

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

To: Appropriations

HOUSE BILL NO. 63

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 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 Post-Conviction
9 Counsel of the State of Mississippi for the fiscal year beginning
10 July 1, 2005, and ending June 30, 2006..... \$ 164,250.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in any special
13 fund in the State Treasury to the credit of the Office of Capital
14 Post-Conviction Counsel which is comprised of special source funds
15 collected by or otherwise available to the office for the fiscal
16 year beginning July 1, 2005, and ending June 30, 2006.....
17 \$ 870,773.00.

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

22 MAJOR OBJECTS OF EXPENDITURE:

23 Personal Services:

24	Salaries, Wages and Fringe Benefits..	\$	747,030.00
25	Travel and Subsistence.....		28,000.00
26	Contractual Services.....		214,743.00
27	Commodities.....		34,250.00

28 Capital Outlay:

29 Other Than Equipment..... 0.00

30 Equipment..... 11,000.00

31 Subsidies, Loans and Grants..... 0.00

32 Total..... \$ 1,035,023.00

33 FUNDING:

34 General Funds..... \$ 164,250.00

35 Special Funds..... 870,773.00

36 Total..... \$ 1,035,023.00

37 AUTHORIZED POSITIONS:

38 Permanent: Full Time..... 10

39 Part Time..... 0

40 Time-Limited: Full Time..... 0

41 Part Time..... 0

42 Any transfers or escalations shall be made in accordance with

43 the terms, conditions, and procedures established by law.

44 No general funds authorized to be expended herein shall be

45 used to replace federal funds and/or other special funds which are

46 being used for salaries authorized under the provisions of this

47 act and which are withdrawn and no longer available.

48 **SECTION 4.** It is the intention of the Legislature that the

49 Office of Capital Post-Conviction Counsel shall maintain complete

50 accounting and personnel records related to the expenditure of all

51 funds appropriated under this act and that such records shall be

52 in the same format and level of detail as maintained for Fiscal

53 Year 2005. It is further the intention of the Legislature that

54 the agency's budget request for Fiscal Year 2007 shall be

55 submitted to the Joint Legislative Budget Committee in a format

56 and level of detail comparable to the format and level of detail

57 provided during the Fiscal Year 2006 budget request process.

58 **SECTION 5.** It is the intention of the Legislature that the

59 Office of Capital Post-Conviction Counsel shall have the authority

60 to accept, budget and expend any source funds not to exceed Two

61 Million Dollars (\$2,000,000.00). Such funds are to be escalated
62 in accordance with procedures for federal fund escalations as
63 established in Section 27-104-21, Mississippi Code of 1972, and
64 expended for the purposes of performing such duties as set forth
65 by law in accordance with applicable rules and regulations of the
66 State Fiscal Officer.

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

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