

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. 1813: 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, 2002, and ending June 30, 2003..... \$ 647,702.00.

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

MAJOR OBJECTS OF EXPENDITURE:

16	Personal Services:		
17	Salaries, Wages and Fringe Benefits..	\$	417,929.00
18	Travel and Subsistence.....		28,500.00
19	Contractual Services.....		171,209.00
20	Commodities.....		27,564.00
21	Capital Outlay:		
22	Other Than Equipment.....		0.00
23	Equipment.....		2,500.00
24	Subsidies, Loans and Grants.....		<u>0.00</u>
25	Total.....	\$	647,702.00

26 FUNDING:

27	General Funds.....	\$	647,702.00
28	Special Funds.....		<u>0.00</u>
29	Total.....	\$	647,702.00

30 AUTHORIZED POSITIONS:

31	Permanent:	Full Time	6
32		Part Time	0
33	Time-Limited:	Full Time	0
34		Part Time	0

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

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40 act and which are withdrawn and no longer available.

41 **SECTION 3.** It is the intention of the Legislature that the
42 Office of Capital Post-Conviction Counsel shall have the authority
43 to accept, budget and expend any source funds not to exceed Two
44 Million Dollars (\$2,000,000.00). Such funds are to be escalated
45 in accordance with procedures for federal fund escalations as
46 established in Section 27-104-21, Mississippi Code of 1972, and
47 expended for the purposes of performing such duties as set forth
48 by law in accordance with applicable rules and regulations of the
49 State Fiscal Officer.

50 **SECTION 4.** It is the intention of the Legislature that the
51 Director of the Office of Capital Post-Conviction Counsel is
52 hereby authorized to transfer any funds authorized to defray the
53 expenses of the office, not to exceed Two Hundred Thousand Dollars
54 (\$200,000.00), to the Special Capital Post-Conviction Fund, and to
55 escalate, budget and expend funds, not to exceed Two Hundred
56 Thousand Dollars (\$200,000.00), in accordance with the rules and
57 regulations of the Department of Finance and Administration, for
58 the purpose of paying fees and expenses to private counsel,
59 including investigative and expert witness expenses from the
60 Special Capital Post-Conviction Fund, in accordance with Section
61 99-39-117, Mississippi Code of 1972.

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

63 Executive Director of the Office of Capital Post-Conviction
64 Counsel may authorize increases in major objects of expenditure in
65 total amounts not to exceed fifteen percent (15%) of the
66 appropriated amount of each major object of expenditure, provided
67 that other major objects of expenditure are decreased by a
68 corresponding dollar amount. However, no transfers shall be
69 authorized which increase the major object of expenditure
70 "Salaries, Wages and Fringe Benefits."

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

77 **SECTION 7.** This act shall take effect and be in force from
78 and after July 1, 2002, with the exception of Section 4 which
79 shall take effect and be in force from and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 YEARS 2002 AND 2003.

CONFEREES FOR THE HOUSE

X _____
Charlie Capps, Jr.

X _____
Percy W. Watson

X _____
Warner F. McBride

CONFEREES FOR THE SENATE

X _____
Jack Gordon

X _____
Bennie L. Turner

X _____
Johnnie E. Walls, Jr.