

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

To: Appropriations

HOUSE BILL NO. 1685  
(As Sent to Governor)

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 ..... \$ 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45 act and which are withdrawn and no longer available.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.