

By: Representatives Frierson, Turner

To: Appropriations

HOUSE BILL NO. 1070

1 AN ACT TO AMEND SECTION 27-103-303, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE USE OF THE CAPITAL EXPENSE FUND SHALL ALSO
3 INCLUDE REPAIR AND RENOVATION OF INSTITUTIONS OF HIGHER LEARNING
4 AND COMMUNITY AND JUNIOR COLLEGES; TO EXPAND THE PURPOSES FOR
5 WHICH MONIES IN THE FUND MAY BE USED; TO MANDATE THAT THE
6 LEGISLATURE APPROPRIATE CERTAIN LEVELS OF FUNDING WHEN THE
7 UNENCUMBERED BALANCE IN THE FUND AT THE END OF A FISCAL YEAR IS
8 LESS THAN A CERTAIN AMOUNT; TO ALLOW THE BUREAU OF BUILDING,
9 GROUNDS AND REAL PROPERTY MANAGEMENT TO SUBALLOCATE AND TRANSFER
10 CERTAIN AMOUNTS TO INSTITUTIONS OF HIGHER LEARNING, COMMUNITY AND
11 JUNIOR COLLEGES, THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT
12 OF WILDLIFE, FISHERIES AND PARKS IF THE SPECIAL FUND REACHES
13 CERTAIN LEVELS; TO PROVIDE THAT SUCH FUNDS MAY NOT BE EXPENDED FOR
14 ANY PURPOSE OTHER THAN AUTHORIZED REPAIR, RENOVATION AND
15 IMPROVEMENT PROJECTS; TO PROVIDE THAT IF THE FUNDS ARE NOT
16 EXPENDED WITHIN THE FISCAL YEAR RECEIVED, THE APPLICABLE
17 INSTITUTION, COLLEGE OR AGENCY SHALL RETURN SAME TO THE SPECIAL
18 FUND; TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO
19 IMPOSE REPORTING REQUIREMENTS ON THE INSTITUTIONS, COLLEGES AND
20 AGENCIES RECEIVING MONIES FROM THE SPECIAL FUND; TO AMEND SECTION
21 31-11-27, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF
22 FINANCE AND ADMINISTRATION TO SUBMIT AN ANNUAL REPORT TO THE
23 LEGISLATURE DESCRIBING WITH SPECIFICITY ALL REPAIR AND RENOVATION
24 PROJECTS FUNDED BY THE SPECIAL FUND; TO BRING FORWARD SECTION
25 29-17-4, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
26 AMENDMENT; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** Section 27-103-303, Mississippi Code of 1972, is
29 amended as follows:



27-103-303. (1) There is created in the State Treasury a special fund, separate and apart from any other fund, to be designated the Capital Expense Fund.

(2) The Capital Expense Fund shall not be considered as a surplus or available funds when adopting a balanced budget as required by law. The State Treasurer shall invest all sums in the Capital Expense Fund not needed for the purposes provided for in this section in certificates of deposit, repurchase agreements and other securities as authorized in Section 27-105-33(d) or 7-9-103, as the State Treasurer may determine to yield the highest market rate available. Interest earned on this fund shall be deposited by the State Treasurer into the State General Fund.

(3) The Capital Expense Fund shall be used for capital expense needs * * * and repair and renovation of state-owned properties * * *, including those facilities under the control of the institutions of higher learning and those facilities owned by the community and junior colleges. Money in the special fund shall be appropriated by the Legislature and allocated by the Bureau of Building, Grounds and Real Property Management, Department of Finance and Administration, for repair, renovation and improvements, including site and utility infrastructure projects; general repairs and renovations; code compliance; weatherization and roofing; demolition; environmental, heating ventilation and air conditioning systems; and the replacement of furniture and equipment. However, the funds to be provided from



this special fund for the cost of such repair, renovation and improvement for any one (1) project shall not exceed Three Million Dollars (\$3,000,000.00). For the purposes of this section, the term "furniture and equipment" shall be limited to the types of furniture and equipment items previously recorded in the agency's/institution's inventory.

(4) In addition to the purposes specified in subsection (3) of this section, the Capital Expense Fund shall be used to provide funds for emergency repairs on state-owned buildings, upon requisition of the Director of the Department of Finance and Administration. Whenever the director determines that funds are immediately needed for emergency repairs on state-owned buildings, he shall requisition the funds needed from the Capital Expense Fund, which shall be subject to the limitations set forth in this subsection. At the same time he makes the requisition, the director shall notify the Lieutenant Governor, the Speaker of the House of Representatives, the respective Chairmen of the Senate Appropriations Committee, the Senate Finance Committee, the House Appropriations Committee and the House Ways and Means Committee and the Legislative Budget Office of his determination of the need for the funds, the amount that he has requisitioned and where the funds will be used. If the amount requisitioned is available in the Capital Expense Fund, is not allocated for any specific projects as authorized in subsection (3) of this section and is within the limitations set forth below in this subsection, then



80 the director may escalate the budget of the Bureau of Building,
81 Grounds and Real Property Management to use the full amount of the
82 requisitioned funds for the emergency repairs, and transfer that
83 amount to the bureau for that purpose. If the amount
84 requisitioned is more than the amount available in the Capital
85 Expense Fund or above the limitations set forth below in this
86 subsection, then the director may escalate the budget of the
87 bureau to use the amount that is available within the limitations
88 for the emergency repairs, and transfer that amount to the bureau
89 for that purpose. The maximum amount that may be transferred from
90 the Capital Expense Fund to the bureau for any single emergency
91 shall be Five Hundred Thousand Dollars (\$500,000.00), and the
92 maximum amount that may be transferred to the bureau for all
93 emergencies during any fiscal year shall be Two Million Dollars
94 (\$2,000,000.00).

95 (5) Funds deposited in the Capital Expense Fund shall be
96 used only for the purposes specified in this section, and as long
97 as the provisions of this section remain in effect, no other
98 expenditure, appropriation or transfer of funds in the Capital
99 Expense Fund shall be made except by act of the Legislature making
100 specific reference to the Capital Expense Fund as the source of
101 those funds.

102 (6) Unexpended funds in the Capital Expense Fund at the end
103 of a fiscal year shall not lapse into the State General Fund but
104 shall remain in the fund for use under this section.



(7) In fiscal year 2009, the provisions of this section shall not be applicable until the Working Cash-Stabilization Fund, created in Section 27-103-203, balance has reached a level of funding that is seven and one-half percent (7-1/2%) of the General Fund appropriations for such fiscal year.

(8) If the unencumbered balance at the end of the fiscal year of the Capital Expense Fund is less than an amount equal to:

(a) Two-tenths of one percent (0.2%) of the state inventory of building replacement value for fiscal year 2013, the Legislature shall appropriate such amount to achieve this balance in the subsequent fiscal year.

(b) Two and one-half tenths of one percent (0.25%) of the state inventory of building replacement value for fiscal year 2014, the Legislature shall appropriate such amount to achieve this balance in the subsequent fiscal year.

(c) Three-tenths of one percent (0.3%) of the state inventory of building replacement value for fiscal year 2015, the Legislature shall appropriate such amount to achieve this balance in the subsequent fiscal year.

(d) Four-tenths of one percent (0.4%) of the state inventory of building replacement value for fiscal year 2016, the Legislature shall appropriate such amount to achieve this balance in the subsequent fiscal year.

(e) Five-tenths of one percent (0.5%) of the state inventory of building replacement value for fiscal year 2017, the



Legislature shall appropriate such amount to achieve this balance
in the subsequent fiscal year.

(f) Six-tenths of one percent (0.6%) of the state
inventory of building replacement value for fiscal year 2018, the
Legislature shall appropriate such amount to achieve this balance
in the subsequent fiscal year.

(g) Seven-tenths of one percent (0.7%) of the state
inventory of building replacement value for fiscal year 2019, the
Legislature shall appropriate such amount to achieve this balance
in the subsequent fiscal year.

(h) Eight-tenths of one percent (0.8%) of the state
inventory of building replacement value for fiscal year 2020, the
Legislature shall appropriate such amount to achieve this balance
in the subsequent fiscal year.

(i) Nine-tenths of one percent (0.9%) of the state
inventory of building replacement value for fiscal year 2021, the
Legislature shall appropriate such amount to achieve this balance
in the subsequent fiscal year.

(j) One percent (1%) of the state inventory of building
replacement value for fiscal year 2022 and thereafter, the
Legislature shall appropriate such amount to achieve this balance
in the subsequent fiscal year.

(9) At the start of fiscal year 2017, of the monies in the
special fund, the Bureau of Building, Grounds and Real Property
Management may suballocate and transfer amounts as follows:



155 (a) To each of the institutions of higher learning an
156 amount not to exceed two-tenths of one percent (0.2%) of their
157 respective state inventory of building replacement value for that
158 fiscal year.

159 (b) To each of the community and junior colleges an
160 amount not to exceed two-tenths of one percent (0.2%) of their
161 respective state inventory of building replacement value for that
162 fiscal year.

163 (c) Any institution or agency that fails to comply with
164 the reporting requirement of Section 31-11-3(8) shall be
165 ineligible to receive funds under this subsection.

166 (d) No funds so transferred shall be expended upon
167 agency/institution administrative costs, including, but not
168 limited to, agency/institution employee salaries or travel.

169 (e) Use of funds so transferred is limited to the types
170 of repair, renovation and improvement projects identified in
171 subsection (3) of this section.

172 (f) Any funds so transferred that are not expended
173 within the fiscal year received shall be returned to the Capital
174 Expense Fund unless such funds are specifically reappropriated by
175 the Legislature to that agency/institution.

176 (10) At the start of fiscal year 2018, of the monies in the
177 special fund, the Bureau of Building, Grounds and Real Property
178 Management may suballocate and transfer amounts as follows:



179 (a) To each of the institutions of higher learning an
180 amount not to exceed three-tenths of one percent (0.3%) of their
181 respective state inventory of building replacement value for that
182 fiscal year.

183 (b) To each of the community and junior colleges an
184 amount not to exceed three-tenths of one percent (0.3%) of their
185 respective state inventory of building replacement value for that
186 fiscal year.

187 (c) To the Mississippi Department of Corrections an
188 amount not to exceed three-tenths of one percent (0.3%) of their
189 state inventory of building replacement value for that fiscal
190 year.

191 (d) Any institution or agency that fails to comply with
192 the reporting requirement of Section 31-11-3(8) shall be
193 ineligible to receive funds under this subsection.

194 (e) Any institution or agency that received but failed
195 to fully expend funds received at the start of the previous fiscal
196 year shall be ineligible to receive funds under this subsection
197 for the subsequent fiscal year.

198 (f) No funds so transferred shall be expended upon
199 agency/institution administrative costs, including, but not
200 limited to, agency/institution employee salaries or travel.

201 (g) Use of funds so transferred is limited to the types
202 of repair, renovation and improvement projects identified in
203 subsection (3) of this section.



204 (h) Any funds so transferred that are not expended
205 within the fiscal year received shall be returned to the Capital
206 Expense Fund unless such funds are specifically reappropriated by
207 the Legislature to that agency/institution.

208 (11) At the start of fiscal year 2019, of the monies in the
209 special fund, the Bureau of Building, Grounds and Real Property
210 Management may suballocate and transfer amounts as follows:

211 (a) To each of the institutions of higher learning an
212 amount not to exceed four-tenths of one percent (0.4%) of their
213 respective state inventory of building replacement value for that
214 fiscal year.

215 (b) To each of the community and junior colleges an
216 amount not to exceed four-tenths of one percent (0.4%) of their
217 respective state inventory of building replacement value for that
218 fiscal year.

219 (c) To the Mississippi Department of Corrections an
220 amount not to exceed four-tenths of one percent (0.4%) of their
221 state inventory of building replacement value for that fiscal
222 year.

223 (d) To the Mississippi Department of Wildlife,
224 Fisheries and Parks an amount not to exceed four-tenths of one
225 percent (0.4%) of their state inventory of building replacement
226 value for that fiscal year.



227 (e) Any institution or agency that fails to comply with
228 the reporting requirement of Section 31-11-3(8) shall be
229 ineligible to receive funds under this subsection.

230 (f) Any institution or agency that received but failed
231 to fully expend funds received at the start of the previous fiscal
232 year shall be ineligible to receive funds under this subsection
233 for the subsequent fiscal year.

234 (g) No funds so transferred shall be expended upon
235 agency/institution administrative costs, including, but not
236 limited to, agency/institution employee salaries or travel.

237 (h) Use of funds so transferred is limited to the types
238 of repair, renovation and improvement projects identified in
239 subsection (3) of this section.

240 (i) Any funds so transferred that are not expended
241 within the fiscal year received shall be returned to the Capital
242 Expense Fund unless such funds are specifically reappropriated by
243 the Legislature to that agency/institution.

244 (12) At the start of each fiscal year, beginning in fiscal
245 year 2020 and thereafter, of the monies in the special fund, the
246 Bureau of Building, Grounds and Real Property Management may
247 suballocate and transfer amounts as follows:

248 (a) To each of the institutions of higher learning an
249 amount not to exceed five-tenths of one percent (0.5%) of their
250 respective state inventory of building replacement value for that
251 fiscal year.



252 (b) To each of the community and junior colleges an
253 amount not to exceed five-tenths of one percent (0.5%) of their
254 respective state inventory of building replacement value for that
255 fiscal year.

256 (c) To the Mississippi Department of Corrections an
257 amount not to exceed five-tenths of one percent (0.5%) of their
258 state inventory of building replacement value for that fiscal
259 year.

260 (d) To the Mississippi Department of Wildlife,
261 Fisheries and Parks an amount not to exceed five-tenths of one
262 percent (0.5%) of their state inventory of building replacement
263 value for that fiscal year.

264 (e) Any institution or agency that fails to comply with
265 the reporting requirement of Section 31-11-3(8) shall be
266 ineligible to receive funds under this subsection.

267 (f) Any institution or agency that received but failed
268 to fully expend funds received at the start of the previous fiscal
269 year shall be ineligible to receive funds under this subsection
270 for the subsequent fiscal year.

271 (g) No funds so transferred shall be expended upon
272 agency/institution administrative costs, including, but not
273 limited to, agency/institution employee salaries or travel.

274 (h) Use of funds so transferred is limited to the types
275 of repair, renovation and improvement projects identified in
276 subsection (3) of this section.



(i) Any funds so transferred that are not expended within the fiscal year received shall be returned to the Capital Expense Fund unless such funds are specifically reappropriated by the Legislature to that agency/institution.

SECTION 2. Section 31-11-3, Mississippi Code of 1972, is amended as follows:

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

(2) The department shall have full power to erect buildings, make repairs, additions or improvements, demolitions, to grant or acquire easements or rights-of-way, and to buy materials, supplies and equipment for any of the institutions or departments of the state subject to the regulations adopted by the Public Procurement



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

(a) Build a state office building;

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

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

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

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

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



326 (g) Construct a sewage disposal and treatment plant at
327 the Mississippi State Hospital, and in so doing acquire additional
328 land as may be necessary, and to exercise the right of eminent
329 domain in the acquisition of this land;

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

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

335 (j) Build and equip a gymnasium at Columbia Training
336 School;

337 (k) Approve or disapprove the expenditure of any money
338 appropriated by the Legislature when authorized by the bill making
339 the appropriation;

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

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

349 (n) Collect and receive from educational institutions
350 of the State of Mississippi monies required to be paid by these



institutions to the state in carrying out any veterans' educational programs;

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

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

(q) In consultation with and approval by the Chairmen of the Public Property Committees of the Senate and the House of Representatives, enter into contracts for the purpose of providing parking spaces for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building. The provisions of this paragraph (q) shall stand repealed on July 1, 2014.

(3) The department shall survey state-owned and state-utilized buildings to establish an estimate of the costs of architectural alterations, pursuant to the Americans With Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The



department shall establish priorities for making the identified architectural alterations and shall make known to the Legislative Budget Office and to the Legislature the required cost to effectuate such alterations. To meet the requirements of this section, the department shall use standards of accessibility that are at least as stringent as any applicable federal requirements and may consider:

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

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

(c) Design manuals;

(d) Applicable federal guidelines;

(e) Current literature in the field;

(f) Applicable safety standards; and

(g) Any applicable environmental impact statements.

(4) The department shall observe the provisions of Section 31-5-23, in letting contracts and shall use Mississippi products, including paint, varnish and lacquer which contain as vehicles tung oil and either ester gum or modified resin (with rosin as the principal base of constituents), and turpentine shall be used as a solvent or thinner, where these products are available at a cost



not to exceed the cost of products grown, produced, prepared, made
or manufactured outside of the State of Mississippi.

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

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

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



(8) The department shall have the authority to obtain annually from the state institutions of higher learning, community and junior colleges, the Department of Corrections and the Department of Wildlife, Fisheries and Parks, information on all building, construction and renovation projects including duties, responsibilities and costs of any architect or engineer hired by any such institutions.

(9) As an alternative to other methods of awarding contracts as prescribed by law, the department may elect to use the method of contracting for construction projects set out in Sections 31-7-13.1 and 31-7-13.2; however, the dual-phase design-build method of construction contracting authorized under Section 31-7-13.1 may be used only when the Legislature has specifically required or authorized the use of this method in the legislation authorizing a project.

(10) The department shall have the authority, for the purposes of carrying out the provisions of this chapter, and in addition to all other rights and powers granted by law, to create and maintain a list of suspended and debarred contractors and subcontractors. Consistent with this authority, the department may adopt regulations governing the suspension or debarment of contractors and subcontractors, which regulations shall be subject to the approval of the Public Procurement Review Board. A suspended or debarred contractor or subcontractor shall be disqualified from consideration for contracts with the department



during the suspension or debarment period in accordance with the department's regulations.

(11) This section shall not apply to the Mississippi State Port Authority.

SECTION 3. Section 31-11-27, Mississippi Code of 1972, is amended as follows:

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

(b) All state agencies, departments and institutions are hereby authorized and directed to cooperate with the



475 Department of Finance and Administration in carrying out the
476 provisions of this section.

477 (c) The Department of Finance and Administration shall
478 submit a detailed report to the Legislative Budget Office on or
479 before September first of each year. Such report shall be in such
480 detail and in such form as may be prescribed by the Legislative
481 Budget Office.

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

495 (2) (a) In addition to any report required in subsection
496 (1) of this section, the Department of Finance and Administration
497 shall prepare and submit an annual report to the Legislative
498 Budget Office, the House Public Buildings, Grounds and Lands
499 Committee and the Senate Public Property Committee describing the



500 proposed capital improvements projects for state agencies,
501 departments and institutions for the upcoming five-year period.
502 The Department of Finance and Administration shall not be required
503 to include in the report any project costing less than One Million
504 Dollars (\$1,000,000.00). The department shall submit the report
505 before September 1 of each year. The report shall include at
506 least the following information:

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

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

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

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

518 (v) A detailed statement of justification for each
519 project;

520 (vi) The approximate cost for each project,
521 including, but not limited to, itemized estimates of costs for
522 preplanning, constructing, furnishing and equipping a project, and
523 costs for property acquisition;



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

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

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

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

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

(b) To enable the Department of Finance and Administration to prepare the report required in this subsection (2), it may require all state agencies, departments and institutions to file a capital improvements projects request with such information and in such form and in such detail as the department may deem necessary and advisable. Such request shall



be filed with the Department of Finance and Administration no later than August 1 of each year.

(3) In addition to any report required in subsection (1) of this section, the Department of Finance and Administration shall prepare and submit an annual report to the Legislative Budget Office, the House Public Buildings, Grounds and Lands Committee and the Senate Public Property Committee describing all repair and renovation projects funded by the Capital Expense Fund as well as all repair and renovation projects regardless of source of funds required to be reported under Section 31-11-3(8) for that fiscal year. The department shall submit the report before September 1 of each year. The report shall include at least the following information for each institution/agency receiving such funds:

- (a) Name of each project;
- (b) Scope of each project;
- (c) Total budget of each project;
- (d) Name of prime professional for each project if applicable;
- (e) Funds expended for current fiscal year for each project; and
- (f) Source of other project funds if applicable.

SECTION 4. Section 29-17-4, Mississippi Code of 1972, is brought forward as follows:

29-17-4. There is hereby created in the State Treasury a special fund to be designated as the "State Agency Repair and



Renovation Fund" which shall consist of monies appropriated or otherwise made available therefor by the Legislature. Interest earned on monies in the special fund shall be deposited to the credit of such fund and money shall not lapse at the end of the fiscal year into the State General Fund. Money in the special fund shall be appropriated by the Legislature and allocated by the Bureau of Building, Grounds and Real Property Management, Department of Finance and Administration, for the repair, renovation and improvement of existing facilities owned by the State of Mississippi, except for those facilities under the control of the institutions of higher learning and those facilities owned by the community and junior colleges. Such repair, renovation and improvements shall include utility infrastructure projects; heating, ventilation and air conditioning systems; and the replacement of furniture and equipment owned by the State of Mississippi. However, the cost of such repair, renovation and improvement for any one project shall not exceed One Million Dollars (\$1,000,000.00). For the purposes of this section, the term "furniture and equipment" shall be limited to the types of furniture and equipment items previously recorded in the agency's inventory.

SECTION 5. This act shall take effect and be in force from and after July 1, 2013.

