

**Senate Amendments to House Bill No. 1644**

**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 Defense Counsel of  
9 the State of Mississippi for the fiscal year beginning  
10 July 1, 2005, and ending June 30, 2006..... \$           657,169.00.

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..... \$           120,000.00.

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.. \$           533,499.00  
24               Travel and Subsistence.....                   27,000.00  
25               Contractual Services.....                       202,670.00  
26               Commodities.....                                 14,000.00

27       Capital Outlay:

28               Other Than Equipment.....                   0.00  
29               Equipment.....                                    0.00  
30               Subsidies, Loans and Grants.....                0.00

31 Total..... \$ 777,169.00

32 FUNDING:

33 General Funds..... \$ 657,169.00

34 Special Funds..... 120,000.00

35 Total..... \$ 777,169.00

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.

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John O. Gilbert  
Secretary of the Senate