

By: Representatives Coleman (29th), Denny,
Banks, Dickson, McBride

To: Appropriations

HOUSE BILL NO. 1685

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE OFFICE OF CAPITAL POST-CONVICTION COUNSEL OF
3 THE STATE OF MISSISSIPPI FOR THE FISCAL YEAR 2008.

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 money in any special
7 fund in the State Treasury to the credit of the Office of Capital
8 Post-Conviction Counsel which is comprised of special source funds
9 collected by or otherwise available to the office for the fiscal
10 year beginning July 1, 2007, and ending June 30, 2008.....
11 \$ 673,470.00.

12 SECTION 2. Of the funds appropriated under the provisions of
13 Section 1, not more than the amounts set forth below shall be
14 expended for the respective major objects or purposes of
15 expenditure:

16 MAJOR OBJECTS OF EXPENDITURE:

17 Personal Services:

18 Salaries, Wages and Fringe Benefits.. \$ 388,477.00
19 Travel and Subsistence..... 28,000.00
20 Contractual Services..... 214,743.00
21 Commodities..... 34,250.00

22 Capital Outlay:

23 Other Than Equipment..... 0.00
24 Vehicles..... 0.00
25 Wireless Communication Devices..... 0.00
26 Equipment..... 8,000.00
27 Subsidies, Loans and Grants..... 0.00

28 Total..... \$ 673,470.00
 29 FUNDING:
 30 General Funds..... \$ 0.00
 31 Special Funds..... 673,470.00
 32 Total..... \$ 673,470.00

33 AUTHORIZED POSITIONS:

34 Permanent: Full Time..... 6
 35 Part Time..... 0
 36 Time-Limited: Full Time..... 0
 37 Part Time..... 0

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

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 43 act and which are withdrawn and no longer available.

44 **SECTION 3.** It is the intention of the Legislature that the
 45 Office of Capital Post-Conviction Counsel shall maintain complete
 46 accounting and personnel records related to the expenditure of all
 47 funds appropriated under this act and that such records shall be
 48 in the same format and level of detail as maintained for Fiscal
 49 Year 2007. It is further the intention of the Legislature that
 50 the agency's budget request for Fiscal Year 2009 shall be
 51 submitted to the Joint Legislative Budget Committee in a format
 52 and level of detail comparable to the format and level of detail
 53 provided during the Fiscal Year 2008 budget request process.

54 **SECTION 4.** It is the intention of the Legislature that the
 55 Office of Capital Post-Conviction Counsel shall have the authority
 56 to accept, budget and expend any source funds not to exceed Two
 57 Million Dollars (\$2,000,000.00). Such funds are to be escalated
 58 in accordance with procedures for federal fund escalations as
 59 established in Section 27-104-21, Mississippi Code of 1972, and
 60 expended for the purposes of performing such duties as set forth

61 by law in accordance with applicable rules and regulations of the
62 State Fiscal Officer.

63 **SECTION 5.** It is the intention of the Legislature that
64 whenever two (2) or more bids are received by this agency for the
65 purchase of commodities or equipment, and whenever all things
66 stated in such received bids are equal with respect to price,
67 quality and service, the Mississippi Industries for the Blind
68 shall be given preference. A similar preference shall be given to
69 the Mississippi Industries for the Blind whenever purchases are
70 made without competitive bids.

71 **SECTION 6.** The money herein appropriated shall be paid by
72 the State Treasurer out of any money in the State Treasury to the
73 credit of the proper fund or funds as set forth in this act, upon
74 warrants issued by the State Fiscal Officer; and the State Fiscal
75 Officer shall issue his warrants upon requisitions signed by the
76 proper person, officer or officers, in the manner provided by law.

77 **SECTION 7.** This act shall take effect and be in force from
78 and after July 1, 2007.