

By: Representatives Weathersby, Rogers
(61st)

To: Public Property

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. This subsection
110 shall stand repealed from and after July 1, * * * 2019.

111 **SECTION 2.** Section 29-5-81, Mississippi Code of 1972, is
112 amended as follows:

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

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



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

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

126 * * *

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

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

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

139 (d) Any grounds of any property purchased, constructed
140 or otherwise acquired by the State of Mississippi for conducting
141 state business and not specifically under the supervision and care



142 by any other state entity, but which is reasonably assumed the
143 department would be responsible for such, as approved by the
144 Public Procurement Review Board, including, but not limited to:

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

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

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

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

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

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

158 29-5-161. (1) As used in this section:

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

163 (b) "Government building" means * * * all state
164 buildings identified in Section 29-5-2(a), the State Board of
165 Health * * * Complex, the Public Employees' Retirement System
166 Building * * * and any other facility in the state that is owned



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

185 (c) "University or college classroom building" means
186 any building used by the state institutions of higher learning or
187 the public community and junior colleges exclusively for student
188 instructional purposes. The term includes classrooms,
189 auditoriums, theaters, laboratories, hallways and restrooms.
190 Smoking policies applicable in the private offices of faculty and



191 staff and other "smoking permitted" space may be determined by
192 each academic and administrative department.

193 (2) No person shall smoke in any government building, except
194 as follows: The State Veterans Affairs Board may designate
195 smoking areas in the state veterans homes operated by the board in
196 which smoking will be permitted.

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

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

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

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

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

