

By: Representatives Watson, McBride, Coleman To: Appropriations
(29th), Eakes, Gadd, Green

HOUSE BILL NO. 1813
(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 YEARS 2002 AND 2003.

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 the State
7 General Fund not otherwise appropriated, for the purpose of
8 defraying the expenses of the Office of Capital Post-Conviction
9 Counsel of the State of Mississippi for the fiscal year beginning
10 July 1, 2002, and ending June 30, 2003..... \$ 647,702.00.

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

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	6
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

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

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23 act and which are withdrawn and no longer available.

24 **SECTION 3.** It is the intention of the Legislature that the
25 Office of Capital Post-Conviction Counsel shall have the authority
26 to accept, budget and expend any source funds not to exceed Two
27 Million Dollars (\$2,000,000.00). Such funds are to be escalated



28 in accordance with procedures for federal fund escalations as
29 established in Section 27-104-21, Mississippi Code of 1972, and
30 expended for the purposes of performing such duties as set forth
31 by law in accordance with applicable rules and regulations of the
32 State Fiscal Officer.

33 **SECTION 4.** It is the intention of the Legislature that the
34 Director of the Office of Capital Post-Conviction Counsel is
35 hereby authorized to transfer any funds authorized to defray the
36 expenses of the office, not to exceed Two Hundred Thousand Dollars
37 (\$200,000.00), to the Special Capital Post-Conviction Fund, and to
38 escalate, budget and expend funds, not to exceed Two Hundred
39 Thousand Dollars (\$200,000.00), in accordance with the rules and
40 regulations of the Department of Finance and Administration, for
41 the purpose of paying fees and expenses to private counsel,
42 including investigative and expert witness expenses from the
43 Special Capital Post-Conviction Fund, in accordance with Section
44 99-39-117, Mississippi Code of 1972.

45 **SECTION 5.** The money herein appropriated shall be paid by
46 the State Treasurer out of any money in the State Treasury to the
47 credit of the proper fund or funds as set forth in this act, upon
48 warrants issued by the State Fiscal Officer; and the State Fiscal
49 Officer shall issue his warrants upon requisitions signed by the
50 proper person, officer or officers, in the manner provided by law.

51 **SECTION 6.** This act shall take effect and be in force from
52 and after July 1, 2002, with the exception of Section 4 which
53 shall take effect and be in force from and after its passage.

