

By: Brown

To: Public Buildings,
Grounds and Lands

HOUSE BILL NO. 1305

1 AN ACT TO AMEND SECTION 31-11-27, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO PREPARE
3 AND FILE AN ANNUAL REPORT WITH THE LEGISLATIVE BUDGET OFFICE, THE
4 HOUSE PUBLIC BUILDINGS, GROUNDS AND LANDS COMMITTEE AND THE SENATE
5 PUBLIC PROPERTY COMMITTEE DESCRIBING THE PROPOSED FIVE-YEAR
6 CAPITAL NEEDS OF STATE AGENCIES; TO PROVIDE CERTAIN INFORMATION
7 THAT SUCH REPORT MUST CONTAIN; TO PROVIDE THAT STATE CAPITAL
8 IMPROVEMENTS PROJECTS COSTING ONE MILLION DOLLARS OR MORE SHALL BE
9 FUNDED BY THE LEGISLATURE IN THREE PHASES; TO DEFINE EACH PHASE;
10 TO PROVIDE THAT EACH PHASE SHALL BE FUNDED IN SEPARATE REGULAR
11 SESSIONS OF THE LEGISLATURE; TO EXEMPT CERTAIN PROJECTS FROM SUCH
12 REQUIREMENTS; TO REQUIRE ALL STATE AGENCIES WHICH PLAN TO
13 UNDERTAKE A CAPITAL IMPROVEMENTS PROJECT TO SUBMIT A PREPLANNED
14 CAPITAL IMPROVEMENTS PROJECT PROJECTION TO THE BUREAU OF BUILDING,
15 GROUNDS AND REAL PROPERTY MANAGEMENT FOR EVALUATION; TO PROVIDE
16 THAT ANY PROJECT COSTING UNDER ONE MILLION DOLLARS SHALL NOT BE
17 REQUIRED TO BE PREPLANNED; AND FOR RELATED PURPOSES.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 SECTION 1. Section 31-11-27, Mississippi Code of 1972, is
21 amended as follows:[LH1]

22 31-11-27. (1) (a) The Department of Finance and
23 Administration shall conduct a detailed study of the building and
24 other capital needs at each state institution and at each junior
25 college immediately prior to September first in each year. This
26 study shall include, but shall not be limited to, the following
27 matters: (i) an inventory of every state building and other
28 capital facility which is the property of the State of
29 Mississippi; (ii) the location, date of construction or
30 acquisition, the purpose for which used, outstanding indebtedness
31 against such facility, if any, and cost of repairs for the
32 preceding fiscal year; (iii) an examination of the condition of
33 the building or other facility; (iv) an estimate of the cost of
34 repairs required to place the facility in good condition; (v) an

35 estimate of the cost of major renovations, if contemplated; and
36 (vi) a determination of the new building and other facility needs
37 of each institution with such needs classified under immediate or
38 long range requirements.

39 (b) All state agencies, departments and institutions
40 are hereby authorized and directed to cooperate with the
41 Department of Finance and Administration in carrying out the
42 provisions of this section.

43 (c) The Department of Finance and Administration shall
44 submit a detailed report to the Legislative Budget Office on or
45 before September first of each year. Such report shall be in such
46 detail and in such form as may be prescribed by the Legislative
47 Budget Office.

48 (d) The architect or building inspector of the
49 Department of Finance and Administration shall make a biennial
50 inspection of the New Capitol, Old Capitol, Woolfolk State Office
51 Building, War Memorial Building, the Governor's Mansion, and all
52 other buildings under jurisdiction of the Department of Finance
53 and Administration for structural or other physical needs or
54 defects of such buildings, and he shall further inquire of the
55 department or its representatives regarding the condition of the
56 buildings. He shall make a written report of his finding to the
57 Department of Finance and Administration, Governor, Lieutenant
58 Governor and Speaker of the House of Representatives. The report
59 shall also make recommendations for repairs and list, by number,
60 the priority which should be given to making necessary repairs.

61 (2) (a) In addition to any report required in subsection
62 (1) of this section, the Department of Finance and Administration
63 shall prepare and submit an annual report to the Legislative
64 Budget Office, the House Public Buildings, Grounds and Lands
65 Committee and the Senate Public Property Committee describing the
66 proposed capital improvements projects for state agencies,

67 departments and institutions for the upcoming five-year period.

68 The department shall submit the report before September 1 of each

69 year. The report shall include at least the following

70 information:

71 (i) A prioritized list of the projects proposed
72 for the five-year period, with each project ranked on the basis of
73 need;

74 (ii) A prioritized list of the projects proposed
75 for the next regular legislative session, with each project ranked
76 on the basis of need;

77 (iii) A prioritized list of the projects requested
78 by each state agency, department or institution;

79 (iv) A detailed explanation of criteria used by
80 the Department of Finance and Administration to rank projects for
81 purposes of any list it prepares under this paragraph (a);

82 (v) A detailed statement of justification for each
83 project;

84 (vi) The approximate cost for each project,
85 including, but not limited to, itemized estimates of costs for
86 preplanning, constructing, furnishing and equipping a project, and
87 costs for property acquisition;

88 (vii) The estimated beginning date and completion
89 date for each project;

90 (viii) Whether a project, as proposed, is a
91 complete project or a phase or part of a project;

92 (ix) How a project will affect the operating
93 budget of the applicable agency, department or institution for the
94 upcoming five-year period, regarding such items as additional
95 personnel requirements, utility costs, maintenance costs, security
96 costs, etc.;

97 (x) The proposed method of financing each project
98 and the effect such financing will have on the state budget,
99 including an estimate of any required debt service for the

100 project, and an estimate of any federal funds or other funds that
101 the agency, department or institution may have access to because
102 of the project; and

103 (xi) A list of the projects requested by each
104 agency, department or institution for the five-year period, with
105 each project ranked by the appropriate agency, department or
106 institution on the basis of need.

107 (b) To enable the Department of Finance and
108 Administration to prepare the report required in this subsection
109 (2), it may require all state agencies, departments and
110 institutions to file a capital improvements projects request with
111 such information and in such form and in such detail as the
112 department may deem necessary and advisable. Such request shall
113 be filed with the Department of Finance and Administration no
114 later than August 1 of each year.

115 SECTION 2. (1) Every capital improvements project, costing
116 One Million Dollars (\$1,000,000.00) or more, which is developed to
117 repair, renovate, construct, remodel, add to or improve a
118 state-owned public building shall be funded by the Legislature in
119 three (3) phases. The three-phase funding requirement shall not
120 apply to capital improvements projects for a state-owned port or
121 where the Legislature finds that an emergency or critical need
122 must be met or a court order complied with. The three (3) phases
123 shall not be funded in the same regular session of the
124 Legislature. Each phase shall be funded in a separate regular
125 session of the Legislature. Phase 1 shall be a preplanned capital
126 improvements project budget projection for the project and shall
127 be funded first. Phase 2 shall be the actual repair, renovation,
128 construction, remodeling, addition to or improvement of the
129 state-owned public building and shall be funded second. Phase 3,
130 if necessary, shall be the acquisition of furniture and equipment
131 for the capital improvements project and shall be funded last.

132 (2) For the purposes of this section, the term "preplanned"

133 or "preplanning" means the preliminary planning that establishes
134 the program, scope, design and budget for a capital improvements
135 project.

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

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

149 SECTION 3. This act shall take effect and be in force from
150 and after July 1, 2000.