

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2943

By Representative(s) Committee

24 Amend by striking all after the enacting clause and inserting
25 in lieu thereof the following:

26
27 SECTION 1. Section 7-9-151, Mississippi Code of 1972, is
28 amended as follows:

29 7-9-151. There is hereby established in the State Treasury a
30 revolving fund to be designated as the "Capital Improvements
31 Preplanning Fund" which shall consist of monies appropriated or
32 otherwise made available therefor by the Legislature. Such funds
33 as may be deposited in the revolving fund may be expended by the
34 Bureau of Building, Grounds and Real Property Management to obtain
35 preliminary studies and plans for projects authorized by the
36 Legislature. Funds also may be expended, in an amount not to
37 exceed Two Hundred Thousand Dollars (\$200,000.00) for any project,
38 for the purpose of obtaining preliminary studies and plans, to
39 include appraisals and the purchase of options on real property,
40 for projects the bureau may consider proposing to the Legislature
41 for authorization. The bureau shall consider architectural and
42 aesthetic compatibility in the preplanning of any project
43 conducted using money from the Capital Improvements Preplanning
44 Fund.

45 SECTION 2. Section 7-9-153, Mississippi Code of 1972, is
46 amended as follows:

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

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

76 SECTION 3. Section 7-9-155, Mississippi Code of 1972, is
77 amended as follows:

78 7-9-155. Upon the appropriation of funds or the sale of
79 bonds to fund any project authorized by the Legislature for which
80 planning funds have been expended under the provisions of Sections
81 7-9-151 through 7-9-159, the Director of the Bureau of Building,

82 Grounds and Real Property Management shall requisition such amount
83 as has been expended for preliminary planning to be transferred
84 from the available funds for such project to the Capital
85 Improvements Preplanning Fund and the Department of Finance and
86 Administration shall make such transfer.

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

89 SECTION 5. Section 31-11-27, Mississippi Code of 1972, is
90 amended as follows:

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

108 (b) All state agencies, departments and institutions
109 are hereby authorized and directed to cooperate with the
110 Department of Finance and Administration in carrying out the
111 provisions of this section.

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

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

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

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

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

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

150 (iv) A detailed explanation of criteria used by
151 the Department of Finance and Administration to rank projects for

152 purposes of any list it prepares under this paragraph (a);

153 (v) A detailed statement of justification for each
154 project;

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

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

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

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

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

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

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

186 SECTION 6. (1) Every capital improvements project, costing

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

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

206 (3) Every state agency that plans to repair, renovate,
207 construct, remodel, add to or improve a state-owned public
208 building shall submit a preplanned capital improvements project
209 budget projection to the Bureau of Building, Grounds and Real
210 Property Management for evaluation. The bureau shall assess the
211 need for all preplanned projects submitted and shall compile a
212 report on its findings. Any capital improvements project costing
213 less than One Million Dollars (\$1,000,000.00) shall not be
214 required to be preplanned.

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

219 (5) This section shall not apply to capital improvements
220 projects authorized by the Legislature before the 2001 Regular
221 Session of the Legislature.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.