

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

To: Appropriations

HOUSE BILL NO. 1731
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE OFFICE OF CAPITAL DEFENSE COUNSEL OF THE STATE
3 OF MISSISSIPPI FOR THE FISCAL YEAR 2005.

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 Defense Counsel of
9 the State of Mississippi for the fiscal year beginning
10 July 1, 2004, and ending June 30, 2005..... \$ 684,154.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the Office of Capital
14 Defense Counsel of the State of Mississippi for the purpose of
15 defraying the expenses of the office for the fiscal year beginning
16 July 1, 2004, and ending June 30, 2005..... \$ 120,000.00.

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

19 AUTHORIZED POSITIONS:

20	Permanent:	Full Time.....	9
21		Part Time.....	0
22	Time-Limited:	Full Time.....	0
23		Part Time.....	0

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

26 No general funds authorized to be expended herein shall be
27 used to replace federal funds and/or other special funds which are

28 being used for salaries authorized under the provisions of this
29 act and which are withdrawn and no longer available.

30 **SECTION 4.** It is the intention of the Legislature that the
31 Office of Capital Defense Counsel shall maintain complete
32 accounting and personnel records related to the expenditure of all
33 funds appropriated under this act and that such records shall be
34 in the same format and level of detail as maintained for Fiscal
35 Year 2004. It is further the intention of the Legislature that
36 the agency's budget request for Fiscal Year 2006 shall be
37 submitted to the Joint Legislative Budget Committee in a format
38 and level of detail comparable to the format and level of detail
39 provided during the Fiscal Year 2005 budget request process.

40 **SECTION 5.** It is the intention of the Legislature that the
41 Director of the Office of Capital Defense Counsel shall have the
42 authority to accept, budget and expend any source funds, not to
43 exceed Two Hundred Thousand Dollars (\$200,000.00). Such funds are
44 to be escalated in accordance with the rules and regulations of
45 the Department of Finance and Administration in a manner
46 consistent with escalation of federal funds.

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

53 **SECTION 7.** This act shall take effect and be in force from
54 and after July 1, 2004.