

By: Gordon, Jackson

To: Appropriations

SENATE BILL NO. 2943  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 7-9-151, 7-9-153 AND 7-9-155,  
2 MISSISSIPPI CODE OF 1972, TO REVISE THE PURPOSES FOR WHICH FUNDS  
3 IN THE CAPITAL IMPROVEMENTS PREPLANNING FUND MAY BE EXPENDED; TO  
4 PROVIDE THAT SECTIONS 7-9-151 THROUGH 7-9-159, MISSISSIPPI CODE OF  
5 1972, SHALL BE REPEALED FROM AND AFTER JULY 1, 2003; TO AMEND  
6 SECTION 31-11-27, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
7 DEPARTMENT OF FINANCE AND ADMINISTRATION TO PREPARE AND FILE AN  
8 ANNUAL REPORT WITH THE LEGISLATIVE BUDGET OFFICE, THE HOUSE PUBLIC  
9 BUILDINGS, GROUNDS AND LANDS COMMITTEE AND THE SENATE PUBLIC  
10 PROPERTY COMMITTEE DESCRIBING THE PROPOSED FIVE-YEAR CAPITAL NEEDS  
11 OF STATE AGENCIES; TO PROVIDE CERTAIN INFORMATION THAT SUCH REPORT  
12 MUST CONTAIN; TO PROVIDE THAT STATE CAPITAL IMPROVEMENTS PROJECTS  
13 COSTING ONE MILLION DOLLARS OR MORE SHALL BE FUNDED BY THE  
14 LEGISLATURE IN TWO PHASES; TO DEFINE EACH PHASE; TO PROVIDE THAT  
15 EACH PHASE SHALL BE FUNDED IN SEPARATE SESSIONS OF THE  
16 LEGISLATURE; TO EXEMPT CERTAIN PROJECTS FROM SUCH REQUIREMENTS; TO  
17 REQUIRE ALL STATE AGENCIES WHICH PLAN TO UNDERTAKE A CAPITAL  
18 IMPROVEMENTS PROJECT TO SUBMIT A PREPLANNED CAPITAL IMPROVEMENTS  
19 PROJECT PROJECTION TO THE BUREAU OF BUILDING, GROUNDS AND REAL  
20 PROPERTY MANAGEMENT FOR EVALUATION; TO PROVIDE THAT ANY PROJECT  
21 COSTING UNDER ONE MILLION DOLLARS SHALL NOT BE REQUIRED TO BE  
22 PREPLANNED; AND FOR RELATED PURPOSES.

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

24 SECTION 1. Section 7-9-151, Mississippi Code of 1972, is  
25 amended as follows:[LH1]

26 7-9-151. There is hereby established in the State Treasury a  
27 revolving fund to be designated as the "Capital Improvements  
28 Preplanning Fund" which shall consist of monies appropriated or  
29 otherwise made available therefor by the Legislature. Such funds  
30 as may be deposited in the revolving fund may be expended by the  
31 Bureau of Building, Grounds and Real Property Management to obtain  
32 preliminary studies and plans for projects authorized by the  
33 Legislature. Funds also may be expended, in an amount not to  
34 exceed Two Hundred Thousand Dollars (\$200,000.00) for any project,  
35 for the purpose of obtaining preliminary studies and plans, to  
36 include appraisals and the purchase of options on real property,

37 for projects the bureau may consider proposing to the Legislature  
38 for authorization. The bureau shall consider architectural and  
39 aesthetic compatibility in the preplanning of any project  
40 conducted using money from the Capital Improvements Preplanning  
41 Fund.

42 SECTION 2. Section 7-9-153, Mississippi Code of 1972, is  
43 amended as follows:[LH2]

44 7-9-153. (1) All expenses for preplanning projects  
45 authorized by the Legislature shall be paid upon warrants drawn on  
46 the Capital Improvement Preplanning Fund created pursuant to this  
47 act. The Department of Finance and Administration shall issue  
48 warrants upon requisitions signed by the Director of the Bureau of  
49 Building, Grounds and Real Property Management. Such requisitions  
50 shall set forth the name of the project and estimated cost of the  
51 project, and the total of prior expenditures for such project.  
52 The Department of Finance and Administration shall not issue a  
53 warrant against the Capital Improvements Preplanning Fund if the  
54 total amount expended for preliminary study and planning on the  
55 project exceeds two percent (2%) of the estimated cost of such  
56 project or appraised price of the proposed property.

57 (2) Expenses for preliminary studies and plans, to include  
58 appraisals and the purchase of options on real property, for  
59 projects the bureau may consider proposing to the Legislature for  
60 authorization shall be paid upon warrants drawn on the Capital  
61 Improvements Preplanning Fund created pursuant to Sections 7-9-151  
62 through 7-9-159. The Department of Finance and Administration  
63 shall issue warrants upon requisitions signed by the Director of  
64 the Bureau of Building, Grounds and Real Property Management.  
65 Such requisitions shall set forth the name of the project and  
66 estimated cost of the project, and the total of prior expenditures  
67 for such project. The Department of Finance and Administration  
68 shall not issue a warrant against the Capital Improvements  
69 Preplanning Fund for a project if the total amount expended for  
70 preliminary studies and plans, to include appraisals and the  
71 purchase of options on real property, for the project exceeds Two  
72 Hundred Thousand Dollars (\$200,000.00).

73 SECTION 3. Section 7-9-155, Mississippi Code of 1972, is

74 amended as follows:[LH3]

75 7-9-155. Upon the appropriation of funds or the sale of  
76 bonds to fund any project authorized by the Legislature for which  
77 planning funds have been expended under the provisions of Sections  
78 7-9-151 through 7-9-159, the Director of the Bureau of Building,  
79 Grounds and Real Property Management shall requisition such amount  
80 as has been expended for preliminary planning to be transferred  
81 from the available funds for such project to the Capital  
82 Improvements Preplanning Fund and the Department of Finance and  
83 Administration shall make such transfer.

84 SECTION 4. Sections 7-9-151 through 7-9-159, Mississippi  
85 Code of 1972, shall be repealed from and after July 1, 2003.

86 SECTION 5. Section 31-11-27, Mississippi Code of 1972, is  
87 amended as follows:[LH4]

88 31-11-27. (1) (a) The Department of Finance and  
89 Administration shall conduct a detailed study of the building and  
90 other capital needs at each state institution and at each junior  
91 college immediately prior to September first in each year. This  
92 study shall include, but shall not be limited to, the following  
93 matters: (i) an inventory of every state building and other  
94 capital facility which is the property of the State of  
95 Mississippi; (ii) the location, date of construction or  
96 acquisition, the purpose for which used, outstanding indebtedness  
97 against such facility, if any, and cost of repairs for the  
98 preceding fiscal year; (iii) an examination of the condition of  
99 the building or other facility; (iv) an estimate of the cost of  
100 repairs required to place the facility in good condition; (v) an  
101 estimate of the cost of major renovations, if contemplated; and  
102 (vi) a determination of the new building and other facility needs  
103 of each institution with such needs classified under immediate or  
104 long range requirements.

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

107 Department of Finance and Administration in carrying out the  
108 provisions of this section.

109         (c) The Department of Finance and Administration shall  
110 submit a detailed report to the Legislative Budget Office on or  
111 before September first of each year. Such report shall be in such  
112 detail and in such form as may be prescribed by the Legislative  
113 Budget Office.

114         (d) The architect or building inspector of the  
115 Department of Finance and Administration shall make a biennial  
116 inspection of the New Capitol, Old Capitol, Woolfolk State Office  
117 Building, War Memorial Building, the Governor's Mansion, and all  
118 other buildings under jurisdiction of the Department of Finance  
119 and Administration for structural or other physical needs or  
120 defects of such buildings, and he shall further inquire of the  
121 department or its representatives regarding the condition of the  
122 buildings. He shall make a written report of his finding to the  
123 Department of Finance and Administration, Governor, Lieutenant  
124 Governor and Speaker of the House of Representatives. The report  
125 shall also make recommendations for repairs and list, by number,  
126 the priority which should be given to making necessary repairs.

127         (2) (a) In addition to any report required in subsection  
128 (1) of this section, the Department of Finance and Administration  
129 shall prepare and submit an annual report to the Legislative  
130 Budget Office, the House Public Buildings, Grounds and Lands  
131 Committee and the Senate Public Property Committee describing the  
132 proposed capital improvements projects for state agencies,  
133 departments and institutions for the upcoming five-year period.  
134 The Department of Finance and Administration shall not be required  
135 to include in the report any project costing less than One Million  
136 Dollars (\$1,000,000.00). The department shall submit the report  
137 before September 1 of each year. The report shall include at  
138 least the following information:

139         (i) A prioritized list of the projects proposed

140 for the five-year period, with each project ranked on the basis of  
141 need;

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

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

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

150 (v) A detailed statement of justification for each  
151 project;

152 (vi) The approximate cost for each project,  
153 including, but not limited to, itemized estimates of costs for  
154 preplanning, constructing, furnishing and equipping a project, and  
155 costs for property acquisition;

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

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

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

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

171 (xi) A list of the projects requested by each  
172 agency, department or institution for the five-year period, with

173 each project ranked by the appropriate agency, department or  
174 institution on the basis of need.

175 (b) To enable the Department of Finance and  
176 Administration to prepare the report required in this subsection  
177 (2), it may require all state agencies, departments and  
178 institutions to file a capital improvements projects request with  
179 such information and in such form and in such detail as the  
180 department may deem necessary and advisable. Such request shall  
181 be filed with the Department of Finance and Administration no  
182 later than August 1 of each year.

183 SECTION 6. (1) Every capital improvements project, costing  
184 One Million Dollars (\$1,000,000.00) or more, which is developed to  
185 repair, renovate, construct, remodel, add to or improve a  
186 state-owned public building shall be funded by the Legislature in  
187 two (2) phases. The two-phase funding requirement shall not apply  
188 to capital improvements projects for a state-owned port or where  
189 the Legislature finds that an emergency or critical need must be  
190 met or a court order complied with. The two (2) phases shall not  
191 be funded in the same regular session of the Legislature. Each  
192 phase shall be funded in a separate session of the Legislature.  
193 Phase 1 shall be a preplanned capital improvements project budget  
194 projection for the project and shall be funded first. Phase 2  
195 shall be the actual repair, renovation, construction, remodeling,  
196 addition to or improvement of the state-owned public building and  
197 the acquisition of furniture and equipment for the capital  
198 improvements project and shall be funded second.

199 (2) For the purposes of this section, the term "preplanned"  
200 or "preplanning" means the preliminary planning that establishes  
201 the program, scope, design and budget for a capital improvements  
202 project.

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

206 budget projection to the Bureau of Building, Grounds and Real  
207 Property Management for evaluation. The bureau shall assess the  
208 need for all preplanned projects submitted and shall compile a  
209 report on its findings. Any capital improvements project costing  
210 less than One Million Dollars (\$1,000,000.00) shall not be  
211 required to be preplanned.

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

216 (5) This section shall not apply to capital improvements  
217 projects authorized by the Legislature before the 2001 Regular  
218 Session of the Legislature.

219 SECTION 7. This act shall take effect and be in force from  
220 and after its passage.