

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.