

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1685: Appropriation; Office of Capital Post-Conviction Counsel.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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 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 \$ 676,991.00.

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..	\$ 391,998.00
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	Vehicles.....	0.00
28	Wireless Communication Devices.....	0.00
29	Subsidies, Loans and Grants.....	<u>0.00</u>
30	Total.....	\$ 676,991.00

31 FUNDING:

32	General Funds.....	\$ 0.00
33	Special Funds.....	<u>676,991.00</u>
34	Total.....	\$ 676,991.00

35 AUTHORIZED POSITIONS:

36	Permanent:	Full Time.....	6
37		Part Time.....	0
38	Time-Limited:	Full Time.....	0
39		Part Time.....	0

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

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45 act and which are withdrawn and no longer available.

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

56 **SECTION 4.** It is the intention of the Legislature that the
57 Office of Capital Post-Conviction Counsel shall have the authority

58 to accept, budget and expend any source funds not to exceed Two
59 Million Dollars (\$2,000,000.00). Such funds are to be escalated
60 in accordance with procedures for federal fund escalations as
61 established in Section 27-104-21, Mississippi Code of 1972, and
62 expended for the purposes of performing such duties as set forth
63 by law in accordance with applicable rules and regulations of the
64 State Fiscal Officer.

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

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

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

**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 CAPITAL POST-CONVICTION COUNSEL OF
3 THE STATE OF MISSISSIPPI FOR THE FISCAL YEAR 2008.

CONFEREES FOR THE HOUSE

X (SIGNED)
Stringer

X (SIGNED)
Coleman (29th)

X (SIGNED)
Banks

CONFEREES FOR THE SENATE

X (SIGNED)
Gordon

X (SIGNED)
Walls

X (SIGNED)
Turner