

By: The Entire Membership

To: Public Property

HOUSE BILL NO. 16
(As Sent to Governor)

1 AN ACT TO CHANGE THE NAME OF THE 301 LAMAR STREET BUILDING
2 IN JACKSON, MISSISSIPPI, TO THE ROBERT G. CLARK, JR., BUILDING; TO
3 PROVIDE THAT THE NEW JUSTICE BUILDING UNDERGOING CONSTRUCTION AT
4 THE CORNER OF WEST AND HIGH STREETS SHALL BE NAMED THE CARROLL
5 GARTIN JUSTICE BUILDING UPON THE DEMOLITION OF ITS PREDECESSOR; TO
6 AMEND SECTIONS 29-5-2, 29-5-81, 29-5-161 AND 29-17-1, MISSISSIPPI
7 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

41 **SECTION 1.** The 301 Lamar Street Building in Jackson,
42 Mississippi, shall be renamed the Robert G. Clark, Jr., Building.
43 The Department of Finance and Administration shall prepare or have
44 prepared a distinctive plaque, to be placed in a prominent place
45 within the Robert G. Clark, Jr., Building, which states the
46 background, accomplishments and service to the state of the
47 Honorable Robert G. Clark, Jr.

48 **SECTION 2.** The new justice building undergoing construction
49 on the effective date of this act and sitting next to the Carroll
50 Gartin Justice Building at the corner of West and High Streets in
51 Jackson, Mississippi, shall also be named and known as the Carroll
52 Gartin Justice Building upon the demolition of its predecessor.
53 The Department of Finance and Administration shall prepare or have
54 prepared a distinctive plaque, to be placed in a prominent place
55 within the Carroll Gartin Justice Building, which states the
56 background, accomplishments and service to the state of the
57 Honorable Carroll Gartin. Carroll Gartin died while serving his
58 third term as Lieutenant Governor of the State of Mississippi and
59 had spent many years of his adult life in public service,
60 including municipal judge, wartime combat army officer, two-term
61 mayor and three-term Lieutenant Governor.

62 **SECTION 3.** Section 29-5-2, Mississippi Code of 1972, is
63 amended as follows:

64 29-5-2. The duties of the Department of Finance and
65 Administration shall be as follows:

66 (a) (i) To exercise general supervision and care over
67 and keep in good condition the following state property located in
68 the City of Jackson: the New State Capitol Building, the Woolfolk
69 State Office Building, the Carroll Gartin Justice Building, the
70 Walter Sillers Office Building, the War Veterans' Memorial
71 Building, the Charlotte Capers Building, the William F. Winter
72 Archives and History Building, the Ike Sanford Veterans Affairs
73 Building, the Old State Capitol Building, the Governor's Mansion,
74 the Heber Ladner Building, the Burroughs Building, the Robert E.
75 Lee Office Building, the Robert E. Lee Parking Garage, the Manship
76 House Restoration and Visitor Center, the State Records Center,
77 the Robert G. Clark, Jr., Building, and all other properties
78 acquired in the same transaction at the time of the purchase of
79 the Robert E. Lee Hotel property from the First Federal Savings
80 and Loan Association of Jackson, Mississippi, which properties are
81 more particularly described in a warranty deed heretofore executed
82 and delivered on April 22, 1969, and filed for record in the
83 office of the Chancery Clerk of the First Judicial District of
84 Hinds County, Mississippi, located in Jackson, Mississippi, on
85 April 25, 1969, at 9:00 a.m., and recorded in Deed Book No. 1822,
86 page 136 et seq., and the Central High Building and 101 Capitol
87 Centre.

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

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

95 (b) To assign suitable office space for the various
96 state departments, officers and employees who are provided with an
97 office in any of the buildings under the jurisdiction or control
98 of the Department of Finance and Administration. However, the
99 assignment of space in the New Capitol Building shall be
100 designated by duly passed resolution of the combined Senate Rules
101 Committee and the House Management Committee, meeting as a joint
102 committee, approved by the Lieutenant Governor and Speaker of the
103 House of Representatives. A majority vote of the members of the
104 Senate Rules Committee and a majority vote of the members of the
105 House Management Committee shall be required on all actions taken,
106 resolutions or reports adopted, and all other matters considered
107 by the full combined committee on occasions when the Senate Rules
108 Committee and the House Management Committee shall meet as a full
109 combined committee.

110 (c) To approve or disapprove with the concurrence of
111 the Public Procurement Review Board, any lease or rental
112 agreements by any state agency or department, including any state
113 agency financed entirely by federal and special funds, for space
114 outside the buildings under the jurisdiction of the Department of
115 Finance and Administration. In no event shall any employee,
116 officer, department, federally funded agency or bureau of the
117 state be authorized to enter a lease or rental agreement without
118 prior approval of the Department of Finance and Administration and
119 the Public Procurement Review Board.

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

124 (d) To acquire by lease, lease-purchase agreement, or
125 otherwise, as provided in Section 27-104-107, and to assign
126 through the Office of General Services, by lease or sublease
127 agreement from the office, and with the concurrence of the Public

128 Procurement Review Board, to any state agency or department,
129 including any state agency financed entirely by federal and
130 special funds, appropriate office space in the buildings acquired.

131 **SECTION 4.** Section 29-5-81, Mississippi Code of 1972, is
132 amended as follows:

133 29-5-81. Grounds of public buildings over which the
134 Department of Finance and Administration has jurisdiction shall
135 comprise the following:

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

137 New State Capitol: Bounded on the north by High Street, on
138 the west by North West Street, on the south by Mississippi Street,
139 and on the east by North President Street;

140 Governor's Mansion: Bounded on the north by Amite Street, on
141 the west by North West Street, on the south by Capitol Street and
142 on the east by North Congress Street;

143 Woolfolk State Office Building: Bounded on the north by High
144 Street, on the west by Lamar Street, on the south by Hamilton
145 Street and on the east by North West Street;

146 Old State Capitol and War Veterans' Memorial Building
147 Complex: Bounded on the north by Amite Street, on the west by
148 North State Street and South State Street, on the south by Pearl
149 Street and on the east by property of the Gulf, Mobile and Ohio
150 Railroad Company;

151 Carroll Gartin Justice Building and Walter Sillers Office
152 Building Complex: Bounded on the north by George Street, on the
153 west by North West Street, on the south by High Street and on the
154 east by North President Street;

155 Heber Ladner Building: Bounded on the north by Mississippi
156 Street, on the west by North Congress Street, on the south by the
157 property of Galloway Methodist Church used as a parking lot and on
158 the east by the property on which the Mississippi Farm Bureau
159 Federation Building stands;

160 State Board of Health Building: Bounded on the north by
161 Stadium Drive, on the west by the property of Mississippi Hospital
162 and Medical Service, on the southwest by property on which is
163 located a Standard Oil service station, on the southeast by
164 property leased by the Mississippi Federation of Women's Clubs and
165 on the east by North State Street;

166 Robert E. Lee Building and other properties acquired in the
167 same transaction: Particularly described in warranty deed
168 executed and delivered on April 22, 1969, and filed for record in
169 the Office of the Chancery Clerk of the First Judicial District of
170 Hinds County, Mississippi, located in Jackson, Mississippi, on
171 April 25, 1969, at 9:00 a.m., and recorded in deed book No. 1822,
172 page 136, et seq.;

173 Charlotte Capers Building: Bounded on the north by the Old
174 Capitol Building, on the west by South State Street, on the south
175 by Pearl Street, and on the east by the Illinois Central Railroad
176 tracks;

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

180 Mayfair Building: Bounded on the north by George Street, on
181 the west by Northwest Street, on the south by Walter Sillers
182 Office Building complex, and on the east by North President
183 Street;

184 Court of Appeals Building: Bounded on the west by North
185 State Street, on the north by George Street, on the east by North
186 Street, and on the south by the building designated as 654 North
187 State Street, including the parking area east of and adjacent to
188 the 654 North State Street Building;

189 Central High Building;

190 101 Capitol Centre: Located at 101 West Capitol Street,
191 Jackson, Mississippi;

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

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

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

199 **SECTION 5.** Section 29-5-161, Mississippi Code of 1972, is
200 amended as follows:

201 29-5-161. (1) As used in this section:

202 (a) "Smoke" or "smoking" means inhaling, exhaling,
203 burning, carrying or otherwise possessing any lighted cigarette,
204 cigar, pipe or any other object or device of any form that
205 contains lighted tobacco or any other smoking product.

206 (b) "State office building" means the New State Capitol
207 Building, the Woolfolk State Office Building, the Carroll Gartin
208 Justice Building, the Walter Sillers Office Building, the Heber
209 Ladner Building, the Department of Transportation Building, the
210 Robert E. Lee Office Building, the Robert G. Clark, Jr., Building,
211 the State Board of Health Building, the Public Employees'
212 Retirement System Building, the Central High Building, the Court
213 of Appeals Building, the War Veterans' Memorial Building, the
214 State Archives Building, the Ike Sanford Veterans Affairs
215 Building, the Old State Capitol Building, the Burroughs Building,
216 the Mayfair Building, 101 Capitol Centre and any other facility in
217 the state that is owned or leased by the State of Mississippi or
218 any agency, department or institution of the state and that is
219 used for housing state employees during the time of performance of
220 their regular duties for the state. If only part of a facility is
221 leased by the state or an agency, department or institution of the
222 state, only the leased part of the facility will be considered to
223 be a state office building for the purposes of this definition.

224 (c) "Designated smoking area" means any area or areas
225 specifically designated, by the person, agency or entity having
226 jurisdiction or supervision over a state office building, for the
227 act of smoking, and shall be limited to one or more of the
228 following areas:

- 229 (i) Enclosed private offices;
- 230 (ii) Designated employee break areas; and
- 231 (iii) Designated outdoor areas on the property.

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

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

236 (a) Designate the areas in the building that will be
237 designated smoking areas;

238 (b) Conspicuously display signs that designate both
239 smoking and nonsmoking areas, except that signs are not required
240 in private offices; and

241 (c) Make every reasonable effort to prevent designated
242 smoking areas from impinging upon nonsmoking areas by the use of
243 existing physical barriers and ventilation systems. However, the
244 Mississippi Department of Archives and History shall not be
245 required to designate smoking areas in any building under its
246 jurisdiction.

247 (4) The person, agency or entity having jurisdiction or
248 supervision over a state office building shall not allow smoking
249 in the state office building, except in designated smoking areas,
250 and shall use reasonable efforts to prevent smoking in the state
251 office building, except in designated smoking areas, including,
252 but not limited to, the following:

253 (a) Posting appropriate signs informing state
254 employees, invitees, guests and other persons that smoking is
255 prohibited in the state office building, except in designated
256 smoking areas.

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

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

262 **SECTION 6.** Section 29-17-1, Mississippi Code of 1972, is
263 amended as follows:

264 29-17-1. As used in this chapter, the following words shall
265 have the meanings ascribed herein unless the context clearly
266 requires otherwise:

267 (a) "Public facility" shall mean any building or other
268 facility owned by the State of Mississippi, or by any agency,
269 department or political subdivision of the State of Mississippi,
270 which is occupied, used or under the control of the State of
271 Mississippi, or any agency or department of the State of
272 Mississippi, or any junior college district of the State of
273 Mississippi, or the Board of Trustees of State Institutions of
274 Higher Learning of the State of Mississippi, or any institution
275 under the jurisdiction of the Board of Trustees of State
276 Institutions of Higher Learning of the State of Mississippi.

277 (b) "Capitol complex" shall include the following state
278 property located in Jackson, Mississippi: the New State Capitol
279 Building, the Woolfolk State Office Building, the Carroll Gartin
280 Justice Building, the Walter Sillers Office Building, the War
281 Veterans' Memorial Building, the Charlotte Capers Building, the
282 William F. Winter Archives and History Building, the Ike Sanford
283 Veterans Affairs Building, the Old State Capitol Building, the
284 Governor's Mansion, the Heber Ladner Building, the Burroughs
285 Building, the Robert E. Lee Hotel Property, the Central High
286 Legislative Services Building, the Robert G. Clark, Jr., Building
287 or any other properties which may come under the supervision of
288 the Department of Finance and Administration and are deemed to be
289 in the Capitol Complex.

290 **SECTION 7.** This act shall take effect and be in force from
291 and after its passage.