

By: Senator(s) Gordon, Little, Thames,
Chaney, Davis, Kirby, Williamson

To: Appropriations

SENATE BILL NO. 3116

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF AUDIT FOR FISCAL YEAR
3 2008.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any funds in the State
7 General Fund not otherwise appropriated, for the purpose of paying
8 salaries and defraying the expenses of the State Department of
9 Audit in making the audits and investigations of public offices of
10 the state and counties as provided by Section 7-7-201 et seq.,
11 Mississippi Code of 1972, for the fiscal year beginning
12 July 1, 2007, and ending June 30, 2008..... \$ 6,971,757.00.

13 **SECTION 2.** The following sum, or so much thereof as may be
14 necessary, is hereby appropriated out of any special funds in the
15 State Treasury to the credit of the State Department of Audit's
16 special fund account for the purpose of paying salaries and
17 defraying the expenses of the State Department of Audit in making
18 the audits and investigations of public offices of the state and
19 counties as provided by Section 7-7-201 et seq., Mississippi Code
20 of 1972, for the fiscal year beginning July 1, 2007, and ending
21 June 30, 2008..... \$ 4,788,188.00.

22 **SECTION 3.** Of the funds appropriated under the provisions of
23 Sections 1 and 2, not more than the amounts set forth below shall
24 be expended for the respective major objects or purposes of
25 expenditure:

26 MAJOR OBJECTS OF EXPENDITURE:

27 Personal Services:

28	Salaries, Wages and Fringe Benefits..	\$	9,431,373.00
29	Travel and Subsistence.....		861,361.00
30	Contractual Services.....		1,190,862.00
31	Commodities.....		99,745.00
32	Capital Outlay:		
33	Other Than Equipment.....		0.00
34	Equipment.....		99,692.00
35	Vehicles.....		76,452.00
36	Wireless Communication Devices.....		0.00
37	Subsidies, Loans and Grants.....		<u>460.00</u>
38	Total.....	\$	11,759,945.00

39 FUNDING:

40	General Funds.....	\$	6,971,757.00
41	Special Funds.....		<u>4,788,188.00</u>
42	Total.....	\$	11,759,945.00

43 AUTHORIZED POSITIONS:

44	Permanent:	Full Time.....	171
45		Part Time.....	1
46	Time-Limited:	Full Time.....	10
47		Part Time.....	0

48 Funds are provided herein to adjust the Variable Compensation
49 Plan to ensure that all full-time employees receive a pay increase
50 equal to the realignment component of the Variable Compensation
51 Plan or One Thousand Dollars (\$1,000.00), or Three Percent (3%)
52 whichever is greater, to be awarded on July 1, 2007.

53 With the funds herein appropriated, it is the intention of
54 the Legislature that it shall be the agency's responsibility to
55 make certain that funds required to be appropriated for "Personal
56 Services" for Fiscal Year 2009 do not exceed Fiscal Year 2008
57 funds appropriated for that purpose, unless programs or positions
58 are added to the agency's Fiscal Year 2009 budget by the
59 Mississippi Legislature. Based on data provided by the
60 Legislative Budget Office, the State Personnel Board shall

61 determine and publish the projected annual cost to fully fund all
62 appropriated positions in compliance with the provisions of this
63 act. It shall be the responsibility of the agency head to insure
64 that no single personnel action increases this projected annual
65 cost and/or the Fiscal Year 2008 appropriation for "Personal
66 Services" when annualized, with the exception of escalated funds.
67 If, at the time the agency takes any action to change "Personal
68 Services," the State Personnel Board determines that the agency
69 has taken an action which would cause the agency to exceed this
70 projected annual cost or the Fiscal Year 2008 "Personal Services"
71 appropriated level, when annualized, then only those actions which
72 reduce the projected annual cost and/or the appropriation
73 requirement will be processed by the State Personnel Board until
74 such time as the requirements of this provision are met.

75 Any transfers or escalations shall be made in accordance with
76 the terms, conditions and procedures established by law or
77 allowable under the terms set forth within this act. The State
78 Personnel Board shall not escalate positions without written
79 approval from the Department of Finance and Administration. The
80 Department of Finance and Administration shall not provide written
81 approval to escalate any funds for salaries and/or positions
82 without proof of availability of new or additional funds above the
83 appropriated level.

84 No general funds authorized to be expended herein shall be
85 used to replace federal funds and/or other special funds which are
86 being used for salaries authorized under the provisions of this
87 act and which are withdrawn and no longer available.

88 The agency shall not take any action to promote or otherwise
89 award salary increases through reallocation, reclassification,
90 realignment, education benchmark, career ladder, or any other
91 means to increase salaries of employees or positions unless
92 specifically exempted by the following conditions: the award of
93 teacher pay increases, the advancement of a trainee/cadet to the

94 next level of a bona fide career ladder, the award of an
 95 educational benchmark for the attainment of Certified Public
 96 Accountant License or higher level professional certification as
 97 determined by the State Personnel Board, the immediate replacement
 98 of a departing employee with an individual from within state
 99 service or a new hire at a salary level equivalent to that of the
 100 departing employee, and the emergency appointment of nurses,
 101 pharmacists or other health care professionals at a salary to be
 102 determined by the State Personnel Board, unless otherwise
 103 authorized in this act.

104 **SECTION 4.** In compliance with the "Mississippi Performance
 105 Budget and Strategic Planning Act of 1994," it is the intent of
 106 the Legislature that the funds provided herein shall be utilized
 107 in the most efficient and effective manner possible to achieve the
 108 intended mission of this agency. Based on the funding authorized,
 109 this agency shall make every effort to attain the targeted
 110 performance measures provided below:

111	FY08
112 <u>Performance Measures</u>	<u>Target</u>
113 Post Audit	
114 Audits Completed (Engagements)	91
115 Billable Audit Hours (Hours)	134,043
116 Technical Assistance	
117 Inquiries (Action)	8,100
118 Cost per Inquiry (\$)	36.70
119 Technicalities (Actions)	48,000
120 Cost per Technicality (cents per issue)	41.51
121 Average Daily Attendance	
122 Cost per School (\$)	617.71

123 A reporting of the degree to which the performance targets
 124 set above have been or are being achieved shall be provided in the
 125 agency's budget request submitted to the Joint Legislative Budget
 126 Committee for Fiscal Year 2009.

127 **SECTION 5.** In addition to the sums appropriated herein, the
128 Office of the State Auditor is hereby authorized to receive,
129 budget and expend, with the approval of the Department of Finance
130 and Administration, any special funds made available to comply
131 with the Single Audit Act of 1984. These special funds may be
132 used to employ staff, and pay related expenses, or to engage
133 private accountants, as necessary, to comply with the provisions
134 of the act.

135 **SECTION 6.** It is the intention of the Legislature that
136 whenever two (2) or more bids are received by this agency for the
137 purchase of commodities or equipment, and whenever all things
138 stated in such received bids are equal with respect to price,
139 quality and service, the Mississippi Industries for the Blind
140 shall be given preference. A similar preference shall be given to
141 the Mississippi Industries for the Blind whenever purchases are
142 made without competitive bids.

143 **SECTION 7.** It is legislative intent to ensure beneficial
144 information reaches as many Mississippians as possible. Further,
145 it is legislative intent that the expenditure of public funds for
146 this purpose be accomplished in an efficient and effective manner.

147 Therefore, state agencies as standard procedure, will observe
148 the following criteria:

149 (1) Develop goals and desired result for a campaign.

150 (2) Evaluate effectiveness through respected advertising
151 standards, including market reach and cost effectiveness.

152 (3) Seek public service announcements, which would be aired
153 by media without cost.

154 (4) Itemize and justify professional assistance and related
155 expenses for creative and production costs outside of the actual
156 media expenditures.

157 (5) Utilize Mississippi owned media companies when feasible.

158 **SECTION 8.** It is the intention of the Legislature that the
159 State Department of Audit is hereby authorized to escalate

160 positions not to exceed ten (10), to escalate budget and expend
161 funds from any special source, for the purpose of auditing
162 emergency United States Housing and Urban Development grants
163 related to Hurricane Katrina, not to exceed One Million Dollars
164 (\$1,000,000.00) in accordance with rules and regulations of the
165 Department of Finance and Administration in a manner consistent
166 with the escalation of federal funds.

167 **SECTION 9.** The money herein appropriated shall be paid by
168 the State Treasurer out of any money in the State Treasury to the
169 credit of the proper fund or funds as set forth in this act, upon
170 warrants issued by the State Fiscal Officer; and the State Fiscal
171 Officer shall issue his warrants upon requisitions signed by the
172 proper person, officer or officers in the manner provided by law.

173 **SECTION 10.** This act shall take effect and be in force from
174 and after July 1, 2007.