

By: Representative Guice

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 993

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

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

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

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

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

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

47 31-3-1. The following words, as used in this chapter, shall
48 have the meanings specified below:

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

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

59 (a) Any contract or undertaking on a public project by
60 a prime contractor, subcontractor or sub-subcontractor of any tier
61 involving erection, building, construction, reconstruction,
62 repair, maintenance or related work where such contract,
63 subcontract or undertaking is less than Fifty Thousand Dollars
64 (\$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 capitol building projects. A program management
96 service is procured through a professional services qualification
97 process in the same manner as architectural selection. The

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

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

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

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

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

119 31-11-1. (1) For purposes of this chapter, the following
120 terms shall have the meanings specified below:

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

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

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

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

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