

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

To: Public Property;
Appropriations

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 or improvements are to be made
33 under the provisions of this chapter, subject to the regulations
34 adopted by the Public Procurement Review Board.

35 (2) The department shall have full power to erect buildings,
36 make repairs, additions, demolitions or improvements, and buy
37 materials, supplies and equipment for any of the institutions or
38 departments of the state subject to the regulations adopted by the
39 Public Procurement Review Board. In addition to other powers
40 conferred, the department shall have full power and authority as
41 directed by the Legislature, or when funds have been appropriated
42 for its use for these purposes, to:

43 (a) Build a state office building;

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

48 (c) Provide state aid for the construction of school
49 buildings;

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

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

61 (f) Build and equip additional buildings and wards at
62 the Boswell Retardation Center;

63 (g) Construct a sewage disposal and treatment plant at
64 the state insane hospital, and in so doing acquire additional land
65 as may be necessary, and to exercise the right of eminent domain
66 in the acquisition of this land;

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

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

72 (j) Build and equip a gymnasium at Columbia Training
73 School;

74 (k) Approve or disapprove the expenditure of any money
75 appropriated by the Legislature when authorized by the bill making
76 the appropriation;

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

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

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

90 (o) Purchase lands for building sites, or as additions
91 to building sites, for the erection of buildings and other
92 facilities which the department is authorized to erect, and
93 demolish and dispose of old buildings, when necessary for the
94 proper construction of new buildings. Any transaction which
95 involves state lands under the provisions of this paragraph shall
96 be done in a manner consistent with the provisions of Section
97 29-1-1; * * *

98 (p) Obtain business property insurance with a
99 deductible of not less than One Hundred Thousand Dollars

100 (\$100,000.00) on state-owned buildings under the management and
101 control of the department;

102 (q) Authority and discretion, with approval of the
103 Public Procurement Review Board, to enter into, sign, execute and
104 deliver long-term or multiyear leases of real and personal
105 property to and from other state and federal agencies and any
106 governmental entity;

107 (r) Authority to enter into contracts for the purpose
108 of providing parking spaces for state employees;

109 (s) Grant easements and rights-of-way; and

110 (t) Acquire easements and rights-of-way.

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

122 (a) Federal minimum guidelines and requirements issued
123 by the United States Architectural and Transportation Barriers
124 Compliance Board and standards issued by other federal agencies;

125 (b) The criteria contained in the American Standard
126 Specifications for Making Buildings Accessible and Usable by the
127 Physically Handicapped and any amendments thereto as approved by
128 the American Standards Association, Incorporated (ANSI Standards);

129 (c) Design manuals;

130 (d) Applicable federal guidelines;

131 (e) Current literature in the field;

132 (f) Applicable safety standards; and

133 (g) Any applicable environmental impact statements.

134 (4) The department shall observe the provisions of Section
135 31-5-23, in letting contracts and shall use Mississippi products,
136 including paint, varnish and lacquer which contain as vehicles
137 tung oil and either ester gum or modified resin (with rosin as the
138 principal base of constituents), and turpentine shall be used as a
139 solvent or thinner, where these products are available at a cost
140 not to exceed the cost of products grown, produced, prepared, made
141 or manufactured outside of the State of Mississippi.

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

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

149 (7) The department shall review and preapprove all
150 architectural or engineering service contracts entered into by any
151 state agency, institution, commission, board or authority
152 regardless of the source of funding used to defray the costs of
153 the construction or renovation project for which services are to
154 be obtained. The provisions of this subsection (7) shall not
155 apply to any architectural or engineering contract paid for by
156 self-generated funds of any of the state institutions of higher
157 learning, nor shall they apply to community college projects that
158 are funded from local funds or other nonstate sources which are
159 outside the Department of Finance and Administration's
160 appropriations or as directed by the Legislature. The provisions
161 of this subsection (7) shall not apply to any construction or
162 design projects of the State Military Department that are funded
163 from federal funds or other nonstate sources.

164 (8) The department shall have the authority to obtain
165 annually from the state institutions of higher learning

166 information on all building, construction and renovation projects
167 including duties, responsibilities and costs of any architect or
168 engineer hired by any such institutions.

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

174 (i) Projects for the Mississippi Development
175 Authority pursuant to agreements between both governmental
176 entities;

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

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

183 (b) As used in this subsection:

184 (i) "Design-build method of contracting" means a
185 contract that combines the design and construction phases of a
186 project into a single contract and the contractor is required to
187 satisfactorily perform, at a minimum, both the design and
188 construction of the project.

189 (ii) "Design-build bridging method of contracting"
190 means a contract that requires design through the design
191 development phase by a professional designer, after which a
192 request for qualifications for design completion and construction
193 is required for the completion of the project from a single
194 contractor that combines the balance of design and construction
195 phases of a project into a single contract. The contractor is
196 required to satisfactorily perform, at a minimum, both the balance
197 of design and construction of the project.

198 (c) The department shall establish detailed criteria
199 for the selection of the successful design-build/design-build
200 bridging contractor in each request for design-build/design-build
201 bridging proposals. The request for qualifications evaluation of
202 the selection committee is a public record and shall be maintained
203 for a minimum of three (3) years after project completion.

204 (d) The department shall maintain detailed records on
205 projects separate and apart from its regular record keeping. The
206 department shall file a report to the Legislature evaluating the
207 design-build/design-build bridging method of contracting by
208 comparing it to the low-bid method of contracting. At a minimum,
209 the report must include:

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

212 (ii) A complete description of the components of
213 the design-build/design-build bridging management system,
214 including a description of the system the department put into
215 place on all projects managed under the system to insure that it
216 has the complete information on building segment costs and to
217 insure proper analysis of any proposal the department receives
218 from a contractor;

219 (iii) The accountability systems the department
220 established to monitor any design-build/design-build bridging
221 project's compliance with specific goals and objectives for the
222 project;

223 (iv) The outcome of any project or any interim
224 report on an ongoing project let under a design-build/design-build
225 bridging management system showing compliance with the goals,
226 objectives, policies and procedures the department set for the
227 project; and

228 (v) The method used by the department to select
229 projects to be let under the design-build/design-build bridging
230 system of management and all other systems, policies and

231 procedures that the department considered as necessary components
232 to a design-build/design-build bridging management system.

233 (e) All contracts let under the provisions of this
234 subsection shall be subject to oversight and review by the State
235 Auditor.

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

238 27-104-7. (1) There is hereby created within the Department
239 of Finance and Administration the Public Procurement Review Board,
240 which shall be composed of the Executive Director of the
241 Department of Finance and Administration, the head of the Office
242 of Budget and Policy Development and an employee of the Office of
243 General Services who is familiar with the purchasing laws of this
244 state. The Executive Director of the Department of Finance and
245 Administration shall be chairman and shall preside over the
246 meetings of the board. The board shall annually elect a vice
247 chairman, who shall serve in the absence of the chairman. No
248 business shall be transacted, including adoption of rules of
249 procedure, without the presence of a quorum of the board. Two (2)
250 members shall be a quorum. No action shall be valid unless
251 approved by the chairman and one (1) other of those members
252 present and voting, entered upon the minutes of the board and
253 signed by the chairman. The board shall meet on a monthly basis
254 and at any other time when notified by the chairman. Necessary
255 clerical and administrative support for the board shall be
256 provided by the Department of Finance and Administration. Minutes
257 shall be kept of the proceedings of each meeting, copies of which
258 shall be filed on a monthly basis with the Legislative Budget
259 Office.

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

262 (a) Approve all purchasing regulations governing the
263 purchase or lease by any agency, as defined in Section 31-7-1, of

264 commodities and equipment, except computer equipment acquired
265 pursuant to Sections 25-53-1 through 25-53-29;

266 (b) Adopt regulations governing the approval of
267 contracts let for the construction and maintenance of state
268 buildings and other state facilities;

269 (c) Adopt regulations governing any lease or rental
270 agreement by any state agency or department, including any state
271 agency financed entirely by federal funds, for space outside the
272 buildings under the jurisdiction of the Department of Finance and
273 Administration; * * *

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

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

293 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
294 Central or South American, or other Spanish or Portuguese culture
295 or origin regardless of race.

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

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

301 (v) Female;

302 (e) Authorize state agencies to enter into multiyear
303 leases of real property to and from other state and federal
304 agencies or any other governmental entities;

305 (f) Approve leases entered into by state agencies for
306 the purpose of providing parking arrangements; and

307 (g) Authorize state agencies to obtain business
308 personal property insurance on state-owned buildings under the
309 management and control of the Department of Finance and
310 Administration.

311 (3) No member of the Public Procurement Review Board shall
312 use his official authority or influence to coerce, by threat of
313 discharge from employment, or otherwise, the purchase of
314 commodities or the contracting for public construction under this
315 chapter.

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

318 29-5-2. The duties of the Department of Finance and
319 Administration shall be as follows:

320 (a) (i) To exercise general supervision and care over
321 and keep in good condition the following state property located in
322 the City of Jackson: the New State Capitol Building, the Woolfolk
323 State Office Building, the Carroll Gartin Justice Building, the
324 Walter Sillers Office Building, the War Veterans' Memorial
325 Building, the Charlotte Capers Building, the William F. Winter
326 Archives and History Building, the Ike Sanford Veterans Affairs
327 Building, the Old State Capitol Building, the Governor's Mansion,
328 the Heber Ladner Building, the Burroughs Building, the Robert E.

329 Lee Office Building, the Robert E. Lee Parking Garage, the Manship
330 House Restoration and Visitor Center, the State Records Center,
331 the Robert G. Clark, Jr., Building, and all other properties
332 acquired in the same transaction at the time of the purchase of
333 the Robert E. Lee Hotel property from the First Federal Savings
334 and Loan Association of Jackson, Mississippi, which properties are
335 more particularly described in a warranty deed heretofore executed
336 and delivered on April 22, 1969, and filed for record in the
337 office of the Chancery Clerk of the First Judicial District of
338 Hinds County, Mississippi, located in Jackson, Mississippi, on
339 April 25, 1969, at 9:00 a.m., and recorded in Deed Book No. 1822,
340 page 136 et seq., and the Central High Building and 101 Capitol
341 Centre.

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

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

349 (b) To assign suitable office space for the various
350 state departments, officers and employees who are provided with an
351 office in any of the buildings under the jurisdiction or control
352 of the Department of Finance and Administration. However, the
353 assignment of space in the New Capitol Building shall be
354 designated by duly passed resolution of the combined Senate Rules
355 Committee and the House Management Committee, meeting as a joint
356 committee, approved by the Lieutenant Governor and Speaker of the
357 House of Representatives. A majority vote of the members of the
358 Senate Rules Committee and a majority vote of the members of the
359 House Management Committee shall be required on all actions taken,
360 resolutions or reports adopted, and all other matters considered
361 by the full combined committee on occasions when the Senate Rules

362 Committee and the House Management Committee shall meet as a full
363 combined committee.

364 (c) To approve or disapprove with the concurrence of
365 the Public Procurement Review Board, any lease or rental
366 agreements by any state agency or department, including any state
367 agency financed entirely by federal and special funds, for space
368 including, but not limited to, parking, outside the buildings
369 under the jurisdiction of the Department of Finance and
370 Administration. In no event shall any employee, officer,
371 department, federally funded agency or bureau of the state be
372 authorized to enter a lease or rental agreement without prior
373 approval of the Department of Finance and Administration and the
374 Public Procurement Review Board.

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

379 (d) To acquire by lease, lease-purchase agreement, or
380 otherwise, as provided in Section 27-104-107, and to assign
381 through the Office of General Services, by lease or sublease
382 agreement from the office, and with the concurrence of the Public
383 Procurement Review Board, to any state agency or department,
384 including any state agency financed entirely by federal and
385 special funds, appropriate office space in the buildings acquired.

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

388 7-9-151. There is hereby established in the State Treasury a
389 revolving fund to be designated as the "Capital Improvements
390 Preplanning Fund" which shall consist of monies appropriated or
391 otherwise made available therefor by the Legislature. Such funds
392 as may be deposited in the revolving fund may be expended by the
393 Bureau of Building, Grounds and Real Property Management to obtain
394 preliminary studies and plans for projects authorized by the

395 Legislature. Funds also may be expended, in an amount not to
396 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) for any
397 project, for the purpose of obtaining preliminary studies and
398 plans, to include appraisals and the purchase of options on real
399 property, for projects the bureau may consider proposing to the
400 Legislature for authorization. The bureau shall consider
401 architectural and aesthetic compatibility in the preplanning of
402 any project conducted using money from the Capital Improvements
403 Preplanning Fund.

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

406 7-9-153. (1) All expenses for preplanning projects
407 authorized by the Legislature shall be paid upon warrants drawn on
408 the Capital Improvements Preplanning Fund created pursuant to
409 Sections 7-9-151 through 7-9-159. The Department of Finance and
410 Administration shall issue warrants upon requisitions signed by
411 the Director of the Bureau of Building, Grounds and Real Property
412 Management. Such requisitions shall set forth the name of the
413 project and estimated cost of the project, and the total of prior
414 expenditures for such project. The Department of Finance and
415 Administration shall not issue a warrant against the Capital
416 Improvements Preplanning Fund if the total amount expended for
417 preliminary study and planning on the project exceeds two and
418 one-half percent (2 1/2%) of the estimated cost of such project or
419 appraised price of the proposed property.

420 (2) Expenses for preliminary studies and plans, to include
421 appraisals and the purchase of options on real property, for
422 projects the bureau may consider proposing to the Legislature for
423 authorization shall be paid upon warrants drawn on the Capital
424 Improvements Preplanning Fund created pursuant to Sections 7-9-151
425 through 7-9-159. The Department of Finance and Administration
426 shall issue warrants upon requisitions signed by the Director of
427 the Bureau of Building, Grounds and Real Property Management.

428 Such requisitions shall set forth the name of the project and
429 estimated cost of the project, and the total of prior expenditures
430 for such project. The Department of Finance and Administration
431 shall not issue a warrant against the Capital Improvements
432 Preplanning Fund for a project if the total amount expended for
433 preliminary studies and plans, to include appraisals and the
434 purchase of options on real property, for the project exceeds Two
435 Hundred Fifty Thousand Dollars (\$250,000.00).

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

438 31-11-27. (1) (a) The Department of Finance and
439 Administration shall conduct a detailed study of the building and
440 other capital needs at each state institution and at each junior
441 college immediately prior to September first in each year. This
442 study shall include, but shall not be limited to, the following
443 matters: (i) an inventory of every state building and other
444 capital facility which is the property of the State of
445 Mississippi; (ii) the location, date of construction or
446 acquisition, the purpose for which used, outstanding indebtedness
447 against such facility, if any, and cost of repairs for the
448 preceding fiscal year; (iii) an examination of the condition of
449 the building or other facility; (iv) an estimate of the cost of
450 repairs required to place the facility in good condition; (v) an
451 estimate of the cost of major renovations, if contemplated; and
452 (vi) a determination of the new building and other facility needs
453 of each institution with such needs classified under immediate or
454 long range requirements.

455 (b) All state agencies, departments and institutions
456 are hereby authorized and directed to cooperate with the
457 Department of Finance and Administration in carrying out the
458 provisions of this section.

459 (c) The Department of Finance and Administration shall
460 submit a detailed report to the Legislative Budget Office on or

461 before September first of each year. Such report shall be in such
462 detail and in such form as may be prescribed by the Legislative
463 Budget Office.

464 (d) The architect or building inspector of the
465 Department of Finance and Administration shall make a biennial
466 inspection of the New Capitol, Old Capitol, Woolfolk State Office
467 Building, War Memorial Building, the Governor's Mansion, and all
468 other buildings under jurisdiction of the Department of Finance
469 and Administration for structural or other physical needs or
470 defects of such buildings, and he shall further inquire of the
471 department or its representatives regarding the condition of the
472 buildings. He shall make a written report of his finding to the
473 Department of Finance and Administration, Governor, Lieutenant
474 Governor and Speaker of the House of Representatives. The report
475 shall also make recommendations for repairs and list, by number,
476 the priority which should be given to making necessary repairs.

477 (2) (a) In addition to any report required in subsection
478 (1) of this section, the Department of Finance and Administration
479 shall prepare and submit an annual report to the Legislative
480 Budget Office, the House Public Buildings, Grounds and Lands
481 Committee and the Senate Public Property Committee describing the
482 proposed capital improvements projects for state agencies,
483 departments and institutions for the upcoming five-year period.
484 The Department of Finance and Administration shall not be required
485 to include in the report any project costing less than Five
486 Million Dollars (\$5,000,000.00). The department shall submit the
487 report before September 1 of each year. The report shall include
488 at least the following information:

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

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

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

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

500 (v) A detailed statement of justification for each
501 project;

502 (vi) The approximate cost for each project,
503 including, but not limited to, itemized estimates of costs for
504 preplanning, constructing, furnishing and equipping a project, and
505 costs for property acquisition;

506 (vii) The estimated beginning date and completion
507 date for each project;

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

510 (ix) How a project will affect the operating
511 budget of the applicable agency, department or institution for the
512 upcoming five-year period, regarding such items as additional
513 personnel requirements, utility costs, maintenance costs, security
514 costs, etc.;

515 (x) The proposed method of financing each project
516 and the effect such financing will have on the state budget,
517 including an estimate of any required debt service for the
518 project, and an estimate of any federal funds or other funds that
519 the agency, department or institution may have access to because
520 of the project; and

521 (xi) A list of the projects requested by each
522 agency, department or institution for the five-year period, with
523 each project ranked by the appropriate agency, department or
524 institution on the basis of need.

525 (b) To enable the Department of Finance and
526 Administration to prepare the report required in this subsection
527 (2), it may require all state agencies, departments and
528 institutions to file a capital improvements projects request with
529 such information and in such form and in such detail as the
530 department may deem necessary and advisable. Such request shall
531 be filed with the Department of Finance and Administration no
532 later than August 1 of each year.

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

535 31-11-30. (1) Every capital improvements project, costing
536 Five Million Dollars (\$5,000,000.00) or more, which is developed
537 to repair, renovate, construct, remodel, add to or improve a
538 state-owned public building shall be funded by the Legislature in
539 two (2) phases. The two-phase funding requirement shall not apply
540 to capital improvements projects for a state-owned port or where
541 the Legislature finds that an emergency or critical need must be
542 met or a court order complied with. The two (2) phases shall not
543 be funded in the same regular session of the Legislature. Each
544 phase shall be funded in a separate session of the Legislature.
545 Phase 1 shall be a preplanned capital improvements project budget
546 projection for the project and shall be funded first. Phase 2
547 shall be the actual repair, renovation, construction, remodeling,
548 addition to or improvement of the state-owned public building and
549 the acquisition of furniture and equipment for the capital
550 improvements project and shall be funded second.

551 (2) For the purposes of this section, the term "preplanned"
552 or "preplanning" means the preliminary planning that establishes
553 the program, scope, design and budget for a capital improvements
554 project.

555 (3) Every state agency that plans to repair, renovate,
556 construct, remodel, add to or improve a state-owned public
557 building shall submit a preplanned capital improvements project

558 budget projection to the Bureau of Building, Grounds and Real
559 Property Management for evaluation. The bureau shall assess the
560 need for all preplanned projects submitted and shall compile a
561 report on its findings. Any capital improvements project costing
562 less than Five Million Dollars (\$5,000,000.00) shall not be
563 required to be preplanned.

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

568 (5) This section shall not apply to capital improvements
569 projects authorized by the Legislature before the 2001 Regular
570 Session of the Legislature.

571 **SECTION 8.** This act shall take effect and be in force from
572 and after its passage.