

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

To: Appropriations

HOUSE BILL NO. 1732
(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 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..... \$ 681,461.00.

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23 act and which are withdrawn and no longer available.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.** It is the intention of the Legislature that the
25 Office of Capital Post-Conviction Counsel shall maintain complete
26 accounting and personnel records related to the expenditure of all
27 funds appropriated under this act and that such records shall be

28 in the same format and level of detail as maintained for Fiscal
29 Year 2004. It is further the intention of the Legislature that
30 the agency's budget request for Fiscal Year 2006 shall be
31 submitted to the Joint Legislative Budget Committee in a format
32 and level of detail comparable to the format and level of detail
33 provided during the Fiscal Year 2005 budget request process.

34 **SECTION 4.** It is the intention of the Legislature that the
35 Office of Capital Post-Conviction Counsel shall have the authority
36 to accept, budget and expend any source funds not to exceed Two
37 Million Dollars (\$2,000,000.00). Such funds are to be escalated
38 in accordance with procedures for federal fund escalations as
39 established in Section 27-104-21, Mississippi Code of 1972, and
40 expended for the purposes of performing such duties as set forth
41 by law in accordance with applicable rules and regulations of the
42 State Fiscal Officer.

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

49 **SECTION 6.** This act shall take effect and be in force from
50 and after July 1, 2004.