

By: Representatives Weathersby, Rogers
(61st)

To: Public Property

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 25

1 AN ACT TO AMEND SECTIONS 29-5-2, 29-5-81 AND 29-5-161,
2 MISSISSIPPI CODE OF 1972, TO CLARIFY AND UPDATE THE INVENTORY OF
3 STATE REAL PROPERTIES OVER WHICH THE DEPARTMENT OF FINANCE AND
4 ADMINISTRATION HAS AUTHORITY, GENERAL SUPERVISION AND OVERSIGHT;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 29-5-2, Mississippi Code of 1972, is
8 amended as follows:

9 29-5-2. The duties of the Department of Finance and
10 Administration shall be as follows:

11 (a) (i) To exercise general supervision and care over
12 and keep in good condition the following state property located in
13 the City of Jackson: the New State Capitol Building, the Woolfolk
14 State Office Building, the Carroll Gartin Justice Building, the
15 Walter Sillers Office Building, the Walter Sillers Parking Garage,
16 the War Veterans' Memorial Building, the Charlotte Capers
17 Building, the William F. Winter Archives and History
18 Building, * * * the Mississippi Museum Complex, the Gulf, Mobil
19 and Ohio Train Depot (GM&O Depot), the Old State Capitol Building,



20 the Governor's Mansion, the Heber Ladner Building, the Burroughs
21 Building, the Robert E. Lee Office Building, the Robert E. Lee
22 Parking Garage, * * * the former Naval Reserve Center, 515 East
23 Amite Street, 620 North Street, 660 North Street, 700 North State
24 Street, the State Records Center, the Robert G. Clark, Jr.
25 Building, the Mississippi State Fairgrounds Complex, and all other
26 properties acquired in the same transaction at the time of the
27 purchase of the Robert E. Lee Hotel property from the First
28 Federal Savings and Loan Association of Jackson, Mississippi,
29 which properties are more particularly described in a warranty
30 deed heretofore executed and delivered on April 22, 1969, and
31 filed for record in the Office of the Chancery Clerk of the First
32 Judicial District of Hinds County, Mississippi, located in
33 Jackson, Mississippi, on April 25, 1969, at 9:00 a.m., and
34 recorded in Deed Book No. 1822, Page 136 et seq., the former
35 Central High Building, * * * and the properties described in
36 Section 1 of Chapter 542, Laws of 2009.

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

40 (iii) To exercise general supervision and care
41 over and keep in good condition the State Service Center, located
42 at the intersection of U.S. Highway 49 and John Merl Tatum
43 Industrial Drive in Hattiesburg, Mississippi.



44 (iv) To exercise general supervision and care over
45 and keep in good condition any property purchased, constructed or
46 otherwise acquired by the State of Mississippi for conducting
47 state business and not specifically under the supervision and care
48 by any other state entity, but which is reasonably assumed the
49 department would be responsible for such, as approved by the
50 Public Procurement Review Board, including, but not limited to:

51 1. The National Aeronautics and Space
52 Administration (NASA) Shared Services Center and Lockheed Martin
53 Building at Stennis Space Center;

54 2. The Mississippi Sports Hall of Fame;

55 3. The Mississippi Crafts Center;

56 4. The Mississippi Children's Museum; and

57 5. The Mississippi Arts and Entertainment
58 Center.

59 (b) To assign suitable office space for the various
60 state departments, officers and employees who are provided with an
61 office in any of the buildings under the jurisdiction or control
62 of the Department of Finance and Administration. However, the
63 assignment of space in the New Capitol Building shall be
64 designated by duly passed resolution of the combined Senate Rules
65 Committee and the House Management Committee, meeting as a joint
66 committee, approved by the Lieutenant Governor and Speaker of the
67 House of Representatives. A majority vote of the members of the
68 Senate Rules Committee and a majority vote of the members of the



69 House Management Committee shall be required on all actions taken,
70 resolutions or reports adopted, and all other matters considered
71 by the full combined committee on occasions when the Senate Rules
72 Committee and the House Management Committee shall meet as a full
73 combined committee.

74 (c) To approve or disapprove with the concurrence of
75 the Public Procurement Review Board, any lease or rental
76 agreements by any state agency or department, including any state
77 agency financed entirely by federal and special funds, for space
78 outside the buildings under the jurisdiction of the Department of
79 Finance and Administration, including space necessary for parking
80 to be used by state employees who work in the Woolfolk Building,
81 the Carroll Gartin Justice Building or the Walter Sillers Office
82 Building. In no event shall any employee, officer, department,
83 federally funded agency or bureau of the state be authorized to
84 enter into a lease or rental agreement without prior approval of
85 the Department of Finance and Administration and the Public
86 Procurement Review Board.

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

91 (d) To acquire by lease, lease-purchase agreement, or
92 otherwise, as provided in Section 27-104-107, and to assign
93 through the Office of General Services, by lease or sublease



94 agreement from the office, and with the concurrence of the Public
95 Procurement Review Board, to any state agency or department,
96 including any state agency financed entirely by federal and
97 special funds, appropriate office space in the buildings acquired.

98 (e) To approve or disapprove, after consultation with
99 the Chairmen of the Senate and House Public Property Committees
100 and with the concurrence of the Public Procurement Review Board,
101 any lease or rental agreement for up to two thousand (2,000)
102 square feet of space in the Robert G. Clark, Jr. Building with a
103 private entity who will provide healthcare and wellness services
104 to state employees. The department must select the entity using
105 the request for proposal process. In addition to satisfying any
106 other requirement for the Public Procurement Review Board's
107 approval, the department must demonstrate that any agreement
108 entered into under this paragraph will not impair or impede the
109 function of state agencies in this location. * * *

110 **SECTION 2.** 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 (i) * * * The grounds surrounding all state
117 buildings identified in Section 29-5-2(a)(i) and all seat of
118 government property;



119 (* * * ii) State Board of Health * * * Complex:
120 Bounded on the north by Stadium Drive, on the west by the property
121 of Mississippi Hospital and Medical Service, * * * on the south by
122 Woodrow Wilson Avenue, on the southeast by property leased by the
123 Mississippi Federation of Women's Clubs and on the east by North
124 State Street;

125 * * *

126 (* * * iii) The Mississippi State Fairgrounds
127 Complex, including, but not limited to, the Mississippi Coliseum,
128 Trademart, Kirk Fordice Equine Center, Mississippi Street Armory,
129 and all arenas, barns, buildings, campgrounds and property
130 whatsoever; such property being bounded on the north by High
131 Street, on the west by Jefferson Street, on the east by Greymont
132 Street, and on the south by Greymont Street.

133 (b) The grounds of Dr. Eldon Langston Bolton Building:
134 Located in the City of Biloxi, Mississippi.

135 (c) The grounds of State Service Center: Located at
136 the intersection of U.S. Highway 49 and John Merl Tatum Industrial
137 Drive in the City of Hattiesburg, Mississippi.

138 (d) Any grounds of any property purchased, constructed
139 or otherwise acquired by the State of Mississippi for conducting
140 state business and not specifically under the supervision and care
141 by any other state entity, but which is reasonably assumed the
142 department would be responsible for such, as approved by the
143 Public Procurement Review Board, including, but not limited to:



144 1. The grounds of the National Aeronautics
145 and Space Administration (NASA) Shared Services Center and
146 Lockheed Martin Building at Stennis Space Center;

147 2. The grounds of the Mississippi Sports Hall
148 of Fame;

149 3. The grounds of the Mississippi Crafts
150 Center;

151 4. The grounds of the Mississippi Children's
152 Museum; and

153 5. The grounds of the Mississippi Arts and
154 Entertainment Center.

155 **SECTION 3.** Section 29-5-161, Mississippi Code of 1972, is
156 amended as follows:

157 29-5-161. (1) As used in this section:

158 (a) "Smoke" or "smoking" means inhaling, exhaling,
159 burning, carrying or otherwise possessing any lighted cigarette,
160 cigar, pipe or any other object or device of any form that
161 contains lighted tobacco.

162 (b) "Government building" means * * * all state
163 buildings identified in Section 29-5-2(a), the State Board of
164 Health * * * Complex, the Public Employees' Retirement System
165 Building * * * and any other facility in the state that is owned
166 or leased by the State of Mississippi or any agency, department or
167 institution of the state and that is used for housing state
168 employees during the time of performance of their regular duties



169 for the state; any building owned, rented, leased, occupied or
170 operated by the state, including the legislative, executive and
171 judicial branches of state government; any county, municipality or
172 any other political subdivision of the state; any public
173 authority, commission, agency or public benefit corporation; or
174 any other separate corporate instrumentality or unit of state or
175 local government. If only part of a facility is leased by the
176 state or an agency, department or institution of the state, or any
177 county, municipality or other political subdivision of the state,
178 only the leased part of the facility will be considered to be a
179 government building for the purposes of this definition. The term
180 "government building" shall not include any building owned or
181 leased by the state institutions of higher learning or the public
182 community and junior colleges or any space in a government
183 building used by law enforcement officers.

184 (c) "University or college classroom building" means
185 any building used by the state institutions of higher learning or
186 the public community and junior colleges exclusively for student
187 instructional purposes. The term includes classrooms,
188 auditoriums, theaters, laboratories, hallways and restrooms.
189 Smoking policies applicable in the private offices of faculty and
190 staff and other "smoking permitted" space may be determined by
191 each academic and administrative department.

192 (2) No person shall smoke in any government building, except
193 as follows: The State Veterans Affairs Board may designate



194 smoking areas in the state veterans homes operated by the board in
195 which smoking will be permitted.

196 (3) No person shall smoke in any university or college
197 classroom building.

198 (4) The person, agency or entity having jurisdiction or
199 supervision over a government building or university/college
200 classroom building shall not allow smoking in the government or
201 university/college classroom building, except in designated
202 smoking areas as authorized in subsection (2) of this section, and
203 shall use reasonable efforts to prevent smoking in such building,
204 including, but not limited to, the following:

205 (a) Posting appropriate signs informing employees,
206 invitees, guests and other persons that smoking is prohibited in
207 the building.

208 (b) Securing the removal of persons who smoke in the
209 building.

210 **SECTION 4.** This act shall take effect and be in force from
211 and after its passage.

