

**Joint Legislative Committee on Performance
Evaluation and Expenditure Review (PEER)**

Report to
the Mississippi Legislature



**Summaries of PEER Reports
1973-Present**

Volume II: January 1, 2000-September 1, 2004

PEER Awards and Recognition

2001, 2002, 2003, 2004

Impact Award

(National Legislative Program Evaluation Society,
National Conference of State
Legislatures)

1994

Award for Excellence in Program Evaluation

(National Legislative Program Evaluation Society,
National Conference of State
Legislatures)

1984

Most Distinguished Research Award

(Governmental Research Association)

1982

Award for Outstanding Contributions to the
Field of Legislative Program Evaluation

(National Conference of State Legislatures)

1979

Most Distinguished Research Award

(Governmental Research Association)

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The Mississippi Legislature

Joint Committee on Performance Evaluation and Expenditure Review

PEER Committee

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TO: Honorable Haley Barbour, Governor
Honorable Amy Tuck, Lieutenant Governor
Honorable Billy McCoy, Speaker of the House
Members of the Mississippi State Legislature

FROM: Senator Lynn Posey

2004 PEER Chairman

A handwritten signature in black ink, appearing to read "Lynn Posey".

DATE: September 1, 2004

RE: **Summaries of PEER Reports, 1973 to Present**
Volume II: 2000-Present

For over thirty years, the PEER Committee has published reports on Mississippi state and local government entities and issues. These reports have proven to have archival value over an extended period and, in response, the Committee annually publishes a compilation of summaries of PEER reports issued to date. This compilation has become a useful tool for the Legislature and general public.

This volume contains an introduction to the PEER Committee, PEER's enabling legislation, and an index to PEER reports by subject. Summaries of reports, in chronological order from January 1, 2000, until the present, begin on page 137. (Volume I contains summaries and indexing for PEER reports published from 1973 through 1999.)

Legislators, state and local government employees, and private citizens are encouraged to contact our offices (601-359-1226) or check our website (<http://www.peer.state.ms.us>) for copies of PEER reports or for more information about the PEER Committee.

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Introduction to PEER

What is PEER?

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) in 1973 to conduct performance evaluations, investigations, and expenditure reviews and report its findings to the Legislature.

Section 60 of the MISSISSIPPI CONSTITUTION authorizes the Legislature to conduct investigations. The constitutional basis of legislative oversight in Mississippi is derived from elected representatives' right to question executive policies and practices.

The PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses.

What Does PEER Do?

By vote of the Committee, PEER may review the work of any state or local entity that receives public funds. State law authorizes PEER to examine a public entity's documents and records, interview personnel, and examine witnesses, using subpoena power if necessary.

PEER's reviews may have multiple objectives and one of many formats, such as: descriptive summary, investigation, compliance review, management review, economy and efficiency review, program evaluation, or policy analysis. The Committee publishes results of its reviews in reports that are distributed to the Legislature and the public.

PEER staff also provide short-term assistance to legislative committees and individual legislators upon request. These requests do not require a formal vote of the PEER Committee, but resulting work products are distributed only to the requesting legislator or legislative committee and are otherwise confidential.

For additional information on the purpose and powers of the PEER Committee, see page ix, for a copy of PEER’s enabling legislation (MISS. CODE ANN. Section 5-3-51 through 5-3-71 [1972]).

Who May Request PEER Reviews?

PEER may, by vote of the Committee, conduct reviews in response to requests from PEER Committee members, chairs of legislative committees or subcommittees, individual legislators, PEER Committee staff, other governmental agencies, or private citizens. Also, some PEER reviews are required by state law.

Individuals wishing to request a PEER Committee review should submit a signed, written request to a member of the Committee or staff. However, due to resource constraints, legislative requests must take priority.

What Form Do PEER Reviews Take?

PEER’s published reports follow a standard format which includes a very brief summary of the report on its cover, a more detailed “executive summary” inside, then the full text of the Committee’s findings and recommendations. Upon request, PEER staff will brief committees, individual legislators, or other legislative staff on the contents of reports.

How May I Receive PEER Reports?

To request a specific PEER report, to be added to the report mailing list, or to request that PEER conduct a review, you may contact PEER’s Executive Director by:

Telephone:	(601) 359-1226
Mail:	P. O. Box 1204 Jackson, MS 39215-1204
In person:	501 North West Street Suite 301-A, Woolfolk Building Jackson, MS 39201
Internet:	web-- http://www.peer.state.ms.us e-mail-- reports@peer.state.ms.us
Fax:	(601) 359-1420

How Does PEER Operate?

The PEER Committee employs an Executive Director and staff as authorized by law. PEER staff have diverse educational backgrounds, most with advanced degrees or professional certification. The chart on page viii depicts PEER staff's current organizational structure.

2004 Joint Legislative PEER Committee officers are:

Chair, Senator Lynn Posey
Union Church, MS

Vice Chair, Representative Dirk Dedeaux
Gulfport, MS

Secretary, Representative Alyce Clarke
Jackson, MS

Other members of the Committee are:

Senator Merle Flowers
Southaven, MS

Senator Bunky Huggins
Greenwood, MS

Senator Sampson Jackson
DeKalb, MS

Senator Dean Kirby
Pearl, MS

Senator Ezell Lee
Picayune, MS

Senator Richard White
Terry, MS

Representative Willie Bailey
Greenville, MS

Representative Joey Hudson
Monticello, MS 39654

Representative Harvey Moss
Corinth, MS 38835

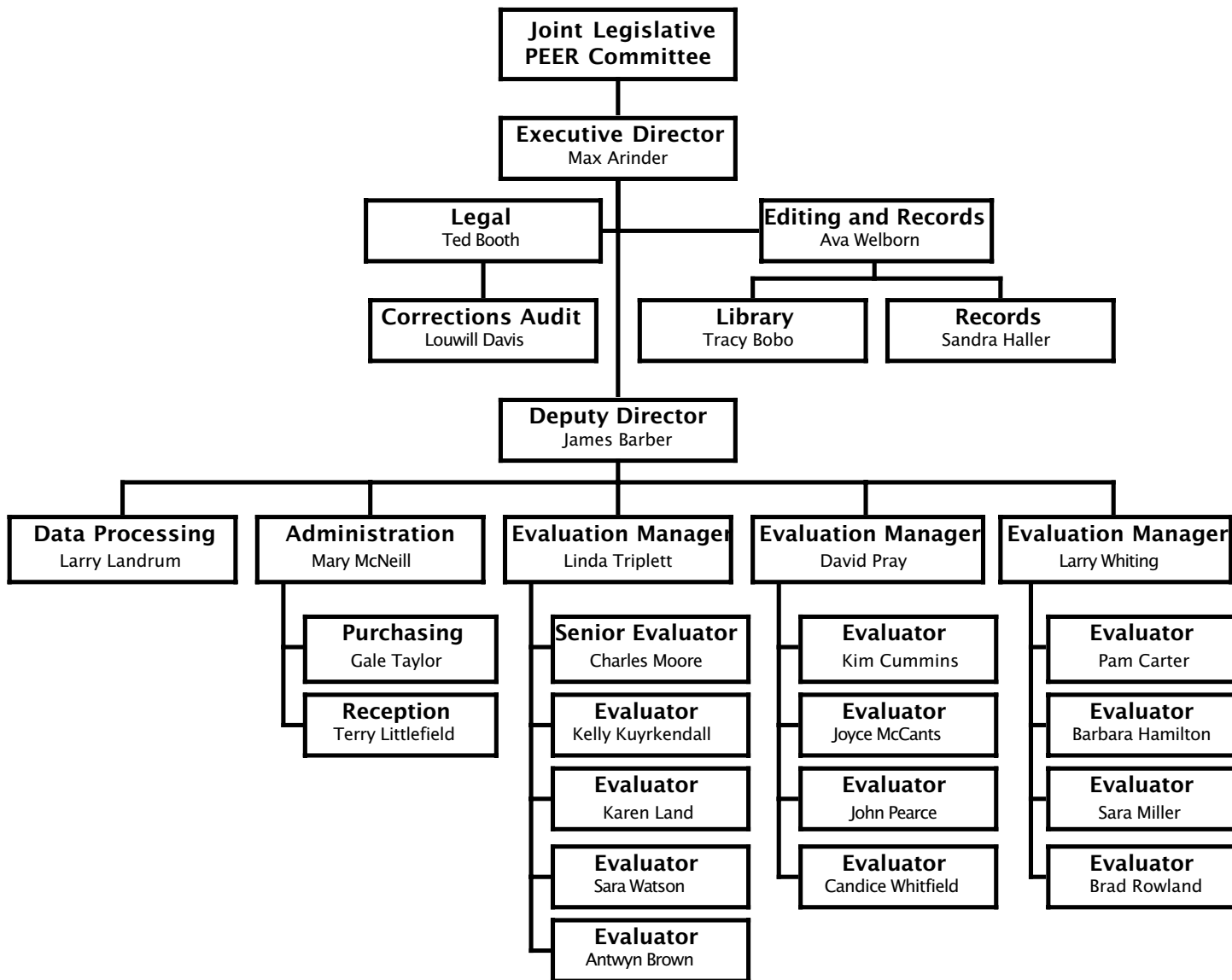
Representative Walter Robinson
Bolton, MS 39041

Representative Ray Rogers
Pearl, MS

PEER COMMITTEE

Staff Organization

August 1, 2004



PEER's Enabling Legislation: MISS. CODE ANN. Sections 5-3-51 through 5-3-71 (1972)

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§ 5-3-51. Creation of committee; general purpose.

A committee of the senate and house of representatives to be known as a joint legislative committee on performance evaluation and expenditure review, (hereinafter committee), is hereby created for the purpose of conducting performance evaluations, investigations and examinations of expenditures and all records, relating thereto, of any agency at any time as the committee deems necessary. Provided further the committee shall perform a complete audit of all funds expended by the highway department. The committee shall submit its findings, conclusions and reports to the Mississippi legislature no later than the first day of the second full week of each regular session of the legislature.

Sources: Laws, 1973, ch. 331, § 1, eff from and after passage (approved March 19, 1973).

§ 5-3-53. Definitions.

For purposes of Sections 5-3-51 through 5-3-69, the following words and phrases have the following meanings unless the context otherwise requires:

(a) "Performance evaluation" shall mean an examination of the effectiveness of the administration, its sufficiency and its adequacy in terms of the programs of the agency authorized by law to be performed. Such examinations shall include, but not be limited to:

(1) How effectively the programs are administered.

(2) Benefits of each program in relation to the expenditures.

(3) Goals of programs.

(4) Development of indicators by which the success or failure of a program may be gauged.

(5) Review conformity of programs with legislative intent.

(6) Assist interim committee dealing with specific programs.

(7) Impact of federal grant-in-aid programs on agency programs.

(b) "Agency" shall mean an agency, department, bureau, division, authority, commission, office or institution, educational or otherwise, of the State of Mississippi, or any political subdivision thereof which shall include all county governments and agencies thereof, all city governments and agencies thereof, and all public school districts and agencies thereof.

(c) "Expenditure review" shall mean an examination made at some point after the completion of a transaction or group of transactions.

Sources: Laws, 1973, ch. 331, § 2, eff from and after passage (approved March 19, 1973).

§ 5-3-55. Membership and organization of committee.

The committee shall be composed of seven (7) members from the Senate and seven (7) members from the House of Representatives, one (1) from each of the congressional districts of the State of Mississippi as they currently exist and three (3) from the state at large, to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives for a term concurrent with their term in their respective house. For the remainder of the present term, the Lieutenant Governor and Speaker shall make their respective appointments within fifteen (15) days after sine die adjournment of the 2004 Regular Session; and for each full four-year term thereafter, the Lieutenant Governor and Speaker shall make their appointments within fifteen (15) days after the first calendar day of the regular session in the first year of such four-year term. The term of each member shall be concurrent with his term of office.

The committee shall meet no later than ten (10) days after the final day of the 2004 Regular Session, and annually thereafter, for the purpose of organizing by electing from the membership a chairman, vice chairman and secretary.

Sources: Laws, 1973, ch. 331, § 3; Laws, 2004, ch. 356, § 1, eff from and after passage (approved Apr. 20, 2004.)

§ 5-3-57. Powers of committee.

The committee shall have the following powers:

(a) To conduct, in any manner and at any time deemed appropriate, a performance evaluation of all agencies. It may examine or investigate the budget, files, financial statements, records, documents or other papers of the agency deemed necessary by the committee.

(b) To conduct, in any manner and at any time deemed appropriate, a review of the budget, files, financial statements, records, documents or other papers, as deemed necessary by the committee, of any agency; to make selected review of any funds expended and programs previously projected by such agency; to investigate any and all salaries, fees, obligations, loans, contracts, or other agreements or other fiscal function or activity of any official or employee thereof (including independent contractors where necessary); and to do any and all things necessary and incidental to the purposes specifically set forth in this section.

(c) To conduct an investigation of all agencies which are in whole or in part operated or supported by any appropriation or grant of state funds, or which are in whole or in part supported or operated by any funds derived from any state-wide tax, license fee, or permit fee or which collects or administers any state-wide tax, license fee, or permit fee by whatever name called; such committee shall also have full and complete authority to investigate all laws administered and enforced by any such offices, departments, agencies, institutions and instrumentalities, and the manner and method of the administration and enforcement of such laws; to investigate any evasion of any state-wide tax, privilege fee or license fee; to investigate all disbursements of public funds by any office, agency, department, institution or instrumentality specified herein; to study the present laws

relative to such agencies, offices, departments, institutions and instrumentalities, and the laws providing for the levying or imposition and collection of any state tax, privilege fee or license fee; to make recommendations to the legislature as to the correction of any imperfections, inequalities or injustices found to exist in any of such laws, and to do any and all things necessary and incidental to the purposes herein specifically set forth. Provided further that the committee shall upon petition by one-half the elected membership of either the Senate or House of Representatives perform a complete investigation and audit of any agency, entity or group subject to investigation or audit by passage of Sections 5-3-51 through 5-3-69.

(d) The committee, in its discretion, if it determines that such action is necessary to carry out the responsibilities of Sections 5-3-51 through 5-3-69, may employ an attorney or attorneys to file or assist the attorney general's office in filing actions for the recovery of any funds discovered to have been misused or misappropriated and to prosecute or assist in prosecution of criminal violations, if any, revealed or discovered in the discharging of their duties and responsibilities.

Sources: Laws, 1973, ch. 331, § 4, eff from and after passage (approved March 19, 1973).

§ 5-3-59. Subpoena and examination of witnesses.

The committee, while in the discharge of official duties, shall have the following additional powers:

(a) To subpoena and examine witnesses; to require the appearance of any person and the production of any paper or document; to order the appearance of any person for the purpose of producing any paper or document; and to issue all process necessary to compel such appearance or production. When such process has been served, the committee may compel obedience thereto by the attachment of the person, papers or records subpoenaed; and if any person shall wilfully refuse to appear before such committee or to produce any paper or record in obedience to any process issued by the committee and served on that person, he shall be guilty of contempt of the legislature and shall be prosecuted and punished as provided by law.

(b) To administer oaths to witnesses appearing before the committee when, by a majority vote, the committee deems the administration of an oath necessary and advisable as provided by law.

(c) To determine that a witness has perjured himself by testifying falsely before the committee, and to institute penal proceedings as provided by law.

Sources: Laws, 1973, ch. 331, § 5, eff from and after passage (approved March 19, 1973).

§ 5-3-61. Issuance of performance evaluation and expenditure review reports.

The committee shall issue performance evaluation reports and expenditure review reports, favorable or unfavorable, of any agency examined, and such reports shall be a public record. A copy of the report, signed by the chairman of the committee, including committee recommendations, shall be submitted to the governor, to each member of the legislature, and to the official, officer, or person in charge of the agency examined.

Sources: Laws, 1973, ch. 331, § 6, eff from and after passage (approved March 19, 1973).

§ 5-3-63. Recording testimony under oath.

Whenever making a performance evaluation or an expenditure review, the committee may require that testimony be given under oath, which may be administered by the chairman or by any person authorized by law to administer oaths, and may require that such testimony be recorded by an official court reporter or deputy, or by some other competent person, under oath, which report, when written and certified and approved by such person as being the direct transcript of the testimony, proceedings, or documents, expenditure review or performance evaluation, shall be prima facie a correct statement of said testimony, proceedings or documents, provided that such person's signature to such certificate be duly acknowledged by him before a notary public or some judicial official of this state.

Sources: Laws, 1973, ch. 331, § 7, eff from and after passage (approved March 19, 1973).

§ 5-3-65. Legal assistance; other employees.

The attorney general, or a designated assistant attorney general, appointed by him, the state auditor and the director of the state department of audit shall assist the committee in whatever manner the committee deems that such officers can be helpful. Furthermore, the committee is authorized to employ one full time secretary, other stenographic help, technical experts, auditors, investigators and other employees which may be necessary to enable it to carry out the provisions therein. The committee is authorized at its discretion to fix reasonable compensation for its employees including necessary travel expenses; and it shall maintain and provide a full, complete and itemized record of all such expenditures.

Sources: Laws, 1973, ch. 331, § 8, eff from and after passage (approved March 19, 1973).

§ 5-3-67. Compensation and expenses.

Members of the committee shall serve without compensation, provided that they shall be entitled to per diem compensation as is authorized by Section 25-3-69 for each day occupied with the discharge of official duties as members of the committee plus the expense allowance equal to the maximum daily expense rate allowable to employees of the federal government for travel in the high rate geographical area of Jackson, Mississippi, as may be established by federal regulations, per day, including mileage as authorized by Section 25-3-41. However, no committee member shall be authorized to receive reimbursement for expenses, including mileage, or per diem compensation unless such authorization appears in the minutes of the committee and is signed by the chairman or vice-chairman. The members of the committee shall not receive per diem or expenses while the Legislature is in session. All expenses incurred by and on behalf of the committee shall be paid from a sum to be provided in equal portion from the contingency funds of the Senate and House of Representatives.

The committee staff and employees or contract organizations employed by the committee may continue at the discretion of the committee any investigations, audits or performance evaluation during the time the Legislature is in session.

Sources: Laws, 1973, ch. 331, § 9; Laws, 1980, ch. 560, § 3; Laws, 1988, ch. 314, § 1, eff from and after passage (approved April 6, 1988).

§ 5-3-69. Quorum; meetings.

There shall be no business transacted, including adoption of rules or procedure, without the presence of a quorum of the committee, which shall be eight (8) members to consist of four (4) members from the Senate and four (4) members from the House of Representatives, and no action shall be valid unless approved by the majority of those members present and voting, and entered upon the minutes of the committee and signed by the chairman and vice chairman. All actions of the committee shall be approved by at least four (4) Senate members and four (4) House members.

The committee shall meet at the time and place as designated by the majority vote of the members, provided that a special meeting may be called by the chairman or by a petition signed by no less than five (5) members. No action taken by the committee at any special meeting shall be valid unless each member shall have been given at least forty-eight hours' notice of the meeting, along with a statement of the business to be considered, and unless such action be entered upon the minutes of the committee and signed by the chairman.

Sources: Laws, 1973, ch. 331, § 10; Laws, 2004, ch. 356, § 2, eff from and after passage (approved Apr. 20, 2004.)

§ 5-3-71. Committee to evaluate executive branch of state government; reports.

(1) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall evaluate the economy, efficiency and effectiveness of the executive branch of state government as it is affected by the implementation of "the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]".

(2) On October 1, 1989, the Fiscal Management Board or its successor shall report to PEER the following information:

(a) A listing of all agencies in the executive branch of state government before and after the reorganization, regardless of whether they are affected by "the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]";

(b) A description of the number, organizational location, and cost savings associated with employment positions eliminated as a direct result of the passage of "the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]";

(c) A complete accounting of all projected or actual costs or savings associated with reorganization, including transition costs;

(d) Performance measures that can be used to determine the effectiveness of each program affected by the reorganization prior to and following the implementation of "the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]", which may be the same as performance measures developed for purposes of preparing program budgets; and

(e) Administrative changes or other provisions that have been made to improve the delivery of services. Upon receipt of this report, the PEER Committee shall conduct a hearing or hearings to assist it in evaluating the initial impact of the implementation of "the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]".

(3) On February 1, 1990, PEER shall report to the Legislature on the initial impact of the reorganization provided for in "the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]".

(4) On October 1, 1990, the Fiscal Management Board or its successor shall report to PEER any changes in the information presented in the report required in Subsection (2) of this section. Upon receipt of this report, the PEER Committee shall conduct a hearing or

hearings to assist it in evaluating the final impact of the implementation of "the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]".

(5) On February 1, 1991, PEER shall report to the Legislature the final evaluation of the economy, efficiency and effectiveness of the executive branch of state government as it is affected by the implementation of "the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544]".

Sources: Laws, 1989, ch. 544, § 167, eff from and after July 1, 1989.

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State agencies and departments are listed by key word.

Example: State Board of Health is listed as Health, Board of

In most cases, Mississippi has been omitted before the names of agencies and departments.

Example: Mississippi Health Care Commission is listed as Health Care Commission

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403. THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY: A REVIEW OF THE PUBLIC ASSISTANCE PROGRAM'S DISASTER CLAIMS PROCESSING, January 3, 2000, 30 pages

The Mississippi Emergency Management Agency (MEMA) coordinates with the Federal Emergency Management Agency (FEMA) in administering the disaster recovery process for the Public Assistance Program in Mississippi. This program provides supplemental federal/state aid to subgrantees (governmental and private nonprofit entities) to pay certain costs for emergency services immediately after a disaster and to restore damaged infrastructure to its pre-disaster condition. Federal sources contribute at least 75 percent of damage repair costs, while state and local entities share the remaining 25 percent or less of repair costs.

PEER's review of two 1998 federally declared disasters in Mississippi showed that subgrantees and FEMA adhered to the sixty-calendar-day processing standard for submitting and approving projects for disaster assistance. Delays in processing times (typically 235 days between the disaster and the subgrantees receiving payment for making disaster related repairs, renovations, or new construction) were the result of several contributing factors. MEMA did not adhere to the federal payment policy for small project reimbursements, subgrantees did not consistently use trained disaster recovery agents to handle paperwork, MEMA did not allocate adequate staff resources to disaster efforts, and MEMA did not aggressively address, along with the State Auditor, a growing backlog in closeout audits. The backlog is primarily the result of the processing of

unreimbursed claims from the 1994 Ice Storm and their preparation for audit.

The lack of a unified project management system for tracking and reporting project status has contributed to MEMA's inability to assess the status of outstanding claims and measure processing timeliness.

404. MISSISSIPPI'S STATE VETERANS' HOMES: AN ANALYSIS OF INCREASING RELIANCE ON STATE GENERAL FUNDS AND AN EXAMINATION OF COST REDUCTION AND FUNDING OPTIONS, May 9, 2000, 47 pages

When the Veterans Affairs Board (VAB) sought authority for creation of the state's four veterans' homes, VAB told the Legislature that, aside from one-time state general fund appropriations necessary to start up each of the homes, operations costs would be funded entirely through non-state sources (e.g., federal funds and resident charges). However, general fund support for operations has grown from 0% in fiscal years 1990 through 1994 to 13% in FY 1999. In FY 1999 and current FY 2000, VAB will have received approximately \$5.2 million in state general funds for operation of the veterans' homes.

The increase in general fund expenditures is primarily due to increased staffing of the homes and insufficient non-state revenues to cover the costs of the staffing increase. Non-nursing staffing levels for the veterans' homes exceed non-nursing staffing levels of comparably sized nursing homes.

VAB could reduce reliance on state general funds by implementing one or

more of the following options:

- reducing requests for general funds when the amount of special funds received exceeds initial budget projections;
- reducing non-nursing staff to average staffing levels of comparably sized nursing homes in the state;
- discontinuing payment of residents' in-patient hospital costs;
- exercising diligence in collecting Medicare Part B and secondary insurance reimbursements;
- increasing resident fees to the extent necessary to support efficient operations.

405. A REVIEW OF THE MISSISSIPPI GOVERNMENT EMPLOYEES' DEFERRED COMPENSATION PLAN AND TRUST, May 10, 2000, 24 pages

The Mississippi Government Employees' Deferred Compensation Plan is a supplemental savings plan administered by the Public Employees' Retirement System (PERS) Board of Trustees. Participants in the Deferred Compensation Plan may elect to invest in any of ten funds. The PERS Board is responsible for fund selection and contracts for administrative, marketing, and recordkeeping services. A participant's current income taxes are reduced because the participant defers part of his or her salary and does not pay federal and state income taxes on those contributions until withdrawal of the funds. Interest and savings on contributions are also tax deferred until withdrawal.

PERS has administered the plan in compliance with applicable state and federal laws and the level of administrative services and the fees charged by the contractor are appropriate and customary for the

industry. However, the plan's offering of investment funds contains several funds of the same or similar asset classification. The offering lacks a small capitalization domestic equity fund for the more aggressive investor and should add several asset allocation funds for the less sophisticated investor.

406. A REVIEW OF THE MISSISSIPPI BUREAU OF NARCOTICS' STAFFING ACTIONS, July 12, 2000, 25 pages

The Mississippi Bureau of Narcotics' (MBN) management sought and received resources to improve the bureau's drug enforcement capability in FY 1998 through FY 2000 by employing additional drug agents. However, although the Legislature appropriated funds to implement MBN's enforcement expansion proposal, MBN's former Director did not use all of the additional resources to expand the bureau's enforcement capacity. As a result, MBN did not achieve the projected performance level increases for initiated cases and arrests.

Also, despite the availability of a state general law enforcement training course at the Mississippi Law Enforcement Officer Training Academy, MBN expended funds in fiscal years 1998 through 2000 to create and operate, without statutory authority, its own general law enforcement training program. This program operated at a daily cost per student that was higher than that of the existing training academy.

While reviewing MBN's personnel management practices, PEER found that the bureau has issued weapons to employees who were not certified law enforcement officers. Further, one employee was not trained on the use of firearms. Such a practice exposes the state to potential liability for any injuries these employees might cause in the course and scope of their employment.

407. MANAGING TRAVEL EXPENDITURES, July 11, 2000, 48 pages

In FY 1999, state agencies and Institutions of Higher Learning expended \$67 million on travel-related expenditures. While these expenditures represent less than 1% of the state's budget, state travel costs have increased significantly over the past six years--by 66% in actual dollars and by 47% when adjusted for inflation.

State statutes authorize the Department of Finance and Administration (DFA) to manage the state's fiscal affairs, including effectuating economies in the payment of travel and other expenditures. While PEER found that current controls over travel expenditures are adequate to help ensure legitimate reimbursements, DFA and state agencies could better manage state travel costs through more active travel management. For example, DFA does not routinely collect and analyze travel cost data to identify opportunities for cost reduction.

PEER makes extensive recommendations in the areas of evaluating the need for travel, collecting comprehensive travel-related data, analyzing and auditing travel data, determining the most efficient mode of transportation, controlling costs of airline travel, managing use of vehicles, obtaining travel agent services, and realizing other travel-related cost savings.

408. A REVIEW OF THE MISSISSIPPI STATE DEPARTMENT OF HEALTH, July 11, 2000, 126 pages

Although the Mississippi State Department of Health (MSDH) is the lead agency on public health issues in the state, hundreds of entities in both the public and private sectors carry out activities that directly impact the protection and promotion of public health. Protecting and promoting public

health in Mississippi is particularly challenging, given the state's demographics, which are associated with behaviors linked to greater risk of disease, high incidences of disease, and poor access to health care.

While Mississippi continues to rank poorly on several major public health indicators in comparison to the rest of the country (e.g., years lost by premature death, infant mortality rate death rates by motor vehicle accidents, incidence of sexually transmitted diseases, teenage birth rate), the state has made progress on a few indicators during the 1990s (e.g., reduction in syphilis and infant mortality rates) and ranks well on other important public health measures, such as the percentage of children who are immunized.

PEER reviewed three MSDH regulatory programs and found deficiencies in enforcement which compromise the ability of these programs to protect the public from associated health risks. Also, PEER determined that MSDH could improve the timeliness and comprehensiveness of its data collection efforts.

409. MISSISSIPPI DEPARTMENT OF CORRECTIONS: A STUDY OF INCARCERATION COSTS, July 12, 2000, 67 pages

PEER contracted with an independent certified public accounting firm to review the Mississippi Department of Corrections' (MDOC) incarceration costs. The contractor was to identify opportunities for improving efficiency and reducing expenditures.

The contractor found \$9.6 million of estimated annual cost savings opportunities. These savings could be realized by:

- renegotiating contracts for special needs prisons on the basis of actual cost data;

- adjusting private prison contracts to the same level and quality of service offered by MDOC;
- privatizing selected MDOC units or locations or restructuring correctional officer pay scales;
- utilizing empty beds at MDOC; and,
- eliminating farming losses.

PEER recognizes that factors other than cost savings must be considered in decisions to implement cost savings and actual savings resulting from implementation of these strategies may vary accordingly.

410. SUMMARIES OF PEER REPORTS, 1973-Present, September 18, 2000, 106 pages

411. MISSISSIPPI'S EDUCATION OF THE VISUALLY AND HEARING IMPAIRED: A COMPARISON OF THE COSTS AND EFFECTIVENESS OF THE STATE'S RESIDENTIAL SCHOOLS AND THE LOCAL SCHOOL DISTRICTS, November 15, 2000, 34 pages

Because federal law requires all public school districts to provide a free and appropriate public education to hearing and visually impaired students which may, but is not required to, take place in a residential setting, and because the state's residential schools, the Mississippi Schools for the Deaf and Blind, have continued to educate students with these disabilities, the state faces a scenario of funding and operating dual service providers for hearing and visually impaired students.

PEER compared the cost and effectiveness of the Schools for the Deaf and Blind to the education of hearing and visually impaired students in the state's local public school districts. At a FY 1999 cost of \$42,500 per student, it cost \$34,700 per year more to educate a blind and/or deaf student at the state's

residential schools than in the local public school districts.

Despite the disparity of per-student cost between the residential schools and the local school districts, PEER found no conclusive evidence of greater benefits from a residential education. In comparing the two, PEER found no appreciable difference in teacher qualifications, educational requirements, educational outcomes, or extracurricular activity requirements.

412. A REVIEW OF THE MISSISSIPPI FORESTRY COMMISSION, December 6, 2000, 40 pages

The Mississippi Forestry Commission compiles information about Mississippi's forests and provides leadership in forest protection and forest management. Its primary responsibility is fire control. With over 18.5 million acres in forestland, timber is the number one agricultural crop in the state.

Generally, the Forestry Commission's management does not use information recorded and compiled at various levels within the organization to operate the agency more efficiently.

Within the Forestry Commission's Forest Protection Division, PEER found weaknesses in the method of distributing fire units and fire investigation personnel, evaluating of fire reporting methods, monitoring utilization of aircraft, and assessing insect and disease control program efficiency.

Within the commission's Forest Management Division, the lack of accurate and detailed information on program operations such as sixteenth section land management, cost share, and crew assistance inhibits the commission's central office managers from making informed decisions on allocation of resources. In the absence of such information, the Forestry

Commission can offer little assurance that current program operations are responsive to landowner needs.

413. THE DEPARTMENT OF HUMAN SERVICES' USE OF REVENUE MAXIMIZATION CONTRACTS, December 6, 2000, 35 pages

In 1995, the Mississippi Department of Human Services (MDHS) entered a contract with the Institutes for Health and Human Services, Inc. (IHHS), a private consulting firm, for the purpose of identifying additional revenues the department could claim under Title IV-E of the Social Security Act. Title IV-E provides federal financial assistance to the state for foster care, adoption assistance payments, and some administrative costs.

On August 10, 2000, the federal Office of Inspector General, Office of Audit Services, recommended disallowance of \$14.7 million in federal reimbursements resulting from MDHS's contract with IHHS for the period October 1, 1993, to June 30, 1997. On October 20, 2000, the federal Administration for Children and Families accepted these recommendations. MDHS has repaid \$3 million of this amount and is disputing the repayment of the remaining \$11.7 million.

On February 8, 2000, the State Auditor's Office issued its Single Audit Management Report of several state programs receiving federal financial assistance in FY 1999. In this audit report, the State Auditor's Office took exception to more than \$7 million in retroactive claims prepared by IHHS.

The Department of Human Services' contract with IHHS did not protect the state's interest, which would have been best served by adherence to the elements of a model contracting system. Due to the potential for costly federal audit exceptions, PEER recommends that state agencies consider revenue

maximization contracts only after careful determination of need and adherence to model public contracting and management practices.

414. THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION'S ADMINISTRATION OF THE 1987 FOUR LANE AND GAMING ROADS PROGRAMS, December 6, 2000, 92 pages

When the Legislature passed the Four Lane Highway Program in 1987, the original cost estimate of \$1.6 billion did not include the costs of bridges, interchanges, inflation, and rehabilitation of existing lanes. These factors—along with legislative revisions, costs from complying with federal environmental regulations, design changes to accommodate increased weight and speed limits, interest on bonds, actual annual inflation rate, and the Mississippi Department of Transportation's (MDOT's) safety initiatives—will increase costs to approximately \$5.6 billion. Construction delays have resulted from spreading the original funding stream over costs not originally considered. Also, due to program additions and changing traffic patterns, the priority of segments established in law may not represent current needs.

The Gaming Roads Program's original 1994 cost estimate of \$317 million also did not include bridges, interchanges, inflation, or consideration of environmental issues. The program is now estimated to cost \$1.6 billion. Funding comes from MDOT's portion of gaming tax revenue, capped at \$36 million annually, and bonding authority of \$325 million. After making debt service payments on bonds, the program will have approximately \$5 million annually to fund construction.

MDOT's program management system does not facilitate oversight and management of the preliminary engineering, right of way, and

construction phases for highway segments or readily identify causes of inaccurate cost estimates, cost overruns, or delays. Thus, MDOT cannot provide the timely, accurate information the Legislature needs for decisionmaking.

MDOT has not made highway maintenance a high priority when making decisions regarding use of resources and plans to devote 22% of its FY 2001 maintenance budget to pavement overlay. From FY 1997 through FY 2000, MDOT expended \$94 million more in federal funds for the 1987 Program than required by law, rather than using federal funds for maintenance, as was within MDOT's discretion.

Contrary to state law, MDOT has repeatedly let construction contracts for segments of less than ten miles, thus ignoring potential economy of scale benefits of letting contracts for longer segments. Eighty-two percent of 1987 Program contracts were for segments of less than ten miles.

415. MISSISSIPPI DEPARTMENT OF CORRECTIONS' FY 2000 COST PER INMATE DAY, December 6, 2000, 20 pages

For Fiscal Year 2000, the Department of Corrections' general cost per inmate day (for all security levels combined) in a 1,000-bed facility was \$49.92, including debt service for a facility. FY 2000 costs per inmate day for individual security classifications were as follows: minimum security, \$42.90; medium security, \$45.33; and, maximum security, \$63.32. MDOC's FY 2000 costs per inmate day for security classifications in a 500-bed psychiatric correctional facility were \$59.81 for medium security and \$66.20 for maximum security.

Cost figures presented in this report represent the actual costs to MDOC as required by law and do not represent costs for service delivery

under a "most efficient organization." Thus PEER believes that private prison contracts should yield savings significantly above the ten percent required by law. This report includes a schedule of considerations of areas where savings could be achieved from more efficient contracting.

416. THE JACKSON STATE UNIVERSITY HONORS DORMITORY: AN EVALUATION OF DESIGN, CONSTRUCTION, AND MAINTENANCE, December 27, 2000, 50 pages

The Jackson State University (JSU) Honors Dormitory was completed in 1992. By 1994, the dormitory had sustained damage caused by expanding and contracting soil conditions, necessitating a \$920,000 repair/renovation project.

PEER contracted with a registered professional engineer to evaluate the dormitory's design and construction specifications to determine, to the extent feasible, the likelihood of design deficiencies that could have contributed to a decrease in the serviceable life of the dormitory. The engineer concluded that the JSU Honors Dorm's design and construction specifications met the professional standards and practices for soil conditions at the site and that the design and construction did not contribute to excessive moisture build-up in the soil after the dormitory was built.

The groundwater problems at the JSU Honors Dorm site were due to improper operation of the dormitory's sprinkler system and lack of maintenance of the system. When presented with physical evidence of a groundwater problem, JSU did not effectively investigate or identify existing subsurface water collection problems. Also, although IHL follows a custom and practice of delegating responsibility for maintenance to the university, IHL did not meet its responsibility to assure that the

dormitory was properly maintained when JSU failed to resolve the groundwater problem.

Neither JSU nor the Department of Finance and Administration's Bureau of Building has legal recourse to recover damages for the expense of the Honors Dorm repair. JSU did not fulfill its operational and maintenance responsibilities for the dormitory's sprinkler system, and the serviceable life of the dormitory was based on proper operation and maintenance of the building's systems. If deficiencies in design or construction had existed, the six-year statute of limitations has expired for any legal action to recover damages for a deficiency in construction.

417. A REVIEW OF THE OFFICE OF THE SECRETARY OF STATE, April 10, 2001, 60 pages

The Secretary of State's Office is a service, information, and regulatory agency. The office addresses various risks to the public through its provision of primary service functions of administrative/ recordkeeping/ disclosure, consumer protection, public lands management, and training of election officials.

The Secretary of State's Office is successfully addressing risks to the public. However, the office does not utilize formal, written policies and procedures to enhance efficiency and effectiveness within the divisions, nor does it effectively use performance measures to monitor its success in achieving goals and objectives.

Revenues of the Secretary of State's Office increased 162.5% from FY 1990 to FY 2000. Expenditures increased 63.2% for the same period, primarily as a result of a staffing increase. While the Secretary of State's workload increase indicated a need for additional personnel during this period, the office did not maintain historical workload

data by division. Thus, PEER could not verify whether the total number of positions added was appropriate and whether the positions were added to the divisions with the greatest amount of need.

The Secretary of State's Office generally provides readily accessible information, both on-site and on-line, to the public. However, the office currently does not have a formal procedure in place for handling and tracking complaints.

418. A REVIEW OF THE AGRICULTURAL AVIATION BOARD, May 8, 2001, 36 pages

PEER reviewed the Agricultural Aviation Board to determine whether it protects the public from the safety, health, environmental, and economic risks posed by the industry. The agency is deficient in the following areas:

- Because the board's written examinations for pilots and applicators do not fully comply with professional testing standards, the board cannot ensure that it is licensing individuals who can provide competent aerial commercial agricultural application services to the public.
- The board does not require documentation of its inspections of airplanes, equipment, or facilities used in agricultural aviation and thus cannot ensure that it conducts inspections effectively, uniformly, and consistently.
- The board does not impose penalties sufficient to deter and discipline violators. Also, the board has allowed its members to participate in penalty decisions involving their own companies.

In addition to the Agricultural Aviation Board, several other state and

federal agencies have responsibilities in regulating agricultural aviation in Mississippi. Because some agencies' responsibilities overlap those of others, applicators and pilots are subject to the unnecessary effort and costs of duplicate pilot examinations and inspections. Also, the division of responsibility between the Agricultural Aviation Board and the Bureau of Plant Industry based on the type of product applied (hormonal versus non-hormonal) creates confusion regarding enforcement authority. The duties and responsibilities of the Agricultural Aviation Board could be carried out by the Bureau of Plant Industry, which would eliminate the duplication between the two agencies and place responsibility in an agency with a more structured approach to regulation.

419. COST ANALYSIS OF HOUSING STATE INMATES IN REGIONAL AND PRIVATE CORRECTIONAL FACILITIES, July 10, 2001, 36 pages

Senate Bill 3123, Regular Session, 2001, mandated that the PEER Committee conduct a cost analysis of the necessary per diem, per inmate cost associated with housing state inmates at the state's ten regional correctional facilities and two of the state's five private correctional facilities. SB 3123 provided daily census guarantees that were to continue until the PEER Committee could determine whether a lower census would enable these facilities to meet necessary costs resulting from housing state inmates.

For the period reviewed, PEER found \$696,364 in unnecessary costs at the regional facilities. With these unnecessary costs removed, all regional facilities open as of October 1, 2000, will break even at an average daily census of 188 state inmates, below the 230 state inmates provided for in SB 3123 and thereby making the guaranteed censuses inoperative. With these unnecessary costs removed, the average per diem rate for the

operational costs of housing state inmates is \$18.69. (The state's share of debt service costs must be added to this figure to determine the total per diem rate.)

For the period reviewed, PEER found no unnecessary costs at the two private facilities reviewed. The breakeven point for the Delta Correctional Facility is 843 inmates and 871 inmates for the Marshall County Correctional Facility. Both facilities break even at levels below the 900 inmates provided for in SB 3123, thereby making the guaranteed censuses inoperative. PEER notes that these are for-profit facilities and that the computed breakeven points include no profit margin. The amount of profit allowed is a policy question beyond the scope of the review.

420. A MANAGEMENT REVIEW OF THE MISSISSIPPI GAMING COMMISSION, July 10, 2001, 87 pages

When PEER first reviewed the Mississippi Gaming Commission (MGC) in 1996, the agency had begun licensing gaming establishments before its regulatory infrastructure was fully in place to address the economic, criminal, social, and other risks of legalized gambling. MGC has since improved in some areas, such as increasing its efficiency in conducting criminal background checks of casino employees. However, five years after PEER's initial review, MGC still does not have all of the components in place to protect the public effectively from the risks of legalized gambling.

The agency still issues work permits to employees before completing background checks and does not conduct thorough financial investigations of corporations applying to provide services in the gaming industry. Although MGC has established a routine compliance review program to determine whether casinos comply with internal control standards

for safeguarding revenues, due to delays in implementation MGC has not yet conducted full compliance reviews of 12 of the state's 30 casinos.

The Enforcement Division has not developed a casino inspection program that specifies a checklist of steps that enforcement agents should routinely take to ensure that games are conducted in accordance with state law and MGC regulations. Also, MGC's enforcement agent training program does not ensure that agents have the necessary knowledge and skills.

Concerning oversight and control of electronic gaming devices, MGC does not thoroughly document the steps that it takes to approve electronic gaming devices and their modifications. Thus PEER could not verify whether the approval process is adequate to ensure that the devices comply with legal requirements (e.g., eighty percent minimum payout). Also, MGC does not test an adequate sample of proposed device modifications or provide adequate oversight through statistical analysis and machine verification checks.

MGC should establish criteria for each of its functional tasks through means such as analytical plans, checklists, audit steps, and a training manual; the agency should document its work to help ensure thoroughness and consistency through maintaining workpapers, inventories, and databases; and it should implement and comply with existing standards and mandates (e.g., federal regulations, state law, and its own policies and procedures).

421. SUMMARIES OF PEER REPORTS 1973-PRESENT, August 31, 2001, 111 pages

422. A REVIEW OF THE BROOKHAVEN JUVENILE REHABILITATION FACILITY, September 11, 2001, 52 pages

PEER reviewed the management and operation of the Brookhaven Juvenile Rehabilitation Facility's start-up and operational costs and whether the facility's programs are meeting the needs of the intended client population: mentally retarded juvenile offenders ordered by Youth Court to enter the facility.

The Brookhaven Juvenile Rehabilitation Facility (BJRF), which began accepting clients in July 1999, was designed, constructed, and equipped appropriately to provide a "secure and therapeutic environment" for its special needs clients. However, the Department of Mental Health exceeded its statutory construction authorization of \$5.5 million when building BJRF. A warehouse and director's residence not in the original plan added \$1 million to construction costs, for a total of \$9.2 million.

Admission practices at BJRF are not in keeping with statutory requirements, since thirty percent of the clients are transferred to this specialized facility from other Department of Mental Health facilities without a Youth Court order. This reduces the number of beds available for the special needs juveniles for whom the facility was created. Moreover, BJRF has not yet admitted any females, thereby denying this resource to a significant portion of eligible juvenile offenders.

The Department of Mental Health has, in effect, discouraged treatment of violent offenders at BJRF. Although the staff was not completely prepared to deal with aggressive behavior of clients during the first two years of operation, current staff and staff training are adequate for the current clients. Security is adequate, but needs re-thinking for the intended clientele. Program implementation problems center on a failure to carry out the

positive reinforcement behavior modification treatments in a uniform manner and disagreements over the proper role and form of discipline in client behavior change.

423. A REVIEW OF THE VETERANS AFFAIRS BOARD'S FUNDING OF STATE VETERANS' HOMES, September 11, 2001, 36 pages

The Legislature established the state veterans' homes, operated by the State Veterans Affairs Board (VAB), to be self-supporting. When VAB sought authority for creation of the four veterans' homes, VAB told the Legislature that, aside from one-time state general fund appropriations necessary to start up each of the homes, the homes' operations costs would be funded entirely through non-state sources (e.g., federal funds and resident charges). However, VAB's reliance on state general funds for the homes increased to \$2.8 million in FY 2001 and VAB continues to increase its requests for state funds. However, VAB has not fully implemented recommendations PEER made in May 2000 to maximize efficiency in operation of the homes and to maximize non-state revenues funding the homes.

VAB has followed some of PEER's May 2000 recommendations, including terminating payments for resident hospital costs (which could have led to significant costs in the event of catastrophic illness of an uninsured resident). However, VAB has not followed other recommendations, because it continues to employ non-nursing staff at a rate greater than that for comparably sized nursing homes in the state and it also continues to pay the nursing home management company for nursing hours not received.

During the 2000 Regular Session, the Legislature amended state law to allow the Veterans Affairs Board to be solely responsible for the operation and

maintenance of the state veterans' home located in Collins, Mississippi, beginning July 1, 2000. The law stated that VAB's mission in managing the Collins facility is to provide care for veterans "in the most cost efficient manner." However, a nine percent increase in costs per resident day for the Collins home during FY 2001 indicates that VAB did not fulfill its goal to operate the home more efficiently than did the private management company.

424. A REVIEW OF THE COMMERCIAL MOBILE RADIO SERVICES BOARD, October 9, 2001, 48 pages

In 1998, the Legislature created the Commercial Mobile Radio Services (CMRS) Board to oversee the collection and distribution of a monthly \$1 surcharge on every Mississippi wireless telephone user's bill. The surcharge was intended under state law to provide emergency telephone service to comply with a Federal Communications Commission order requiring phased-in access to Enhanced 911 (E911) for users of wireless telephones. E911 systems provide a caller's telephone number and location to emergency dispatchers.

In FY 2001, the CMRS Board collected \$8.8 million in surcharge funds. By statute, seventy percent of the funds collected by the board goes to county emergency communications districts to provide E911 equipment, facilities, and staff. Approximately twenty-eight percent is allocated to reimburse wireless providers' costs of providing E911 equipment and service.

Because the CMRS Board lacks express statutory authority to audit wireless providers, oversee county emergency communication district spending, and effectively coordinate provider implementation, the board does not have the tools necessary to implement an effective wireless E911 system in Mississippi. The CMRS Board cannot verify and enforce accurate collections from providers and

payments to the emergency communication districts. The lack of spending guidelines allows the possibility that districts may spend money for purposes unrelated to delivery of wireless E911 service. Also, the board lacks data on provider status and district capability in delivering wireless E911 service.

425. STATE AGENCIES' USE OF CELLULAR TELEPHONES, November 13, 2001, 34 pages

PEER surveyed state agencies regarding their procurement and use of cellular telephones. State agency respondents reported a total of 3,441 cell phones with active calling plans. These agencies reported spending approximately \$2 million per year during each of the last two fiscal years on cell phone equipment and use.

Individual agencies make their own decisions on equipment and calling plans and have a broad range of choices when making these decisions. The state's interest in efficient and prudent use of cell phones is protected only insofar as each agency shows diligence and concern for protecting that interest. No state-level controls or policies specifically outline standards of need or appropriate use of state-owned cell phones.

Cellular telephones, pagers, two-way radios, and other emerging forms of wireless communication are resources that agencies should manage proactively. PEER recommends that the Department of Information Technology Services establish general policies for agencies to assess need prior to establishing service for cell phones or other forms of wireless communication. Agencies should balance their needs against what is available through the marketplace and make informed choices on this use of state funds.

PEER also recommends that the Department of Information Technology

Services develop a single or limited number of contracts in an attempt to reduce service plan costs, considering whether it is appropriate to establish a state contract rate or procure plans on the basis of bids. The department should also develop a use policy for agencies for all forms of wireless communication that, at a minimum, restricts personal use to emergencies and requires a telephone log for personnel not directly involved in providing public health or safety services.

426. A REVIEW OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM'S DISABILITY DETERMINATION PROCESS, November 15, 2001, 71 pages

The Public Employees' Retirement System (PERS) serves over 150,000 state and local government employees in Mississippi. PERS provides regular service benefits and disability benefits to qualified applicants. State law provides three mechanisms by which PERS may make initial disability determinations: through a medical board, through the Social Security Administration (SSA), or through contracting with another governmental or non-governmental entity to make determinations. The PERS Board currently requires that a medical board appointed by the PERS Board make all PERS disability determinations.

PEER compared PERS's and SSA's disability determination processes to determine whether it would be advisable for the state to rely on the SSA's process as the sole and final determinant of disability for PERS members or whether PERS should continue to make its own disability determinations.

Because both PERS's and SSA's processes have weaknesses, neither option emerges as clearly superior. However, by leaving the determination process at PERS, the Legislature could mandate and oversee implementation of

improvements to the process, which it could not do with SSA. Also, moving the process to SSA would require adopting SSA's definition of disability, a tougher standard than the current definition of disability contained in state law. PEER outlines the steps that should be taken under each option to increase the objectivity, fairness, and consistency of the disability determination process.

427. COST OF ISSUANCE EXPENSES OF CY 2000 LOCAL AND STATE BOND ISSUES, November 13, 2001, 257 pages

This report is primarily designed to be a source of information for legislators regarding issuance costs of local and state bonds. PEER surveyed local entities and obtained information from the Department of Finance and Administration's Bond Advisory Division's Annual Report in order to determine costs associated with the issuance of Calendar Year (CY) 2000 local and state bonds. According to the self-reported and unaudited data obtained from these sources, local and state entities spent a total of \$15.1 million to issue \$2.8 billion in bonds during CY 2000 (\$5.40 per \$1,000 of bonds issued). The issuance costs per \$1,000 of bonds issued ranged from \$3.32 to \$116.44 for local issues and from \$0.17 to \$40.12 for state issues.

The report also includes a brief discussion of possible methods of controlling bond issuance costs, including establishment and enforcement of caps on costs, oversight of costs of professional advisory services, and establishment of bond banks and a central agency for overseeing local debt issuance.

428. MISSISSIPPI DEPARTMENT OF CORRECTIONS' FY 2001 COST PER INMATE DAY, December 12, 2001, 22 pages

For Fiscal Year 2001, the Department of Corrections' general cost

per inmate day (for all security levels combined) in a 1,000-bed facility was \$45.91, including debt service for a facility. FY 2001 costs per inmate day for individual security classifications were as follows: minimum security, \$38.71; medium security, \$42.93; and maximum security, \$66.62. MDOC's FY 2001 costs per inmate day for security classifications in a 500-bed psychiatric correctional facility were \$55.00 for medium security and \$70.10 for maximum security.

Cost figures presented in this report represent the actual costs to MDOC as required by law and do not represent costs for service delivery under a "most efficient organization." When the Department of Corrections negotiates an annual per inmate per diem for contract payments to private prisons, the department should subtract from the certified state cost per inmate day the costs borne solely by the state (i.e., debt service; records, inmate classification, and offender services; and parole board costs) and negotiators should give due consideration to reducing other costs (i.e., medical, administrative services, and education and training). PEER believes that private prison contracts could yield savings significantly above the ten percent required by state law. The report includes a schedule of considerations for private prison contract negotiations.

429. THE BUREAU OF BUILDING'S MANAGEMENT OF CONSTRUCTION CHANGE ORDERS, May 14, 2002, 40 pages

The Department of Finance and Administration's Bureau of Building, Grounds, and Real Property Management is responsible for the construction, repair, and renovation of most state buildings. PEER reviewed the bureau's selection of the architectural and engineering contract professionals who assist in construction project management. PEER also reviewed the bureau's management of project change

orders, which are the legal agreements to alter the work set forth in original construction contracts.

Because the bureau usually compensates the general contractor for change orders without a competitive bidding process, the bureau should scrutinize change orders and ensure that they protect the state's interest. However, the bureau's oversight of change orders is incomplete, inconsistent, and fails to assure that cost changes to building construction projects are reasonable. PEER found that the bureau:

- does not ensure consistent use of pre-determined selection criteria in selecting contract professionals nor does it ensure documentation of the basis of contract awards;
- does not contractually require its contract professionals to analyze the reasonableness of change order costs;
- has not developed an internal oversight process for analyzing the costs of change orders presented by contract professionals; and,
- has not developed an information system for managing change order and contract evaluation data for future decisionmaking.

430. A REVIEW OF COUNTY INFORMATION SYSTEMS, June 4, 2002, 53 pages

As technology has provided the tools for easily sharing information across geographic and political boundaries, corresponding opportunities have emerged for using the information generated to meet the accountability and access needs of state and local administrators. Taking advantage of such opportunities is limited in Mississippi because current county information systems are a mixture of varying computer operating systems,

most with limited ability to meet state information needs in communication and sharing of information resources. State entities and citizens have voiced concerns over the availability and utility of information maintained by county governments.

State agency efforts to implement state/local systems have met with limited success, largely dependent on the degree to which standards were mandated and enforceable and the quality of system design. Similarly, citizen electronic access to public information maintained by the counties is limited due to availability of automated records and non-uniformity in methods of access. Currently, in order to obtain public information, a citizen or state user would have to travel to each county courthouse and try to make sense of a computer system that houses the information, or manually look up information in books.

Pressing needs exist to develop additional state-local systems to provide timely, accurate, and accessible information, which meet minimal communication/processing standards. County and state cooperation is needed to realize economies of scale in developing statewide information and telecommunications systems.

To govern such development, the Legislature should create a Statewide Task Force to be responsible for assessing needs, developing policy and standards for development, formulating funding strategies and providing advice to the Mississippi Department of Information Technology Services (ITS). ITS should be responsible for the central oversight and coordination to guide development of systems to assure user-friendly accessibility, accuracy, and utility of the information captured, and to improve the economy of local system development and implementation by developing and hosting shared information resources.

431. A REVIEW OF ADMINISTRATIVE EXPENDITURES AND SELECTED ADMINISTRATIVE FUNCTIONS OF MISSISSIPPI'S DIVISION OF MEDICAID, June 24, 2002, 95 pages

Mississippi's Medicaid program, as administered by the Office of the Governor Division of Medicaid (DOM), provides a broad range of health related services to low-income individuals who fall into certain categories (primarily elderly, blind, disabled, pregnant women, and children). In FY 2001, 650,000 Mississippians were enrolled in the state's Medicaid program at a general fund cost of \$221 million (6% of the state's total general fund expenditures of \$3.5 billion).

In FY 2002, Mississippi's Medicaid program began experiencing budget problems, affected by increases in both health care costs and enrollment. DOM projects an unprecedented growth rate in expenditures of 25% in FY 2002. The Division also projects a FY 2003 general fund shortfall of \$120 million, even after DOM implements legislatively mandated cost saving measures enacted earlier this year that DOM asserts will save \$54.8 million in general funds.

PEER's review of DOM administrative expenditures and selected administrative functions identified an additional \$86.7 million in potential general fund savings which could further reduce DOM's projected FY 2003 general fund shortfall. The largest component of the potential cost savings, \$73 million, results from using DOM's statistically projected FY 2003 expenditure growth rate of 9.7% rather than the Division's revised and inflated FY 2003 growth rate of 22.5%.

The second largest component of the potential cost savings, \$7.7 million, results from savings related to contractual services. PEER determined that DOM does not consistently follow the elements of effective contracting, resulting in higher than necessary costs for services and possible compromises

to service quality. These deficiencies resulted in DOM contracting for services that can be performed more efficiently in-house; paying significantly more than other states for the same services; and contracting for a service that was already being performed by other entities.

PEER also determined that the Medicaid eligibility determination process followed by DOM and the Department of Human Services is inadequate. PEER staff estimates that DOM could save \$6 million in general funds for every 1% reduction in the number of ineligible Medicaid recipients on the rolls.

432. HEALTH AND SAFETY ISSUES AT THE OAKLEY AND COLUMBIA YOUTH TRAINING SCHOOLS, May 14, 2002, 36 pages

The PEER Committee reviewed complaints related to health and safety issues at the Oakley and Columbia Youth Training Schools operated by the Division of Youth Services (DYS) of the Mississippi Department of Human Services (DHS). There were nine complaints involving four broad areas in the administration of services: access to medical care, medical supervision, special medical needs, and preventing abuse of juveniles. In these areas, actual practices at the Columbia and Oakley juvenile facilities promote health and safety. However, uniformity of program operations suffers due to the absence of formal policies and procedures to govern critical components of care.

PEER found that although the training schools have qualified health professionals available (medical, dental, mental health), the facilities are not meeting health requirements and/or minimum standards in the areas of medical staff shift coverage and dental services. The facilities also lack policies and procedures governing medical authority to ensure proper medical supervision of youth detained in the

facilities. Because the facilities have not formally designated their physicians as the medical authority, it is possible for a juvenile's health needs to go unaddressed. Qualified health-trained professionals address special needs of training school youth at both facilities; however, lack of coordination and supervision of treatment plans allow mainly dental and drug treatment needs to go unmet.

Other policy areas such as those prohibiting sexual abuse, harassment, or contact are generally effective in preventing sexual misconduct. However, the practices of low staffing in student residences and no pre-service orientation on treatment topics put both students and staff at risk for misconduct.

Despite these specific shortcomings, staff and administrators have taken numerous measures to ensure the health and safety of students. The training schools have a major disconnect between policies and practice. However, there are many more cases of no written policy but actual practice approaching or realizing the performance standards than there are of written policy but no practice, or of the institutions having neither policy nor practice.

433. A SURVEY OF MISSISSIPPI ADEQUATE EDUCATION PROGRAM REVENUES AND SELECTED EXPENDITURES, June 4, 2002, 28 pages

For FYs 1998-02, the Mississippi Legislature established a five-year interim phase-in of the Mississippi Adequate Education Program (MAEP) in order to address local educational funding inequities among the state's public school districts. The program's purpose was to ensure that every school district, regardless of geographic location, would have sufficient funding to provide every student with a minimum adequate education, as defined by the Mississippi Department of Education (MDE). Beginning July 1, 2002, MAEP and its block grant funding approach will replace the state's

Minimum Foundation Program, which has been the state's major funding program for public education since the early 1950s.

PEER determined that the state provided approximately \$314.5 million to the public school districts for MAEP capital improvements, technology, instructional needs, and program managers during FYs 1998-02. In a PEER survey, the school districts reported spending at least \$45.6 million in MAEP funds on 263 firms or individuals providing professional or technical services in 31 service categories from July 1, 1997, through October 31, 2001. Some of these MAEP service providers received approximately \$21.2 million in additional public education funds for services provided to other district programs during this same period.

PEER could not determine school district compliance with their MDE-approved MAEP plans because the financial accounting system allowed some MAEP funds to be co-mingled with other school district funds and did not record MAEP expenditures with a statutory spending authority code. As a result, no annual financial management report could be produced to summarize MAEP receipts and expenditures for program performance management or auditing.

Without commenting on the wisdom of a public policy that allows local districts to carry over state funds, such a policy raises serious questions regarding whether or not the Mississippi Board of Education could authorize a local school board to carry over MAEP funds from FY 2002 to FY 2003 since the interim phase of MAEP terminates, effective July 1, 2002.

434. A REVIEW OF THE MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE, June 4, 2002, 28 pages

The Mississippi Commission on Judicial Performance is responsible for

investigating complaints about a judge's conduct; determining whether a judge has committed misconduct or is disabled; assisting judges who have committed minor ethical violations to change their behavior; imposing or recommending discipline, if appropriate, against a judge who violates ethical standards; and, when necessary, securing the removal of a judge from office.

Despite the absence of comprehensive policies and procedures, the Commission's process for collecting and evaluating evidence provides an equitable and unbiased method of regulating judicial conduct.

The processes for complaint intake and assessment offer open access to file a complaint and opportunity for the complaint's merits to be reviewed. The Commission's judicial process assures that it uses established, unbiased guidelines. Also, facts requiring action of the Commission are established through procedures for gathering clear and convincing evidence. The Commission also has defined guidelines in place for rendering informal commission actions and private admonishments for less serious misconduct violations.

PEER observed minor weaknesses in the Commission's investigative process concerning the absence of a comprehensive set of formal policies and procedures and methods of record keeping. However, the identified weaknesses do not threaten the integrity of decisionmaking or the Commission's ability to perform its regulatory duties. PEER also found minor weaknesses in the Commission's ability to perform its support functions because of the absence of policies and procedures to govern activities within its administrative process.

435. SUMMARIES OF PEER REPORTS 1973-PRESENT, October 10, 2002, 169 pages

436. A REVIEW OF THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM FUNDING PROCESS, December 3, 2002, 28 pages

PEER sought to determine whether the Mississippi Adequate Education Program (MAEP) funding process produces a reasonable computation of the amount of funding each school district needs to provide an "adequate education" (defined in MISS. CODE ANN. Section 37-151-5 [1972] as meeting the State Department of Education's Level 3 accreditation standards).

The MAEP funding formula requires that the Mississippi Department of Education (MDE) first select representative school districts based on six factors, including the district's accreditation level (districts included in the evaluation must be Level 3). MDE then calculates the base student cost of the representative Level 3 districts using instructional, administrative, operation and maintenance of plant, and ancillary cost components. To be included in the averaging of costs, a district must be within one standard deviation of the mean for the applicable cost component. Finally, to compute district allocations, MDE multiplies the base student cost by the district's average daily attendance and makes adjustments for the number of at-risk students, the local millage contribution, and add-on programs such as transportation and special education.

With the information it has had available, the Department of Education has implemented a method of selecting districts and analyzing costs that produces a reasonable computation of the amount of funding each school district needs to provide an "adequate education." The formula does not account for school district efficiency, a factor that could, over the long term, affect funding levels. The formula does not allow for unusual growth or loss in districts' enrollments. Also, neither state law nor departmental regulations require an accountability mechanism to

ensure that at-risk funds added to district allocations are actually targeted for the at-risk student population.

437. AN ACCOUNTABILITY ASSESSMENT OF PUBLIC FUNDS PAID TO SELECTED ASSOCIATIONS FOR MEMBERSHIP DUES, December 3, 2002, 12 pages

PEER sought to determine whether private nonprofit associations receiving public monies through membership dues publicly disclose their expenditures by funding source.

While state law authorizes the use of public funds to pay the dues of public officials and employees for membership in various private, nonprofit associations, no law requires the associations to maintain a separate record of how they expend public source funds. The private nonprofit associations PEER surveyed do not segregate expenditures by funding source. The absence of expenditure information by funding source limits external oversight of expenditures by the public.

PEER recommends that the Legislature require nonprofit associations to maintain accounting records that segregate the receipt of public funds and accurately reflect the expenditure of all funds received from public sources, reporting every expenditure by major object.

438. 2002 COST ANALYSIS OF HOUSING INMATES IN REGIONAL CORRECTIONAL FACILITIES, December 3, 2002, 31 pages

Senate Bill 3163, Regular Session 2002, mandated that the PEER Committee conduct a cost analysis to determine the necessary per diem, per inmate cost at the state's regional facilities and establish a breakeven point for each facility. The average breakeven point for all facilities was

191. Currently, the Inmate Housing Agreement between the Department of Corrections and the regional facilities guarantees 200 inmates.

For the period reviewed (October 1, 2001, through June 30, 2002), PEER found \$541,440 in costs that, if eliminated, would reduce the number of inmates required to break even at eight of the nine regional facilities. PEER determined that \$243,940 in attorneys' salaries and fees; \$158,400 in program and accreditation fees; and \$139,100 in payments to county sheriffs were above the reasonable level. With these costs removed, the regional facilities have an inmate breakeven point averaging 186.

439. A REVIEW OF THE PAT HARRISON WATERWAY DISTRICT'S MANAGEMENT OF ARCHUSA CREEK WATER PARK, December 3, 2002, 30 pages

PEER conducted this review in response to complaints about the Pat Harrison Waterway District's management of Archusa Creek Water Park, one of nine water parks under the district's oversight. Complainants alleged that the park was not getting its "fair share" of PHWD resources.

PEER sought to determine the sources of funding to the district and the method that the district uses to allocate funds to its programs. Most of PHWD's revenues come from ad valorem taxes collected from the member counties (approximately \$2 million in FY 2001) and park recreation fees (approximately \$1.9 million in FY 2001). Member counties also contribute to the district's debt retirement. PHWD personnel manage the district's programs as a regional resource, rather than on a by-park basis, and they allocate funds according to program priorities established by the board. Because PHWD manages the water parks as a regional resource and addresses emergencies, maintenance, and infrastructure on the basis of need, the

district's process for distributing funds to the parks is "fair." PEER determined that PHWD could possibly devote more resources to the parks by reducing its sizable cash reserve of \$2.3 million (as of FY 2001).

440. THE DEPARTMENT OF FINANCE AND ADMINISTRATION'S MANAGEMENT OF CONSTRUCTION PROJECTS AT SELECTED STATE-OWNED BUILDINGS, December 17, 2002, 37 pages

PEER reviewed the Department of Finance and Administration's management of construction projects at four selected state-owned buildings: the Department of Archives and History Building, the Underwood Complex of the Department of Health, the Sillers Building, and the Woolfolk Building.

The department's Bureau of Building has not managed the construction projects at the four buildings in a manner that best protects the state's interest. The bureau's actions have contributed to additional costs of approximately \$10.8 million for change orders (an amount that could have been reduced with improved oversight), including \$192,690 for contracts for personal services that should have been provided through DFA's operations budget. These costs added approximately \$6 million in debt service for the state.

The bureau has not consistently controlled projects to ensure that they are delivered on time at the lowest possible cost. The Project Accounting and Tracking System cannot be used to measure planned versus actual construction performance due to system design deficiencies for financial and time information associated with individual construction projects. Also, the bureau compensates contractors for change orders in a manner that violates its own standard construction contract and rewards professionals for

performance that unnecessarily increases project costs.

441. A REVIEW OF THE ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, December 17, 2002, 56 pages

The Public Employees' Retirement System's (PERS's) administrative expenses have risen during the last five fiscal years because of staffing increases to manage increased membership. However, PERS's salary cost per member is comparable to that of other states' retirement systems. Since 2000, PERS has spent \$1.56 million on capital improvement projects approved by the Legislature, including renovation of the PERS Building and purchase and renovation of a separate building.

Concerning accuracy of contribution collections, PERS has the fiduciary responsibility to employ reasonable means to ensure that information on members from public employer agencies is correct. While PERS has implemented certain controls, it has not complied with statutory requirements to collect members' Social Security information, which was intended to assure record accuracy. Also, while PERS must rely on the public employer agencies to submit correct employee information, PERS has not established a formal audit process for verifying employee records.

Regarding PERS's implementation of laws and regulations for selected employee groups, PEER found that PERS has complied with a Supreme Court ruling regarding the inclusion of travel expenses as compensation for Supreme Court justices and Court of Appeals judges. PERS has instituted a repayment schedule with a group of retirees that was overpaid \$1.7 million, but the entire amount will never be repaid due to the ages and income levels of the retirees. Also, PEER found that PERS does not have a surety bond in place, as required by statute, for the

executive director, nor does it have any type of public official or surety bond for the members of the board of trustees.

Regarding investment performance, PERS's investment program has performed consistent with market conditions over the past ten years while utilizing prudent policies and procedures in pursuing the program's objectives.

442. STATE AGENCY FEES: FY 2001 COLLECTIONS AND POTENTIAL NEW FEE REVENUES, December 17, 2002, 241 pages

In response to a legislative request, the PEER Committee studied the fee structures of state agencies in Mississippi. The purpose was to determine the potential for additional fees for state services as a revenue source.

To form the basis for decisions on whether to establish or increase fees, PEER developed a Theory of Fee Setting in Government that includes the following steps:

- determine the beneficiary of the service (i.e., public, private, or mixed);
- determine sources of revenue for funding (i.e., taxes, user fees, or a combination);
- determine and analyze legal issues (e.g., statutory limits on fees);
- determine the purpose of the fees (e.g., to cover costs and/or influence behavior);
- assess factors influencing the level of fees (e.g., determine demand for service);
- identify cost data (e.g., minimize costs, measure direct and indirect costs); and,

- compute estimated fees.

PEER focused its review on forty-one executive agencies, judicial agencies, and agencies with boards that receive appropriations of state general funds.

The report includes a summary of potential new fees as well as an appendix with a detailed analysis of agency services or programs; expenditures by service or program; sources of funding; determination of benefit; and the method of fee calculation used.

The PEER Committee produced this report as a tool for decisionmaking. Specific decisions on whether to impose a fee as a revenue source are policy decisions for the agency and the Legislature. Future decisions regarding establishing new fees should be based on thorough and up-to-date information on costs and benefits of program services. The PEER Committee takes no position on the creation, raising, or reducing of the fees presented in this report.

443. MISSISSIPPI DEPARTMENT OF CORRECTIONS' FY 2002 COST PER INMATE DAY, December 17, 2002, 22 pages

For Fiscal Year 2002, the Department of Corrections' general cost per inmate day (for all security levels combined) in a 1,000-bed facility was \$45.45, including debt service for a facility. FY 2002 costs per inmate day for individual security classifications were as follows: minimum security, \$39.45; medium security, \$42.26; and maximum security, \$68.61. MDOC's FY 2002 costs per inmate day for security classifications in a 500-bed psychiatric correctional facility were \$54.03 for medium security and \$72.21 for maximum security.

Cost figures presented in this report represent the actual costs to MDOC as required by law and do not represent

costs for service delivery under a “most efficient organization.” When MDOC negotiates private prison payments, items borne solely by the state should be eliminated and due consideration given to reducing other costs in which the state bears additional or different costs than the costs incurred by private prisons. PEER believes that private prison contracts could yield savings significantly above the ten percent required by law. This report includes a schedule of considerations of areas where savings could be achieved from more efficient contracting.

444. A REVIEW OF MISSISSIPPI'S PUBLIC TRUST TIDELANDS PROGRAM AND SELECTED AREAS OF OPERATION OF THE DEPARTMENT OF MARINE RESOURCES, January 6, 2003, 52 pages

In Mississippi, title to the tidelands is vested in the state in trust for the benefit of the people of Mississippi. The Secretary of State may lease tidelands to private parties and use a portion of the revenues derived from these leases to defray administrative costs associated with administering the tidelands program. The remaining funds are disbursed to the Commission of Marine Resources for programs of tidelands management, criteria for which are set in state law.

PEER found that the Department of Marine Resources approved \$781,000 in FY 2002 tidelands projects that did not meet the statutory criteria for use of tidelands funds and \$482,000 in FY 2002 projects that did not contain sufficient documentation to show whether they met the criteria for use of tidelands funds. Also, the department issued \$4.7 million to grant recipients without prior documentation of completed project work.

The Secretary of State's Office paid \$1,927 in tidelands funds during FY 2002 for administrative expenditures not related to the tidelands program.

Also, the office should have allocated \$149,504 in expenditures between the tidelands programs and other programs.

In response to specific complaints regarding the Department of Marine Resources, PEER found that the department does not:

- collect fines for wetlands permit violations as authorized by state law;
- collect public notice fees from all individual permit applicants; or,
- routinely review actual public notice costs to ensure that fees cover costs.

Also, the department does not maintain complete usage records on its non-law enforcement vehicles. While not required by state law, such records are critical in documenting need.

445. A LIMITED REVIEW OF THE MISSISSIPPI ATHLETIC COMMISSION, May 13, 2003, 23 pages

In response to citizens' complaints, PEER conducted this review of the Mississippi Athletic Commission (MAC), which is responsible for regulating boxing, sparring and wrestling matches and exhibitions, “tough-man contests,” and kickboxing competitions held in Mississippi.

From 1999 through 2002, for boxing events held at Mississippi casinos, the Athletic Commission collected revenues from boxing promoters for payment to boxing officials for overseeing events under the MAC's jurisdiction. State law does not give the MAC the authority to collect these revenues. The MAC's payment of cash to boxing officials at events held at Mississippi casinos provides opportunity for theft or misappropriation of funds. Also, the MAC's failure to report these cash payments to the proper authorities could have violated state and federal income reporting requirements and

could make the commission liable for penalties.

At an event attended by PEER staff, Athletic Commission officials did not monitor ticket sales in a manner that would ensure accuracy of the calculation of the MAC's share of gross receipts. The MAC's procedures allow the opportunity for a promoter or host facility to reduce the amount owed to the MAC by not turning in all of the ticket stubs.

The Athletic Commission does not fulfill its statutorily mandated responsibilities to oversee tough-man contests and kickboxing events. The commission oversees the same type of events in Alabama because that state does not have a regulatory body to oversee boxing and wrestling events; however, the MAC has no Mississippi statutory authority to regulate events in other states.

Finally, the Athletic Commission does not have written, operationally defined criteria for issuing licenses to promoters, referees, and judges and does not file its rules and regulations with the Office of the Secretary of State as required by state law. Because state law provides that an agency that does not properly file its rules as set forth in state law may not use its rules as a basis for revoking a license or penalizing a person who fails to comply with the rules, the MAC could face a legal challenge if it chose to revoke the license of or penalize a boxing official.

446. AN EXPENDITURE REVIEW OF THE GOLDEN TRIANGLE PLANNING AND DEVELOPMENT DISTRICT, June 10, 2003, 54 pages

The Golden Triangle Planning and Development District (GTPDD) was incorporated in June 1972 as a private nonprofit civic improvement corporation. GTPDD currently provides programs and services for economic development, community planning, and

social services, which include aging, child care, and workforce investment programs that are funded from federal, state, local, and other sources. Fiscal Year 2002 revenues totaled \$14,161,224 and expenditures totaled \$13,270,649.

GTPDD does not base requests for local contributions on comprehensive and timely expenditure or service needs data. The GTPDD also does not provide contributing localities with full access to financial information (e.g., copies of the corporation's records or details on use of funds). The GTPDD Board has adopted a resolution that restricts corporation members' access to district information. This restriction violates MISS. CODE ANN. Section 79-11-285, which allows members to inspect and copy financial information and inhibits local efforts to make informed decisions on the use of resources.

In fiscal years 2001 and 2002, GTPDD's inexact method of requesting local funds contributed to collection of local revenues in excess of expenditures of \$147,789. These funds could have been used by the localities to pay for other local programs. The collection of local funds occurred during a period of increasing "unrestricted" cash balances. GTPDD's unrestricted cash balances (not restricted by outside parties and available to be spent for programs or operations as determined by the staff or board) increased from \$772,240 in FY 1996 to \$3.1 million in FY 2002 (307%). Revenues in excess of expenditures of \$1,475,023 in the Operating Fund in FY 2001 and 2002 included bingo funds, Medicaid Waiver program funds, and local contributions from cities and counties.

447. A MANAGEMENT REVIEW OF THE CHICKASAWHAY NATURAL GAS DISTRICT, July 8, 2003, 68 pages

PEER assessed the Chickasawhay Natural Gas District's (CNGD's) financial viability to support operational and long-term system requirements, the

reasonableness of its prices relative to those of similar gas operations in Mississippi, its financial management and inventory internal controls, and its compliance with state statutes.

The rates that the CNGD charges its customers play a major role in the district's financial viability. However, the district does not adjust residential and commercial customers' rates on a monthly basis to reflect changes in the district's costs of natural gas. Also, the district's rates may not be competitive; the CNGD's residential and commercial rates are high in comparison to those charged by two municipal natural gas districts and one privately held natural gas utility that use the same gas pipeline supplier and customer pricing methodology. The CNGD's cash has declined since FY 1995, due primarily to use of part of its cash reserve for capital expenditures. The district's decreasing profitability has also negatively affected its cash and financial positions.

Deficiencies in the CNGD's management have prevented the district from operating at its maximum level of efficiency. The board does not use standard business practices to manage its administrative functions and assets, nor does it use basic accounting controls to detect and prevent misappropriation of cash. The district's practice of providing extra compensation to the members of its board who are local mayors creates an unnecessary expense. Also, CNGD's recent practice of selling gas appliances to customers (without statutory authority) caused extra expense to the district because it did not establish adequate financial management controls over these sales, allowing some customers to receive appliances without paying for them. The district also exercised little control over its appliance inventory.

Concerning compliance with state law, the CNGD's Board of Directors and district staff have not complied with

applicable state laws regarding distribution of revenues, purchasing, ethics, and public trust.

448. AN EXPENDITURE REVIEW OF THE EAST CENTRAL PLANNING AND DEVELOPMENT DISTRICT, July 8, 2003, 44 pages

The East Central Planning and Development District (ECPDD) was incorporated in May 1968 as a nonprofit, nonshare, civic improvement corporation serving citizens in Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Scott, and Smith counties. The ECPDD provides programs and services for economic development, community planning, and social services, which include aging, child care, and workforce investment programs. The district's FY 2001 revenues totaled \$8,023,458 and expenditures totaled \$7,787,152.

The ECPDD does not base its requests for local contributions on comprehensive and timely expenditure or service needs data. The ECPDD's bylaws do not set forth a methodology for calculating localities' contributions and the district has no procedure manual that includes this information. The district does not routinely review contribution requests to determine whether it should adjust these amounts annually. Also, local decision-making on use of resources is inhibited because the ECPDD does not provide the local governments information upon which the request amount is based or information on how the contribution will be applied to match federal dollars.

449. A SURVEY OF COST OF ISSUANCE EXPENSES OF CY 2002 LOCAL BOND ISSUES, July 8, 2003, 28 pages

Local entities in Mississippi issued approximately \$533 million in bonds during calendar year 2002. This report is designed to be a source of information for legislators regarding

issuance costs of local bonds. PEER surveyed local entities (e.g., counties, municipalities, school boards) in order to determine costs associated with the issuance of Calendar Year 2002 local bonds. PEER did not verify the accuracy of the information submitted by local entities. This report contains no conclusions or recommendations.

450. SUMMARIES OF PEER REPORTS 1973-PRESENT, September 1, 2004, 175 pages

451. A REVIEW OF ALCORN STATE UNIVERSITY'S PROVISION OF UTILITIES TO PRIVATE RESIDENCES, October 7, 2003, 35 pages

In 1952, due to its rural location and limited natural gas services in the area, Alcorn State University (ASU) sought and was granted authority from the Board of Trustees of Institutions of Higher Learning (IHL Board) to install a pipeline to connect to an existing well head on campus. The pipeline is the only source of supply of natural gas for the operations of the university. Subsequently, in order to attract faculty, the university sought authority to allow faculty in private residences to connect to the university's gas and water systems. In 1968, the IHL Board granted authority allowing privately owned ASU faculty houses to connect to the water and gas lines of the university.

Alcorn State University has since exceeded the authority granted to it by the IHL Board by providing utility services to unauthorized individuals. Of the sixteen private property owners receiving utility services from ASU, only three are active faculty members according to the IHL Board's definition of faculty. ASU has also provided unauthorized services to these individuals. Whereas the IHL Board's order gave authority to tie in to the gas and water lines, ASU has also provided

cable television and garbage collection services to these residents.

Alcorn State University does not assure that its utility charges are reasonable in terms of recovering the "full" cost of utilities and services. ASU has not ensured that faculty and staff living in private residences receiving water and natural gas through the university are metered and billed according to the actual units of service used. The university also has not maintained records to reflect the reasons or justification of monthly charges and the method used in determining proposed monthly charges for utility services.

ASU also has not properly managed its utility billing and collection system, resulting in uncollected accounts and loss of revenues.

452. A REVIEW OF THE BOARD OF CHIROPRACTIC EXAMINERS, October 7, 2003, 16 pages

PEER sought to determine whether Mississippi needs a Board of Chiropractic Examiners and what the board's responsibilities are in regulating the practice of chiropractic. PEER also reviewed whether the board's licensing process provides assurance of competency of professionals and whether the board fairly and consistently enforces regulatory requirements.

Risk factors associated with the chiropractic profession create a need for state government to protect the public. The State Board of Chiropractic Examiners, if it fulfills its function properly, should diminish or eliminate the profession's potential risk to the public. The board's responsibilities in regulating the practice of chiropractic consist of licensing professionals and enforcing applicable laws and regulations.

The board's licensing process does provide assurance of competency of professionals. Through the use of a national licensure examination and continuing education requirements, the board assures the competency of practitioners. However, the board has not developed and validated its state jurisprudence exam in accordance with accepted test construction standards.

Concerning whether the board fairly and consistently enforces regulatory requirements, PEER determined that the board does not because of its insufficient complaint recordkeeping and tracking process and its reliance on informal methods to sanction noncompliant practitioners.

453. A REVIEW OF THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION'S IMPLEMENTATION OF FISCAL YEAR 2003 SALARY REALIGNMENTS, October 7, 2003, 12 pages

The PEER Committee reviewed the salary survey process used to establish salary ranges of positions within the Mississippi Employment Security Commission (MESC) and the agency's compliance with legislative mandates and State Personnel Board (SPB) regulations in the determination of FY 2003 salary increases. This project stemmed from questions from an MESC employee regarding the salary realignments that occurred in FY 2003. The complainant had concerns regarding the methodology for developing the percentage realignments for positions within MESC.

PEER found that MESC based the salary realignments implemented in January 2003 on SPB's standard survey practice and implemented them in accordance with SPB's regulations and legislative mandates. SPB developed the FY 2003 realignment recommendations for MESC positions based on data gathered through its annual salary

survey process in accordance with standard survey practice. Thus MESC complied with SPB-developed and legislatively approved realignments for FY 2003.

454. A REVIEW OF THE TOMBIGBEE RIVER VALLEY WATER MANAGEMENT DISTRICT, November 6, 2003, 36 pages

The Mississippi Legislature created the Tombigbee River Valley Water Management District (TRVWMD) in 1962, granting it broad discretionary authority to utilize, develop, conserve, and regulate the waters of the Tombigbee River, its tributaries, and its overflow waters for a wide array of purposes including, but not limited to, flood control, recreational uses, and economic development. State law grants the district broad powers such as the authority to acquire property by eminent domain necessary to projects, build dams and reservoirs, relocate roads and highways, market bonds, and construct facilities necessary to a project.

The TRVWMD is serving two primary purposes--flood control and development of water-related resources to promote economic development--within its very broad discretionary statutory authority. While the district's internal and external evaluations state that the TRVWMD is doing a good job of carrying out these projects, none of the evaluations include true outcome measures. PEER recommends that the TRVWMD develop outcome measures showing the direct effects of the district's efforts for each of its programs. For example, the district could measure the effectiveness of its flood control program by tracking the number of homes and amount of acreage flooded in areas affected by its projects.

Regarding whether there is a need for the TRVWMD, a governmental entity is needed to address the risk of flooding

and insufficient water resources available for public consumption and economic development needs in the Tombigbee River Basin of Mississippi. The TRVWMD has a river basin perspective on both sets of needs and a minimum mandatory ad valorem tax revenue base to meet needs. Other entities could perform the functions the TRVWMD performs, but would not have the regional focus and interests of the district.

455. A REVIEW OF THE BOARD OF COSMETOLOGY, November 6, 2003, 51 pages

The Legislature established the Board of Cosmetology in 1948 to regulate schools, salons, and individuals engaged in the teaching, demonstration, and practices of cosmetology and related professions. State law authorizes the board to regulate these professions through making rules and regulations; establishing curricula for schools; issuing licenses; and enforcing laws, rules, and regulations.

Risk factors associated with the practice of cosmetology create a need for state government to protect the public. The Mississippi State Board of Cosmetology, if it fulfills its regulatory functions (i.e., licensure and enforcement) properly, should diminish the profession's risk to the public.

Concerning the board's licensure of practitioners, although the Board of Cosmetology uses a national examination that has been validated, its state law and practical examinations have not. Thus even though the board has relied on its considerable collective experience in designing the state and practical examinations, without professional validation the board cannot assure that these tests measure the knowledge, skills, and abilities necessary to the competent practice of cosmetology. Also, concerning the board's licensing of practitioners

licensed in other states who seek to practice in Mississippi, the board's process is unnecessarily burdensome, could result in arbitrary decisions, and could dissuade competent individuals from seeking licensure.

Concerning the board's enforcement, the Board of Cosmetology has the inspection and complaint handling systems in place to enforce the state's laws, rules, and regulations related to cosmetology, but it does not use all of these tools to the greatest extent possible, thus weakening its enforcement effectiveness.

PEER also addressed the issue of regulation of cosmetologists and barbers in Mississippi by two separate boards. The overlap in the scope of practice regulated by the Board of Cosmetology and the Board of Barber Examiners is significant and makes differentiating between the jurisdictions of the two boards difficult. The consuming public could easily be confused as to which board to contact with complaints.

456. A REVIEW OF THE LEGALITY OF THE CHANCERY COURT ORDER DIRECTING ANNUAL PAYMENTS OF TWENTY MILLION DOLLARS IN PERPETUITY TO THE PARTNERSHIP FOR A HEALTHY MISSISSIPPI, November 6, 2003, 12 pages

On October 17, 1997, the tobacco companies finalized a settlement agreement with the State of Mississippi. As part of the settlement, the tobacco companies agreed to make annual payments to the state according to a specified formula that takes into account inflation and the volume of domestic tobacco product sales. The payments are to be made to the state "in perpetuity" (i.e., until the tobacco companies cease to exist or in the event the settlement is modified). Subsequent to the settlement agreement, the Legislature created the Health Care Trust Fund to receive funds from the settlement agreement.

The agreement included a supplemental provision for a separate \$61.8 million to support and fund a youth tobacco cessation pilot program. In June 1998, the Jackson County Chancery Court approved the pilot program and delegated its administration to the Partnership for a Healthy Mississippi, a non-profit corporation primarily concerned with smoking cessation programs. In December 2000, the Jackson County Chancery Court ordered continued annual funding for the partnership, directing \$20 million from tobacco settlement payments each year.

After reviewing the December 2000 court order, PEER concluded that the order is not in compliance with state law. Although state law provided that cessation programs could be funded by legislative appropriation of trust fund monies, the court order directs funds to the partnership rather than through the legislative appropriation process. Thus \$20 million deposited annually to the partnership's credit will generally not be subject to the controls and oversight placed on all other funds that are received by the state and its agencies and subdivisions.

Also, the portion of the court order funding substance abuse programs is not in compliance with the statute because MISS. CODE ANN. Section 43-13-405 (1972) does not specifically provide that trust fund monies may be used to fund substance abuse programs.

457. A LIMITED REVIEW OF THE MISSISSIPPI WORKERS' COMPENSATION COMMISSION, November 18, 2003, 36 pages

The Workers' Compensation Commission is somewhat unique in Mississippi state government in that its three commissioners work full time and are actively involved in the agency's operations. The nature of this structure and the chairman's and commission's

insufficient management oversight have resulted in the problems described within this report.

For the last three calendar years, one Workers' Compensation commissioner has been absent from MWCC offices more often than the other two commissioners, attending conferences and making presentations, and has been less available to conduct the primary duties of the commission.

Also, in the summer of 2002, a current commissioner assisted an administrative judge with the drafting of six orders, three of which were appealed to the full commission. Such assistance could create an unnecessary appearance of bias or impropriety on the part of a commissioner who provides such assistance.

PEER found a lack of consistency and precision at the Workers' Compensation Commission regarding commissioners' and employees' compliance with state leave laws. In several instances, commissioners or employees did not take leave for time away for personal reasons or illness or a commissioner did not forward paperwork concerning an employee's requested leave. Also, the commission's chairman does not require the employees under his supervision to complete weekly timesheets. This lack of concern regarding accountability for employees' time worked results in overstated accrued leave balances (and possibly ultimate conversion of such to creditable service for retirement benefits), as well as inaccurate information with which to make management resource decisions.

458. MISSISSIPPI DEPARTMENT OF CORRECTIONS' FY 2003 COST PER INMATE DAY, December 19, 2003, 22 pages

For Fiscal Year 2003, the Department of Corrections' general cost per inmate day (for all security levels

combined) in a 1,000-bed facility was \$44.36, including debt service for a facility. FY 2003 costs per inmate day for individual security classifications were as follows: minimum security, \$38.52; medium security, \$41.44; and maximum security, \$68.62. MDOC's FY 2003 costs per inmate day for security classifications in a 500-bed psychiatric correctional facility were \$53.19 for medium security and \$72.31 for maximum security.

Cost figures presented in this report represent the actual costs to MDOC as required by law and do not represent costs for service delivery under a "most efficient organization." When MDOC negotiates private prison payments, items borne solely by the state should be eliminated and due consideration given to reducing other costs in which the state bears additional or different costs than the costs incurred by private prisons. PEER believes that private prison contracts could yield savings significantly above the ten percent required by law. This report includes a schedule of considerations of areas where savings could be achieved from more efficient contracting.

459. 2003 COST ANALYSIS OF HOUSING INMATES IN REGIONAL CORRECTIONAL FACILITIES, December 19, 2003, 22 pages

The PEER Committee conducted this cost analysis to determine the necessary per diem, per inmate cost at the state's regional facilities and establish a breakeven point for each facility for 2003.

PEER found that the number of inmates guaranteed by the MDOC Inmate Housing Agreement exceeds the breakeven point associated with housing state inmates in seven of the eleven regional facilities reviewed. PEER also identified \$551,520 in costs that, if eliminated, would reduce the number of inmates required to break

even at the eleven regional facilities. With these costs removed, the regional facilities have an inmate breakeven point averaging 188, which is below the number currently guaranteed in the Inmate Housing Agreement (200).

Since PEER's breakeven cost analyses reports in 2001 and 2002, which reported each regional facility's legal and American Correctional Association (ACA) expenses, reductions in attorneys' and ACA service providers' expenses have resulted in total savings of \$363,964. The reduction of these expenses has decreased the breakeven point and increased the financial strength of the regional facilities that have reduced these costs.

460. A REVIEW OF THE EFFECTIVENESS OF LOCAL TOURISM COMMISSIONS, December 19, 2003, 38 pages

The Legislature creates local tourism entities through local and private laws to meet the specific needs of individual communities. Local tourism entities are funded primarily with resources collected through special tax levies on restaurants and hotels, with additional funds provided through the Mississippi Development Authority (MDA) and local sources. PEER surveyed forty-eight entities concerning special tax levies authorized by local and private legislation to promote tourism and economic development. Survey respondents reported receiving \$23,890,863 in tourism tax revenue during FY 2002.

Including revenue from all sources, local tourism entities reported expending a total of \$25,644,355 in FY 2002. For that fiscal year, local tourism entities reported that they averaged 33 percent of their expenditures for program administration, 12 percent for capital improvements, and 55 percent for tourism programs. Concerning

accountability for these funds, the laws creating local tourism entities include varying expectations. According to survey data, these local tourism entities' expenditures comply with the broad requirements in local and private enabling legislation.

Regarding the MDA's role in local tourism efforts, state law provides MDA with the authority to promote tourism generally, but does not specifically grant authority or responsibility for MDA to coordinate its activities with those of local tourism entities. In fact, no single authority has the legal mandate to coordinate all tourism activities in the state. The MDA's Division of Tourism Development staff supports the activities and programs of local tourism entities by providing services such as research, training, and referral, but the division does not play a direct role in local tourism promotion programs or activities.

Regarding the financial impact of local tourism development efforts on the state and local economy, few local entities gather uniform and comprehensive data on the financial impact and effectiveness of their tourism programs or conduct studies to measure effectiveness of tourism programs. Although MDA compiles an annual estimate of tourism financial impact, it does not estimate benefits derived from local expenditures.

461. A REVIEW OF THE DEPARTMENT OF HEALTH'S ONSITE WASTEWATER DISPOSAL SYSTEM PROGRAM AND FOOD PROTECTION PROGRAM, December 19, 2003, 26 pages

The Mississippi State Department of Health (MSDH) is a multifaceted agency whose mission is to promote and protect the health of the citizens of Mississippi. Within the Department of Health, the Bureau of Environmental Health's Onsite Wastewater Disposal System Program recommends and

approves individual wastewater disposal systems for small commercial buildings, restaurants, and single residential dwellings. The bureau's Food Protection Program inspects food establishments (other than those of churches, church-related and private schools, and other nonprofit or charitable organizations) to ensure compliance with state and federal laws, rules, and regulations.

Regarding the Onsite Wastewater Disposal System Program, PEER found that regulation of wastewater disposal systems has been subject to potential inconsistencies because for those homeowners choosing to have an engineer inspect their systems, an arrangement that is allowed by state law, MSDH does not require that the engineer redesign or alter an insufficient wastewater system to meet the department's standards. This could result in potential health hazards and the possible expense of replacing systems.

Regarding the Food Protection Program, MSDH environmentalists do not always adhere to program policy governing the frequency and timeliness of inspections of food facilities. This reduces assurance to the public that the food served at these facilities is safe.

462. A REVIEW OF THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES' DIVISION OF CHILD SUPPORT ENFORCEMENT, December 29, 2003, 67 pages

The Mississippi Department of Human Services' Division of Child Support Enforcement does not allocate personnel based on caseload demands. As could be expected, counties with higher caseloads per officer perform more poorly on federal incentive performance measures than counties with smaller caseloads per officer. Thus, in these counties, the division may not be as effective in collecting the

funds to which children and custodial parents are entitled.

The division does not comply with some laws, policies, and procedures governing suspension of licenses for noncustodial parents who are delinquent in child support payments. Some of the division's policies and procedures are inconsistent with state laws regarding license suspension and the division's staff often does not comply with the division's own policies and procedures regarding license suspension. In 73% of the cases in PEER's sample (208 of 286 total cases), the division did not enforce license suspension according to policy. Also, the division's Program Office does not formally and routinely monitor license suspension actions to determine compliance with policy and the extent to which license suspensions are effective.

The division also does not comply with some laws, rules, and regulations governing operation of its Central Receipting and Disbursement Unit, which is responsible for receiving and disbursing child support payments. Internal control weaknesses within the unit, such as lack of segregation of duties in cash handling, could result in misappropriation of child support payment collections.

In federal fiscal years 2001 and 2002, Mississippi received the maximum federal incentive funding for child support enforcement in only one out of five performance areas (cost effectiveness). In one area (percent of cases with child support orders), Mississippi received no performance incentive funding. The performance in another area may result in a penalty of from 1% to 2% of federal TANF block grant funds. Also, the division is not using all of the tools available to improve its performance.

463. A MANAGEMENT REVIEW OF THE MUNICIPAL GAS AUTHORITY OF

MISSISSIPPI, December 19, 2003, 36 pages

State law charges the Municipal Gas Authority of Mississippi (MGAM) with providing an adequate, dependable, and economical supply of natural gas to state municipals that use its services. MGAM operates within the bounds prescribed by enabling legislation, providing beneficial services to municipal gas operations through gas supply and storage projects and flexible gas management services while operating in a financially sound manner. However, PEER identified weaknesses in the MGAM's management practices involving fee-setting methods, the refund policy for prepay gas supply bond projects, the informal agreement between the MGAM and the Municipal Energy Authority of Mississippi (MEAM), and performance raise policy and practices.

The MGAM does not have a documented fee-setting method for establishing its contract service fees. As a result, the MGAM cannot determine whether fees for each service are sufficient to cover costs or whether specific services are cost efficient.

The MGAM's policy for refunding excess revenues generated in the 1998 Prepay Gas Supply Bond Project to the nine full-time project participants is inequitable because it excludes participating non-MGAM members. As a result, the city of Vicksburg and its municipal gas customers have paid more for their prepay gas supply than the other full-time participating MGAM-member municipals, who received refunds totaling \$375,000 during FY 1999-02.

The MGAM and MEAM Boards of Commissioners have used an informal verbal agreement since October 1, 1994, to define services to be provided by the MEAM staff and amount of administrative and personnel expenses that the MGAM would reimburse.

MGAM and MEAM do not have any defined methodology to determine periodically the actual personnel expense associated with each organization's workload.

Also, the MGAM has not documented employee responsibilities through written position descriptions with established minimum job qualifications and written performance standards, nor has it produced formal employee appraisals. Despite this lack of documentation, the MGAM's Board of Commissioners approved performance pay raises totaling \$59,077 from FY 1996 through FY 2003.

464. A REVIEW OF QUALITY OF CARE AND COST EFFICIENCY ISSUES AT THE STATE VETERANS' HOMES, December 19, 2003, 66 pages

Under the authority granted by MISS. CODE ANN. Section 35-1-19 (1972), the Veterans' Affairs Board (VAB) established four 150-bed state veterans' homes in Jackson, Collins, Oxford, and Kosciusko to provide domiciliary care and related services for eligible veterans. In July 2002, the board assumed responsibility for daily management of the homes, which had previously been managed by nursing home management companies.

During calendar years 2000 through 2003, inspectors from the U. S. Department of Veterans' Affairs and the Mississippi Department of Health documented deficiencies at the homes in areas affecting residents' health and safety. The nature and seriousness of deficiencies at the Jackson home prompted the Department of Health to declare it a "substandard" facility and place it under intensive oversight for ninety days beginning December 20, 2003. The homes with the greatest number of deficiencies had the most unstable workforce, characterized by high vacancy rates in state positions (90% for registered nurses at the

Jackson home as of August 30, 2003), high turnover in direct care staff (133% for registered nurses in the Jackson home from January through June 2003), and extensive use of direct care staff hired through health care staffing agencies, including nurses in supervisory positions (40% of registered nurses at the Jackson home as of June 30, 2003).

The VAB is not adequately monitoring its own performance on critical indicators of quality of care at the homes nor is it making necessary corrections in operations to address performance problems. The homes are arbitrarily adjusting minimum levels (thresholds) of acceptable performance in response to increasing deficiencies, rather than developing effective strategies for improving performance.

Until recently, the VAB has not actively managed costs at the homes. For example, if the VAB had filled direct care positions during FY 2003 with state employees earning a competitive wage, the homes could have avoided approximately \$900,000 in health care staffing agency markup costs (up to 135% of salaries) and approximately \$300,000 in overtime pay.

465. COMPENDIUM OF RECOMMENDATIONS FROM THE PEER COMMITTEE, 2000-2003, February 6, 2004, 123 pages

466. A REVIEW OF THE BOARD OF VETERINARY MEDICINE, July 13, 2004, 466 pages, 32 pages

The practice of veterinary medicine by unqualified or unscrupulous individuals includes risks to both animal and human health and creates a need for state government to protect the public. The Mississippi Board of Veterinary Medicine, by fulfilling its regulatory functions properly, should diminish these risks. The board's responsibility is to ensure that

veterinarians are competent and knowledgeable and to enforce laws, rules, and regulations regarding veterinary practice. PEER sought to determine whether the board effectively fulfills its functions of licensure and enforcement.

Concerning the board's licensure of practitioners, the Board of Veterinary Medicine does not consistently require applicants to comply with state law or its own regulations regarding some licensure and recording requirements. Although the board provides assurance of applicants' competency by requiring passage of a validated national veterinary medical examination, the board's examination of knowledge of state veterinary medical laws and regulations does not fully comply with accepted test construction standards.

Concerning enforcement of laws, rules, and regulations, the board does not inspect veterinary facilities throughout Mississippi, has not developed a comprehensive process for handling complaints against veterinarians, and has not consistently imposed fines and penalties when disciplining veterinarians.

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(As of September 2004)**

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