

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

To: Appropriations

HOUSE BILL NO. 1732

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 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 Post-Conviction
9 Counsel of the State of Mississippi for the fiscal year beginning
10 July 1, 2004, and ending June 30, 2005..... \$ 664,461.00.

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23 act and which are withdrawn and no longer available.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.** The funds authorized herein shall be used to fund
25 all operations of the agency with the following prohibitions:

26 (1) The agency shall not fill any current or future vacant
27 positions;

28 (2) The agency shall not take any action to promote or
29 otherwise award salary increases through reallocation,
30 reclassification, realignment, education benchmark, career ladder,
31 or any other means to increase salaries of employees or positions
32 except as allowed under the provisions set forth in House Bill No.
33 1279, 2004 Regular Legislative Session;

34 (3) The agency shall not expend funds for out-of-state
35 travel except as allowed under the provisions set forth in House
36 Bill No. 1279, 2004 Regular Legislative Session;

37 (4) The agency shall not expend funds for the purchase of or
38 contract for cellular phones, two-way radios or pagers, except for
39 support of employees in the Department of Public Safety and the
40 Bureau of Narcotics as recommended by Information Technology
41 Services or as allowed under the provisions set forth in House
42 Bill No. 1279, 2004 Regular Legislative Session;

43 (5) The agency shall not expend funds to publish or
44 distribute any annual reports or other publications;

45 (6) The agency shall not expend funds for public relation
46 activities regarding the functions, programs or services of the
47 agency except as allowed under the provisions set forth in House
48 Bill No. 1279, 2004 Regular Legislative Session;

49 (7) The agency shall not advertise the functions, programs
50 or services of the agency except that the Mississippi Development
51 Authority is authorized to expend funds for advertising to carry
52 out the purposes of key programs administered by the authority;

53 (8) The agency shall not expend funds for staff development
54 or training services;

55 (9) The agency shall not expend funds for the purchase of
56 new or replacement equipment or furniture, excluding lease
57 purchase payments on agreements in effect upon passage of this
58 appropriation bill, except as allowed under the provisions set
59 forth in House Bill No. 1279, 2004 Regular Legislative Session.

60 **SECTION 4.** It is the intention of the Legislature that none
61 of the funds appropriated above shall be expended unless members
62 of the Mississippi House of Representatives and Mississippi Senate
63 are notified at least five (5) days prior to a public ceremony
64 announcing the award of any grant in their district or any public
65 announcement or ceremony regarding the groundbreaking or opening
66 of a facility, roadway or bridge for which the Legislature has
67 made funds available. Any signage regarding any public event or
68 any new facility, roadway or bridge shall include the following
69 language: "Funds were made available for this project by the
70 Mississippi State Legislature."

71 **SECTION 5.** It is the intention of the Legislature that the
72 Office of Capital Post-Conviction Counsel shall maintain complete
73 accounting and personnel records related to the expenditure of all
74 funds appropriated under this act and that such records shall be
75 in the same format and level of detail as maintained for Fiscal
76 Year 2004. It is further the intention of the Legislature that
77 the agency's budget request for Fiscal Year 2006 shall be
78 submitted to the Joint Legislative Budget Committee in a format
79 and level of detail comparable to the format and level of detail
80 provided during the Fiscal Year 2005 budget request process.

81 **SECTION 6.** It is the intention of the Legislature that the
82 Office of Capital Post-Conviction Counsel shall have the authority
83 to accept, budget and expend any source funds not to exceed Two
84 Million Dollars (\$2,000,000.00). Such funds are to be escalated
85 in accordance with procedures for federal fund escalations as
86 established in Section 27-104-21, Mississippi Code of 1972, and
87 expended for the purposes of performing such duties as set forth
88 by law in accordance with applicable rules and regulations of the
89 State Fiscal Officer.

90 **SECTION 7.** The money herein appropriated shall be paid by
91 the State Treasurer out of any money in the State Treasury to the
92 credit of the proper fund or funds as set forth in this act, upon

93 warrants issued by the State Fiscal Officer; and the State Fiscal
94 Officer shall issue his warrants upon requisitions signed by the
95 proper person, officer or officers, in the manner provided by law.

96 **SECTION 8.** This act shall take effect and be in force from
97 and after July 1, 2004.