

By: Representatives Frierson, Snowden,
Banks, Barker, Beckett, Bennett, Clarke,
Cockerham, Coleman, Gipson, Shows, Watson,
Kinkade, Sykes

To: Appropriations

HOUSE BILL NO. 1637

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 2017.

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 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 Capital Post-Conviction Counsel, for the
9 fiscal year beginning July 1, 2016, and ending June 30, 2017.....
10\$ 681,814.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is appropriated out of any money in any special fund in
13 the State Treasury to the credit of the Office of Capital
14 Post-Conviction Counsel which is comprised of special source funds
15 collected by or otherwise available to the office for the fiscal
16 year beginning July 1, 2016, and ending June 30, 2017.....
17\$ 1,079,002.00.



18 **SECTION 3.** Of the funds appropriated under the provisions of
19 Section 1, the following positions are authorized:

20 AUTHORIZED POSITIONS:

21 Permanent:	Full Time.....	8
22	Part Time.....	0
23 Time-Limited:	Full Time.....	0
24	Part Time.....	0

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

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30 act and which are withdrawn and no longer available.

31 **SECTION 4.** It is the intention of the Legislature that the
32 Office of Capital Post-Conviction Counsel shall maintain complete
33 accounting and personnel records related to the expenditure of all
34 funds appropriated under this act and that such records shall be
35 in the same format and level of detail as maintained for Fiscal
36 Year 2016. It is further the intention of the Legislature that
37 the agency's budget request for Fiscal Year 2018 shall be
38 submitted to the Joint Legislative Budget Committee in a format
39 and level of detail comparable to the format and level of detail
40 provided during the Fiscal Year 2017 budget request process.

41 **SECTION 5.** It is the intention of the Legislature that
42 whenever two (2) or more bids are received by this agency for the



43 purchase of commodities or equipment, and whenever all things
44 stated in such received bids are equal with respect to price,
45 quality and service, the Mississippi Industries for the Blind
46 shall be given preference. A similar preference shall be given to
47 the Mississippi Industries for the Blind whenever purchases are
48 made without competitive bids.

49 **SECTION 6.** It is the intention of the Legislature that the
50 funds herein appropriated shall be expended in compliance with
51 Section 27-104-25, Mississippi Code of 1972, that no state agency
52 shall incur obligations or indebtedness in excess of their
53 appropriation and that the responsible officers, either personally
54 or upon their official bonds, shall be held responsible for
55 actions contrary to this provision.

56 **SECTION 7.** The amount of funds appropriated from the State
57 General Fund in this bill are conditioned upon the availability
58 for appropriation of the full amount of the state general funds
59 that were projected in the general fund revenue estimate for
60 fiscal year 2017 that was determined under the provision of
61 Section 27-103-125.

62 If the amount of general funds projected to be available for
63 appropriation for fiscal year 2017 would be reduced by the
64 enactment into law of any revenue bills, as defined in Joint Rule
65 40, that have been passed by the House of Representatives by March
66 17, 2016, then the amount of funds appropriated from the State
67 General Fund in this bill shall be reduced by the same percentage



68 reduction in the amount of general funds that would be available
69 for appropriation for fiscal year 2017, and the reduced amount
70 shall be engrossed into this bill before it is transmitted to
71 Senate.

72 The determination of whether the House has passed any such
73 revenue bills by March 17, 2016, and the amount and percentage of
74 the resulting reduction in the amount of general funds projected
75 to be available for appropriation for fiscal year 2017, shall be
76 determined by the Legislative Budget Office and certified in
77 writing to the Chairman of the House Appropriations Committee by
78 the Director of the Legislative Budget Office.

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

85 **SECTION 9.** This act shall take effect and be in force from
86 and after July 1, 2016; and shall stand repealed from and after
87 June 30, 2016.

