

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

To: Appropriations

HOUSE BILL NO. 62

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE OFFICE OF CAPITAL DEFENSE COUNSEL OF THE STATE
3 OF MISSISSIPPI FOR THE FISCAL YEAR 2006.

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 Defense Counsel of
9 the State of Mississippi for the fiscal year beginning
10 July 1, 2005, and ending June 30, 2006..... \$ 168,000.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the Office of Capital
14 Defense Counsel of the State of Mississippi for the purpose of
15 defraying the expenses of the office for the fiscal year beginning
16 July 1, 2005, and ending June 30, 2006..... \$ 790,570.00.

17 **SECTION 3.** Of the funds appropriated under the provisions of
18 Section 1, not more than the amounts set forth below shall be
19 expended for the respective major objects or purposes of
20 expenditure:

21 MAJOR OBJECTS OF EXPENDITURE:

22 Personal Services:
23 Salaries, Wages and Fringe Benefits.. \$ 690,700.00
24 Travel and Subsistence..... 38,000.00
25 Contractual Services..... 207,870.00
26 Commodities..... 15,000.00
27 Capital Outlay:

28	Other Than Equipment.....		0.00
29	Equipment.....		7,000.00
30	Subsidies, Loans and Grants.....		<u>0.00</u>
31	Total.....	\$	958,570.00

32 FUNDING:

33	General Funds.....	\$	168,000.00
34	Special Funds.....		<u>790,570.00</u>
35	Total.....	\$	958,570.00

36 AUTHORIZED POSITIONS:

37	Permanent:	Full Time.....	9
38		Part Time.....	0
39	Time-Limited:	Full Time.....	0
40		Part Time.....	0

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

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46 act and which are withdrawn and no longer available.

47 **SECTION 4.** It is the intention of the Legislature that the
48 Office of Capital Defense Counsel shall maintain complete
49 accounting and personnel records related to the expenditure of all
50 funds appropriated under this act and that such records shall be
51 in the same format and level of detail as maintained for Fiscal
52 Year 2005. It is further the intention of the Legislature that
53 the agency's budget request for Fiscal Year 2007 shall be
54 submitted to the Joint Legislative Budget Committee in a format
55 and level of detail comparable to the format and level of detail
56 provided during the Fiscal Year 2006 budget request process.

57 **SECTION 5.** It is the intention of the Legislature that the
58 Director of the Office of Capital Defense Counsel shall have the
59 authority to accept, budget and expend any source funds, not to
60 exceed Two Hundred Thousand Dollars (\$200,000.00). Such funds are

61 to be escalated in accordance with the rules and regulations of
62 the Department of Finance and Administration in a manner
63 consistent with escalation of federal funds.

64 **SECTION 6.** The money herein appropriated shall be paid by
65 the State Treasurer out of any money in the State Treasury to the
66 credit of the proper fund or funds as set forth in this act, upon
67 warrants issued by the State Fiscal Officer; and the State Fiscal
68 Officer shall issue his warrants upon requisitions signed by the
69 proper person, officer or officers, in the manner provided by law.

70 **SECTION 7.** This act shall take effect and be in force from
71 and after July 1, 2005.