

By: Senator(s) Jackson (32nd)

To: Public Property;
Appropriations

SENATE BILL NO. 2550

1 AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO PURCHASE
3 AND/OR LEASE REAL PROPERTY WHEN NECESSARY TO EFFICIENTLY MEET THE
4 NEEDS OF THE STATE AND ITS AGENCIES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 31-11-3, Mississippi Code of 1972, is
7 amended as follows:

8 31-11-3. (1) The Department of Finance and Administration,
9 for the purposes of carrying out the provisions of this chapter,
10 in addition to all other rights and powers granted by law, shall
11 have full power and authority to employ and compensate architects
12 or other employees necessary for the purpose of making
13 inspections, preparing plans and specifications, supervising the
14 erection of any buildings, and making any repairs or additions as
15 may be determined by the Department of Finance and Administration
16 to be necessary, pursuant to the rules and regulations of the
17 State Personnel Board. The department shall have entire control
18 and supervision of, and determine what, if any, buildings,
19 additions, repairs or improvements are to be made under the
20 provisions of this chapter, subject to the approval of the Public
21 Procurement Review Board.

22 (2) The department shall have full power to erect buildings,
23 make repairs, additions or improvements, and buy materials,
24 supplies and equipment for any of the institutions or departments
25 of the state subject to the approval of the Public Procurement
26 Review Board. In addition to other powers conferred, the
27 department shall have full power and authority as directed by the

28 Legislature, or when funds have been appropriated for its use for
29 these purposes, to:

30 (a) Build a state office building;

31 (b) Build suitable plants or buildings for the use and
32 housing of any state schools or institutions, including the
33 building of plants or buildings for new state schools or
34 institutions, as provided for by the Legislature;

35 (c) Provide state aid for the construction of school
36 buildings;

37 (d) Promote and develop the training of returned
38 veterans of the United States in all sorts of educational and
39 vocational learning to be supplied by the proper educational
40 institution of the State of Mississippi, and in so doing allocate
41 monies appropriated to it for these purposes to the Governor for
42 use by him in setting up, maintaining and operating an office and
43 employing a state director of on-the-job training for veterans and
44 the personnel necessary in carrying out Public Law No. 346 of the
45 United States;

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

48 (f) Build and equip additional buildings and wards at
49 the Boswell Retardation Center;

50 (g) Construct a sewage disposal and treatment plant at
51 the Mississippi State Hospital at Whitfield, and in so doing
52 acquire additional land as may be necessary, and to exercise the
53 right of eminent domain in the acquisition of this land;

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

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

59 (j) Build and equip a gymnasium at Columbia Training
60 School;

61 (k) Approve or disapprove the expenditure of any money
62 appropriated by the Legislature when authorized by the bill making
63 the appropriation;

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

66 (m) Sell and convey, purchase and/or lease real
67 property when necessary to efficiently meet the needs of the state
68 lands when authorized by the Legislature, cause said lands to be
69 properly surveyed and platted when necessary, execute all deeds or
70 other legal instruments, and do any and all other things required
71 to effectively carry out the purpose and intent of the department
72 to accomplish the facility needs of other state agencies. Any
73 transaction which involves state lands under the provisions of
74 this paragraph shall be done in a manner consistent with the
75 provisions of Section 29-1-1;

76 (n) Collect and receive from educational institutions
77 of the State of Mississippi monies required to be paid by these
78 institutions to the state in carrying out any veterans'
79 educational programs;

80 (o) Purchase lands for building sites, or as additions
81 to building sites, for the erection of buildings and other
82 facilities which the department is authorized to erect, and
83 demolish and dispose of old buildings, when necessary for the
84 proper construction of new buildings. Any transaction which
85 involves state lands under the provisions of this paragraph shall
86 be done in a manner consistent with the provisions of Section
87 29-1-1;

88 (p) Obtain business property insurance with a
89 deductible of not less than One Hundred Thousand Dollars
90 (\$100,000.00) on state-owned buildings under the management and
91 control of the department; and

92 (q) In consultation with and approval by the Chairmen
93 of the Public Property Committees of the Senate and the House of

94 Representatives, enter into contracts for the purpose of providing
95 parking spaces for state employees who work in the Woolfolk
96 Building, the Carroll Gartin Justice Building or the Walter
97 Sillers Office Building. The provisions of this paragraph (q)
98 shall stand repealed on July 1, 2010.

99 (3) The department shall survey state-owned and
100 state-utilized buildings to establish an estimate of the costs of
101 architectural alterations, pursuant to the Americans With
102 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The
103 department shall establish priorities for making the identified
104 architectural alterations and shall make known to the Legislative
105 Budget Office and to the Legislature the required cost to
106 effectuate such alterations. To meet the requirements of this
107 section, the department shall use standards of accessibility that
108 are at least as stringent as any applicable federal requirements
109 and may consider:

110 (a) Federal minimum guidelines and requirements issued
111 by the United States Architectural and Transportation Barriers
112 Compliance Board and standards issued by other federal agencies;

113 (b) The criteria contained in the American Standard
114 Specifications for Making Buildings Accessible and Usable by the
115 Physically Handicapped and any amendments thereto as approved by
116 the American Standards Association, Incorporated (ANSI Standards);

117 (c) Design manuals;

118 (d) Applicable federal guidelines;

119 (e) Current literature in the field;

120 (f) Applicable safety standards; and

121 (g) Any applicable environmental impact statements.

122 (4) The department shall observe the provisions of Section
123 31-5-23, in letting contracts and shall use Mississippi products,
124 including paint, varnish and lacquer which contain as vehicles
125 tung oil and either ester gum or modified resin (with rosin as the
126 principal base of constituents), and turpentine shall be used as a

127 solvent or thinner, where these products are available at a cost
128 not to exceed the cost of products grown, produced, prepared, made
129 or manufactured outside of the State of Mississippi.

130 (5) The department shall have authority to accept grants,
131 loans or donations from the United States government or from any
132 other sources for the purpose of matching funds in carrying out
133 the provisions of this chapter.

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

137 (7) The department shall review and preapprove all
138 architectural or engineering service contracts entered into by any
139 state agency, institution, commission, board or authority
140 regardless of the source of funding used to defray the costs of
141 the construction or renovation project for which services are to
142 be obtained. The provisions of this subsection (7) shall not
143 apply to any architectural or engineering contract paid for by
144 self-generated funds of any of the state institutions of higher
145 learning, nor shall they apply to community college projects that
146 are funded from local funds or other nonstate sources which are
147 outside the Department of Finance and Administration's
148 appropriations or as directed by the Legislature. The provisions
149 of this subsection (7) shall not apply to any construction or
150 design projects of the State Military Department that are funded
151 from federal funds or other nonstate sources.

152 (8) The department shall have the authority to obtain
153 annually from the state institutions of higher learning
154 information on all building, construction and renovation projects
155 including duties, responsibilities and costs of any architect or
156 engineer hired by any such institutions.

157 (9) When funding is provided through the Bureau of Building,
158 Grounds and Real Property Management, the department may authorize
159 the state institutions of higher learning, community and junior

160 colleges, and other state agencies to manage any construction or
161 renovation project with a value not exceeding Two Hundred Fifty
162 Thousand Dollars (\$250,000.00). The department shall develop
163 criteria for management of such projects that each agency must
164 follow in order to manage the projects. Only agencies that the
165 department deems capable of managing by the criteria may manage
166 these projects. Additionally, the department shall require
167 agencies managing these projects to do the following:

168 (a) Use standard departmentally approved contracts and
169 project management procedures; and

170 (b) Conduct projects on a reimbursable basis and
171 require documentation that the department deems appropriate for
172 payment of claims. Reimbursement shall be on a one-time basis at
173 completion and approval of project documentation submittals.

174 The department shall revoke the authority of any agency to
175 perform these project management functions if, in its opinion, an
176 agency has not followed the department's requirements for managing
177 projects. The authority granted to the department in this section
178 shall not apply to projects funded directly to the institutions of
179 higher learning, community and junior colleges, or other state
180 agencies through separate appropriation or other means.

181 (10) The department shall adopt building code standards for
182 the new construction of public facilities in a manner consistent
183 with the provisions of Section 31-11-33.

184 **SECTION 2.** This act shall take effect and be in force from
185 and after its passage.