

House Amendments to Senate Bill No. 2946

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.....\$ 7,769,478.00.

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.....\$ 3,787,612.00.

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.....	145
26		Part Time.....	2
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 **SECTION 4.** In compliance with the "Mississippi Performance
80 Budget and Strategic Planning Act of 1994," it is the intent of
81 the Legislature that the funds provided herein shall be utilized
82 in the most efficient and effective manner possible to achieve the
83 intended mission of this agency. Based on the funding authorized,
84 this agency shall make every effort to attain the targeted
85 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
86	
87	
88 Finance & Compliance	
89 County Government Audits (82) -	
90 Percentage Audited by CPA Firms (%)	70.00
91 County Government Audits (82) -	
92 Percentage Audited by OSA (%)	30.00
93 Single Audit Federal Program Coverage -	
94 Percentage Audited by CPA Firms (%)	0.00
95 Single Audit Federal Program Coverage -	
96 Percentage Audited by OSA (%)	100.00
97 CAFR Opinion Units - Percentage General	
98 Fund Assets (%)	75.00

99	CAFR Opinion Units - Percentage General	
100	Fund Reserves (%)	75.00
101	Technical Assistance	
102	Technical Assistance Inquiries (Number of)	6,100
103	Cost per Technical Assistance Inquiry (\$)	15.00
104	Customer Satisfaction Rating of 70% or	
105	Higher (%)	75.00
106	Investigations	
107	Recovered Embezzled and/or Misspent	
108	Funds as a Result of Investigations	
109	Conducted by this Office (\$)	600,000.00
110	Recovered Funds as a Percent of Total	
111	Misspent Funds (%)	18.00
112	Performance Audits	
113	Performance Audit Reports Completed	
114	(Number of)	10
115	Positive Changes Recommended in	
116	Performance Audits or Bond Monitoring	
117	Reports (Number of)	25

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

122 **SECTION 5.** It is the intention of the Legislature that
123 whenever two (2) or more bids are received by this agency for the
124 purchase of commodities or equipment, and whenever all things

125 stated in such received bids are equal with respect to price,
126 quality and service, the Mississippi Industries for the Blind
127 shall be given preference. A similar preference shall be given to
128 the Mississippi Industries for the Blind whenever purchases are
129 made without competitive bids.

130 **SECTION 6.** Of the funds appropriated in Section 2, it is the
131 intention of the Legislature that Thirty Thousand Dollars
132 (\$30,000.00) is provided for the purpose of paying fees for a CPA
133 Review Course for the Office of the State Auditor's employees to
134 be reimbursed over a 12-month period by the employee taking the
135 course.

136 **SECTION 7.** It is the intention of the Legislature that the
137 State Auditor is hereby authorized to escalate, budget and expend
138 funds from any source made available to comply with the Single
139 Audit Act of 1984 for the purpose of employing staff, paying
140 related expenses, or to engage private accountants, as necessary,
141 to comply with the provisions of the act, in accordance with rules
142 and regulations of the Department of Finance and Administration in
143 a manner consistent with the escalation of federal funds.

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

150 **SECTION 9.** It is the intention of the Legislature that the
151 State Department of Audit shall maintain complete accounting and
152 personnel records related to the expenditure of all funds
153 appropriated under this act and that such records shall be in the
154 same format and level of detail as maintained for Fiscal Year
155 2021. It is further the intention of the Legislature that the
156 agency's budget request for Fiscal Year 2023 shall be submitted to
157 the Joint Legislative Budget Committee in a format and level of
158 detail comparable to the format and level of detail provided
159 during the Fiscal Year 2022 budget request process.

160 **SECTION 10.** The money herein appropriated shall be paid by
161 the State Treasurer out of any money in the State Treasury to the
162 credit of the proper fund or funds as set forth in this act, upon
163 warrants issued by the State Fiscal Officer; and the State Fiscal
164 Officer shall issue his warrants upon requisitions signed by the
165 proper person, officer or officers in the manner provided by law.

166 **SECTION 11.** This act shall take effect and be in force from
167 and after July 1, 2021, and shall stand repealed from and after
168 June 29, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR13\SB2946A.J

Andrew Ketchings
Clerk of the House of Representatives