

By: Representative Guice

To: Public Buildings,  
Grounds and LandsCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 993

1 AN ACT TO PROVIDE THAT ALL CAPITAL IMPROVEMENTS PROJECTS  
2 COSTING ONE MILLION DOLLARS OR MORE SHALL BE FUNDED BY THE  
3 LEGISLATURE IN THREE PHASES; TO DEFINE EACH PHASE; TO PROVIDE THAT  
4 EACH PHASE SHALL BE FUNDED IN SEPARATE REGULAR SESSIONS OF THE  
5 LEGISLATURE; TO DEFINE THE TERM "PREPLANNING"; TO REQUIRE ALL  
6 STATE AGENCIES WHICH PLAN TO UNDERTAKE A CAPITAL IMPROVEMENTS  
7 PROJECT TO SUBMIT A PREPLANNED CAPITAL IMPROVEMENTS PROJECT  
8 PROJECTION TO THE BUREAU OF BUILDING, GROUNDS AND REAL PROPERTY  
9 MANAGEMENT FOR EVALUATION; TO PROVIDE THAT ANY PROJECT COSTING  
10 UNDER ONE MILLION DOLLARS SHALL NOT BE REQUIRED TO BE PREPLANNED;  
11 TO AMEND SECTIONS 31-3-1 AND 31-11-1, MISSISSIPPI CODE OF 1972, TO  
12 DEFINE THE TERM "PROGRAM MANAGEMENT"; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. Every capital improvements project, costing One  
15 Million Dollars (\$1,000,000.00) or more, which is developed to  
16 repair, renovate, construct, remodel, add to or improve a state-  
17 owned public building shall be funded by the Legislature in three  
18 (3) phases. The three (3) phases shall not be funded in the same  
19 regular session of the Legislature. Each phase shall be funded in  
20 a separate regular session of the Legislature. Except as provided  
21 in subsection (2) of Section 2 of this act, Phase 1 shall be a  
22 preplanned budget projection for the project and shall be funded  
23 first. Phase 2 shall be the actual repair, renovation,  
24 construction, remodeling, addition to or improvement of the state-  
25 owned public building and shall be funded second. Phase 3, if  
26 necessary, shall be the acquisition of furniture and equipment for  
27 the capital improvements project and shall be funded last.

28 SECTION 2. (1) For the purposes of this act, the term  
29 "preplanning" means the preliminary planning that establishes the  
30 program, scope, design and budget for a capital improvements  
31 project.

(2) Every state agency that plans to repair, renovate, construct, remodel, add to or improve a state-owned public building shall submit a preplanned capital improvements project budget projection to the Bureau of Building, Grounds and Real Property Management for evaluation. The bureau shall assess the need for all preplanned projects submitted and shall compile a report on its findings. Any capital improvements project costing under One Million Dollars (\$1,000,000.00) shall not be required to be preplanned.

(3) Upon the completion of any preplanning for a capital improvements project, if such preplanning is funded with self-generated funds by a state agency, the plan shall be submitted to the bureau for evaluation.

SECTION 3. Section 31-3-1, Mississippi Code of 1972, is amended as follows:

31-3-1. The following words, as used in this chapter, shall have the meanings specified below:

"Board": The State Board of Contractors created under this chapter.

"Contractor": Any person contracting or undertaking as prime contractor, subcontractor or sub-subcontractor of any tier to do any erection, building, construction, reconstruction, repair, maintenance or related work on any public or private project; however, "contractor" shall not include any owner of a dwelling or other structure to be constructed, altered, repaired or improved and not for sale, lease, public use or assembly. It is further provided that nothing herein shall apply to:

(a) Any contract or undertaking on a public project by a prime contractor, subcontractor or sub-subcontractor of any tier involving erection, building, construction, reconstruction, repair, maintenance or related work where such contract, subcontract or undertaking is less than Fifty Thousand Dollars (\$50,000.00);

65           (b) Any contract or undertaking on a private project by  
66 a prime contractor, subcontractor or sub-subcontractor of any tier  
67 involving erection, building, construction, reconstruction,  
68 repair, maintenance or related work where such contract,  
69 subcontract or undertaking is less than One Hundred Thousand  
70 Dollars (\$100,000.00);

71           (c) Highway construction, highway bridges, overpasses  
72 and any other project incidental to the construction of highways  
73 which are designated as federal aid projects and in which federal  
74 funds are involved;

75           (d) A residential project to be occupied by fifty (50)  
76 or fewer families and not more than three (3) stories in height;

77           (e) A residential subdivision where the contractor is  
78 developing either single-family or multi-family lots;

79           (f) A new commercial construction project not exceeding  
80 seventy-five hundred (7500) square feet and not more than two (2)  
81 stories in height; or

82           (g) Erection of a microwave tower built for the purpose  
83 of telecommunication transmissions.

84           "Certificate of responsibility": A certificate numbered and  
85 held by a contractor issued by the board under the provisions of  
86 this chapter after payment of the special privilege license tax  
87 therefor levied under this chapter.

88           "Person": Any person, firm, corporation, joint venture or  
89 partnership, association or other type of business entity.

90           "Private project": Any project for erection, building,  
91 construction, reconstruction, repair, maintenance or related work  
92 which is not funded in whole or in part with public funds.

93           "Program management": A professional service performed by a  
94 private firm that supplements a state agency's staff for the  
95 performance of capital building projects. A program management  
96 service is procured through a professional services qualification  
97 process in the same manner as architectural selection. The

program manager may not perform as the architect or the contractor on any project for which they are the program manager. The Bureau of Building, Grounds and Real Property Management may set the criteria to qualify as a certified program manager in the State of Mississippi. However, a program management firm chosen by any state agency shall be a general contractor, architect or engineer licensed in the State of Mississippi.

"Public agency": Any board, commission, council or agency of the State of Mississippi or any district, county or municipality thereof, including school, hospital, airport and all other types of governing agencies created by or operating under the laws of this state.

"Public funds": Monies of public agencies, whether obtained from taxation, donation or otherwise; or monies being expended by public agencies for the purposes for which such public agencies exist.

"Public project": Any project for erection, building, construction, reconstruction, repair, maintenance or related work which is funded in whole or in part with public funds.

SECTION 4. Section 31-11-1, Mississippi Code of 1972, is amended as follows:

31-11-1. (1) For purposes of this chapter, the following terms shall have the meanings specified below:

(a) "State Building Commission" shall mean the Governor's Office of General Services acting through the Bureau of Buildings, Grounds and Real Property Management.

(b) "Program management" means a professional service performed by a private firm that supplements a state agency's staff for the performance of capital building projects. A program management service is procured through a professional services qualification process in the same manner as architectural selection. The program manager may not perform as the architect or the contractor on any project for which they are the program

manager. The Bureau of Buildings, Grounds and Real Property  
Management may set the criteria to qualify as a certified program  
manager in the State of Mississippi. However, a program  
management firm chosen by any state agency shall be a general  
contractor, architect or engineer licensed in the State of  
Mississippi.

(2) Wherever the term "state building commission" or  
"building commission" appears in the laws of the State of  
Mississippi, it shall be construed to mean the Governor's Office  
of General Services.

SECTION 5. This act shall take effect and be in force from  
and after July 1, 1999.