

House Amendments to Senate Bill No. 3104

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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 Commission on Judicial Performance
9 of the State of Mississippi for the fiscal year beginning
10 July 1, 2004, and ending June 30, 2005..... \$ 338,588.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the State
13 Treasury to the credit of the Criminal Justice Fund No. 3086, for
14 the purpose of defraying the expenses of the Commission on
15 Judicial Performance of the State of Mississippi for the fiscal
16 year beginning July 1, 2004, and ending June 30, 2005.....
17 \$ 62,800.00.

18 **SECTION 3.** With the funds appropriated under the provisions
19 of Sections 1 and 2, the following positions are authorized:

20 AUTHORIZED POSITIONS:

21 Permanent:	Full Time.....	5
22	Part Time.....	0
23 Time-Limited:	Full Time.....	0
24	Part Time.....	0

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

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30 act and which are withdrawn and no longer available.

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

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

35 (2) The agency shall not take any action to promote or
36 otherwise award salary increases through reallocation,
37 reclassification, realignment, education benchmark, career ladder,
38 or any other means to increase salaries of employees or positions
39 except as allowed under the provisions set forth in House Bill No.
40 1279, 2004 Regular Session;

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

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

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

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

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

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

62 (9) The agency shall not expend funds for the purchase of
63 new or replacement equipment or furniture, excluding lease
64 purchase payments on agreements in effect upon passage of this

65 appropriation bill, except as allowed under the provisions set
66 forth in House Bill No. 1279, 2004 Regular Session.

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

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

88 **SECTION 7.** The money herein appropriated shall be paid by
89 the State Treasurer out of any money in the State Treasury to the
90 credit of the proper fund or funds as set forth in this act, upon
91 warrants issued by the State Fiscal Officer; and the State Fiscal
92 Officer shall issue his warrants upon requisitions signed by the
93 proper person, officer or officers, in the manner provided by law.

94 **SECTION 8.** This act shall take effect and be in force from
95 and after July 1, 2004.

HR05\SB3104A.J

Don Richardson
Clerk of the House of Representatives