

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1813**

**By Senator(s) Committee**

**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 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..... \$           655,569.00.

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

15       MAJOR OBJECTS OF EXPENDITURE:

16       Personal Services:

17           Salaries, Wages and Fringe Benefits.. \$	411,930.00
18           Travel and Subsistence.....	28,500.00
19           Contractual Services.....	185,075.00
20           Commodities.....	27,564.00
21       Capital Outlay:	
22           Other Than Equipment.....	0.00
23           Equipment.....	2,500.00
24           Subsidies, Loans and Grants.....	<u>0.00</u>

25 Total..... \$ 655,569.00

26 FUNDING:

27 General Funds..... \$ 655,569.00

28 Special Funds..... 0.00

29 Total..... \$ 655,569.00

30 AUTHORIZED POSITIONS:

31 Permanent: Full Time..... 6

32 Part Time..... 0

33 Time-Limited: Full Time..... 0

34 Part Time..... 0

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

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40 act and which are withdrawn and no longer available.

41 **SECTION 3.** It is the intention of the Legislature that the  
42 Office of Capital Post-Conviction Counsel shall have the authority  
43 to accept, budget and expend any source funds not to exceed Two  
44 Million Dollars (\$2,000,000.00). Such funds are to be escalated  
45 in accordance with procedures for federal fund escalations as  
46 established in Section 27-104-21, Mississippi Code of 1972, and  
47 expended for the purposes of performing such duties as set forth  
48 by law in accordance with applicable rules and regulations of the  
49 State Fiscal Officer.

50 **SECTION 4.** It is the intention of the Legislature that the  
51 Director of the Office of Capital Post-Conviction Counsel is  
52 hereby authorized to transfer any funds authorized to defray the  
53 expenses of the office, not to exceed Two Hundred Thousand Dollars  
54 (\$200,000.00), to the Special Capital Post-Conviction Fund, and to  
55 escalate, budget and expend funds, not to exceed Two Hundred  
56 Thousand Dollars (\$200,000.00), in accordance with the rules and  
57 regulations of the Department of Finance and Administration, for  
58 the purpose of paying fees and expenses to private counsel,  
59 including investigative and expert witness expenses from the

60 Special Capital Post-Conviction Fund, in accordance with Section  
61 99-39-117, Mississippi Code of 1972.

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

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

**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 YEARS 2002 AND 2003.