

By: Representative Weathersby

To: Public Property;
Appropriations

HOUSE BILL NO. 1013

1 AN ACT TO AMEND SECTION 27-104-103, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION, ACTING
3 THROUGH THE BUREAU OF BUILDINGS, GROUNDS AND REAL PROPERTY
4 MANAGEMENT, TO REVIEW AND MONITOR EXPENDITURES OF STATE FUNDS ON
5 THE PURCHASE, CONSTRUCTION OR RENOVATION OF A BUILDING OWNED BY
6 ANY PUBLIC OR PRIVATE ENTITY; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 27-104-103, Mississippi Code of 1972, is
9 amended as follows:

10 27-104-103. (1) The Department of Finance and
11 Administration shall have the following duties and powers:

12 (a) To provide administrative guidance to the various
13 departments and agencies of state government;

14 (b) To facilitate the expedient delivery of services
15 and programs for the benefit of the citizens of the state;

16 (c) To analyze and develop efficient management
17 practices and assist departments and agencies in implementing
18 effective and efficient work management systems;

19 (d) To conduct management review of state agencies and
20 departments and recommend a management plan to state departments
21 and agencies when corrective action is required;

22 (e) To, at least annually, report to the Governor and
23 the Legislature on programs and actions taken to improve the
24 conduct of state operations and to prepare and recommend
25 management programs for effective and efficient management of the
26 operations of state government;

27 (f) To allocate the federal-state programs funds to the
28 departments responsible for the delivery of the programs and
29 services for which the appropriation was made;

30 (g) To coordinate the planning functions of all
31 agencies in the executive branch of government and review any and
32 all plans which are developed by those agencies and departments;

33 (h) To collect and maintain the necessary data on which
34 to base budget and policy development issues;

35 (i) To develop and analyze policy recommendations to
36 the Governor;

37 (j) To develop and manage the executive budget process;

38 (k) To prepare the executive branch budget
39 recommendations;

40 (l) To review and monitor the expenditures of the
41 executive agencies and departments of government;

42 (m) To manage the state's fiscal affairs;

43 (n) To administer programs relating to general
44 services, public procurement, insurance and the Bond Advisory
45 Division;

46 (o) To administer the state's aircraft operation;

47 (p) To review and monitor, acting through the Bureau of
48 Buildings, Grounds and Real Property Management, expenditures of
49 state funds by any agency toward the purchase, construction or
50 renovation of a building owned by, or for the benefit of, any
51 public or private entity.

52 (2) The department shall have the following additional
53 powers and duties under Chapter 18 of Title 17:

54 (a) It shall acquire the site submitted by the
55 Mississippi Hazardous Waste Facility Siting Authority and, if
56 determined necessary, design, finance, construct and operate a
57 state commercial hazardous waste management facility;

58 (b) It may acquire by deed, purchase, lease, contract,
59 gift, devise or otherwise any real or personal property,
60 structures, rights-of-way, franchises, easements and other
61 interest in land which is necessary and convenient for the
62 construction or operation of the state commercial hazardous waste

63 management facility, upon such terms and conditions as it deems
64 advisable, hold, mortgage, pledge or otherwise encumber the same,
65 and lease, sell, convey or otherwise dispose of the same in such a
66 manner as may be necessary or advisable to carry out the purposes
67 of Chapter 18 of Title 17;

68 (c) It shall develop and implement, in consultation
69 with the Department of Environmental Quality, schedules of user
70 fees, franchise fees and other charges, including nonregulatory
71 penalties and surcharges applicable to the state commercial
72 hazardous waste management facility;

73 (d) It may employ consultants and contractors to
74 provide services including site acquisition, design, construction,
75 operation, closure, post-closure and perpetual care of the state
76 commercial hazardous waste management facility;

77 (e) It may apply for and accept loans, grants and gifts
78 from any federal or state agency or any political subdivision or
79 any private or public organization;

80 (f) It shall make plans, surveys, studies and
81 investigations as may be necessary or desirable with respect to
82 the acquisition, development and use of real property and the
83 design, construction, operation, closure and long-term care of the
84 state commercial hazardous waste management facility;

85 (g) It shall have the authority to preempt any local
86 ordinance or restriction which prohibits or has the effect of
87 prohibiting the establishment or operation of the state commercial
88 hazardous waste management facility;

89 (h) It may negotiate any agreement for site
90 acquisition, design, construction, operation, closure,
91 post-closure and perpetual care of the state commercial hazardous
92 waste management facility and may negotiate any agreement with any
93 local governmental unit pursuant to Chapter 18 of Title 17;

94 (i) It may promulgate rules and regulations necessary
95 to effectuate the purposes of Chapter 18 of Title 17 not
96 inconsistent therewith;

97 (j) If funds are not appropriated or if the
98 appropriated funds are insufficient to carry out the provisions of
99 Chapter 18 of Title 17, the department shall expend any funds
100 available to it from any source to defray its costs to implement
101 Chapter 18 of Title 17 through February 1, 1991.

102 **SECTION 2.** This act shall take effect and be in force from
103 and after July 1, 2005.