

By: Senator(s) Williams

To: Public Property

SENATE BILL NO. 2299

1 AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW COMMUNITY COLLEGES TO USE FUNDS FOR NEW CONSTRUCTION; TO  
3 ALLOW COMMUNITY COLLEGES TO SELF-ADMINISTER CERTAIN AUTHORIZED  
4 PROJECTS; TO ELIMINATE PRE-APPROVAL BY THE DEPARTMENT OF FINANCE  
5 AND ADMINISTRATION AND ALLOW NON-COMPETITIVE SELECTION OF  
6 ARCHITECTS AND ENGINEERS BY COMMUNITY COLLEGES; AND FOR RELATED  
7 PURPOSES.

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

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

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



21 and supervision of, and determine what, if any, buildings,  
22 additions, repairs, demolitions or improvements are to be made  
23 under the provisions of this chapter, subject to the regulations  
24 adopted by the Public Procurement Review Board.

25 (2) The department shall have full power to erect buildings,  
26 make repairs, additions or improvements, demolitions, to grant or  
27 acquire easements or rights-of-way, and to buy materials, supplies  
28 and equipment for any of the institutions or departments of the  
29 state subject to the regulations adopted by the Public Procurement  
30 Review Board. In addition to other powers conferred, the  
31 department shall have full power and authority, as directed by the  
32 Legislature, or when funds have been appropriated for its use for  
33 these purposes, to:

34 (a) Build a state office building;

35 (b) Build suitable plants or buildings for the use and  
36 housing of any state schools or institutions, including the  
37 building of plants or buildings for new state schools or  
38 institutions, as provided for by the Legislature;

39 (c) Provide state aid for the construction of school  
40 buildings;

41 (d) Promote and develop the training of returned  
42 veterans of the United States in all sorts of educational and  
43 vocational learning to be supplied by the proper educational  
44 institution of the State of Mississippi, and in so doing allocate  
45 monies appropriated to it for these purposes to the Governor for



46 use by him in setting up, maintaining and operating an office and  
47 employing a state director of on-the-job training for veterans and  
48 the personnel necessary in carrying out Public Law No. 346 of the  
49 United States;

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

52 (f) Build and equip additional buildings and wards at  
53 the Boswell Retardation Center;

54 (g) Construct a sewage disposal and treatment plant at  
55 the Mississippi State Hospital, and in so doing acquire additional  
56 land as may be necessary, and to exercise the right of eminent  
57 domain in the acquisition of this land;

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

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

63 (j) Build and equip a gymnasium at Columbia Training  
64 School;

65 (k) Approve or disapprove the expenditure of any money  
66 appropriated by the Legislature when authorized by the bill making  
67 the appropriation;

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



70           (m)   Sell and convey state lands when authorized by the  
71   Legislature, cause said lands to be properly surveyed and platted,  
72   execute all deeds or other legal instruments, and do any and all  
73   other things required to effectively carry out the purpose and  
74   intent of the Legislature. Any transaction which involves state  
75   lands under the provisions of this paragraph shall be done in a  
76   manner consistent with the provisions of Section 29-1-1;

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

81           (o)   Purchase lands for building sites, or as additions  
82   to building sites, for the erection of buildings and other  
83   facilities which the department is authorized to erect, and  
84   demolish and dispose of old buildings, when necessary for the  
85   proper construction of new buildings. Any transaction which  
86   involves state lands under the provisions of this paragraph shall  
87   be done in a manner consistent with the provisions of Section  
88   29-1-1;

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

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



Representatives, enter into contracts for the purpose of providing parking spaces for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building \* \* \*; and

(r) The department is hereby authorized to transfer \* \* \* any available bond funds or any other state support funds appropriated to each community college requesting to be exempt from department control and supervision relating to the repair, renovation and improvement of existing facilities owned by the community colleges, including utility infrastructure projects; heating and air conditioning systems; and the replacement of furniture and equipment. Such funds may also be transferred for new construction to those colleges designated annually by the Mississippi Community College Board as being capable to procure and administer such contracts. The community colleges shall abide by all applicable statutes related to the purchase of the repair, renovation and improvement of such existing facilities or the construction of new facilities where applicable. This paragraph (r) shall stand repealed on June 30, 2028.

(3) The department shall survey state-owned and state-utilized buildings to establish an estimate of the costs of architectural alterations, pursuant to the Americans With Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The department shall establish priorities for making the identified architectural alterations and shall make known to the Legislative



Budget Office and to the Legislature the required cost to effectuate such alterations. To meet the requirements of this section, the department shall use standards of accessibility that are at least as stringent as any applicable federal requirements and may consider:

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

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

(c) Design manuals;

(d) Applicable federal guidelines;

(e) Current literature in the field;

(f) Applicable safety standards; and

(g) Any applicable environmental impact statements.

(4) The department shall observe the provisions of Section 31-5-23 in letting contracts and shall use Mississippi products, including paint, varnish and lacquer which contain as vehicles tung oil and either ester gum or modified resin (with rosin as the principal base of constituents), and turpentine shall be used as a solvent or thinner, where these products are available at a cost not to exceed the cost of products grown, produced, prepared, made or manufactured outside of the State of Mississippi.



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

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

(7) The department shall review and preapprove all architectural or engineering service contracts entered into by any state agency, institution, commission, board or authority, regardless of the source of funding used to defray the costs of the construction or renovation project, for which services are to be obtained to ensure compliance with purchasing regulations and to confirm that the contracts are procured by a competitive qualification-based selection process except where such appointment is for an emergency project or for a continuation of a previous appointment for a directly related project. The provisions of this subsection (7) shall not apply to:

(a) Any architectural or engineering contract fully paid for by self-generated funds of any of the state institutions of higher learning;

(b) Any architectural or engineering contract that is self-administered at a state institution of higher learning as provided under Section 27-104-7(2)(b) or 37-101-15(m);



169 (c) Community college projects that are  
170 self-administered at a community college as provided under  
171 subsection (2)(c) above or are fully funded from local funds or  
172 other nonstate sources which are outside the Department of Finance  
173 and Administration's appropriations or as directed by the  
174 Legislature;

175 (d) Any construction or design projects of the State  
176 Military Department that are fully or partially funded from  
177 federal funds or other nonstate sources; and

178 (e) Any project of the State Department of  
179 Transportation.

180 (8) (a) The department shall have the authority to obtain  
181 annually from the state institutions of higher learning, the state  
182 community colleges and junior colleges, the Department of Mental  
183 Health, the Department of Corrections and the Department of  
184 Wildlife, Fisheries and Parks information on all renovation and  
185 repair expenditures for buildings under their operation and  
186 control, including duties, responsibilities and costs of any  
187 architect or engineer hired by any such institutions, and shall  
188 annually report the same to the Legislative Budget Office, the  
189 Chairman of the House Public Property Committee and the Chairman  
190 of the Senate Public Property Committee before September 1.

191 (b) All state agencies, departments and institutions  
192 are required to cooperate with the Department of Finance and  
193 Administration in carrying out the provisions of this subsection.





194 (c) Expenditures shall not include those amounts  
195 expended for janitorial, landscaping or administrative support,  
196 but shall include expenditures from both state and nonstate  
197 sources.

198 (d) Expenditures shall not include amounts expended by  
199 the department on behalf of state agencies, departments and  
200 institutions through the Department of Finance and Administration  
201 administered contracts, but shall include amounts transferred to  
202 the Department of Finance and Administration for support of such  
203 contracts.

204 (9) As an alternative to other methods of awarding contracts  
205 as prescribed by law, the department may elect to use the method  
206 of contracting for construction projects set out in Sections  
207 31-7-13.1 and 31-7-13.2; however, the design-build method of  
208 construction contracting authorized under Section 31-7-13.1 may be  
209 used only when the Legislature has specifically required or  
210 authorized the use of this method in the legislation authorizing a  
211 project.

212 (10) The department shall have the authority, for the  
213 purposes of carrying out the provisions of this chapter, and in  
214 addition to all other rights and powers granted by law, to create  
215 and maintain a list of suspended and debarred contractors and  
216 subcontractors. Consistent with this authority, the department  
217 may adopt regulations governing the suspension or debarment of  
218 contractors and subcontractors, which regulations shall be subject



219 to the approval of the Public Procurement Review Board. A  
220 suspended or debarred contractor or subcontractor shall be  
221 disqualified from consideration for contracts with the department  
222 during the suspension or debarment period in accordance with the  
223 department's regulations.

224 (11) This section shall not apply to the Mississippi State  
225 Port Authority.

226 **SECTION 2.** This act shall take effect and be in force from  
227 and after July 1, 2025.

