

By: Representatives Moss, Bailey, Clarke,
Dedeaux, Hudson, Robinson (63rd), Rogers
(61st)

To: Public Property; Ways
and Means

HOUSE BILL NO. 1330
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 31-11-30, MISSISSIPPI CODE OF 1972,
2 TO DEFINE THE TERMS "EMERGENCY" AND "CRITICAL NEED" FOR THE
3 PURPOSES OF EXEMPTION FROM THE REQUIREMENT OF FUNDING CAPITAL
4 IMPROVEMENTS PROJECTS INVOLVING STATE BUILDINGS IN TWO PHASES; TO
5 PROVIDE THAT CONSTRUCTION PROJECTS FUNDED WITH STATE BOND FUNDS OR
6 OTHER STATE FUNDS AUTHORIZED FOR COMMUNITY AND JUNIOR COLLEGES
7 SHALL NOT BE ADMINISTERED THROUGH THE TWO-PHASE PLANNING PROCESS;
8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 31-11-30, Mississippi Code of 1972, is
11 amended as follows:

12 31-11-30. (1) Every capital improvements project for new
13 facilities, costing Two Million Dollars (\$2,000,000.00) or more,
14 which is developed to repair, renovate, construct, remodel, add to
15 or improve a state-owned public building shall be funded by the
16 Legislature in two (2) phases. The two-phase funding requirement
17 shall not apply to capital improvements projects for a state-owned
18 port or where the Legislature finds that an emergency or critical
19 need must be met or a court order complied with. The two (2)
20 phases shall not be funded in the same regular session of the
21 Legislature. Each phase shall be funded in a separate session of
22 the Legislature. Phase 1 shall be a preplanned capital
23 improvements project budget projection for the project and shall
24 be funded first. Phase 2 shall be the actual repair, renovation,
25 construction, remodeling, addition to or improvement of the
26 state-owned public building and the acquisition of furniture and
27 equipment for the capital improvements project and shall be funded
28 second.

29 (2) For the purposes of this section:

30 (a) "Preplanned" or "preplanning" means the preliminary
31 planning that establishes the program, scope, design and budget
32 for a capital improvements project.

33 (b) "Emergency" has the meaning as defined in Section
34 31-7-1.

35 (c) "Critical need" means necessary to meet
36 accreditation standards or necessary to respond to failures in
37 planning.

38 (3) Every state agency that plans to repair, renovate,
39 construct, remodel, add to or improve a state-owned public
40 building shall submit a preplanned capital improvements project
41 budget projection to the Bureau of Building, Grounds and Real
42 Property Management for evaluation. The bureau shall assess the
43 need for all preplanned projects submitted and shall compile a
44 report on its findings. Any capital improvements project for new
45 facilities costing less than Two Million Dollars (\$2,000,000.00)
46 shall not be required to be preplanned.

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

51 (5) This section shall not apply to capital improvements
52 projects authorized by the Legislature before the 2001 Regular
53 Session of the Legislature.

54 (6) This section shall not apply to any community or junior
55 college project funded in whole or in part by either state bonds
56 or funds appropriated for that construction by the Legislature.

57 **SECTION 2.** This act shall take effect and be in force from
58 and after July 1, 2007.