

By: Senator(s) Hopson, Polk, Blackwell,
Frazier, Williams

To: Appropriations

SENATE BILL NO. 2946
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF AUDIT FOR FISCAL YEAR
3 2022.

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, 2021, and ending June 30, 2022..... \$ 8,363,577.00.

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, 2021, and ending
21 June 30, 2022 \$ 6,885,996.00.

22 **SECTION 3.** Of the funds appropriated under the provisions of
23 this act, the following positions are authorized:

24 AUTHORIZED POSITIONS:

25	Permanent:	Full Time	167
26		Part Time	3
27	Time-Limited:	Full Time	0
28		Part Time	0

29 With the funds herein appropriated, it shall be the agency's
30 responsibility to make certain that funds required to be
31 appropriated for "Personal Services" for Fiscal Year 2023 do not
32 exceed Fiscal Year 2022 funds appropriated for that purpose unless
33 programs or positions are added to the agency's Fiscal Year 2022
34 budget by the Mississippi Legislature. Based on data provided by
35 the Legislative Budget Office, the State Personnel Board shall
36 determine and publish the projected annual cost to fully fund all
37 appropriated positions in compliance with the provisions of this
38 act. Absent a special situation or circumstance approved by the
39 State Personnel Board, or unless otherwise authorized by this act,
40 no state agency shall take any action to promote or otherwise
41 award salary increases through reallocation or realignment. If
42 the State Personnel Board determines a special situation or
43 circumstance exists and approves an action, then the agency and



44 the State Personnel Board shall provide a monthly report of each
45 action approved by the State Personnel Board to the Chairmen of
46 the Accountability, Efficiency and Transparency Committees of the
47 Senate and House of Representatives and the Chairmen of the
48 Appropriations Committees of the Senate and House of
49 Representatives. It shall be the responsibility of the agency
50 head to ensure that no single personnel action increases this
51 projected annual cost and/or the Fiscal Year 2022 appropriations
52 for "Personal Services" when annualized, with the exception of
53 escalated funds and the award of benchmarks. If, at the time the
54 agency takes any action to change "Personal Services," the State
55 Personnel Board determines that the agency has taken an action
56 which would cause the agency to exceed this projected annual cost
57 or the Fiscal Year 2022 "Personal Services" appropriated level,
58 when annualized, then only those actions which reduce the
59 projected annual cost and/or the appropriation requirement will be
60 processed by the State Personnel Board until such time as the
61 requirements of this provision are met.

62 Any transfers or escalations shall be made in accordance with
63 the terms, conditions and procedures established by law or
64 allowable under the terms set forth within this act. The State
65 Personnel Board shall not escalate positions without written
66 approval from the Department of Finance and Administration. The
67 Department of Finance and Administration shall not provide written
68 approval to escalate any funds for salaries and/or positions



69 without proof of availability of new or additional funds above the
70 appropriated level.

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

75 None of the funds herein appropriated shall be used in
76 violation of Internal Revenue Service's Publication 15-A relating
77 to the reporting of income paid to contract employees, as
78 interpreted by the Office of the State Auditor.

79 Funds have been appropriated herein for the purpose of
80 implementation and funding Project SEC2 of the Colonel Guy Groff
81 State Variable Compensation Plan beginning January 1, 2022, and
82 ending June 30, 2022. It shall be the agency's responsibility to
83 make certain that each person, excluding executive directors,
84 agency heads, and elected judges, shall receive no more than a
85 three percent (3%) annual increase in salary which shall not
86 exceed the market rate established by the State Personnel Board
87 pursuant to the Colonel Guy Groff State Variable Compensation Plan
88 for each classification.

89 **SECTION 4.** In compliance with the "Mississippi Performance
90 Budget and Strategic Planning Act of 1994," it is the intent of
91 the Legislature that the funds provided herein shall be utilized
92 in the most efficient and effective manner possible to achieve the
93 intended mission of this agency. Based on the funding authorized,



94 this agency shall make every effort to attain the targeted
95 performance measures provided below:

96 FY2022
97 Performance Measures Target

98 Finance & Compliance

99 County Government Audits (82) -

100 Percentage Audited by CPA Firms (%) 70.00

101 County Government Audits (82) -

102 Percentage Audited by OSA (%) 30.00

103 Single Audit Federal Program Coverage -

104 Percentage Audited by CPA Firms (%) 0.00

105 Single Audit Federal Program Coverage -

106 Percentage Audited by OSA (%) 100.00

107 CAFR Opinion Units - Percentage General

108 Fund Assets (%) 75.00

109 CAFR Opinion Units - Percentage General

110 Fund Reserves (%) 75.00

111 Technical Assistance

112 Technical Assistance Inquiries (Number of) 6,100

113 Cost per Technical Assistance Inquiry (\$) 15.00

114 Customer Satisfaction Rating of 70% or

115 Higher (%) 75.00

116 Investigations

117 Recovered Embezzled and/or Misspent

118 Funds as a Result of Investigations



119	Conducted by this Office (\$)	600,000.00
120	Recovered Funds as a Percent of Total	
121	Misspent Funds (%)	18.00
122	Performance Audits	
123	Performance Audit Reports Completed	
124	(Number of)	10
125	Positive Changes Recommended in	
126	Performance Audits or Bond Monitoring	
127	Reports (Number of)	25

128 A reporting of the degree to which the performance targets
129 set above have been or are being achieved shall be provided in the
130 agency's budget request submitted to the Joint Legislative Budget
131 Committee for Fiscal Year 2023.

132 **SECTION 5.** It is the intention of the Legislature that
133 whenever two (2) or more bids are received by this agency for the
134 purchase of commodities or equipment, and whenever all things
135 stated in such received bids are equal with respect to price,
136 quality and service, the Mississippi Industries for the Blind
137 shall be given preference. A similar preference shall be given to
138 the Mississippi Industries for the Blind whenever purchases are
139 made without competitive bids.

140 **SECTION 6.** Of the funds appropriated in Section 2, it is the
141 intention of the Legislature that Thirty Thousand Dollars
142 (\$30,000.00) is provided for the purpose of paying fees for a CPA
143 Review Course for the Office of the State Auditor's employees to



144 be reimbursed over a 12-month period by the employee taking the
145 course.

146 **SECTION 7.** It is the intention of the Legislature that the
147 State Auditor is hereby authorized to escalate, budget and expend
148 funds from any source made available to comply with the Single
149 Audit Act of 1984 for the purpose of employing staff, paying
150 related expenses, or to engage private accountants, as necessary,
151 to comply with the provisions of the act, in accordance with rules
152 and regulations of the Department of Finance and Administration in
153 a manner consistent with the escalation of federal funds.

154 **SECTION 8.** No more than One Million Dollars (\$1,000,000.00)
155 may be provided to defray expenses incurred by the Office of the
156 State Auditor pursuant to the rules and regulations of the United
157 States Department of Justice Federal Equitable Sharing Program.
158 These funds may only be used for nonbudgeted law enforcement
159 purposes by the Office of the State Auditor.

160 **SECTION 9.** It is the intention of the Legislature that the
161 State Department of Audit shall maintain complete accounting and
162 personnel records related to the expenditure of all funds
163 appropriated under this act and that such records shall be in the
164 same format and level of detail as maintained for Fiscal Year
165 2021. It is further the intention of the Legislature that the
166 agency's budget request for Fiscal Year 2023 shall be submitted to
167 the Joint Legislative Budget Committee in a format and level of



168 detail comparable to the format and level of detail provided
169 during the Fiscal Year 2022 budget request process.

170 **SECTION 10.** Of the funds in Section 2, the following sum, or
171 so much thereof as may be necessary, is appropriated out of any
172 money in the State Treasury to the credit of the Capital Expense
173 Fund, for the purpose of defraying the expenses for equipment and
174 other one-time expenditures of the State Department of Audit for
175 the fiscal year beginning July 1, 2021, and ending June 30, 2022
176\$ 50,000.00.

177 **SECTION 11.** The money herein appropriated shall be paid by
178 the State Treasurer out of any money in the State Treasury to the
179 credit of the proper fund or funds as set forth in this act, upon
180 warrants issued by the State Fiscal Officer; and the State Fiscal
181 Officer shall issue his warrants upon requisitions signed by the
182 proper person, officer or officers in the manner provided by law.

183 **SECTION 12.** This act shall take effect and be in force from
184 and after July 1, 2021.

