

By: Senator(s) Hopson, Polk, Blackwell,
Simmons (13th), Williams

To: Appropriations

SENATE BILL NO. 3043

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE DEPARTMENT OF AUDIT FOR FISCAL YEAR
3 2023.

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, 2022, and ending June 30, 2023..... \$ 8,529,070.00.

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, 2022, and ending
21 June 30, 2023 \$ 2,967,531.00.

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	158
26		Part Time	1
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 for "Personal
31 Services" for Fiscal Year 2024 do not exceed Fiscal Year 2023
32 funds appropriated for that purpose unless programs or positions
33 are added to the agency's Fiscal Year 2023 budget by the
34 Mississippi Legislature. The Legislature shall determine the
35 agency's personal services appropriation, which shall be published
36 by the State Personnel Board. Additionally, the State Personnel
37 Board shall determine and publish the projected annualized payroll
38 costs based on current employees. It shall be the responsibility
39 of the agency head to ensure that actual personnel expenditures
40 for Fiscal Year 2023 do not exceed the data provided by the
41 Legislative Budget Office. If the agency's Fiscal Year 2023
42 projected cost exceeds the annualized costs, no salary actions



43 shall be processed by the State Personnel Board with the exception
44 of new hires that are determined to be essential for the agency.

45 Any transfers or escalations shall be made in accordance with
46 the terms, conditions and procedures established by law or
47 allowable under the terms set forth within this act. The State
48 Personnel Board shall not escalate positions without written
49 approval from the Department of Finance and Administration. The
50 Department of Finance and Administration shall not provide written
51 approval to escalate any funds for salaries and/or positions
52 without proof of availability of new or additional funds above the
53 appropriated level.

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57 act and which are withdrawn and no longer available.

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

62 Funds have been appropriated herein for the purpose of
63 funding Project SEC2 minimum salaries for all employees covered
64 under the Colonel Guy Groff/Neville Kenning Variable Compensation
65 Plan. It shall be the agency's responsibility to ensure that the
66 funds are used to increase all employees' salaries up to the
67 minimum level as determined by the State Personnel Board.



68 **SECTION 4.** In compliance with the "Mississippi Performance
69 Budget and Strategic Planning Act of 1994," it is the intent of
70 the Legislature that the funds provided herein shall be utilized
71 in the most efficient and effective manner possible to achieve the
72 intended mission of this agency. Based on the funding authorized,
73 this agency shall make every effort to attain the targeted
74 performance measures provided below:

	FY2023
<u>Performance Measures</u>	<u>Target</u>
77 Finance & Compliance	
78 County Government Audits - Percent	
79 Audited by CPA Firms	65.00
80 County Government Audits - Percent	
81 Audited by OSA	35.00
82 Single Audit Federal Program Coverage -	
83 Percent Audited by CPA Firms	25.00
84 Single Audit Federal Program Coverage -	
85 Percent Audited by OSA	75.00
86 ACFR Opinion Units - Percent General	
87 Fund Assets	75.00
88 ACFR Opinion Units - Percent General	
89 Fund Reserves	75.00
90 Technical Assistance	
91 Number of Technical Assistance Inquiries	6,200
92 Cost per Technical Assistance Inquiry	15.00



93	Percent Customer Satisfaction Rating of	
94	70% or Higher	75.00
95	Investigations	
96	Recovered Embezzled and/or Misspent	
97	Funds as a Result of Investigations	
98	Conducted by this Office (\$)	600,000.00
99	Recovered Funds as a Percent of Total	
100	Misspent Funds	18.00
101	Performance Audits	
102	Number of Performance Audit Reports	
103	Completed	10
104	Number of Positive Changes Recommended	
105	in Performance Audits or Bond Monitoring	
106	Reports	25

107 A reporting of the degree to which the performance targets
108 set above have been or are being achieved shall be provided in the
109 agency's budget request submitted to the Joint Legislative Budget
110 Committee for Fiscal Year 2024.

111 **SECTION 5.** It is the intention of the Legislature that
112 whenever two (2) or more bids are received by this agency for the
113 purchase of commodities or equipment, and whenever all things
114 stated in such received bids are equal with respect to price,
115 quality and service, the Mississippi Industries for the Blind
116 shall be given preference. A similar preference shall be given to



117 the Mississippi Industries for the Blind whenever purchases are
118 made without competitive bids.

119 **SECTION 6.** Of the funds appropriated in Section 2, it is the
120 intention of the Legislature that Thirty Thousand Dollars
121 (\$30,000.00) is provided for the purpose of paying fees for a CPA
122 Review Course for the Office of the State Auditor's employees to
123 be reimbursed over a 12-month period by the employee taking the
124 course.

125 **SECTION 7.** It is the intention of the Legislature that the
126 State Auditor is hereby authorized to escalate, budget and expend
127 funds from any source made available to comply with the Single
128 Audit Act of 1984 for the purpose of employing staff, paying
129 related expenses, or to engage private accountants, as necessary,
130 to comply with the provisions of the act, in accordance with rules
131 and regulations of the Department of Finance and Administration in
132 a manner consistent with the escalation of federal funds.

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

139 **SECTION 9.** It is the intention of the Legislature that the
140 State Department of Audit shall maintain complete accounting and
141 personnel records related to the expenditure of all funds



142 appropriated under this act and that such records shall be in the
143 same format and level of detail as maintained for Fiscal Year
144 2022. It is further the intention of the Legislature that the
145 agency's budget request for Fiscal Year 2024 shall be submitted to
146 the Joint Legislative Budget Committee in a format and level of
147 detail comparable to the format and level of detail provided
148 during the Fiscal Year 2023 budget request process.

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

155 **SECTION 11.** This act shall take effect and be in force from
156 and after July 1, 2022, and shall stand repealed from and after
157 June 30, 2022.

