

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 TO AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1082**

**By Senator(s) Carter**

1           **AMEND** by inserting the following sections after line 105 and  
2 **renumbering the subsequent section accordingly:**

3           SECTION 3. Every capital improvements project, costing One  
4 Million Dollars (\$1,000,000.00) or more, which is developed to  
5 repair, renovate, construct, remodel, add to or improve a  
6 state-owned public building shall be funded by the Legislature in  
7 three (3) phases. The three (3) phases shall not be funded in the  
8 same regular session of the Legislature, except that the  
9 three-phase requirement shall not apply where the Legislature  
10 finds that an emergency or critical need must be met or a court  
11 order complied with. Each phase shall be funded in a separate  
12 regular session of the Legislature. Except as provided in  
13 subsection (2) of Section 4 of this act, Phase 1 shall be a  
14 preplanned budget projection for the project and shall be funded  
15 first. Phase 2 shall be the actual repair, renovation,  
16 construction, remodeling, addition to or improvement of the  
17 state-owned public building and shall be funded second. Phase 3,  
18 if necessary, shall be the acquisition of furniture and equipment  
19 for the capital improvements project and shall be funded last.

20           SECTION 4. (1) For the purposes of Sections 3 and 4 of this  
21 act, the term "preplanning" means the preliminary planning that  
22 establishes the program, scope, design and budget for a capital  
23 improvements project.

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

33           (3) Upon the completion of any preplanning for a capital  
34 improvements project, the state agency shall submit the plan to  
35 the Bureau of Building, Grounds and Real Property Management for  
36 evaluation if the capital improvements project will be funded in  
37 whole or in part by public funds. If the capital improvements  
38 project will be funded one hundred percent (100%) with private  
39 funds, then the state agency shall not be required to submit the  
40 plan to the bureau for evaluation.

41           (4) Any project that utilizes a program manager shall be  
42 prohibited from having an individual and/or collective change  
43 order which shall exceed more than five percent (5%) of the total  
44 contract cost of the project. The program manager, or member of  
45 the manager's firm, may not perform as the architect or the  
46 contractor on any project for which they are the program manager.

47           (5) The provisions of subsections (1), (2) and (3) of this  
48 section shall not apply to the activities of state port and harbor  
49 authorities established pursuant to Section 59-5-1 et seq.,  
50 Mississippi Code of 1972.

51           (6) The Bureau of Building, Grounds and Real Property  
52 Management shall report annually to the co-chairmen of the  
53 Facilities Management Committee, on or before August 15 of each  
54 year, the status of all preplanned projects.