule based on its economic impacts. After raising the concerns with the agency, the public can seek a court ruling to invalidate the rule if the agency has not followed the correct procedures to analyze the rule's impact or has not given adequate consideration to information presented by the public. If the legislature wanted to revoke a rule, it would have to enact legislation.

All rules are supposed to be reviewed by the agency that created them every 5 years, but this is not practiced (Schwartz 2010). In April 2012, Mississippi Governor Phil Bryant signed the Small Business Regulatory Flexibility Act that gave business a greater role in the regulatory process<sup>61</sup> and added procedures to the economic impact analyses on small business.<sup>62</sup> This gives the public more leverage in the rule review process. But still, there is virtually no oversight of the executive branch exercised by the legislature.

## Oversight Through Advice and Consent

Authorization for executive orders is both constitutional and statutory covering a wide range of provisions, including but not limited to emergencies, executive branch reorganization/creation, responding to federal program requirements, and creating commissions/committees. There exists no legislative executive order review. Governor is exempt from the Administrative Procedures Act and filing and administrative procedures Miss. Code Ann. Section 25-43-102 (1972)

The governor made 20 executive orders in 2017.<sup>63</sup> These include mandating sexual harassment training for agency staff, mandating active shooter training for all state employees, declaring a weather emergency and deploying the National Guard (2), granting the adjutant general authority to promulgate certain rules for the militia, ordering flags to be flown at half-staff (11), commissioning studies (3), and declaring an emergency due to the opioid epidemic.

While the legislature does not formally have review of executive orders, they have been involved in talks about government reorganization and have cleared the way for reorganization to occur. The legislature has considered bills to reorganize the Department of Mental Health in 2017.<sup>64</sup> In that same year, the Mississippi State Department of Health<sup>65</sup> conducted an agency

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<sup>61</sup> <https://m.natchezdemocrat.com/2016/08/17/state-helps-ease-regulations-on-small-business/#> accessed 8/13/18

<sup>62</sup> <https://legiscan.com/MS/bill/SB2398/2012> accessed 8/6/18

<sup>63</sup> <http://www.sos.ms.gov/Education-Publications/Pages/Executive-Orders.aspx> 8/6/18

<sup>64</sup> <https://www.clarionledger.com/story/opinion/columnists/2017/01/29/reorganization-bill-detrimental-mental-health/97209840/> accessed 8/6/18

<sup>65</sup> <https://starkvilledailynews.com/content/msdh-close-district-office-starkville> 8/6/18

reorganization in which it consolidated offices into a regional system. In 2014, The Mississippi Department of Education conducted an agency reorganization directed by State Superintendent that eliminated 7% or 30 employees from its payroll, which was made possible by a law passed earlier that year giving the Superintendent the power to fire employees without cause for two years.<sup>66</sup>

As noted earlier in this discussion, Mississippi's governor has limited opportunities to appoint top executive branch members. Out of the 50 listed administrative officials, 21 are appointed by the governor or by an executive branch agency subject to senate approval, or in the case of Adjutant General, approval by either the senate or the house (Book of the States 2014). In the legislative advice and consent process, PEER staff, at the request of the relevant committee chair, performs investigations into the background of any appointee made by the governor that requires the advice and consent of the senate.<sup>67</sup> Sources close to the issue claimed that there were appointees who were investigated by PEER (interview notes 2018). News coverage suggests legislative scrutiny does occasionally occur, but even when a nominee's ethics might legitimately be questioned, the senate, without taking time to conduct a thorough investigation, still confirmed the nominees—just not unanimously.<sup>68</sup>

## Oversight Through Monitoring of State Contracts

The executive branch Department of Finance and Administration through its Office of Purchasing, Travel and Fleet Management<sup>69</sup> is responsible for monitoring of state contracts.<sup>70</sup> Recent efforts have been made to increase the transparency of both contracting and state expenditures by the creation of online systems<sup>71</sup> and the creation of the website Transparency Mississippi.<sup>72</sup>

PEER has uncovered contract issues while conducting performance audits of agencies. After following up on a state auditor's report, PEER held hearings uncovering issues in the MS Department of Education contract bidding, which, as noted in the section on the Analytic Bureaucracy, found cronyism and impropriety regarding MS Department of Education contracts, including illegal invoice splitting to avoid oversight. The state auditor decided to probe the Department of Education issues independently.<sup>73</sup> These efforts at contract oversight came following federal convictions of the corrections commissioner for corruption in the awarding of no-bid contracts, bribes, and money laundering—tainting “hundreds of millions in state

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<sup>66</sup> <https://www.clarionledger.com/story/news/local/2014/09/03/mde-lays-off-about-30/15031175/> 8/6/18

<sup>67</sup> [http://www.peer.ms.gov/Pages/About\\_Peer\\_Committee.aspx](http://www.peer.ms.gov/Pages/About_Peer_Committee.aspx) accessed 8/6/18

<sup>68</sup> [http://archive.boston.com/business/taxes/articles/2010/04/22/miss\\_senate\\_confirms\\_tax\\_appeals\\_board\\_nominee/](http://archive.boston.com/business/taxes/articles/2010/04/22/miss_senate_confirms_tax_appeals_board_nominee/), accessed 11/4/18.

<sup>69</sup> <http://www.dfa.ms.gov/media/3990/procurementmanual.pdf> 8/6/18

<sup>70</sup> <http://www.dfa.ms.gov/dfa-offices/purchasing-travel-and-fleet-management/> 8/6/18

<sup>71</sup> [https://www.ms.gov/dfa/contract\\_bid\\_search](https://www.ms.gov/dfa/contract_bid_search) 8/6/18

<sup>72</sup> <https://www.msegov.com/dfa/transparency/default.aspx> 8/6/18

<sup>73</sup> <https://mississippitoday.org/2017/09/25/state-auditor-to-probe-ed-dept-contracts-spending/> accessed 8/6/18

contracts.”<sup>74</sup> The Mississippi Department of Corrections Commissioner was the target of contract monitoring by PEER, which raised questions about no-bid contracts in 2011. The chair of the House Accountability, Efficiency and Transparency Committee sounded the alarm on no-bid contracts.<sup>75</sup>

PEER staff produced a report in 2017, “State Government Purchasing: A Review of Recent Statutory Changes and a Case Study,”<sup>76</sup> which looked specifically at the procurement system in the Mississippi Department of Education. The document highlights significant statutory changes to procurement that strengthened oversight, but ultimately still relied on the executive branch Public Procurement Review Board.<sup>77</sup> The report found that sole-sourced, no bid procurements decreased because of the 2015 legislation. The Mississippi’s Accountability System for Government Information and Collaboration (MAGIC) IT system the state uses to monitor and detect contracts for review was also criticized. PEER made recommendations to improve the coding of contracts to increase the validity of the system. By statute, PEER is required to biennially review state government purchasing practices.<sup>78</sup>

## Oversight Through Automatic Mechanisms

Mississippi does not have sunrise or sunset process. Mississippi’s Sunset Act was terminated on December 31, 1984 and it has not been replaced (Baugus and Bose). Administrative regulations are not reviewed by the Mississippi Legislature (Baugus and Bose). Practitioners told us that there are no sunsets or renewal requirements for continuing appropriations (interview notes 2018). Rather, appropriations are made on a yearly basis, so every appropriation is considered for review by the legislature except for what are called “diversions,” which are funds allocated for a specific purpose sometimes by fee or the dollars are a pass-through to a regional entity. Diversions do not have sunsets. But there are agencies and agency programs that do have sunsets, which are called “repealers”:

There are dozens of repealers that are extended every year and another dozen new repealers introduced every year. The two groups are repealers on professional licensure boards or commissions in Title 73 and repealers on agencies or sections of the enabling legislation for agencies—health department and human services. Those are the most common, but we have seen them in tax laws, insurance laws, environmental resource laws, etc. You can find them all over and they are used more as a device to get certain legislation back before the legislature in a set amount of time. It’s no longer used systematically but now it’s

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<sup>74</sup> <https://www.clarionledger.com/story/news/politics/2017/09/28/auditor-hammers-mde-over-contracts/712093001/> accessed 8/6/18

<sup>75</sup> <https://www.clarionledger.com/story/news/2014/11/08/indicted-epps-way-lawmakers-governors/18746327/> accessed 9/14/18

<sup>76</sup> <http://www.peer.ms.gov/Reports/reports/611.pdf> accessed 8/6/18

<sup>77</sup> <https://law.justia.com/codes/mississippi/2013/title-27/chapter-104/in-general/section-27-104-7/> 8/6/18

<sup>78</sup> <https://www.clarionledger.com/story/news/politics/2017/09/25/mde-education-contracts-watchdog-questions/699764001/> accessed 8/6/18

used on an individual basis and you'll find some legislators who want to use it a lot or you'll find situations where it is used as a compromise to get a bill passed (interview notes 2018).

Sources say that repealers are sometimes used to ensure agency compliance with legislative intent (interview notes 2018). For example, in 2015 the Governor called a special session and asked the legislature to send him a bill without the repealer on the entire Medicaid administration. The legislature complied thus averting a possible crisis like the repealer that eliminated the Department of Human Services in the 1990s for 5 weeks forcing the Governor to recreate it through executive order (interview notes 2018).

## Oversight Through Performance Budgeting

The LBO has several publications regarding the deployment of a new performance budgeting approach, which started in 2014.<sup>79</sup> According to sources, the legislature has tasked PEER with cost benefit analysis connected to performance accountability and performance budgeting, which resulted in PEER hiring additional staff. SB2362, discussed extensively in the section on oversight through the appropriations process, passed in 2016, is intended to clear the way for the implementation of performance-based budgeting by simplifying the budget process. So far, these efforts are still just getting off the ground. The House Performance Based Budgeting Committee, which was created in 2016, is charged with looking for opportunities to use evidence to cut costs and improve performance of government service. PEER worked with the Mississippi Department of Corrections to make performance improvements and met with the House Committee on Performance Based Budgeting to develop their capacity to develop and implement performance improvement programs.<sup>80</sup>

## Methods and Limitations

We contacted 16 total officials and were able to interview four. Mississippi provided an obstacle because neither audio/visual nor formal minutes are kept of hearings. We sought to overcome this obstacle by contacting legislators directly for their account of specific hearings but we could not reach anyone for comment. Of the four people we spoke to, three were legislative staff and one was a research librarian. Of the 11 people we contacted and could not reach for comment, seven were current or former representatives, three were legislative staff, and one was an agency of the legislature.

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<sup>79</sup> <http://www.lbo.ms.gov/Home/Publications> accessed 8/6/18

<sup>80</sup> <http://www.jacksonfreepress.com/news/2016/may/11/legislative-summer-school-all-about-performance/> accessed 9/14/18



## References

- Amazon News (2018, August 10). SB 2362 floor debate [Video file]. Retrieved from [https://s3.amazonaws.com/legislative/SB2362\\_03022016.mp4](https://s3.amazonaws.com/legislative/SB2362_03022016.mp4)
- Associated Press (2016, April 17). Mississippi plans budget cuts on weak revenue; Lt. Gov. pushes tax cuts. *Jackson Free Press*. Retrieved from <http://www.jacksonfreepress.com/news/2016/apr/17/mississippi-plans-budget-cuts-weak-revenues-lt-gov/>
- Ballotpedia (2018, November 1). Mississippi Governor [Website]. Retrieved from [https://ballotpedia.org/Governor\\_of\\_Mississippi](https://ballotpedia.org/Governor_of_Mississippi)
- Ballotpedia (2018, August 6). Mississippi State Auditor [Website]. Retrieved from [https://ballotpedia.org/Mississippi\\_State\\_Auditor#cite\\_note-1](https://ballotpedia.org/Mississippi_State_Auditor#cite_note-1)
- Ballotpedia (2018, July 25). Mississippi State Legislature [Website]. Retrieved from [https://ballotpedia.org/Mississippi\\_State\\_Legislature](https://ballotpedia.org/Mississippi_State_Legislature)
- Ballotpedia (n.d.). Mississippi Legislative Session [Website]. Retrieved from [https://ballotpedia.org/2018\\_Mississippi\\_legislative\\_session](https://ballotpedia.org/2018_Mississippi_legislative_session)
- Barry, J. (2017, January 29). Reorganization bill detrimental to mental health. *The Clarion Ledger*. Retrieved from <https://www.clarionledger.com/story/opinion/columnists/2017/01/29/reorganization-bill-detrimental-mental-health/97209840/>
- Baugus, F. & Bose, B. (2015). Sunset Legislation in the States: Balancing the Legislature and the Executive [PDF document]. *The Mercatus Center at George Mason University*. Retrieved from <https://www.mercatus.org/system/files/Baugus-Sunset-Legislation.pdf>
- Beyle, T. L. (1999). Governors and the executive branch. In *Politics in American states: A comparative analysis* by Gray, V., Hanson, R. L., & Jacob, H. (1999). Washington, D.C.: CQ Press
- Crawford, B. (2017, April 22). We dare take a peek behind the curtain at state capitol. *Sun Herald*. Retrieved from <https://www.sunherald.com/opinion/other-voices/article146012644.html>
- Crespino, J. (2007). *Search for Another Country: Mississippi and the Conservative Counterrevolution*. Princeton, NJ: Princeton University Press. Retrieved from [https://books.google.com/books?id=DdCApZN4xjwC&pg=PA54&lpg=PA54&dq=Mississippi+General+Legislative+Investigation+Committee+GLIC&source=bl&ots=7G1SgH3QRo&sig=1PcxohUK12O\\_QMker9LPI\\_wyVVg&hl=en&sa=X&ved=2ahUKEWj1pKaR69jcAhWSu1MKHULsCy0Q6AEwAHoECAAQAQ#v=onepage&q=Mississippi%20General%20Legislative%20Investigation%20Committee%20GLIC&f=false](https://books.google.com/books?id=DdCApZN4xjwC&pg=PA54&lpg=PA54&dq=Mississippi+General+Legislative+Investigation+Committee+GLIC&source=bl&ots=7G1SgH3QRo&sig=1PcxohUK12O_QMker9LPI_wyVVg&hl=en&sa=X&ved=2ahUKEWj1pKaR69jcAhWSu1MKHULsCy0Q6AEwAHoECAAQAQ#v=onepage&q=Mississippi%20General%20Legislative%20Investigation%20Committee%20GLIC&f=false)

- Dreher, A. (2018, February 14). Re-entry reforms still alive in legislature. *Jackson Free Press*. Retrieved from <http://www.jacksonfreepress.com/news/2018/feb/14/re-entry-reforms-still-alive-legislature/>
- Dreher, A. (2016, June 9). State Health Officer: Cuts mean ‘sending people home’. *Jackson Free Press*. Retrieved from <http://www.jacksonfreepress.com/news/2016/jun/09/health-department-will-have-send-home-more-people-/>
- Dreher, A. (2016, May 11). Legislative summer school: All about performance. *Jackson Free Press*. Retrieved from <http://www.jacksonfreepress.com/news/2016/may/11/legislative-summer-school-all-about-performance/>
- Haider-Markel, D. (Ed.). (2008). *Political Encyclopedia of U.S. States and Regions*. CQ Press. National Conference of State Legislatures (2017). Retrieved from [http://www.ncsl.org/research/about-state-legislatures/full-and-part-time-legislatures.aspx#side\\_by\\_side](http://www.ncsl.org/research/about-state-legislatures/full-and-part-time-legislatures.aspx#side_by_side)
- Hampton, P. (2017, January 23). Bennett takes over watchdog leadership. *Sun Herald*. Retrieved from <https://www.sunherald.com/news/politics-government/state-politics/article128266949.html>
- Hooper, C. (2016, August 17). State helps ease regulations on small business. *The Natchez Democrat*. Retrieved from <https://m.natchezdemocrat.com/2016/08/17/state-helps-ease-regulations-on-small-business/>
- Justia U.S. Law (2018, August 6). 2016 Mississippi code, Joint Committee on Performance Evaluation and Expenditure Review [Website]. Retrieved from <https://law.justia.com/codes/mississippi/2016/title-5/chapter-3/joint-legislative-committee-on-performance-evaluation-and-expenditure-review/>
- Justia U.S. Law (n.d.). 2013 Mississippi code, title 27, chapter 104 [Website]. Retrieved from <https://law.justia.com/codes/mississippi/2013/title-27/chapter-104/in-general/section-27-104-7/> 8/6/18
- LeCoz, E. (2014, September 3). MS Department of Ed lays off about 30 employees. *The Clarion Ledger*. Retrieved from <https://www.clarionledger.com/story/news/local/2014/09/03/mde-lays-off-about-30/15031175/>
- LegiScan (2018, August 6). Mississippi Senate Bill 2398, Session 2012 [Website]. Retrieved from <https://legiscan.com/MS/bill/SB2398/2012>
- Luckett, R. (2013). “Hell fired out of him”: The Muting of James Silver in Mississippi, In Ownby, T. (Ed.) *The Civil Rights Movement in Mississippi* (1<sup>st</sup> Ed., pp. 123-137). Jackson, MS: University Press of Mississippi. Retrieved from <sup>1</sup><https://books.google.com/books?id=ZPUaBwAAQBAJ&pg=PA124&lpg=PA124&dq=Mississippi+General+Legislative+Investigation+Committee+GLIC&source=bl&ots=fXi>

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juzI&sig=HGcTW05d8grNupp7xcuWHJ5j6XQ&hl=en&sa=X&ved=2ahUKEwj1pKaR69jcAhWSu1MKHULsCy0Q6AEwA3oECAgQAQ#v=onepage&q=Mississippi%20General%20Legislative%20Investigation%20Committee%20GLIC&f=false page 124

Mitchell, J. (2018, March 24). Mississippi prison industries loses \$3.2 million, fires ceo. *The Clarion Ledger*. Retrieved from <https://www.clarionledger.com/story/news/2018/03/24/mississippi-prison-industries-loses-3-2-m-fires-ceo/415867002/>

Mississippi College School of Law (Producer) (2018, August 6). 2016 Session audio recording [Audio file]. Retrieved from [http://www.law.mc.edu/legislature/bill\\_details.php?id=5033&session=2016](http://www.law.mc.edu/legislature/bill_details.php?id=5033&session=2016)

Mississippi Department of Finance and Administration (2018, August 6). Procurement manual [PDF document]. Retrieved from <http://www.dfa.ms.gov/media/3990/procurementmanual.pdf>

Mississippi Department of Finance and Administration (n.d.). Purchasing management office [Website]. Retrieved from <http://www.dfa.ms.gov/dfa-offices/purchasing-travel-and-fleet-management/>

Mississippi Government (2018, August 6). Buy and selling in Mississippi, contract search [Website]. Retrieved from [https://www.ms.gov/dfa/contract\\_bid\\_search](https://www.ms.gov/dfa/contract_bid_search)

Mississippi Legislature (2018, August 6). PEER Committee 1995 Annual Report [PDF document]. Retrieved from <https://www.peer.ms.gov/Reports/reports/rpt343.pdf>

Mississippi Legislature (n.d.). PEER Committee About [Website]. Retrieved from [https://www.peer.ms.gov/Pages/About\\_PEER\\_Committee.aspx](https://www.peer.ms.gov/Pages/About_PEER_Committee.aspx)

Mississippi Legislature (n.d.). PEER Committee FAQs [Website]. Retrieved from <https://www.peer.ms.gov/Pages/FAQs.aspx>

Mississippi Legislature (n.d.). PEER Committee Home [Website]. Retrieved from <https://www.peer.ms.gov/Pages/default.aspx>

Mississippi Legislature (n.d.). PEER Committee Members [Website]. Retrieved from [https://www.peer.ms.gov/Pages/Committee\\_Members.aspx](https://www.peer.ms.gov/Pages/Committee_Members.aspx)

Mississippi Legislature (n.d.). PEER Committee Publications [Website]. Retrieved from <http://www.peer.ms.gov/Pages/Publications.aspx>

Mississippi Legislature (n.d.). PEER Committee Report #611 [PDF document]. Retrieved from <https://www.peer.ms.gov/Reports/reports/611.pdf>

Mississippi Legislative Budget Office (2018, August 6). About LBO [Website]. Retrieved from <http://www.lbo.ms.gov/Home/About>

Mississippi Legislative Budget Office (n.d.). Budget Process Cycle [Website]. Retrieved from <http://www.lbo.ms.gov/Home/BudgetProcessCycle>

Mississippi Legislative Budget Office (n.d.). Committee Members [Website]. Retrieved from <http://www.lbo.ms.gov/Home/CommitteeMembers>

Mississippi Legislative Budget Office (2018, November 3). FY18 Joint Legislative Budget Committee recommendations [PDF document]. Retrieved from [http://www.lbo.ms.gov/pdfs/fy18\\_jlbc\\_rec.pdf](http://www.lbo.ms.gov/pdfs/fy18_jlbc_rec.pdf)

Mississippi Legislative Budget Office (2018, August 6). Publications [Website]. Retrieved from <http://www.lbo.ms.gov/Home/Publications>

Mississippi Legislative Budget Office (n.d.). Staff listing [Website]. Retrieved from <http://www.lbo.ms.gov/Home/Staff>

Mississippi Legislative Budget Office (n.d.). Strategic Planning in Mississippi State Government. [PDF document]. Retrieved from <http://www.lbo.ms.gov/pdfs/StrategicPlanPPTJune2016.pdf>

Mississippi Office of State Public Defender (2018, November 3). Corrections and Criminal Justice Oversight Task Force report [PDF document]. Retrieved from <http://www.ospd.ms.gov/Task%20Force/CORRECTIONS%20AND%20CRIMINAL%20JUSTICE%20TASK%20FORCE%202017%20FINAL%20REPORT.pdf>

Mississippi Office of the State Auditor (n.d.). About us [Website]. Retrieved from <http://www.osa.ms.gov/about/>

Mississippi Office of the State Auditor (n.d.). Performance reports [Website]. Retrieved from <http://www.osa.ms.gov/reports/performance/>

Mississippi State Senate (2018, August 6). Committee listing [Website]. Retrieved from [http://billstatus.ls.state.ms.us/htmls/s\\_cmtmemb.xml](http://billstatus.ls.state.ms.us/htmls/s_cmtmemb.xml)

Mississippi State Senate (n.d.). Senate Rules [Website]. Retrieved from [http://billstatus.ls.state.ms.us/htmls/s\\_rules.pdf](http://billstatus.ls.state.ms.us/htmls/s_rules.pdf)

Mississippi Secretary of State (2018, August 6). Mississippi Governor executive orders [Website]. Retrieved from <http://www.sos.ms.gov/Education-Publications/Pages/Executive-Orders.aspx>

- Mississippi Secretary of State (2018, August 6). Mississippi State Constitution [PDF document]. Retrieved from [http://www.sos.ms.gov/Education-Publications/Documents/Downloads/Mississippi\\_Constitution.pdf](http://www.sos.ms.gov/Education-Publications/Documents/Downloads/Mississippi_Constitution.pdf)
- NASACT 2015. *Auditing in the States: A Summary*. 2015 Edition National Association of State Auditors, Comptrollers, and Treasurers, 449 Lewis Hargett Circle, Suite 290, Lexington, KY.
- National Conference of State Legislatures (NCSL) (2018, November 1). 2016 NLPES Excel Award [Website]. Retrieved from <http://www.ncsl.org/Portals/1/Documents/nlpes/NLPESExcelAwardNar2016MS.pdf>
- National Conference of State Legislatures (NCSL) (2011). Legislator compensation [Website]. Retrieved from <http://www.ncsl.org/research/about-state-legislatures/2011-ncsl-legislator-compensation-table.aspx>
- National Conference of State Legislatures (NCSL) (2018, August 6). Legislators staff nlpes award winners [Website]. Retrieved from <http://www.ncsl.org/legislators-staff/legislative-staff/program-evaluation/past-nlpes-award-winners.aspx>, accessed 8/6/18
- National Conference of State Legislatures (NCSL) (2010). Legislative session length. [Website]. Retrieved from <http://www.ncsl.org/research/about-state-legislatures/legislative-session-length.aspx>
- National Conference of State Legislatures (NCSL) (2015). State legislature Staff [Website]. Retrieved from <http://www.ncsl.org/research/about-state-legislatures/staff-change-chart-1979-1988-1996-2003-2009.aspx>
- National Conference of State Legislatures (NCSL) (2017). Partisan composition [Website]. Retrieved from <http://www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx#Timelines>
- National Governors Association (2017). Governor bios [Website]. Retrieved from [https://www.nga.org/cms/home/governors/past-governors-bios/page\\_mississippi.html](https://www.nga.org/cms/home/governors/past-governors-bios/page_mississippi.html)
- Naves, R.L. (2016, June 10). Agencies fume, legislators triumph in budget battle. *Mississippi Today*. Retrieved from <https://mississippitoday.org/2016/06/10/questions-cloud-start-of-states-fiscal-year/>
- Pender, G. & Harris, B. (2017, September 25). Watchdog hammers Mississippi department of education over contracts, purchases. *The Clarion-Ledger*. Retrieved from <http://www.sunherald.com/news/local/education/article175279021.html>

- Pender, G. (2018, August 1). Warm up to 2019: Hood Reeves take jabs. *The Clarion Ledger*. Retrieved from <https://www.clarionledger.com/story/news/politics/2018/08/01/jim-hood-tate-reeves-preview-possible-2019-gubernatorial-battle/875496002/>
- Pender, G. (2016, December 8). Legislative budget panel proposes cuts, layoffs. *The Clarion-Ledger*. Retrieved from <http://www.clarionledger.com/story/news/politics/2016/12/08/lbo-proposed-budget/95136548/>
- Pender, G. (2016, December 1). Watchdog committee up and running. *The Clarion Ledger*. Retrieved from <https://www.clarionledger.com/story/news/politics/2016/12/01/peer-committee-running/94670848/>
- Pender, G. (2016, September 13) Watchdog committee on hold by Lt. Governor. *The Clarion Ledger*. Retrieved from <https://www.clarionledger.com/story/news/politics/2016/09/13/peer-committee-hold/90302002/>
- Pender, G. & Gates, J. (2014, November 8). Indicted Epps had a way with lawmakers, governors. *The Clarion Ledger*. Retrieved from <https://www.clarionledger.com/story/news/2014/11/08/indicted-epps-way-lawmakers-governors/18746327/>
- Phillips, R. (2017, June 13). MSDH to close office in Starkville. *Starkville Daily News*. Retrieved from <https://starkvilledailynews.com/content/msdh-close-district-office-starkville>
- Royals, K. (2017, September 25). State Auditor to probe Ed dept. contract, spending. *Mississippi Today*. Retrieved from <https://mississippitoday.org/2017/09/25/state-auditor-to-probe-ed-dept-contracts-spending/>
- Shor, B. & McCarty, N. (2015). State Legislative Aggregate Ideology Data June 2015 Update.
- Squire, P. (2017). A Squire Index Update. *State Politics and Policy Quarterly*. 17:361-71
- Transparency Mississippi (2018, August 6). Mississippi transparency home [Website]. Retrieved from <https://www.msegov.com/dfa/transparency/default.aspx>
- Wagster-Pettus, E. (2018, September 17). Governor can make mid-year budget cuts, Mississippi court rules. *Governing States and Localities*. Retrieved from <http://www.governing.com/topics/finance/Governor-Can-Make-Mid-Year-Budget-Cuts-Mississippi-Court-Rules.html>
- Wagster-Pettus, E. (2018, June 6). Mississippi High Court mulls case over power to cut budgets. *U.S. News and World Report*. Retrieved from <https://www.usnews.com/news/best-states/mississippi/articles/2018-06-06/mississippi-high-court-mulls-case-over-power-to-cut-budgets>

Wagster-Pettus, E. (2010, April 22). Mississippi Senate confirms tax appeals board nominee. *Boston.com*. Retrieved from [http://archive.boston.com/business/taxes/articles/2010/04/22/miss\\_senate\\_confirms\\_tax\\_appeals\\_board\\_nominee/](http://archive.boston.com/business/taxes/articles/2010/04/22/miss_senate_confirms_tax_appeals_board_nominee/)

Ya'all Politics (2018, August 10). Budget hearing press release [Website]. Retrieved from <https://yallpolitics.com/index.php/yp/post/44103>