

By: The Entire Membership

To: Public Property

HOUSE BILL NO. 16

1 AN ACT TO CHANGE THE NAME OF THE 301 LAMAR STREET BUILDING
2 IN JACKSON, MISSISSIPPI, TO THE ROBERT G. CLARK, JR., BUILDING;
3 TO AMEND SECTIONS 29-5-2, 29-5-81, 29-5-161 AND 29-17-1,
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
5 PURPOSES.

6 WHEREAS, Robert G. Clark, Jr., former Speaker Pro Tempore of
7 the Mississippi House of Representatives, completed nine
8 consecutive terms as a member of the Mississippi House of
9 Representatives from District 47, which includes Attala, Holmes
10 and Yazoo Counties; and

11 WHEREAS, Mr. Clark, a native of Holmes County, Mississippi,
12 began his journey of contribution to Mississippi by becoming a
13 teacher, coach and principal in our state's school system, where
14 he helped hundreds of youth; and

15 WHEREAS, in 1968, Mr. Clark began serving in the Mississippi
16 House of Representatives, where he became known as a fair and
17 honest leader; and

18 WHEREAS, during his tenure in the Legislature, Mr. Clark rose
19 from freshman lawmaker to House Education Committee Chairman,
20 where he led the House to pass many monumental educational acts,
21 most notably the 1982 Education Reform Act, the 1984 Vocational
22 Education Reform Act and the recent Education Enhancement Act; and

23 WHEREAS, Mr. Clark's legislative career culminated in 1992,
24 when he was elected by his colleagues to the Office of Speaker Pro
25 Tempore, the leadership post second only to the Speaker of the
26 House in which he effectively served and was a role model to many;
27 and

28 WHEREAS, as the Speaker Pro Tempore, Mr. Clark served as the
29 Chairman of the House Management Committee, which oversees the
30 vital internal business and personnel affairs of the House; and

31 WHEREAS, because of his long and distinguished career of
32 public service to the people of Mississippi, and due to his
33 outstanding work in the community, which is greatly valued by
34 many, including the Mississippi National Association for the
35 Advancement of Colored People (NAACP), we wish to express our
36 appreciation to and respect for Robert G. Clark, Jr., by renaming
37 the 301 Lamar Street Building in his honor; NOW, THEREFORE,

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

39 **SECTION 1.** The 301 Lamar Street Building in Jackson,
40 Mississippi, shall be renamed the Robert G. Clark, Jr., Building.

41 **SECTION 2.** Section 29-5-2, Mississippi Code of 1972, is
42 amended as follows:

43 29-5-2. The duties of the Department of Finance and
44 Administration shall be as follows:

45 (a) (i) To exercise general supervision and care over
46 and keep in good condition the following state property located in
47 the City of Jackson: the New State Capitol Building, the Woolfolk
48 State Office Building, the Carroll Gartin Justice Building, the
49 Walter Sillers Office Building, the War Veterans' Memorial
50 Building, the Charlotte Capers Building, the William F. Winter
51 Archives and History Building, the Ike Sanford Veterans Affairs
52 Building, the Old State Capitol Building, the Governor's Mansion,
53 the Heber Ladner Building, the Burroughs Building, the Robert E.
54 Lee Office Building, the Robert E. Lee Parking Garage, the Manship
55 House Restoration and Visitor Center, the State Records Center,
56 the Robert G. Clark, Jr., Building, and all other properties
57 acquired in the same transaction at the time of the purchase of
58 the Robert E. Lee Hotel property from the First Federal Savings
59 and Loan Association of Jackson, Mississippi, which properties are
60 more particularly described in a warranty deed heretofore executed

61 and delivered on April 22, 1969, and filed for record in the
62 office of the Chancery Clerk of the First Judicial District of
63 Hinds County, Mississippi, located in Jackson, Mississippi, on
64 April 25, 1969, at 9:00 a.m., and recorded in Deed Book No. 1822,
65 page 136 et seq., and the Central High Building and 101 Capitol
66 Centre.

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

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

74 (b) To assign suitable office space for the various
75 state departments, officers and employees who are provided with an
76 office in any of the buildings under the jurisdiction or control
77 of the Department of Finance and Administration. However, the
78 assignment of space in the New Capitol Building shall be
79 designated by duly passed resolution of the combined Senate Rules
80 Committee and the House Management Committee, meeting as a joint
81 committee, approved by the Lieutenant Governor and Speaker of the
82 House of Representatives. A majority vote of the members of the
83 Senate Rules Committee and a majority vote of the members of the
84 House Management Committee shall be required on all actions taken,
85 resolutions or reports adopted, and all other matters considered
86 by the full combined committee on occasions when the Senate Rules
87 Committee and the House Management Committee shall meet as a full
88 combined committee.

89 (c) To approve or disapprove with the concurrence of
90 the Public Procurement Review Board, any lease or rental
91 agreements by any state agency or department, including any state
92 agency financed entirely by federal and special funds, for space
93 outside the buildings under the jurisdiction of the Department of

94 Finance and Administration. In no event shall any employee,
95 officer, department, federally funded agency or bureau of the
96 state be authorized to enter a lease or rental agreement without
97 prior approval of the Department of Finance and Administration and
98 the Public Procurement Review Board.

99 The Department of Finance and Administration is authorized to
100 use architects, engineers, building inspectors and other personnel
101 for the purpose of making inspections as may be deemed necessary
102 in carrying out its duties and maintaining the facilities.

103 (d) To acquire by lease, lease-purchase agreement, or
104 otherwise, as provided in Section 27-104-107, and to assign
105 through the Office of General Services, by lease or sublease
106 agreement from the office, and with the concurrence of the Public
107 Procurement Review Board, to any state agency or department,
108 including any state agency financed entirely by federal and
109 special funds, appropriate office space in the buildings acquired.

110 **SECTION 3.** Section 29-5-81, Mississippi Code of 1972, is
111 amended as follows:

112 29-5-81. Grounds of public buildings over which the
113 Department of Finance and Administration has jurisdiction shall
114 comprise the following:

115 (a) In the City of Jackson, Mississippi:

116 New State Capitol: Bounded on the north by High Street, on
117 the west by North West Street, on the south by Mississippi Street,
118 and on the east by North President Street;

119 Governor's Mansion: Bounded on the north by Amite Street, on
120 the west by North West Street, on the south by Capitol Street and
121 on the east by North Congress Street;

122 Woolfolk State Office Building: Bounded on the north by High
123 Street, on the west by Lamar Street, on the south by Hamilton
124 Street and on the east by North West Street;

125 Old State Capitol and War Veterans' Memorial Building
126 Complex: Bounded on the north by Amite Street, on the west by

127 North State Street and South State Street, on the south by Pearl
128 Street and on the east by property of the Gulf, Mobile and Ohio
129 Railroad Company;

130 Carroll Gartin Justice Building and Walter Sillers Office
131 Building Complex: Bounded on the north by George Street, on the
132 west by North West Street, on the south by High Street and on the
133 east by North President Street;

134 Heber Ladner Building: Bounded on the north by Mississippi
135 Street, on the west by North Congress Street, on the south by the
136 property of Galloway Methodist Church used as a parking lot and on
137 the east by the property on which the Mississippi Farm Bureau
138 Federation Building stands;

139 State Board of Health Building: Bounded on the north by
140 Stadium Drive, on the west by the property of Mississippi Hospital
141 and Medical Service, on the southwest by property on which is
142 located a Standard Oil service station, on the southeast by
143 property leased by the Mississippi Federation of Women's Clubs and
144 on the east by North State Street;

145 Robert E. Lee Building and other properties acquired in the
146 same transaction: Particularly described in warranty deed
147 executed and delivered on April 22, 1969, and filed for record in
148 the Office of the Chancery Clerk of the First Judicial District of
149 Hinds County, Mississippi, located in Jackson, Mississippi, on
150 April 25, 1969, at 9:00 a.m., and recorded in deed book No. 1822,
151 page 136, et seq.;

152 Charlotte Capers Building: Bounded on the north by the Old
153 Capitol Building, on the west by South State Street, on the south
154 by Pearl Street, and on the east by the Illinois Central Railroad
155 tracks;

156 William F. Winter Archives and History Building: Bounded on
157 the north by Mississippi Street; on the west by North Street, on
158 the south by Amite Street, and on the east by Jefferson Street.

159 Mayfair Building: Bounded on the north by George Street, on
160 the west by Northwest Street, on the south by Walter Sillers
161 Office Building complex, and on the east by North President
162 Street;

163 Court of Appeals Building: Bounded on the west by North
164 State Street, on the north by George Street, on the east by North
165 Street, and on the south by the building designated as 654 North
166 State Street, including the parking area east of and adjacent to
167 the 654 North State Street Building;

168 Central High Building;

169 101 Capitol Centre: Located at 101 West Capitol Street,
170 Jackson, Mississippi;

171 Robert G. Clark, Jr., Building: Located at 301 North Lamar
172 Street, Jackson, Mississippi.

173 (b) The Dr. Eldon Langston Bolton Building: Located in the
174 City of Biloxi, Mississippi.

175 (c) The State Service Center: Located at the intersection
176 of State Highway 49 and John Merl Tatum Industrial Drive in the
177 City of Hattiesburg, Mississippi.

178 **SECTION 4.** Section 29-5-161, Mississippi Code of 1972, is
179 amended as follows:

180 29-5-161. (1) As used in this section:

181 (a) "Smoke" or "smoking" means inhaling, exhaling,
182 burning, carrying or otherwise possessing any lighted cigarette,
183 cigar, pipe or any other object or device of any form that
184 contains lighted tobacco or any other smoking product.

185 (b) "State office building" means the New State Capitol
186 Building, the Woolfolk State Office Building, the Carroll Gartin
187 Justice Building, the Walter Sillers Office Building, the Heber
188 Ladner Building, the Department of Transportation Building, the
189 Robert E. Lee Office Building, the Robert G. Clark, Jr., Building,
190 the State Board of Health Building, the Public Employees'
191 Retirement System Building, the Central High Building, the Court

192 of Appeals Building, the War Veterans' Memorial Building, the
193 State Archives Building, the Ike Sanford Veterans Affairs
194 Building, the Old State Capitol Building, the Burroughs Building,
195 the Mayfair Building, 101 Capitol Centre and any other facility in
196 the state that is owned or leased by the State of Mississippi or
197 any agency, department or institution of the state and that is
198 used for housing state employees during the time of performance of
199 their regular duties for the state. If only part of a facility is
200 leased by the state or an agency, department or institution of the
201 state, only the leased part of the facility will be considered to
202 be a state office building for the purposes of this definition.

203 (c) "Designated smoking area" means any area or areas
204 specifically designated, by the person, agency or entity having
205 jurisdiction or supervision over a state office building, for the
206 act of smoking, and shall be limited to one or more of the
207 following areas:

- 208 (i) Enclosed private offices;
- 209 (ii) Designated employee break areas; and
- 210 (iii) Designated outdoor areas on the property.

211 (2) No person shall smoke in any state office building
212 except as provided in this section.

213 (3) The person, agency or entity having jurisdiction or
214 supervision over a state office building shall:

215 (a) Designate the areas in the building that will be
216 designated smoking areas;

217 (b) Conspicuously display signs that designate both
218 smoking and nonsmoking areas, except that signs are not required
219 in private offices; and

220 (c) Make every reasonable effort to prevent designated
221 smoking areas from impinging upon nonsmoking areas by the use of
222 existing physical barriers and ventilation systems. However, the
223 Mississippi Department of Archives and History shall not be

224 required to designate smoking areas in any building under its
225 jurisdiction.

226 (4) The person, agency or entity having jurisdiction or
227 supervision over a state office building shall not allow smoking
228 in the state office building, except in designated smoking areas,
229 and shall use reasonable efforts to prevent smoking in the state
230 office building, except in designated smoking areas, including,
231 but not limited to, the following:

232 (a) Posting appropriate signs informing state
233 employees, invitees, guests and other persons that smoking is
234 prohibited in the state office building, except in designated
235 smoking areas.

236 (b) Securing the removal of persons who smoke in the
237 state office building, except in designated smoking areas.

238 (5) This section expressly preempts to the state the
239 regulation of smoking in state office buildings and supersedes any
240 municipal or county ordinance on the subject.

241 **SECTION 5.** Section 29-17-1, Mississippi Code of 1972, is
242 amended as follows:

243 29-17-1. As used in this chapter, the following words shall
244 have the meanings ascribed herein unless the context clearly
245 requires otherwise:

246 (a) "Public facility" shall mean any building or other
247 facility owned by the State of Mississippi, or by any agency,
248 department or political subdivision of the State of Mississippi,
249 which is occupied, used or under the control of the State of
250 Mississippi, or any agency or department of the State of
251 Mississippi, or any junior college district of the State of
252 Mississippi, or the Board of Trustees of State Institutions of
253 Higher Learning of the State of Mississippi, or any institution
254 under the jurisdiction of the Board of Trustees of State
255 Institutions of Higher Learning of the State of Mississippi.

256 (b) "Capitol complex" shall include the following state
257 property located in Jackson, Mississippi: the New State Capitol
258 Building, the Woolfolk State Office Building, the Carroll Gartin
259 Justice Building, the Walter Sillers Office Building, the War
260 Veterans' Memorial Building, the Charlotte Capers Building, the
261 William F. Winter Archives and History Building, the Ike Sanford
262 Veterans Affairs Building, the Old State Capitol Building, the
263 Governor's Mansion, the Heber Ladner Building, the Burroughs
264 Building, the Robert E. Lee Hotel Property, the Central High
265 Legislative Services Building, the Robert G. Clark, Jr., Building
266 or any other properties which may come under the supervision of
267 the Department of Finance and Administration and are deemed to be
268 in the Capitol Complex.

269 **SECTION 6.** This act shall take effect and be in force from
270 and after its passage.