

Senate Amendments to House Bill No. 1639

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, 2023, and ending
10 June 30, 2024.....\$ 3,488,231.00.

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

13 AUTHORIZED HEADCOUNT:

14 Permanent: 25

15 Time-Limited: 0

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

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21 act and which are withdrawn and no longer available.

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

	FY2024
30 <u>Performance Measures</u>	<u>Target</u>
31 Capital Defense	
32 Percent of Trial Cases Opened Less Than	
33 One Year	75.00
34 Percent Change in Running Average of	
35 Reversals Due to Ineffective Assistance	
36 of Counsel	0.10
37 Average of Reversals Due to Ineffective	
38 Assistance of Counsel	8.00

39 A reporting of the degree to which the performance targets
 40 set above have been or are being achieved shall be provided in the
 41 agency's budget request submitted to the Joint Legislative Budget
 42 Committee for Fiscal Year 2025.

43 **SECTION 4.** It is the intention of the Legislature that the
 44 Office of State Public Defender shall maintain complete accounting
 45 and personnel records related to the expenditure of all funds
 46 appropriated under this act and that such records shall be in the
 47 same format and level of detail as maintained for Fiscal Year

48 2023. It is further the intention of the Legislature that the
49 agency's budget request for Fiscal Year 2025 shall be submitted to
50 the Joint Legislative Budget Committee in a format and level of
51 detail comparable to the format and level of detail provided
52 during the Fiscal Year 2024 budget request process.

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

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

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

73 parental rights proceedings as provided under Sections 43-21-201
74 and 99-18-13, Mississippi Code of 1972.

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

81 **SECTION 9.** This act shall take effect and be in force from
82 and after July 1, 2023, and shall stand repealed June 29, 2023.

**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 2024.

SS15\HB1639A.J

Eugene S. Clarke
Secretary of the Senate