

By: Representative Newman

To: Public Property

## HOUSE BILL NO. 157

1 AN ACT TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF ARCHIVES  
2 AND HISTORY TO EXEMPT CERTAIN REPAIRS AND RENOVATIONS TO  
3 STATE-OWNED FACILITIES AND PROPERTIES; TO PRESCRIBE THE  
4 CONTINGENCIES FOR SUCH REPAIRS AND RENOVATIONS WHICH MUST ADHERE  
5 TO CERTAIN REQUIREMENTS TO BE ELIGIBLE FOR EXEMPTION; TO PROVIDE  
6 ADDITIONAL REQUIREMENTS FOR PROPERTIES WITH DUAL DESIGNATIONS AS  
7 MISSISSIPPI LANDMARKS AND NATIONAL HISTORIC LANDMARKS; TO AMEND  
8 SECTIONS 29-1-1, 29-5-2, 39-5-5 AND 39-7-7, MISSISSIPPI CODE OF  
9 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) The Legislature finds and declares:

12 (a) State-owned properties that have historical,  
13 cultural or architectural significance play a critical role in  
14 preserving Mississippi's heritage; and

15 (b) Special consideration must be given to properties  
16 designated as both Mississippi Landmarks under Section 39-7-3 and  
17 National Historic Landmarks under the National Historic  
18 Preservation Act, as these sites hold exceptional significance and  
19 require strict compliance with federal and state preservation  
20 laws; and



(c) The necessity in establishing standards for exemptions that ensure the preservation of architectural and historical integrity while providing flexibility for necessary repairs, renovations or demolitions.

**SECTION 2.** (1) The Mississippi Department of Archives and History (MDAH), acting through its board of trustees, may approve exemptions to standard repair and renovation requirements for state-owned properties that meet the following criteria:

(a) Age Requirement: The property must be more than twenty (20) years old from the date of its original construction and occupation.

(b) Material Standards: If the original construction material is no longer available, repairs and renovations must be completed using modern materials that replicate the authentic style, color, durability and texture of the originally installed construction materials.

(c) Architectural Integrity: Repairs and renovations must maintain the integrity of the property's original exterior architectural design and aesthetic, including materials.

(d) Demolition Standards: The demolition of a property may be authorized if the board determines that such action is more economically feasible and conveys a greater benefit to the local community and the state's long-term plan of use for the property.



(2) Properties designated as both Mississippi Landmarks and National Historic Landmarks shall meet the following additional requirements:

(a) All repair, renovation, or demolition proposals must comply with the provisions of Section 39-7-3 and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(b) Any alteration must not compromise the property's historic integrity or its designation as a National Historic Landmark.

(c) Written approval must be obtained from the Mississippi Department of Archives and History and, if applicable, the National Park Service, prior to initiating any project that affects the property's exterior or structural elements.

(d) A detailed preservation plan, including an assessment of the project's impact on the property's historical and architectural features, must be submitted to and approved by the MDAH Board of Trustees.

(3) The Board of Trustees shall adopt rules and regulations to implement the provisions of this section, including the criteria and process for evaluating and approving exemptions.

**SECTION 3.** Section 29-1-1, Mississippi Code of 1972, is amended as follows:

29-1-1. (1) Except as otherwise provided in subsections (7), (8), (9) and (13) of this section, the title to all lands



69 held by any agency of the State of Mississippi shall appear on all  
70 deeds and land records under the name of the "State of  
71 Mississippi." A deed may also recite the name of the agency for  
72 whose benefit and use the land is acquired, but the recital shall  
73 not be deemed or construed to be a limitation on the grant or an  
74 impairment of title held by the State of Mississippi. Use and  
75 possession of the land may be reassigned by act of the Legislature  
76 or by interagency conveyance where each agency has statutory  
77 authority to acquire and dispose of land. For the purpose of this  
78 section, the term "agency" shall be defined as set forth in  
79 Section 31-7-1(a). The provisions of this section shall not  
80 affect the authority of any agency to use any land held by the  
81 agency. No assets or property of the Public Employees' Retirement  
82 System of Mississippi shall be transferred in violation of Section  
83 272A of the Mississippi Constitution of 1890. Each state agency  
84 shall inventory any state-held lands which are titled in the name  
85 of the agency. The agency shall execute quitclaim deeds and any  
86 other necessary documents to transfer the name and title of the  
87 property to the State of Mississippi. State agencies shall  
88 furnish to the Secretary of State certified copies of the  
89 quitclaim deeds and all other deeds whereby the state agency  
90 acquires or disposes of state-held land.

91 (2) The Secretary of State, under the general direction of  
92 the Governor and as authorized by law, shall sell and convey the  
93 public lands in the manner and on the terms provided herein for



94 the several classes thereof; he shall perform all the  
95 administrative and executive duties appertaining to the selection,  
96 location, surveying, platting, listing, and registering these  
97 lands or otherwise concerning them; and he shall investigate the  
98 status of the various "percent" funds accrued and accruing to the  
99 state from the sale of lands by the United States, and shall  
100 collect and pay the funds into the Treasury in the manner provided  
101 by law. The Secretary of State, with the approval of the  
102 Governor, acting on behalf of the state, may accept gifts or  
103 donations of land to the State of Mississippi.

104 (3) In accordance with Sections 7-11-11 and 7-11-13, the  
105 Secretary of State shall be required to sign all conveyances of  
106 all state-held land. For purposes of this section, the term  
107 "conveyance" shall mean any sale or purchase of land by the State  
108 of Mississippi for use by any agency, board or commission thereof.  
109 Failure to obtain legislative approval pursuant to subsection (4)  
110 of this section and the signature of the Secretary of State on any  
111 conveyance regarding the sale or purchase of lands for the state  
112 including any agency, board or commission thereof, shall render  
113 the attempted sale or purchase of the lands void. Nothing in this  
114 section shall be construed to authorize any state agency, board,  
115 commission or public official to convey any state-held land unless  
116 this authority is otherwise granted by law. The Secretary of  
117 State shall not withhold arbitrarily his signature from any  
118 purchase or sale authorized by the Mississippi State Legislature.



119 Except for those lands forfeited to the state for the nonpayment  
120 of taxes, conveyed to another state agency or entity as provided  
121 in subsection (11) of this section or acquired by the Mississippi  
122 Transportation Commission under Section 65-1-123, no state-held  
123 land shall be sold for less than the fair market value as  
124 determined by two (2) professional appraisers selected by the  
125 State Department of Finance and Administration, who are certified  
126 general appraisers of the State of Mississippi. The proceeds from  
127 any sale by an agency, board, commission or public official of  
128 state-held lands shall be deposited into the State General Fund  
129 unless otherwise provided by law.

130 (4) Before any state-held land is sold to any individual or  
131 private entity, thirty (30) days' advance notice of the intended  
132 sale shall be provided by the Secretary of State to the State  
133 Legislature and to all state agencies for the purpose of  
134 ascertaining whether an agency has a need for the land and for the  
135 purpose of ascertaining whether the sale of the land was  
136 authorized by law. If no agency of the state expresses in writing  
137 to the Secretary of State by the end of the thirty-day period a  
138 desire to use the land, then the Secretary of State, with the  
139 prior approval of the Mississippi Legislature to sell the  
140 state-held land, may offer the land for sale to any individual or  
141 private entity. Such notice to state agencies is given in aid of  
142 internal management of the real property inventory of the state,  
143 and this notice requirement shall not be applied to challenge or



defeat any title heretofore or hereafter granted by the state under any law authorized by the Mississippi Legislature providing for the sale or disposal of property.

(5) A cultural resources survey may be performed on any state-held land before the disposition of the land if the Mississippi Department of Archives and History deems this survey necessary. The cost of the survey and any archaeological studies deemed necessary by the Mississippi Department of Archives and History shall be paid by the selling agency and recouped from the proceeds of the sale.

(6) Before any land may be purchased by the state for the benefit of any state agency, the Secretary of State, or his designee, shall search and examine all state land records to determine whether the state owns any land that may fit the particular need of the agency. The Secretary of State, or his designee, shall notify the agency if it is determined that any state-held land is available for use by the agency. The agency shall determine if such land accommodates its needs and shall determine whether to make an official request to the proper authorities to have the use of the land.

(7) This section shall not apply to: (a) any lands purchased or acquired for construction and maintenance of highways or highway rights-of-way by the Mississippi Department of Transportation, or (b) any lands acquired by the state by forfeiture for nonpayment of ad valorem taxes and heretofore or



hereafter sold under authority of any other section of Chapter 1,  
Title 29, specifically relating to tax-forfeited lands.

(8) This section shall not apply to any lands purchased solely by the use of federal funds or lands for which authority to transfer or dispose of these lands is governed by federal law or federal regulations insofar as the application of this section limits or impairs the ability of the Secretary of State to acquire or dispose of the land. However, any state agency acquiring or disposing of land exempted from the application of this section by this subsection shall furnish the Secretary of State certified copies of all deeds executed for those transfers or disposals.

(9) Any lands purchased by the Mississippi Major Economic Impact Authority for a "project" as defined in Section 57-75-5 shall be excluded from the provisions of this section.

(10) The Secretary of State may recover from any agency, corporation, board, commission, entity or individual any cost that is incurred by his office for the record-keeping responsibilities regarding the sale or purchase of any state-held lands.

(11) Subsections (4), (5) and (6) of this section shall not apply to sales or purchases of land when the Legislature expressly authorizes or directs a state agency to sell, purchase or lease-purchase a specifically described property. However, when the Legislature authorizes a state agency to sell or otherwise convey specifically described real property to another state agency or other entity such as a county, municipality, economic





development district created under Section 19-5-99 or similar entity, without providing that the conveyance may not be made for less than the fair market value of the property, then the state agency authorized to convey such property must make the following determinations before conveying the property:

(a) That the state agency or other entity to which the proposed conveyance is to be made has an immediate need for the property;

(b) That there are quantifiable benefits that will inure to the state agency or other entity to which the proposed conveyance is to be made which outweigh any quantifiable costs to the state agency authorized to make the conveyance; and

(c) That the state agency or other entity to which the proposed conveyance is to be made lacks available funds to pay fair market value for the property. If the state agency authorized to convey such property fails to make such determinations, then it shall not convey the property for less than the fair market value of the property.

(12) This section shall not apply to the donation and conveyance of the Nanih Waiya State Park to the Mississippi Band of Choctaw Indians.

(13) This section shall not apply to any lands acquired, sold, or leased pursuant to Section 59-5-1 et seq.

(14) For any state-owned land meeting the criteria established under Section 2 of this act, exemptions for repairs,



219 renovations, construction of improvements or demolitions may be  
220 authorized by the Mississippi Department of Archives and History  
221 Board of Trustees, subject to the requirements of Mississippi and  
222 federal preservation laws.

223       **SECTION 4.** Section 29-5-2, Mississippi Code of 1972, is  
224 amended as follows:

225       29-5-2. (1) The duties of the Department of Finance and  
226 Administration shall be as follows:

227           (a) (i) To exercise general supervision and care over  
228 and keep in good condition the following state property located in  
229 the City of Jackson: the New State Capitol Building, the Woolfolk  
230 State Office Building and Parking Garage, the Carroll Gartin  
231 Justice Building, the Walter Sillers Office Building and Parking  
232 Garage, the War Veterans' Memorial Building, the Charlotte Capers  
233 Building, the William F. Winter Archives and History Building, the  
234 Mississippi Museum Complex, the Gulf, Mobile and Ohio Train Depot  
235 (GM&O Depot), the Old State Capitol Building, the Governor's  
236 Mansion, the Heber Ladner Building, the Robert E. Lee Office  
237 Building, the Robert E. Lee Parking Garage, the former Naval  
238 Reserve Center, 515 East Amite Street, 620 North Street, 660 North  
239 Street, 700 North State Street, 350 High Street, 401 North Lamar  
240 Street, 455 North Lamar Street, the State Records Center, the  
241 Robert G. Clark, Jr. Building, the Mississippi State Fairgrounds  
242 Complex, the former Central High Building, the Mississippi  
243 Workers' Compensation Commission Office Building, as well as all



state-owned or leased buildings situated on seat of government property.

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

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

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

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

2. The Mississippi Sports Hall of Fame;

3. The Mississippi Crafts Center;

4. The Mississippi Children's Museum; and

5. The Mississippi Arts and Entertainment Center.



268 (b) To assign suitable office space for the various  
269 state departments, officers and employees who are provided with an  
270 office in any of the buildings under the jurisdiction or control  
271 of the Department of Finance and Administration. However, the  
272 assignment of space in the New Capitol Building shall be  
273 designated by duly passed resolution of the combined Senate Rules  
274 Committee and the House Management Committee, meeting as a joint  
275 committee, approved by the Lieutenant Governor and Speaker of the  
276 House of Representatives. A majority vote of the members of the  
277 Senate Rules Committee and a majority vote of the members of the  
278 House Management Committee shall be required on all actions taken,  
279 resolutions or reports adopted, and all other matters considered  
280 by the full combined committee on occasions when the Senate Rules  
281 Committee and the House Management Committee shall meet as a full  
282 combined committee.

283 (c) To approve or disapprove with the concurrence of  
284 the Public Procurement Review Board, any lease or rental  
285 agreements by any state agency or department, including any state  
286 agency financed entirely by federal and special funds, for space  
287 outside the buildings under the jurisdiction of the Department of  
288 Finance and Administration, including space necessary for parking  
289 to be used by state employees who work in the Woolfolk Building,  
290 the Carroll Gartin Justice Building or the Walter Sillers Office  
291 Building. In no event shall any employee, officer, department,  
292 federally funded agency or bureau of the state be authorized to



enter into a lease or rental agreement without prior approval of the Department of Finance and Administration and the Public Procurement Review Board.

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

This section is not intended to apply to locations for which the Department of Finance and Administration has decided to solicit proposals in accordance with subsection (e) of this section.

(d) To acquire by lease, lease-purchase agreement, or otherwise, as provided in Section 27-104-107, and to assign through the Office of General Services, by lease or sublease agreement from the office, and with the concurrence of the Public Procurement Review Board, to any state agency or department, including any state agency financed entirely by federal and special funds, appropriate office space in the buildings acquired.

(e) To solicit and approve or disapprove, notwithstanding any rule of law to the contrary, and with the concurrence of the Public Procurement Review Board, any lease, use or rental agreement for a charge or other consideration for space not exceeding three thousand (3,000) square feet in any individual building listed in subsection (a) of this section, with a private



entry who will provide food and/or catering services for state employees, visitors and the general public.

The department shall select the entity using a competitive process which shall be publicly advertised. In addition to satisfying any other requirements for the Public Procurement Review Board's approval, the department must demonstrate that any agreement entered into under this section will neither result in a net cost to the state, nor impair or impede the function of state agencies at such location.

(2) Properties under the jurisdiction of the Mississippi Department of Finance and Administration which are determined to meet the criteria under Section 2 of this act may have repairs, renovations, or demolitions conducted pursuant to the exemptions approved by the Board of Trustees of the Mississippi Department of Archives and History, provided such actions comply with all applicable state and federal preservation standards.

**SECTION 5.** Section 39-5-5, Mississippi Code of 1972, is amended as follows:

39-5-5. The duties and powers of the Board of Trustees of the Department of Archives and History shall include, in addition to other duties and powers granted or prescribed by law, the following:

(a) To determine the location of places of historical interest within the state;



341 (b) To make a survey of buildings of all types  
342 throughout the state which are in danger of destruction, without  
343 proper care, and which in the opinion of the board of trustees  
344 should be preserved for historical purposes;

345 (c) To contact the proper authorities of the United  
346 States national cemeteries and military parks to determine whether  
347 or not the record of Mississippi troops is adequately  
348 commemorated;

349 (d) To acquire, preserve, restore or operate any real  
350 or personal property deemed significant for historical,  
351 architectural, archaeological or cultural reasons, to expend funds  
352 for such purposes, to enter into contracts or agreements with any  
353 agency of the United States or any person, firm, corporation or  
354 association for such purposes and to do any and all things which  
355 may be necessary or desirable to carry out such purposes;

356 (e) To participate with any agency of the United  
357 States, any other governmental agency or any person, firm,  
358 corporation, association or group in mutual or cooperative  
359 programs or projects within the duties and powers of the board of  
360 trustees;

361 (f) To accept grants or donations of money or property,  
362 real or personal, from any agency of the United States, any other  
363 governmental agency or any person, firm, corporation, association  
364 or group. However, the board of trustees shall not be required,



except by specific act of the Legislature, to accept any property without its consent;

(g) To provide suitable markers with adequate descriptions of the historical sites to which they refer, for places of historical interest and to provide suitable markers on the highways and roads of this state showing the direction and distance to the historical sites; \* \* \*

(h) To establish, administer, manage and make expenditures and allocations from the Mississippi Historic Site Preservation Fund under the provisions of Section 39-5-22 \* \* \*;

(i) To develop and implement policies for the preservation of state-owned properties; and

(j) To evaluate and approve exemptions to repair, renovation, or demolition standards for state-owned properties meeting the criteria set forth in Section 2 of this act, with particular attention to properties designated as Mississippi Landmarks and National Historic Landmarks.

**SECTION 6.** Section 39-7-7, Mississippi Code of 1972, is amended as follows:

39-7-7. (1) The duties of the board shall be to determine the site of and to designate Mississippi Landmarks; to remove from such designation certain of such sites as hereinafter provided; to contract or otherwise provide for the discovery and salvage operations herein covered; to consider the requests for and issue the permits hereinafter provided for; and to protect and preserve





the archaeological, historical and architectural resources of the State of Mississippi. The board shall be the legal custodian of all items hereinafter described which have been recovered and retained by the State of Mississippi, and shall maintain an inventory of such items showing the description and depository thereof.

(2) In accordance with the public policy declared under the provision of Section 39-7-3, the Mississippi Department of Archives and History is authorized to grant exemptions for the repair, renovation, or demolition of state-owned buildings under the criteria set forth in Section 2 of this act, provided that all actions comply with state and federal preservation laws applicable to Mississippi Landmarks and National Historic Landmarks.

**SECTION 7.** This act shall take effect and be in force from and after July 1, 2025.

