

By: Representative Brown

To: Public Buildings,
Grounds and Lands;
Appropriations

HOUSE BILL NO. 1319

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF FINANCE AND
2 ADMINISTRATION TO ACQUIRE BY PURCHASE OR LEASE-PURCHASE, OR BOTH,
3 LAND AND BUILDINGS FOR THE PURPOSE OF CONSOLIDATING STATE AGENCIES
4 INTO BUILDINGS AT A COMMON LOCATION IF SUCH ACTION WILL BE
5 ECONOMICALLY ADVANTAGEOUS TO THE STATE AND WILL NOT IMPAIR OR
6 IMPEDE THE FUNCTION OF AN AGENCY IN SUCH A LOCATION; TO AMEND
7 SECTIONS 27-104-107, 29-1-1, 29-5-2 AND 31-11-3, MISSISSIPPI CODE
8 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

10 SECTION 1. (1) The Department of Finance and Administration
11 may enter into purchase contracts or lease-purchase agreements, or
12 both, for the acquisition of land and buildings for the purpose of
13 consolidating state agencies into buildings at a common location.

14 Before entering into any purchase contract or lease-purchase
15 agreement, the department must determine that the purchase
16 contract or lease-purchase agreement will be economically
17 advantageous to the State of Mississippi and that any
18 consolidation of agencies at a common location will not impair or
19 impede the function of an agency in such location. The Department
20 of Finance and Administration may not establish more than one such
21 common location in any one of the districts from which
22 Transportation Commissioners are elected. The Department of
23 Finance and Administration shall not pay an amount more than
24 seventy percent (70%) of the fair market value of the property to
25 be acquired in any such district. The appraised value shall be
26 determined by taking the average of three (3) appraisals, one (1)
27 to be performed by the Department of Finance and Administration,
28 one (1) to be performed by the State Auditor and one to be
29 performed by an appraiser selected by the Department of Finance

30 and Administration.

31 SECTION 2. Section 27-104-107, Mississippi Code of 1972, is
32 amended as follows:

33 27-104-107. (1) As used in this section, the following
34 words shall have the meanings ascribed herein unless the context
35 clearly requires otherwise:

36 (a) "Department" means the Department of Finance and
37 Administration.

38 (b) "Commission" means the State Bond Commission.

39 (c) "Director" means the Executive Director of the
40 Department of Finance and Administration.

41 (d) "Committee" means the Joint Legislative Budget
42 Committee.

43 (e) "Office" means the Office of General Services of
44 the Department of Finance and Administration.

45 (2) In addition to any other authority conferred upon it,
46 and subject to the approval of its proposal by the commission, the
47 department may enter into purchase contracts, lease-purchase
48 agreements, rental agreements or other similar contracts for the
49 ultimate acquisition of real property by the state. Before
50 entering into any purchase contract or lease-purchase agreement,
51 the office must first demonstrate to the Public Procurement Review
52 Board satisfactory evidence that the contract would be
53 economically advantageous to the state and that any consolidation
54 of agencies into buildings at a common location would not impair
55 or impede the function of that agency in this location. The
56 contracts shall be approved by the Public Procurement Review Board
57 and the State Bond Commission.

58 (3) Acquisitions shall be made only with legislative
59 approval and be in accordance with a long-range development plan
60 which the department shall annually prepare and present to the
61 Legislature as a part of the Governor's capitol budget
62 recommendation; however, if in the opinion of the Department of
63 Finance and Administration circumstances involving a proposed
64 acquisition are such that waiting for legislative approval will
65 not be economically advantageous to the state or may cause the
66 state financial loss, then such acquisition may be made upon

67 approval by the State Bond Commission after consultation with the
68 Chairman of the Public Property Committee of the Senate and the
69 Chairman of the Public Buildings, Grounds and Lands Committee of
70 the House of Representatives. Acquisition of lands and buildings
71 shall be based upon appraisals approved by the Department of
72 Finance and Administration. The office shall not pay an amount in
73 excess of the appraised value of the land and buildings to be
74 acquired. The amount paid on purchases or lease-purchases made
75 under Section 1 of House Bill No. 1319, 1999 Regular Session, will
76 be subject to the limitations of such section. Except as
77 otherwise provided in Section 1 of House Bill No. 1319, 1999
78 Regular Session, the appraised value shall be determined by taking
79 the average of two (2) appraisals performed by two (2) appraisers,
80 one (1) to be selected by the Department of Finance and
81 Administration and one (1) to be selected by the Department of
82 Audit. Further, the office shall file quarterly reports
83 describing this process and its progress with the Chairman of the
84 Senate Public Property Committee and the Chairman of the House
85 Public Buildings, Grounds and Lands Committee.

86 (4) With the exception of the Public Employees' Retirement
87 System, whenever any contract or agreement entered into is for and
88 on behalf of the State of Mississippi, title to property, when
89 acquired, shall vest in the State of Mississippi and not in the
90 name of any state agency. Any building subject to a lease
91 purchase agreement with the state shall be considered a
92 state-owned building and therefore exempt from the assessment and
93 levy of ad valorem taxes.

94 (5) All contracts executed under this section shall include
95 provisions whereby the obligation of the state for any payment in
96 excess of reasonable rental of the property while actually
97 occupying the property is dependent upon the availability of
98 appropriated funds for the purchase of the property.

99 (6) Activity under this section shall be reported annually

100 in a detailed resolution from the commission to the committee.

101 (7) All funds allocated to rents and chargeable by the
102 department shall be paid into a special fund hereby created in the
103 State Treasury. Unexpended amounts remaining in the special fund
104 at the end of a fiscal year shall not lapse into the State General
105 Fund, and any interest earned on amounts in the special fund shall
106 be deposited to the credit of the special fund. This fund shall
107 be used by the department (a) to retire indebtedness incurred in
108 the acquisition of properties under this section; (b) to renovate,
109 maintain and otherwise protect subject properties; (c) to pay the
110 cost of utilities necessary to operate the buildings; and (d) to
111 acquire properties in accordance with this section.

112 SECTION 3. Section 29-1-1, Mississippi Code of 1972, is
113 amended as follows:

114 29-1-1. (1) Except as otherwise provided in subsection (7)
115 and subsection (8) of this section, the title to all lands held by
116 any agency of the State of Mississippi which were acquired solely
117 by the use of funds appropriated by the state shall appear on all
118 deeds and land records under the name of the "State of
119 Mississippi." For the purpose of this section, the term "agency"
120 shall be defined as set forth in Section 31-7-1(a). The
121 provisions of this section shall not affect the authority of any
122 agency to use any land held by the agency. No assets or property
123 of the Public Employees' Retirement System of Mississippi shall be
124 transferred in violation of Section 272A of the Mississippi
125 Constitution of 1890. Before September 1, 1993, each state agency
126 shall inventory any state-held lands which were acquired solely by
127 the use of funds appropriated by the state, and which are titled
128 in the name of the agency. The agency shall execute quitclaim
129 deeds and any other necessary documents to transfer the name and
130 title of the property to the State of Mississippi.

131 (2) The Secretary of State, under the general direction of
132 the Governor and as authorized by law, shall sell and convey the

133 public lands in the manner and on the terms provided herein for
134 the several classes thereof; he shall perform all the
135 administrative and executive duties appertaining to the selection,
136 location, surveying, platting, listing, and registering these
137 lands or otherwise concerning them; and he shall investigate the
138 status of the various "per cent" funds accrued and accruing to the
139 state from the sale of lands by the United States, and shall
140 collect and pay the funds into the treasury in the manner provided
141 by law.

142 (3) In accordance with Sections 7-11-11 and 7-11-13, the
143 Secretary of State shall be required to sign all conveyances of
144 all state-held land. For purposes of this section, the term
145 "conveyance" shall mean any sale or purchase of land by the State
146 of Mississippi for use by any agency, board or commission thereof.
147 Failure to obtain legislative approval pursuant to subsection (4)
148 of this section and the signature of the Secretary of State on any
149 conveyance regarding the sale or purchase of lands for the state
150 including any agency, board or commission thereof, shall render
151 the attempted sale or purchase of the lands void. Nothing in this
152 section shall be construed to authorize any state agency, board,
153 commission or public official to convey any state-held land unless
154 this authority is otherwise granted by law. The Secretary of
155 State shall not withhold arbitrarily his signature from any
156 purchase or sale authorized by the Mississippi State Legislature.
157 All sales of state-held lands, except those lands forfeited to the
158 state for the nonpayment of taxes and those lands acquired by the
159 Mississippi Transportation Commission under Section 65-1-123,
160 shall be sold for not less than the fair market value as
161 determined by two (2) professional appraisers selected by the
162 State Department of Finance and Administration, who are certified
163 general appraisers of the State of Mississippi. The proceeds from
164 any sale by an agency, board, commission or public official of
165 state-held lands shall be deposited into the State General Fund

166 unless otherwise provided by law.

167 (4) Before any state-held land is sold to any individual or
168 private entity, thirty (30) days' advance notice of the intended
169 sale shall be provided by the Secretary of State to the state
170 Legislature, to all state agencies and to all governing
171 authorities within the state for the purpose of ascertaining
172 whether an agency or governing authority has a need for the land
173 and for the purpose of ascertaining whether the sale of the land
174 was authorized by law. If no agency or governing authority within
175 the state expresses in writing to the Secretary of State by the
176 end of the thirty-day period a desire to use the land, then the
177 Secretary of State, with the prior approval of the Mississippi
178 Legislature to sell the state-held land, may offer the land for
179 sale to any individual or private entity.

180 (5) A cultural resources survey may be performed on any
181 state-held land before the disposition of the land if the State
182 Department of Archives and History deems this survey necessary.
183 The cost of the survey and any archaeological studies deemed
184 necessary by the State Department of Archives and History shall be
185 paid by the selling agency and recouped from the proceeds of the
186 sale.

187 (6) Before any land may be purchased by the state for the
188 benefit of any state agency, the Secretary of State, or his
189 designee, shall search and examine all state land records to
190 determine whether the state owns any land that may fit the
191 particular need of the agency. The Secretary of State, or his
192 designee, shall notify the agency if it is determined that any
193 state-held land is available for use by the agency. The agency
194 shall determine if such land accommodates its needs and shall
195 determine whether to make an official request to the proper
196 authorities to have the use of the land.

197 (7) Any lands purchased or acquired for construction and
198 maintenance of highways or highway rights-of-way by the

199 Mississippi Department of Transportation shall be excluded from
200 the provisions of this section.

201 (8) This section shall not apply to any agency of the State
202 of Mississippi that holds title to lands purchased solely by the
203 use of federal funds or whose authority to transfer or dispose of
204 these lands is governed by federal law or federal regulations.

205 (9) The Secretary of State may recover from any agency,
206 corporation, board, commission, entity or individual any cost that
207 is incurred by his office for the record-keeping responsibilities
208 regarding the sale or purchase of any state-held lands.

209 (10) Subsections (3), (4), (5) and (6) of this section shall
210 not apply to sales or purchases of land when the Legislature
211 expressly authorizes or directs a state agency to sell, purchase
212 or lease-purchase a specifically described property.

213 (11) Subsections (3), (4), (5) and (6) of this section shall
214 not apply to purchases or lease-purchases authorized in Section 1
215 of House Bill No. 1319, 1999 Regular Session.

216 SECTION 4. Section 29-5-2, Mississippi Code of 1972, is
217 amended as follows:

218 29-5-2. The duties of the Office of General Services of the
219 Department of Finance and Administration shall be as follows:

220 (a) (i) To exercise general supervision and care over
221 and keep in good condition the following state property located in
222 the City of Jackson: the New State Capitol Building, the Woolfolk
223 State Office Building, the Carroll Gartin Justice Building, the
224 Walter Sillers Office Building, the War Veterans' Memorial
225 Building, the State Archives Building, the Department of Archives
226 and History Depot Building, the Ike Sanford Veterans Affairs
227 Building, the Old State Capitol Building, the Governor's Mansion,
228 the Heber Ladner Building, the Burroughs Building, the Robert E.
229 Lee Office Building, the Robert E. Lee Parking Garage, the Manship
230 House Restoration and Visitor Center, the State Records Center,
231 the 301 Lamar Street Building, and all other properties acquired

232 in the same transaction at the time of the purchase of the Robert
233 E. Lee Hotel property from the First Federal Savings and Loan
234 Association of Jackson, Mississippi, which properties are more
235 particularly described in a warranty deed heretofore executed and
236 delivered on April 22, 1969, and filed for record in the office of
237 the Chancery Clerk of the First Judicial District of Hinds County,
238 Mississippi, located in Jackson, Mississippi, on April 25, 1969,
239 at 9:00 a.m., and recorded in Deed Book No. 1822, page 136 et
240 seq., and the Central High Building and 101 Capitol Centre.

241 (ii) To exercise general supervision and care over
242 and keep in good condition the Dr. Eldon Langston Bolton Building
243 located in Biloxi, Mississippi.

244 (iii) To exercise general supervision and care
245 over and keep in good condition the State Service Center, located
246 at the intersection of State Highway 49 and John Merl Tatum
247 Industrial Drive in Hattiesburg, Mississippi.

248 (b) To assign suitable office space for the various
249 state departments, officers and employees who are provided with an
250 office in any of the buildings under the jurisdiction or control
251 of the Office of General Services. However, the assignment of
252 space in the New Capitol Building shall be designated by duly
253 passed resolution of the combined Senate Rules Committee and the
254 House Management Committee, meeting as a joint committee, approved
255 by the Lieutenant Governor and Speaker of the House of
256 Representatives. A majority vote of the members of the Senate
257 Rules Committee and a majority vote of the members of the House
258 Management Committee shall be required on all actions taken,
259 resolutions or reports adopted, and all other matters considered
260 by the full combined committee on occasions when the Senate Rules
261 Committee and the House Management Committee shall meet as a full
262 combined committee.

263 (c) To approve or disapprove through the Division of
264 Real Property Management, and with the concurrence of the Public

265 Procurement Review Board, any lease or rental agreements by any
266 state agency or department, including any state agency financed
267 entirely by federal and special funds, for space outside the
268 buildings under the jurisdiction of the Office of General
269 Services. In no event shall any employee, officer, department,
270 federally funded agency or bureau of the state be authorized to
271 enter a lease or rental agreement without prior approval of the
272 Office of General Services and the Public Procurement Review
273 Board.

274 The Office of General Services is authorized to use
275 architects, engineers, building inspectors and other personnel for
276 the purpose of making inspections as may be deemed necessary in
277 carrying out its duties and maintaining the facilities.

278 (d) To acquire by lease, lease-purchase agreement, or
279 otherwise, as provided in Section 27-104-107 or Section 1 of House
280 Bill No. 1319, 1999 Regular Session, or both, and to assign
281 through the Office of General Services, by lease or sublease
282 agreement from the office, and with the concurrence of the Public
283 Procurement Review Board, to any state agency or department,
284 including any state agency financed entirely by federal and
285 special funds, appropriate office space in the buildings acquired.

286 SECTION 5. Section 31-11-3, Mississippi Code of 1972, is
287 amended as follows:

288 31-11-3. (1) The Department of Finance and Administration,
289 for the purposes of carrying out the provisions of this chapter,
290 in addition to all other rights and powers granted by law, shall
291 have full power and authority to employ and compensate architects
292 or other employees necessary for the purpose of making
293 inspections, preparing plans and specifications, supervising the
294 erection of any buildings, and making any repairs or additions as
295 may be determined by the Department of Finance and Administration
296 to be necessary, pursuant to the rules and regulations of the
297 State Personnel Board. The department shall have entire control

298 and supervision of, and determine what, if any, buildings,
299 additions, repairs or improvements are to be made under the
300 provisions of this chapter, subject to the approval of the Public
301 Procurement Review Board.

302 (2) The department shall have full power to erect buildings,
303 make repairs, additions or improvements, and buy materials,
304 supplies and equipment for any of the institutions or departments
305 of the state subject to the approval of the Public Procurement
306 Review Board. In addition to other powers conferred, the
307 department shall have full power and authority as directed by the
308 Legislature, or when funds have been appropriated for its use for
309 these purposes, to:

310 (a) Build a state office building;

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

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

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

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

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

330 (g) Construct a sewage disposal and treatment plant at

331 the state insane hospital, and in so doing acquire additional land
332 as may be necessary, and to exercise the right of eminent domain
333 in the acquisition of this land;

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

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

339 (j) Build and equip a gymnasium at Columbia Training
340 School;

341 (k) Approve or disapprove the expenditure of any money
342 appropriated by the Legislature when authorized by the bill making
343 the appropriation;

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

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

353 (n) Collect and receive from educational institutions
354 of the State of Mississippi monies required to be paid by these
355 institutions to the state in carrying out any veterans'
356 educational programs; and

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

364 29-1-1.

365 (3) The department shall survey state-owned and
366 state-utilized buildings to establish an estimate of the costs of
367 architectural alterations, pursuant to the Americans with
368 Disabilities Act of 1990, 42 USCS Section 12111 et seq. The
369 department shall establish priorities for making the identified
370 architectural alterations and shall make known to the Legislative
371 Budget Office and to the Legislature the required cost to
372 effectuate such alterations. To meet the requirements of this
373 section, the department shall use standards of accessibility that
374 are at least as stringent as any applicable federal requirements
375 and may consider:

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

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

383 (c) Design manuals;

384 (d) Applicable federal guidelines;

385 (e) Current literature in the field;

386 (f) Applicable safety standards; and

387 (g) Any applicable environmental impact statements.

388 (4) The department shall observe the provisions of Section
389 31-5-23, in letting contracts and shall use Mississippi products,
390 including paint, varnish and lacquer which contain as vehicles
391 tung oil and either ester gum or modified resin (with rosin as the
392 principal base of constituents), and turpentine shall be used as a
393 solvent or thinner, where these products are available at a cost
394 not to exceed the cost of products grown, produced, prepared, made
395 or manufactured outside of the State of Mississippi.

396 (5) The department shall have authority to accept grants,

397 loans or donations from the United States Government or from any
398 other sources for the purpose of matching funds in carrying out
399 the provisions of this chapter.

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

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

418 (8) The department shall have the authority to obtain
419 annually from the state institutions of higher learning
420 information on all building, construction and renovation projects
421 including duties, responsibilities and costs of any architect or
422 engineer hired by any such institutions.

423 (9) Contracts let or approved by the State Prison Emergency
424 Construction and Management Board when it exercises its emergency
425 powers to remove two thousand (2,000) inmates from county jails
426 are exempt from this section; however, this exemption does not
427 apply to contracts for the construction of private correctional
428 facilities and additional facilities at the South Mississippi
429 Correctional Institution and the Central Mississippi Correctional

430 Facility. This subsection shall stand repealed from and after
431 July 1, 1996.

432 (10) To acquire by purchase or lease-purchase, or both, land
433 and buildings under Section 1 of House Bill No. 1319, 1999 Regular
434 Session, for the purpose of consolidating state agencies into
435 buildings at a common location.

436 SECTION 6. This act shall take effect and be in force from
437 and after its passage.