

Senate Amendments to House Bill No. 1645

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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, 2005, and ending June 30, 2006..... \$ 656,992.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of
12 Section 1, not more than the amounts set forth below shall be
13 expended for the respective major objects or purposes of
14 expenditure:

15 **MAJOR OBJECTS OF EXPENDITURE:**

16 Personal Services:

17 Salaries, Wages and Fringe Benefits..	\$	412,249.00
18 Travel and Subsistence.....		22,000.00
19 Contractual Services.....		192,743.00
20 Commodities.....		30,000.00
21 Capital Outlay:		
22 Other Than Equipment.....		0.00
23 Equipment.....		0.00
24 Subsidies, Loans and Grants.....		0.00
25 Total.....	\$	656,992.00

26 **AUTHORIZED POSITIONS:**

27 Permanent:	Full Time.....	6
28	Part Time.....	0
29 Time-Limited:	Full Time.....	0
30	Part Time.....	0

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

33 No general funds authorized to be expended herein shall be
34 used to replace federal funds and/or other special funds which are
35 being used for salaries authorized under the provisions of this
36 act and which are withdrawn and no longer available.

37 **SECTION 3.** It is the intention of the Legislature that the
38 Office of Capital Post-Conviction Counsel shall maintain complete
39 accounting and personnel records related to the expenditure of all
40 funds appropriated under this act and that such records shall be
41 in the same format and level of detail as maintained for Fiscal
42 Year 2005. It is further the intention of the Legislature that
43 the agency's budget request for Fiscal Year 2007 shall be
44 submitted to the Joint Legislative Budget Committee in a format
45 and level of detail comparable to the format and level of detail
46 provided during the Fiscal Year 2006 budget request process.

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

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

62 **SECTION 6.** This act shall take effect and be in force from
63 and after July 1, 2005.

John O. Gilbert
Secretary of the Senate