

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23 act and which are withdrawn and no longer available.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.