

By: Brown

To: Public Buildings,  
Grounds and LandsHOUSE BILL NO. 1305  
(As Passed the House)

1 AN ACT TO AMEND SECTION 31-11-27, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO PREPARE  
3 AND FILE AN ANNUAL REPORT WITH THE LEGISLATIVE BUDGET OFFICE, THE  
4 HOUSE PUBLIC BUILDINGS, GROUNDS AND LANDS COMMITTEE AND THE SENATE  
5 PUBLIC PROPERTY COMMITTEE DESCRIBING THE PROPOSED FIVE-YEAR  
6 CAPITAL NEEDS OF STATE AGENCIES; TO PROVIDE CERTAIN INFORMATION  
7 THAT SUCH REPORT MUST CONTAIN; TO PROVIDE THAT STATE CAPITAL  
8 IMPROVEMENTS PROJECTS COSTING ONE MILLION DOLLARS OR MORE SHALL BE  
9 FUNDED BY THE LEGISLATURE IN TWO PHASES; TO DEFINE EACH PHASE; TO  
10 PROVIDE THAT EACH PHASE SHALL BE FUNDED IN SEPARATE SESSIONS OF  
11 THE LEGISLATURE; TO EXEMPT CERTAIN PROJECTS FROM SUCH  
12 REQUIREMENTS; TO REQUIRE ALL STATE AGENCIES WHICH PLAN TO  
13 UNDERTAKE A CAPITAL IMPROVEMENTS PROJECT TO SUBMIT A PREPLANNED  
14 CAPITAL IMPROVEMENTS PROJECT PROJECTION TO THE BUREAU OF BUILDING,  
15 GROUNDS AND REAL PROPERTY MANAGEMENT FOR EVALUATION; TO PROVIDE  
16 THAT ANY PROJECT COSTING UNDER ONE MILLION DOLLARS SHALL NOT BE  
17 REQUIRED TO BE PREPLANNED; AND FOR RELATED PURPOSES.

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

20 SECTION 1. Section 31-11-27, Mississippi Code of 1972, is  
21 amended as follows:[LH1]

22 31-11-27. (1) (a) The Department of Finance and  
23 Administration shall conduct a detailed study of the building and  
24 other capital needs at each state institution and at each junior  
25 college immediately prior to September first in each year. This  
26 study shall include, but shall not be limited to, the following  
27 matters: (i) an inventory of every state building and other  
28 capital facility which is the property of the State of  
29 Mississippi; (ii) the location, date of construction or  
30 acquisition, the purpose for which used, outstanding indebtedness  
31 against such facility, if any, and cost of repairs for the  
32 preceding fiscal year; (iii) an examination of the condition of  
33 the building or other facility; (iv) an estimate of the cost of  
34 repairs required to place the facility in good condition; (v) an

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

39 (b) All state agencies, departments and institutions  
40 are hereby authorized and directed to cooperate with the  
41 Department of Finance and Administration in carrying out the  
42 provisions of this section.

43 (c) The Department of Finance and Administration shall  
44 submit a detailed report to the Legislative Budget Office on or  
45 before September first of each year. Such report shall be in such  
46 detail and in such form as may be prescribed by the Legislative  
47 Budget Office.

48 (d) The architect or building inspector of the  
49 Department of Finance and Administration shall make a biennial  
50 inspection of the New Capitol, Old Capitol, Woolfolk State Office  
51 Building, War Memorial Building, the Governor's Mansion, and all  
52 other buildings under jurisdiction of the Department of Finance  
53 and Administration for structural or other physical needs or  
54 defects of such buildings, and he shall further inquire of the  
55 department or its representatives regarding the condition of the  
56 buildings. He shall make a written report of his finding to the  
57 Department of Finance and Administration, Governor, Lieutenant  
58 Governor and Speaker of the House of Representatives. The report  
59 shall also make recommendations for repairs and list, by number,  
60 the priority which should be given to making necessary repairs.

61 (2) (a) In addition to any report required in subsection  
62 (1) of this section, the Department of Finance and Administration  
63 shall prepare and submit an annual report to the Legislative  
64 Budget Office, the House Public Buildings, Grounds and Lands  
65 Committee and the Senate Public Property Committee describing the  
66 proposed capital improvements projects for state agencies,

67 departments and institutions for the upcoming five-year period.  
68 The Department of Finance and Administration shall not be required  
69 to include in the report any project costing less than One Million  
70 Dollars (\$1,000,000.00). The department shall submit the report  
71 before September 1 of each year. The report shall include at  
72 least the following information:

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

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

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

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

84 (v) A detailed statement of justification for each  
85 project;

86 (vi) The approximate cost for each project,  
87 including, but not limited to, itemized estimates of costs for  
88 preplanning, constructing, furnishing and equipping a project, and  
89 costs for property acquisition;

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

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

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

99 (x) The proposed method of financing each project

100 and the effect such financing will have on the state budget,  
101 including an estimate of any required debt service for the  
102 project, and an estimate of any federal funds or other funds that  
103 the agency, department or institution may have access to because  
104 of the project; and

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

109 (b) To enable the Department of Finance and  
110 Administration to prepare the report required in this subsection  
111 (2), it may require all state agencies, departments and  
112 institutions to file a capital improvements projects request with  
113 such information and in such form and in such detail as the  
114 department may deem necessary and advisable. Such request shall  
115 be filed with the Department of Finance and Administration no  
116 later than August 1 of each year.

117 SECTION 2. (1) Every capital improvements project, costing  
118 One Million Dollars (\$1,000,000.00) or more, which is developed to  
119 repair, renovate, construct, remodel, add to or improve a  
120 state-owned public building shall be funded by the Legislature in  
121 two (2) phases. The two-phase funding requirement shall not apply  
122 to capital improvements projects for a state-owned port or where  
123 the Legislature finds that an emergency or critical need must be  
124 met or a court order complied with. The two (2) phases shall not  
125 be funded in the same regular session of the Legislature. Each  
126 phase shall be funded in a separate session of the Legislature.  
127 Phase 1 shall be a preplanned capital improvements project budget  
128 projection for the project and shall be funded first. Phase 2  
129 shall be the actual repair, renovation, construction, remodeling,  
130 addition to or improvement of the state-owned public building and  
131 the acquisition of furniture and equipment for the capital  
132 improvements project and shall be funded second.

133           (2) For the purposes of this section, the term "preplanned"  
134 or "preplanning" means the preliminary planning that establishes  
135 the program, scope, design and budget for a capital improvements  
136 project.

137           (3) Every state agency that plans to repair, renovate,  
138 construct, remodel, add to or improve a state-owned public  
139 building shall submit a preplanned capital improvements project  
140 budget projection to the Bureau of Building, Grounds and Real  
141 Property Management for evaluation. The bureau shall assess the  
142 need for all preplanned projects submitted and shall compile a  
143 report on its findings. Any capital improvements project costing  
144 less than One Million Dollars (\$1,000,000.00) shall not be  
145 required to be preplanned.

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

150           SECTION 3. This act shall take effect and be in force from  
151 and after July 1, 2000.