

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

To: Appropriations

HOUSE BILL NO. 1731

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 2005.

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, 2004, and ending June 30, 2005..... \$ 664,154.00.

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, 2004, and ending June 30, 2005..... \$ 120,000.00.

17 **SECTION 3.** With the funds appropriated under the provisions
18 of Section 1, the following positions are authorized:

19 AUTHORIZED POSITIONS:

20	Permanent:	Full Time.....	9
21		Part Time.....	0
22	Time-Limited:	Full Time.....	0
23		Part Time.....	0

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

26 No general funds authorized to be expended herein shall be
27 used to replace federal funds and/or other special funds which are

28 being used for salaries authorized under the provisions of this
29 act and which are withdrawn and no longer available.

30 **SECTION 4.** The funds authorized herein shall be used to fund
31 all operations of the agency with the following prohibitions:

32 (1) The agency shall not fill any current or future vacant
33 positions;

34 (2) The agency shall not take any action to promote or
35 otherwise award salary increases through reallocation,
36 reclassification, realignment, education benchmark, career ladder,
37 or any other means to increase salaries of employees or positions
38 except as allowed under the provisions set forth in House Bill No.
39 1279, 2004 Regular Legislative Session;

40 (3) The agency shall not expend funds for out-of-state
41 travel except as allowed under the provisions set forth in House
42 Bill No. 1279, 2004 Regular Legislative Session;

43 (4) The agency shall not expend funds for the purchase of or
44 contract for cellular phones, two-way radios or pagers, except for
45 support of employees in the Department of Public Safety and the
46 Bureau of Narcotics as recommended by Information Technology
47 Services or as allowed under the provisions set forth in House
48 Bill No. 1279, 2004 Regular Legislative Session;

49 (5) The agency shall not expend funds to publish or
50 distribute any annual reports or other publications;

51 (6) The agency shall not expend funds for public relation
52 activities regarding the functions, programs or services of the
53 agency except as allowed under the provisions set forth in House
54 Bill No. 1279, 2004 Regular Legislative Session;

55 (7) The agency shall not advertise the functions, programs
56 or services of the agency except that the Mississippi Development
57 Authority is authorized to expend funds for advertising to carry
58 out the purposes of key programs administered by the authority;

59 (8) The agency shall not expend funds for staff development
60 or training services;

61 (9) The agency shall not expend funds for the purchase of
62 new or replacement equipment or furniture, excluding lease
63 purchase payments on agreements in effect upon passage of this
64 appropriation bill, except as allowed under the provisions set
65 forth in House Bill No. 1279, 2004 Regular Legislative Session.

66 **SECTION 5.** It is the intention of the Legislature that none
67 of the funds appropriated above shall be expended unless members
68 of the Mississippi House of Representatives and Mississippi Senate
69 are notified at least five (5) days prior to a public ceremony
70 announcing the award of any grant in their district or any public
71 announcement or ceremony regarding the groundbreaking or opening
72 of a facility, roadway or bridge for which the Legislature has
73 made funds available. Any signage regarding any public event or
74 any new facility, roadway or bridge shall include the following
75 language: "Funds were made available for this project by the
76 Mississippi State Legislature."

77 **SECTION 6.** It is the intention of the Legislature that the
78 Office of Capital Defense Counsel shall maintain complete
79 accounting and personnel records related to the expenditure of all
80 funds appropriated under this act and that such records shall be
81 in the same format and level of detail as maintained for Fiscal
82 Year 2004. It is further the intention of the Legislature that
83 the agency's budget request for Fiscal Year 2006 shall be
84 submitted to the Joint Legislative Budget Committee in a format
85 and level of detail comparable to the format and level of detail
86 provided during the Fiscal Year 2005 budget request process.

87 **SECTION 7.** It is the intention of the Legislature that the
88 Director of the Office of Capital Defense Counsel shall have the
89 authority to accept, budget and expend any source funds, not to
90 exceed Two Hundred Thousand Dollars (\$200,000.00). Such funds are
91 to be escalated in accordance with the rules and regulations of
92 the Department of Finance and Administration in a manner
93 consistent with escalation of federal funds.

94 **SECTION 8.** The money herein appropriated shall be paid by
95 the State Treasurer out of any money in the State Treasury to the
96 credit of the proper fund or funds as set forth in this act, upon
97 warrants issued by the State Fiscal Officer; and the State Fiscal
98 Officer shall issue his warrants upon requisitions signed by the
99 proper person, officer or officers, in the manner provided by law.

100 **SECTION 9.** This act shall take effect and be in force from
101 and after July 1, 2004.