

By: Senator(s) Mettetal, Jackson (32nd)

To: Public Property;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2486

1 AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO
2 ASSIGN ADDITIONAL POWERS AND DUTIES TO THE DEPARTMENT OF FINANCE
3 AND ADMINISTRATION RELATING TO STATE AGENCY LEASES, PARKING SPACES
4 AND EASEMENT ACQUISITIONS; TO AMEND SECTION 27-104-7, MISSISSIPPI
5 CODE OF 1972, TO ASSIGN ADDITIONAL POWERS TO THE PUBLIC
6 PROCUREMENT REVIEW BOARD RELATING TO THE APPROVAL OF STATE AGENCY
7 LEASES; TO AMEND SECTION 29-5-2, MISSISSIPPI CODE OF 1972, TO
8 REVISE THE DUTIES OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION
9 RELATING TO STATE AGENCY PARKING; TO AMEND SECTIONS 7-9-151 AND
10 7-9-153, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT OF FUNDS
11 IN THE CAPITAL IMPROVEMENT PREPLANNING FUND WHICH MAY BE EXPENDED;
12 TO AMEND SECTION 31-11-27, MISSISSIPPI CODE OF 1972, TO REVISE THE
13 DOLLAR AMOUNT OF PROJECTS THAT SHALL BE INCLUDED IN THE ANNUAL
14 REPORT SUBMITTED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION;
15 TO AMEND SECTION 31-11-30, MISSISSIPPI CODE OF 1972, TO REVISE THE
16 DOLLAR AMOUNT OF PROJECTS THAT SHALL NOT BE REQUIRED TO BE
17 PREPLANNED; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 31-11-3, Mississippi Code of 1972, is
20 amended as follows:

21 31-11-3. (1) The Department of Finance and Administration,
22 for the purposes of carrying out the provisions of this chapter,
23 in addition to all other rights and powers granted by law, shall
24 have full power and authority to escalate, and compensate
25 architects or other employees necessary for the purpose of making
26 inspections, preparing plans and specifications, supervising the
27 erection of any buildings, and making any repairs or additions as
28 may be determined by the Department of Finance and Administration
29 to be necessary, pursuant to the rules and regulations of the
30 State Personnel Board. The department shall have entire control
31 and supervision of, and determine what, if any, buildings,
32 additions, repairs, demolitions, with concurrence of the Chairmen
33 of the Public Properties Committees of the House and Senate, or
34 improvements are to be made under the provisions of this chapter,

35 subject to the regulations adopted by the Public Procurement
36 Review Board.

37 (2) The department shall have full power to erect buildings,
38 make repairs, additions, demolitions, with concurrence of the
39 Chairmen of the Public Properties Committees of the House and
40 Senate, or improvements, and buy materials, supplies and equipment
41 for any of the institutions or departments of the state subject to
42 the regulations adopted by the Public Procurement Review Board.

43 In addition to other powers conferred, the department shall have
44 full power and authority as directed by the Legislature, or when
45 funds have been appropriated for its use for these purposes, to:

46 (a) Build a state office building;

47 (b) Build suitable plants or buildings for the use and
48 housing of any state schools or institutions, including the
49 building of plants or buildings for new state schools or
50 institutions, as provided for by the Legislature;

51 (c) Provide state aid for the construction of school
52 buildings;

53 (d) Promote and develop the training of returned
54 veterans of the United States in all sorts of educational and
55 vocational learning to be supplied by the proper educational
56 institution of the State of Mississippi, and in so doing allocate
57 monies appropriated to it for these purposes to the Governor for
58 use by him in setting up, maintaining and operating an office and
59 employing a state director of on-the-job training for veterans and
60 the personnel necessary in carrying out Public Law No. 346 of the
61 United States;

62 (e) Build and equip a hospital and administration
63 building at the Mississippi State Penitentiary;

64 (f) Build and equip additional buildings and wards at
65 the Boswell Retardation Center;

66 (g) Construct a sewage disposal and treatment plant at
67 the state insane hospital, and in so doing acquire additional land

68 as may be necessary, and to exercise the right of eminent domain
69 in the acquisition of this land;

70 (h) Build and equip the Mississippi central market and
71 purchase or acquire by eminent domain, if necessary, any lands
72 needed for this purpose;

73 (i) Build and equip suitable facilities for a training
74 and employing center for the blind;

75 (j) Build and equip a gymnasium at Columbia Training
76 School;

77 (k) Approve or disapprove the expenditure of any money
78 appropriated by the Legislature when authorized by the bill making
79 the appropriation;

80 (l) Expend monies appropriated to it in paying the
81 state's part of the cost of any street paving;

82 (m) Sell and convey state lands when authorized by the
83 Legislature, cause said lands to be properly surveyed and platted,
84 execute all deeds or other legal instruments, and do any and all
85 other things required to effectively carry out the purpose and
86 intent of the Legislature. Any transaction which involves state
87 lands under the provisions of this paragraph shall be done in a
88 manner consistent with the provisions of Section 29-1-1;

89 (n) Collect and receive from educational institutions
90 of the State of Mississippi monies required to be paid by these
91 institutions to the state in carrying out any veterans'
92 educational programs;

93 (o) Purchase lands for building sites, or as additions
94 to building sites, for the erection of buildings and other
95 facilities which the department is authorized to erect, and
96 demolish and dispose of old buildings, when necessary for the
97 proper construction of new buildings. Any transaction which
98 involves state lands under the provisions of this paragraph shall
99 be done in a manner consistent with the provisions of Section

100 29-1-1; * * *

101 (p) Obtain business property insurance with a
102 deductible of not less than One Hundred Thousand Dollars
103 (\$100,000.00) on state-owned buildings under the management and
104 control of the department;

105 (q) Take the following actions, on projects authorized
106 by the Legislature, with approval of the Chairmen of the Public
107 Property Committees of the Senate and the House of Representatives
108 in the event that waiting for legislative direction and/or
109 appropriation required under this subsection (2) will not be
110 economically advantageous to the state:

111 (i) With approval of the Public Procurement Review
112 Board, enter into, sign, execute and deliver long-term or
113 multiyear leases of real and personal property to and from other
114 state and federal agencies and any governmental entity;

115 (ii) Enter into contracts for the purpose of
116 providing parking spaces for state employees;

117 (iii) Grant easements and rights-of-way; and

118 (iv) Acquire easements and rights-of-way.

119 (3) The department shall survey state-owned and
120 state-utilized buildings to establish an estimate of the costs of
121 architectural alterations, pursuant to the Americans With
122 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The
123 department shall establish priorities for making the identified
124 architectural alterations and shall make known to the Legislative
125 Budget Office and to the Legislature the required cost to
126 effectuate such alterations. To meet the requirements of this
127 section, the department shall use standards of accessibility that
128 are at least as stringent as any applicable federal requirements
129 and may consider:

130 (a) Federal minimum guidelines and requirements issued
131 by the United States Architectural and Transportation Barriers
132 Compliance Board and standards issued by other federal agencies;

133 (b) The criteria contained in the American Standard
134 Specifications for Making Buildings Accessible and Usable by the
135 Physically Handicapped and any amendments thereto as approved by
136 the American Standards Association, Incorporated (ANSI Standards);

137 (c) Design manuals;

138 (d) Applicable federal guidelines;

139 (e) Current literature in the field;

140 (f) Applicable safety standards; and

141 (g) Any applicable environmental impact statements.

142 (4) The department shall observe the provisions of Section
143 31-5-23, in letting contracts and shall use Mississippi products,
144 including paint, varnish and lacquer which contain as vehicles
145 tung oil and either ester gum or modified resin (with rosin as the
146 principal base of constituents), and turpentine shall be used as a
147 solvent or thinner, where these products are available at a cost
148 not to exceed the cost of products grown, produced, prepared, made
149 or manufactured outside of the State of Mississippi.

150 (5) The department shall have authority to accept grants,
151 loans or donations from the United States government or from any
152 other sources for the purpose of matching funds in carrying out
153 the provisions of this chapter.

154 (6) The department shall build a wheelchair ramp at the War
155 Memorial Building which complies with all applicable federal laws,
156 regulations and specifications regarding wheelchair ramps.

157 (7) The department shall review and preapprove all
158 architectural or engineering service contracts entered into by any
159 state agency, institution, commission, board or authority
160 regardless of the source of funding used to defray the costs of
161 the construction or renovation project for which services are to
162 be obtained. The provisions of this subsection (7) shall not
163 apply to any architectural or engineering contract paid for by
164 self-generated funds of any of the state institutions of higher
165 learning, nor shall they apply to community college projects that

166 are funded from local funds or other nonstate sources which are
167 outside the Department of Finance and Administration's
168 appropriations or as directed by the Legislature. The provisions
169 of this subsection (7) shall not apply to any construction or
170 design projects of the State Military Department that are funded
171 from federal funds or other nonstate sources.

172 (8) The department shall have the authority to obtain
173 annually from the state institutions of higher learning
174 information on all building, construction and renovation projects
175 including duties, responsibilities and costs of any architect or
176 engineer hired by any such institutions.

177 (9) (a) As an alternative to other methods of awarding
178 contracts as prescribed by law, the department may use the
179 design-build method or the design-build bridging method of
180 contracting for new capital construction projects to be used as a
181 pilot program for the following projects:

182 (i) Projects for the Mississippi Development
183 Authority pursuant to agreements between both governmental
184 entities;

185 (ii) Any project with an estimated cost of not
186 more than Ten Million Dollars (\$10,000,000.00), not to exceed two
187 (2) projects per fiscal year; and

188 (iii) Any project which has an estimated cost of
189 more than Fifty Million Dollars (\$50,000,000.00), not to exceed
190 one (1) project per fiscal year.

191 (b) As used in this subsection:

192 (i) "Design-build method of contracting" means a
193 contract that combines the design and construction phases of a
194 project into a single contract and the contractor is required to
195 satisfactorily perform, at a minimum, both the design and
196 construction of the project.

197 (ii) "Design-build bridging method of contracting"
198 means a contract that requires design through the design

199 development phase by a professional designer, after which a
200 request for qualifications for design completion and construction
201 is required for the completion of the project from a single
202 contractor that combines the balance of design and construction
203 phases of a project into a single contract. The contractor is
204 required to satisfactorily perform, at a minimum, both the balance
205 of design and construction of the project.

206 (c) The department shall establish detailed criteria
207 for the selection of the successful design-build/design-build
208 bridging contractor in each request for design-build/design-build
209 bridging proposals. The request for qualifications evaluation of
210 the selection committee is a public record and shall be maintained
211 for a minimum of three (3) years after project completion.

212 (d) The department shall maintain detailed records on
213 projects separate and apart from its regular record keeping. The
214 department shall file a report to the Legislature evaluating the
215 design-build/design-build bridging method of contracting by
216 comparing it to the low-bid method of contracting. At a minimum,
217 the report must include:

218 (i) The management goals and objectives for the
219 design-build/design-build bridging system of management;

220 (ii) A complete description of the components of
221 the design-build/design-build bridging management system,
222 including a description of the system the department put into
223 place on all projects managed under the system to insure that it
224 has the complete information on building segment costs and to
225 insure proper analysis of any proposal the department receives
226 from a contractor;

227 (iii) The accountability systems the department
228 established to monitor any design-build/design-build bridging
229 project's compliance with specific goals and objectives for the
230 project;

231 (iv) The outcome of any project or any interim
232 report on an ongoing project let under a design-build/design-build
233 bridging management system showing compliance with the goals,
234 objectives, policies and procedures the department set for the
235 project; and

236 (v) The method used by the department to select
237 projects to be let under the design-build/design-build bridging
238 system of management and all other systems, policies and
239 procedures that the department considered as necessary components
240 to a design-build/design-build bridging management system.

241 (e) All contracts let under the provisions of this
242 subsection shall be subject to oversight and review by the State
243 Auditor.

244 **SECTION 2.** Section 27-104-7, Mississippi Code of 1972, is
245 amended as follows:

246 27-104-7. (1) There is hereby created within the Department
247 of Finance and Administration the Public Procurement Review Board,
248 which shall be composed of the Executive Director of the
249 Department of Finance and Administration, the head of the Office
250 of Budget and Policy Development and an employee of the Office of
251 General Services who is familiar with the purchasing laws of this
252 state. The Executive Director of the Department of Finance and
253 Administration shall be chairman and shall preside over the
254 meetings of the board. The board shall annually elect a vice
255 chairman, who shall serve in the absence of the chairman. No
256 business shall be transacted, including adoption of rules of
257 procedure, without the presence of a quorum of the board. Two (2)
258 members shall be a quorum. No action shall be valid unless
259 approved by the chairman and one (1) other of those members
260 present and voting, entered upon the minutes of the board and
261 signed by the chairman. The board shall meet on a monthly basis
262 and at any other time when notified by the chairman. Necessary
263 clerical and administrative support for the board shall be

264 provided by the Department of Finance and Administration. Minutes
265 shall be kept of the proceedings of each meeting, copies of which
266 shall be filed on a monthly basis with the Legislative Budget
267 Office.

268 (2) The Public Procurement Review Board shall have the
269 following powers and responsibilities:

270 (a) Approve all purchasing regulations governing the
271 purchase or lease by any agency, as defined in Section 31-7-1, of
272 commodities and equipment, except computer equipment acquired
273 pursuant to Sections 25-53-1 through 25-53-29;

274 (b) Adopt regulations governing the approval of
275 contracts let for the construction and maintenance of state
276 buildings and other state facilities;

277 (c) Adopt regulations governing any lease or rental
278 agreement by any state agency or department, including any state
279 agency financed entirely by federal funds, for space outside the
280 buildings under the jurisdiction of the Department of Finance and
281 Administration; * * *

282 (d) Adopt, in its discretion, regulations to set aside
283 at least five percent (5%) of anticipated annual expenditures for
284 the purchase of commodities from minority businesses; however, all
285 such set-aside purchases shall comply with all purchasing
286 regulations promulgated by the department and shall be subject to
287 all bid requirements. Set-aside purchases for which competitive
288 bids are required shall be made from the lowest and best minority
289 business bidder; however, if no minority bid is available or if
290 the minority bid is more than two percent (2%) higher than the
291 lowest bid, then bids shall be accepted and awarded to the lowest
292 and best bidder. Provided, however, that the provisions herein
293 shall not be construed to prohibit the rejection of a bid when
294 only one (1) bid is received. Such rejection shall be placed in
295 the minutes. For the purposes of this paragraph, the term
296 "minority business" means a business which is owned by a person

297 who is a citizen or lawful permanent resident of the United States
298 and who is:

299 (i) Black: having origins in any of the black
300 racial groups of Africa.

301 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
302 Central or South American, or other Spanish or Portuguese culture
303 or origin regardless of race.

304 (iii) Asian American: having origins in any of
305 the original peoples of the Far East, Southeast Asia, the Indian
306 subcontinent, or the Pacific Islands.

307 (iv) American Indian or Alaskan Native: having
308 origins in any of the original peoples of North America.

309 (v) Female;

310 (e) (i) With concurrence of Chairmen of the House and
311 Senate Public Property Committees, authorize state agencies to
312 enter into long-term or multiyear leases of real property to and
313 from other state and federal agencies or any other governmental
314 entities;

315 (ii) Approve leases entered into by state agencies
316 for the purpose of providing parking arrangements; and

317 (iii) Authorize state agencies to obtain business
318 personal property insurance on state-owned buildings under the
319 management and control of the Department of Finance and
320 Administration.

321 (3) No member of the Public Procurement Review Board shall
322 use his official authority or influence to coerce, by threat of
323 discharge from employment, or otherwise, the purchase of
324 commodities or the contracting for public construction under this
325 chapter.

326 **SECTION 3.** Section 29-5-2, Mississippi Code of 1972, is
327 amended as follows:

328 29-5-2. The duties of the Department of Finance and
329 Administration shall be as follows:

330 (a) (i) To exercise general supervision and care over
331 and keep in good condition the following state property located in
332 the City of Jackson: the New State Capitol Building, the Woolfolk
333 State Office Building, the Carroll Gartin Justice Building, the
334 Walter Sillers Office Building, the War Veterans' Memorial
335 Building, the Charlotte Capers Building, the William F. Winter
336 Archives and History Building, the Ike Sanford Veterans Affairs
337 Building, the Old State Capitol Building, the Governor's Mansion,
338 the Heber Ladner Building, the Burroughs Building, the Robert E.
339 Lee Office Building, the Robert E. Lee Parking Garage, the Manship
340 House Restoration and Visitor Center, the State Records Center,
341 the Robert G. Clark, Jr., Building, and all other properties
342 acquired in the same transaction at the time of the purchase of
343 the Robert E. Lee Hotel property from the First Federal Savings
344 and Loan Association of Jackson, Mississippi, which properties are
345 more particularly described in a warranty deed heretofore executed
346 and delivered on April 22, 1969, and filed for record in the
347 office of the Chancery Clerk of the First Judicial District of
348 Hinds County, Mississippi, located in Jackson, Mississippi, on
349 April 25, 1969, at 9:00 a.m., and recorded in Deed Book No. 1822,
350 page 136 et seq., and the Central High Building and 101 Capitol
351 Centre.

352 (ii) To exercise general supervision and care over
353 and keep in good condition the Dr. Eldon Langston Bolton Building
354 located in Biloxi, Mississippi.

355 (iii) To exercise general supervision and care
356 over and keep in good condition the State Service Center, located
357 at the intersection of State Highway 49 and John Merl Tatum
358 Industrial Drive in Hattiesburg, Mississippi.

359 (b) To assign suitable office space for the various
360 state departments, officers and employees who are provided with an
361 office in any of the buildings under the jurisdiction or control
362 of the Department of Finance and Administration. However, the

363 assignment of space in the New Capitol Building shall be
364 designated by duly passed resolution of the combined Senate Rules
365 Committee and the House Management Committee, meeting as a joint
366 committee, approved by the Lieutenant Governor and Speaker of the
367 House of Representatives. A majority vote of the members of the
368 Senate Rules Committee and a majority vote of the members of the
369 House Management Committee shall be required on all actions taken,
370 resolutions or reports adopted, and all other matters considered
371 by the full combined committee on occasions when the Senate Rules
372 Committee and the House Management Committee shall meet as a full
373 combined committee.

374 (c) To approve or disapprove with the concurrence of
375 the Public Procurement Review Board, any lease or rental
376 agreements by any state agency or department, including any state
377 agency financed entirely by federal and special funds, for space
378 including, but not limited to, parking, outside the buildings
379 under the jurisdiction of the Department of Finance and
380 Administration. In no event shall any employee, officer,
381 department, federally funded agency or bureau of the state be
382 authorized to enter a lease or rental agreement without prior
383 approval of the Department of Finance and Administration and the
384 Public Procurement Review Board.

385 The Department of Finance and Administration is authorized to
386 use architects, engineers, building inspectors and other personnel
387 for the purpose of making inspections as may be deemed necessary
388 in carrying out its duties and maintaining the facilities.

389 (d) To acquire by lease, lease-purchase agreement, or
390 otherwise, as provided in Section 27-104-107, and to assign
391 through the Office of General Services, by lease or sublease
392 agreement from the office, and with the concurrence of the Public
393 Procurement Review Board, to any state agency or department,
394 including any state agency financed entirely by federal and
395 special funds, appropriate office space in the buildings acquired.

396 **SECTION 4.** Section 7-9-151, Mississippi Code of 1972, is
397 amended as follows:

398 7-9-151. There is hereby established in the State Treasury a
399 revolving fund to be designated as the "Capital Improvements
400 Preplanning Fund" which shall consist of monies appropriated or
401 otherwise made available therefor by the Legislature. Such funds
402 as may be deposited in the revolving fund may be expended by the
403 Bureau of Building, Grounds and Real Property Management to obtain
404 preliminary studies and plans for projects authorized by the
405 Legislature. Funds also may be expended, in an amount not to
406 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) for any
407 project, for the purpose of obtaining preliminary studies and
408 plans, to include appraisals and the purchase of options on real
409 property, for projects the bureau may consider proposing to the
410 Legislature for authorization. The bureau shall consider
411 architectural and aesthetic compatibility in the preplanning of
412 any project conducted using money from the Capital Improvements
413 Preplanning Fund.

414 **SECTION 5.** Section 7-9-153, Mississippi Code of 1972, is
415 amended as follows:

416 7-9-153. (1) All expenses for preplanning projects
417 authorized by the Legislature shall be paid upon warrants drawn on
418 the Capital Improvements Preplanning Fund created pursuant to
419 Sections 7-9-151 through 7-9-159. The Department of Finance and
420 Administration shall issue warrants upon requisitions signed by
421 the Director of the Bureau of Building, Grounds and Real Property
422 Management. Such requisitions shall set forth the name of the
423 project and estimated cost of the project, and the total of prior
424 expenditures for such project. The Department of Finance and
425 Administration shall not issue a warrant against the Capital
426 Improvements Preplanning Fund if the total amount expended for
427 preliminary study and planning on the project exceeds two and

428 one-half percent (2 1/2%) of the estimated cost of such project or
429 appraised price of the proposed property.

430 (2) Expenses for preliminary studies and plans, to include
431 appraisals and the purchase of options on real property, for
432 projects the bureau may consider proposing to the Legislature for
433 authorization shall be paid upon warrants drawn on the Capital
434 Improvements Preplanning Fund created pursuant to Sections 7-9-151
435 through 7-9-159. The Department of Finance and Administration
436 shall issue warrants upon requisitions signed by the Director of
437 the Bureau of Building, Grounds and Real Property Management.
438 Such requisitions shall set forth the name of the project and
439 estimated cost of the project, and the total of prior expenditures
440 for such project. The Department of Finance and Administration
441 shall not issue a warrant against the Capital Improvements
442 Preplanning Fund for a project if the total amount expended for
443 preliminary studies and plans, to include appraisals and the
444 purchase of options on real property, for the project exceeds Two
445 Hundred Fifty Thousand Dollars (\$250,000.00).

446 **SECTION 6.** Section 31-11-27, Mississippi Code of 1972, is
447 amended as follows:

448 31-11-27. (1) (a) The Department of Finance and
449 Administration shall conduct a detailed study of the building and
450 other capital needs at each state institution and at each junior
451 college immediately prior to September first in each year. This
452 study shall include, but shall not be limited to, the following
453 matters: (i) an inventory of every state building and other
454 capital facility which is the property of the State of
455 Mississippi; (ii) the location, date of construction or
456 acquisition, the purpose for which used, outstanding indebtedness
457 against such facility, if any, and cost of repairs for the
458 preceding fiscal year; (iii) an examination of the condition of
459 the building or other facility; (iv) an estimate of the cost of
460 repairs required to place the facility in good condition; (v) an

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

465 (b) All state agencies, departments and institutions
466 are hereby authorized and directed to cooperate with the
467 Department of Finance and Administration in carrying out the
468 provisions of this section.

469 (c) The Department of Finance and Administration shall
470 submit a detailed report to the Legislative Budget Office on or
471 before September first of each year. Such report shall be in such
472 detail and in such form as may be prescribed by the Legislative
473 Budget Office.

474 (d) The architect or building inspector of the
475 Department of Finance and Administration shall make a biennial
476 inspection of the New Capitol, Old Capitol, Woolfolk State Office
477 Building, War Memorial Building, the Governor's Mansion, and all
478 other buildings under jurisdiction of the Department of Finance
479 and Administration for structural or other physical needs or
480 defects of such buildings, and he shall further inquire of the
481 department or its representatives regarding the condition of the
482 buildings. He shall make a written report of his finding to the
483 Department of Finance and Administration, Governor, Lieutenant
484 Governor and Speaker of the House of Representatives. The report
485 shall also make recommendations for repairs and list, by number,
486 the priority which should be given to making necessary repairs.

487 (2) (a) In addition to any report required in subsection
488 (1) of this section, the Department of Finance and Administration
489 shall prepare and submit an annual report to the Legislative
490 Budget Office, the House Public Buildings, Grounds and Lands
491 Committee and the Senate Public Property Committee describing the
492 proposed capital improvements projects for state agencies,
493 departments and institutions for the upcoming five-year period.

494 The Department of Finance and Administration shall not be required
495 to include in the report any project costing less than Three
496 Million Dollars (\$3,000,000.00). The department shall submit the
497 report before September 1 of each year. The report shall include
498 at least the following information:

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

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

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

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

510 (v) A detailed statement of justification for each
511 project;

512 (vi) The approximate cost for each project,
513 including, but not limited to, itemized estimates of costs for
514 preplanning, constructing, furnishing and equipping a project, and
515 costs for property acquisition;

516 (vii) The estimated beginning date and completion
517 date for each project;

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

520 (ix) How a project will affect the operating
521 budget of the applicable agency, department or institution for the
522 upcoming five-year period, regarding such items as additional
523 personnel requirements, utility costs, maintenance costs, security
524 costs, etc.;

525 (x) The proposed method of financing each project
526 and the effect such financing will have on the state budget,

527 including an estimate of any required debt service for the
528 project, and an estimate of any federal funds or other funds that
529 the agency, department or institution may have access to because
530 of the project; and

531 (xi) A list of the projects requested by each
532 agency, department or institution for the five-year period, with
533 each project ranked by the appropriate agency, department or
534 institution on the basis of need.

535 (b) To enable the Department of Finance and
536 Administration to prepare the report required in this subsection
537 (2), it may require all state agencies, departments and
538 institutions to file a capital improvements projects request with
539 such information and in such form and in such detail as the
540 department may deem necessary and advisable. Such request shall
541 be filed with the Department of Finance and Administration no
542 later than August 1 of each year.

543 **SECTION 7.** Section 31-11-30, Mississippi Code of 1972, is
544 amended as follows:

545 31-11-30. (1) Every capital improvements project, costing
546 Three Million Dollars (\$3,000,000.00) or more, which is developed
547 to repair, renovate, construct, remodel, add to or improve a
548 state-owned public building shall be funded by the Legislature in
549 two (2) phases. The two-phase funding requirement shall not apply
550 to capital improvements projects for a state-owned port or where
551 the Legislature finds that an emergency or critical need must be
552 met or a court order complied with. The two (2) phases shall not
553 be funded in the same regular session of the Legislature. Each
554 phase shall be funded in a separate session of the Legislature.
555 Phase 1 shall be a preplanned capital improvements project budget
556 projection for the project and shall be funded first. Phase 2
557 shall be the actual repair, renovation, construction, remodeling,
558 addition to or improvement of the state-owned public building and

559 the acquisition of furniture and equipment for the capital
560 improvements project and shall be funded second.

561 (2) For the purposes of this section, the term "preplanned"
562 or "preplanning" means the preliminary planning that establishes
563 the program, scope, design and budget for a capital improvements
564 project.

565 (3) Every state agency that plans to repair, renovate,
566 construct, remodel, add to or improve a state-owned public
567 building shall submit a preplanned capital improvements project
568 budget projection to the Bureau of Building, Grounds and Real
569 Property Management for evaluation. The bureau shall assess the
570 need for all preplanned projects submitted and shall compile a
571 report on its findings. Any capital improvements project costing
572 less than Three Million Dollars (\$3,000,000.00) shall not be
573 required to be preplanned.

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

578 (5) This section shall not apply to capital improvements
579 projects authorized by the Legislature before the 2001 Regular
580 Session of the Legislature.

581 **SECTION 8.** This act shall take effect and be in force from
582 and after July 1, 2005, and shall stand repealed June 30, 2005.