

Senate Amendments to House Bill No. 1383

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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 appropriated out of any money in the State General
7 Fund not otherwise appropriated, for the purpose of defraying the
8 expenses of the Office of State Public Defender of the State of
9 Mississippi for the fiscal year beginning July 1, 2021, and ending
10 June 30, 2022.....\$ 2,997,795.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 Section 1, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	25
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

18 Any transfers or escalations shall be made in accordance with
19 the terms, conditions, and procedures established by law.

20 No general funds authorized to be expended herein shall be
21 used to replace federal funds and/or other special funds which are

22 being used for salaries authorized under the provisions of this
23 act and which are withdrawn and no longer available.

24 **SECTION 3.** In compliance with the "Mississippi Performance
25 Budget and Strategic Planning Act of 1994," it is the intent of
26 the Legislature that the funds provided herein shall be utilized
27 in the most efficient and effective manner possible to achieve the
28 intended mission of this agency. Based on the funding authorized,
29 this agency shall make every effort to attain the targeted
30 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
33 Capital Defense	
34 Percentage of trial cases opened less	
35 than one year	75.00
36 Percentage Change in Running Average of	
37 Reversals due to Ineffective Assistance	
38 of Counsel	0.10
39 Average of Reversals due to Ineffective	
40 Assistance of Counsel	8

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

45 **SECTION 4.** It is the intention of the Legislature that the
46 Office of State Public Defender shall maintain complete accounting
47 and personnel records related to the expenditure of all funds

48 appropriated under this act and that such records shall be in the
49 same format and level of detail as maintained for Fiscal Year
50 2021. It is further the intention of the Legislature that the
51 agency's budget request for Fiscal Year 2023 shall be submitted to
52 the Joint Legislative Budget Committee in a format and level of
53 detail comparable to the format and level of detail provided
54 during the Fiscal Year 2022 budget request process.

55 **SECTION 5.** It is the intention of the Legislature that
56 whenever two (2) or more bids are received by this agency for the
57 purchase of commodities or equipment, and whenever all things
58 stated in such received bids are equal with respect to price,
59 quality and service, the Mississippi Industries for the Blind
60 shall be given preference. A similar preference shall be given to
61 the Mississippi Industries for the Blind whenever purchases are
62 made without competitive bids.

63 **SECTION 6.** It is the intention of the Legislature that the
64 funds herein appropriated shall be expended in compliance with
65 Section 27-104-25, Mississippi Code of 1972, that no state agency
66 shall incur obligations or indebtedness in excess of their
67 appropriation and that the responsible officers, either personally
68 or upon their official bonds, shall be held responsible for
69 actions contrary to this provision.

70 **SECTION 7.** Of the funds provided in Section 1, Two Hundred
71 Seventy-eight Thousand Five Hundred Dollars (\$278,500.00) shall be
72 provided for the Indigent Parental Representation for the purpose
73 of contracting with trained and certified attorneys to represent

74 indigent parents or guardians in abuse, neglect or termination of
75 parental rights proceedings as provided under Sections 43-21-201
76 and 99-18-13, Mississippi Code of 1972.

77 **SECTION 8.** The money herein appropriated shall be paid by
78 the State Treasurer out of any money in the State Treasury to the
79 credit of the proper fund or funds as set forth in this act, upon
80 warrants issued by the State Fiscal Officer; and the State Fiscal
81 Officer shall issue his warrants upon requisitions signed by the
82 proper person, officer or officers, in the manner provided by law.

83 **SECTION 9.** This act shall take effect and be in force from
84 and after July 1, 2021, and shall stand repealed 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 OFFICE OF STATE PUBLIC DEFENDER OF THE STATE
3 OF MISSISSIPPI FOR THE FISCAL YEAR 2022.

SS15\HB1383A.J

Eugene S. Clarke
Secretary of the Senate