

**REPORT OF CONFERENCE COMMITTEE**

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1732: Appropriation; Office of Capital Post-Conviction Counsel.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.
- 2. That the House and Senate adopt the following amendment:

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23 act and which are withdrawn and no longer available.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

CONFEREES FOR THE HOUSE

X (SIGNED)  
Johnny W. Stringer

X (SIGNED)  
Linda Coleman

X (SIGNED)  
Bill Denny

CONFEREES FOR THE SENATE

X (SIGNED)  
Jack Gordon

X (SIGNED)  
Johnnie E. Walls, Jr.

X (SIGNED)  
Bennie L. Turner