

By: Senator(s) Jackson (32nd)

To: Public Property

SENATE BILL NO. 2393

1 AN ACT TO AMEND SECTIONS 31-11-3 AND 29-5-2, MISSISSIPPI CODE  
2 OF 1972, TO ASSIGN ADDITIONAL POWERS AND DUTIES TO THE DEPARTMENT  
3 OF FINANCE AND ADMINISTRATION, SUBJECT TO REGULATIONS ADOPTED BY  
4 THE PUBLIC PROCUREMENT REVIEW BOARD, RELATING TO THE DEMOLITION OF  
5 FACILITIES; TO DEFINE THE AUTHORITY OF THE DEPARTMENT OF FINANCE  
6 AND ADMINISTRATION TO APPROVE MULTIYEAR LEASES OF PROPERTY BETWEEN  
7 GOVERNMENTAL ENTITIES, ENTER INTO CONTRACTS TO PROVIDE PARKING FOR  
8 STATE EMPLOYEES, GRANT AND ACQUIRE EASEMENTS AND AUTHORIZE  
9 DESIGN-BUILDING OR DESIGN-BUILD BRIDGING METHODS OF CONTRACTING  
10 FOR NEW CAPITAL CONSTRUCTION PROJECTS; TO DELETE THE AUTOMATIC  
11 REPEALER ON THE STATE EMPLOYEE PARKING PROVISION; TO AMEND SECTION  
12 27-104-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO  
13 AMEND SECTIONS 7-9-151 AND 7-9-153, MISSISSIPPI CODE OF 1972, TO  
14 REVISE THE AMOUNT OF FUNDS IN THE CAPITAL IMPROVEMENT PREPLANNING  
15 FUND WHICH MAY BE EXPENDED; TO AMEND SECTION 31-11-27, MISSISSIPPI  
16 CODE OF 1972, TO REVISE THE DOLLAR AMOUNT OF PROJECTS THAT SHALL  
17 BE INCLUDED IN THE ANNUAL REPORT SUBMITTED BY THE DEPARTMENT OF  
18 FINANCE AND ADMINISTRATION; TO AMEND SECTION 31-11-30, MISSISSIPPI  
19 CODE OF 1972, TO REVISE THE DOLLAR AMOUNT OF PROJECTS THAT SHALL  
20 NOT BE REQUIRED TO BE PREPLANNED; AND FOR RELATED PURPOSES.

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

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

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

36 under the provisions of this chapter, subject to the regulations  
37 adopted by the Public Procurement Review Board.

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

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

112 (i) Enter into, sign, execute and deliver  
113 long-term or multiyear leases of real and personal property to and  
114 from other 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 \* \* \*

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

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

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

138           (c) Design manuals;

139           (d) Applicable federal guidelines;

140           (e) Current literature in the field;

141           (f) Applicable safety standards; and

142           (g) Any applicable environmental impact statements.

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

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

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

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

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

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

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

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

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

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

192 (iv) Any project for which it is determined by the  
193 department to be in the best interest of the state to use the  
194 design-build method or design-build bridging method of contracting  
195 for new capital construction projects.

196 (b) As used in this subsection:

197 (i) "Design-build method of contracting" means a  
198 contract that combines the design and construction phases of a  
199 project into a single contract and the contractor is required to

200 satisfactorily perform, at a minimum, both the design and  
201 construction of the project.

202 (ii) "Design-build bridging method of contracting"  
203 means a contract that requires design through the design  
204 development phase by a professional designer, after which a  
205 request for qualifications for design completion and construction  
206 is required for the completion of the project from a single  
207 contractor that combines the balance of design and construction  
208 phases of a project into a single contract. The contractor is  
209 required to satisfactorily perform, at a minimum, both the balance  
210 of design and construction of the project.

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

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

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

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

232 (iii) The accountability systems the department  
233 established to monitor any design-build/design-build bridging  
234 project's compliance with specific goals and objectives for the  
235 project;

236 (iv) The outcome of any project or any interim  
237 report on an ongoing project let under a design-build/design-build  
238 bridging management system showing compliance with the goals,  
239 objectives, policies and procedures the department set for the  
240 project; and

241 (v) The method used by the department to select  
242 projects to be let under the design-build/design-build bridging  
243 system of management and all other systems, policies and  
244 procedures that the department considered as necessary components  
245 to a design-build/design-build bridging management system.

246 (e) All contracts let under the provisions of this  
247 subsection shall be subject to oversight and review by the State  
248 Auditor.

249 **SECTION 2.** Section 29-5-2, Mississippi Code of 1972, is  
250 amended as follows:

251 29-5-2. The duties of the Department of Finance and  
252 Administration shall be as follows:

253 (a) (i) To exercise general supervision and care over  
254 and keep in good condition the following state property located in  
255 the City of Jackson: the New State Capitol Building, the Woolfolk  
256 State Office Building, the Carroll Gartin Justice Building, the  
257 Walter Sillers Office Building, the War Veterans' Memorial  
258 Building, the Charlotte Capers Building, the William F. Winter  
259 Archives and History Building, the Ike Sanford Veterans Affairs  
260 Building, the Old State Capitol Building, the Governor's Mansion,  
261 the Heber Ladner Building, the Burroughs Building, the Robert E.  
262 Lee Office Building, the Robert E. Lee Parking Garage, the Manship  
263 House Restoration and Visitor Center, the State Records Center,  
264 the Robert G. Clark, Jr. Building, and all other properties



265 acquired in the same transaction at the time of the purchase of  
266 the Robert E. Lee Hotel property from the First Federal Savings  
267 and Loan Association of Jackson, Mississippi, which properties are  
268 more particularly described in a warranty deed heretofore executed  
269 and delivered on April 22, 1969, and filed for record in the  
270 Office of the Chancery Clerk of the First Judicial District of  
271 Hinds County, Mississippi, located in Jackson, Mississippi, on  
272 April 25, 1969, at 9:00 a.m., and recorded in Deed Book No. 1822,  
273 page 136 et seq., and the Central High Building and 101 Capitol  
274 Centre.

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

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

282                   (b) To assign suitable office space for the various  
283 state departments, officers and employees who are provided with an  
284 office in any of the buildings under the jurisdiction or control  
285 of the Department of Finance and Administration. However, the  
286 assignment of space in the New Capitol Building shall be  
287 designated by duly passed resolution of the combined Senate Rules  
288 Committee and the House Management Committee, meeting as a joint  
289 committee, approved by the Lieutenant Governor and Speaker of the  
290 House of Representatives. A majority vote of the members of the  
291 Senate Rules Committee and a majority vote of the members of the  
292 House Management Committee shall be required on all actions taken,  
293 resolutions or reports adopted, and all other matters considered  
294 by the full combined committee on occasions when the Senate Rules  
295 Committee and the House Management Committee shall meet as a full  
296 combined committee.

297 (c) To approve or disapprove with the concurrence of  
298 the Public Procurement Review Board, any lease or rental  
299 agreements by any state agency or department, including any state  
300 agency financed entirely by federal and special funds, for space  
301 outside the buildings under the jurisdiction of the Department of  
302 Finance and Administration, including space necessary for parking  
303 to be used by state employees \* \* \*. In no event shall any  
304 employee, officer, department, federally funded agency or bureau  
305 of the state be authorized to enter a lease or rental agreement  
306 without prior approval of the Department of Finance and  
307 Administration and the Public Procurement Review Board.

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

312 \* \* \*

313 (d) To acquire by lease, lease-purchase agreement, or  
314 otherwise, as provided in Section 27-104-107, and to assign  
315 through the Office of General Services, by lease or sublease  
316 agreement from the office, and with the concurrence of the Public  
317 Procurement Review Board, to any state agency or department,  
318 including any state agency financed entirely by federal and  
319 special funds, appropriate office space in the buildings acquired.

320 **SECTION 3.** Section 27-104-7, Mississippi Code of 1972, is  
321 amended as follows:

322 27-104-7. (1) There is hereby created within the Department  
323 of Finance and Administration the Public Procurement Review Board,  
324 which shall be composed of the Executive Director of the  
325 Department of Finance and Administration, the head of the Office  
326 of Budget and Policy Development and an employee of the Office of  
327 General Services who is familiar with the purchasing laws of this  
328 state. The Executive Director of the Department of Finance and  
329 Administration shall be chairman and shall preside over the

330 meetings of the board. The board shall annually elect a vice  
331 chairman, who shall serve in the absence of the chairman. No  
332 business shall be transacted, including adoption of rules of  
333 procedure, without the presence of a quorum of the board. Two (2)  
334 members shall be a quorum. No action shall be valid unless  
335 approved by the chairman and one (1) other of those members  
336 present and voting, entered upon the minutes of the board and  
337 signed by the chairman. The board shall meet on a monthly basis  
338 and at any other time when notified by the chairman. Necessary  
339 clerical and administrative support for the board shall be  
340 provided by the Department of Finance and Administration. Minutes  
341 shall be kept of the proceedings of each meeting, copies of which  
342 shall be filed on a monthly basis with the Legislative Budget  
343 Office.

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

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

350 (b) Adopt regulations governing the approval of  
351 contracts let for the construction and maintenance of state  
352 buildings and other state facilities;

353 (c) Adopt regulations governing any lease or rental  
354 agreement by any state agency or department, including any state  
355 agency financed entirely by federal funds, for space outside the  
356 buildings under the jurisdiction of the Department of Finance and  
357 Administration;

358 (d) Adopt, in its discretion, regulations to set aside  
359 at least five percent (5%) of anticipated annual expenditures for  
360 the purchase of commodities from minority businesses; however, all  
361 such set-aside purchases shall comply with all purchasing  
362 regulations promulgated by the department and shall be subject to

363 all bid requirements. Set-aside purchases for which competitive  
364 bids are required shall be made from the lowest and best minority  
365 business bidder; however, if no minority bid is available or if  
366 the minority bid is more than two percent (2%) higher than the  
367 lowest bid, then bids shall be accepted and awarded to the lowest  
368 and best bidder. Provided, however, that the provisions herein  
369 shall not be construed to prohibit the rejection of a bid when  
370 only one (1) bid is received. Such rejection shall be placed in  
371 the minutes. For the purposes of this paragraph, the term  
372 "minority business" means a business which is owned by a person  
373 who is a citizen or lawful permanent resident of the United States  
374 and who is:

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

377 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,  
378 Central or South American, or other Spanish or Portuguese culture  
379 or origin regardless of race.

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

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

385 (v) Female.

386 \* \* \*

387 (3) No member of the Public Procurement Review Board shall  
388 use his official authority or influence to coerce, by threat of  
389 discharge from employment, or otherwise, the purchase of  
390 commodities or the contracting for public construction under this  
391 chapter.

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

394 7-9-151. There is hereby established in the State Treasury a  
395 revolving fund to be designated as the "Capital Improvements

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

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

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

426 (2) Expenses for preliminary studies and plans, to include  
427 appraisals and the purchase of options on real property, for  
428 projects the bureau may consider proposing to the Legislature for

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

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

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

461 (b) All state agencies, departments and institutions  
462 are hereby authorized and directed to cooperate with the  
463 Department of Finance and Administration in carrying out the  
464 provisions of this section.

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

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

483 (2) (a) In addition to any report required in subsection  
484 (1) of this section, the Department of Finance and Administration  
485 shall prepare and submit an annual report to the Legislative  
486 Budget Office, the House Public Buildings, Grounds and Lands  
487 Committee and the Senate Public Property Committee describing the  
488 proposed capital improvements projects for state agencies,  
489 departments and institutions for the upcoming five-year period.  
490 The Department of Finance and Administration shall not be required  
491 to include in the report any project costing less than Three  
492 Million Dollars (\$3,000,000.00). The department shall submit the

493 report before September 1 of each year. The report shall include  
494 at least the following information:

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

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

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

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

506 (v) A detailed statement of justification for each  
507 project;

508 (vi) The approximate cost for each project,  
509 including, but not limited to, itemized estimates of costs for  
510 preplanning, constructing, furnishing and equipping a project, and  
511 costs for property acquisition;

512 (vii) The estimated beginning date and completion  
513 date for each project;

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

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

521 (x) The proposed method of financing each project  
522 and the effect such financing will have on the state budget,  
523 including an estimate of any required debt service for the  
524 project, and an estimate of any federal funds or other funds that



525 the agency, department or institution may have access to because  
526 of the project; and

527 (xi) A list of the projects requested by each  
528 agency, department or institution for the five-year period, with  
529 each project ranked by the appropriate agency, department or  
530 institution on the basis of need.

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

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

541 31-11-30. (1) Every capital improvements project, costing  
542 Three Million Dollars (\$3,000,000.00) or more, which is developed  
543 to repair, renovate, construct, remodel, add to or improve a  
544 state-owned public building shall be funded by the Legislature in  
545 two (2) phases. The two-phase funding requirement shall not apply  
546 to capital improvements projects for a state-owned port or where  
547 the Legislature finds that an emergency or critical need must be  
548 met or a court order complied with. The two (2) phases shall not  
549 be funded in the same regular session of the Legislature. Each  
550 phase shall be funded in a separate session of the Legislature.  
551 Phase 1 shall be a preplanned capital improvements project budget  
552 projection for the project and shall be funded first. Phase 2  
553 shall be the actual repair, renovation, construction, remodeling,  
554 addition to or improvement of the state-owned public building and  
555 the acquisition of furniture and equipment for the capital  
556 improvements project and shall be funded second.

557           (2) For the purposes of this section, the term "preplanned"  
558 or "preplanning" means the preliminary planning that establishes  
559 the program, scope, design and budget for a capital improvements  
560 project.

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

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

574           (5) This section shall not apply to capital improvements  
575 projects authorized by the Legislature before the 2001 Regular  
576 Session of the Legislature.

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