

By: Senator(s) DeLano

To: Universities and
Colleges

SENATE BILL NO. 2518
(As Sent to Governor)

1 AN ACT TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS
2 OF HIGHER LEARNING TO DEVELOP POLICIES, PROCEDURES AND RECOMMENDED
3 LEGISLATIVE CHANGES FOR THE PURPOSE OF PROMOTING AND COMPLETING
4 PUBLIC-PRIVATE PARTNERSHIPS; TO AMEND SECTION 31-11-3, MISSISSIPPI
5 CODE OF 1972, TO INCREASE THE AMOUNT OF AVAILABLE BOND FUNDS THAT
6 DFA IS AUTHORIZED TO TRANSFER TO EACH COMMUNITY COLLEGE REQUESTING
7 TO BE EXEMPT FROM DFA CONTROL AND SUPERVISION FOR REPAIR,
8 RENOVATION AND IMPROVEMENT OF EXISTING FACILITIES OWNED BY THE
9 COMMUNITY COLLEGES UP TO \$3,000,000.00; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** On or before October 1, 2025, the Board of
12 Trustees of State Institutions of Higher Learning, acting on
13 behalf of public institutions of higher learning, shall develop
14 and report to the Legislature policies, procedures and a list of
15 recommended legislative changes for the purpose of promoting and
16 completing public-private partnerships between institutions of
17 higher learning and private entities for long-term leases. These
18 leases shall include projects for developing buildings, housing,
19 parking garage facilities, dining halls and/or other retail
20 spaces.



21 **SECTION 2.** Section 31-11-3, Mississippi Code of 1972, is
22 amended as follows:

23 31-11-3. (1) The Department of Finance and Administration,
24 for the purposes of carrying out the provisions of this chapter,
25 in addition to all other rights and powers granted by law, shall
26 have full power and authority to employ and compensate architects
27 or other employees necessary for the purpose of making
28 inspections, preparing plans and specifications, supervising the
29 erection of any buildings, and making any repairs or additions as
30 may be determined by the Department of Finance and Administration
31 to be necessary, pursuant to the rules and regulations of the
32 State Personnel Board. The department shall have entire control
33 and supervision of, and determine what, if any, buildings,
34 additions, repairs, demolitions or improvements are to be made
35 under the provisions of this chapter, subject to the regulations
36 adopted by the Public Procurement Review Board.

37 (2) The department shall have full power to erect buildings,
38 make repairs, additions or improvements, demolitions, to grant or
39 acquire easements or rights-of-way, and to buy materials, supplies
40 and equipment for any of the institutions or departments of the
41 state subject to the regulations adopted by the Public Procurement
42 Review Board. In addition to other powers conferred, the
43 department shall have full power and authority, as directed by the
44 Legislature, or when funds have been appropriated for its use for
45 these purposes, to:



46 (a) Build a state office building;

47 (b) Build suitable plants or buildings for the use and
48 housing of any state schools or institutions, including the
49 building of plants or buildings for new state schools or
50 institutions, as provided for by the Legislature;

51 (c) Provide state aid for the construction of school
52 buildings;

53 (d) Promote and develop the training of returned
54 veterans of the United States in all sorts of educational and
55 vocational learning to be supplied by the proper educational
56 institution of the State of Mississippi, and in so doing allocate
57 monies appropriated to it for these purposes to the Governor for
58 use by him in setting up, maintaining and operating an office and
59 employing a state director of on-the-job training for veterans and
60 the personnel necessary in carrying out Public Law No. 346 of the
61 United States;

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

64 (f) Build and equip additional buildings and wards at
65 the Boswell Retardation Center;

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



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

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

75 (j) Build and equip a gymnasium at Columbia Training
76 School;

77 (k) Approve or disapprove the expenditure of any money
78 appropriated by the Legislature when authorized by the bill making
79 the appropriation;

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

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

89 (n) Collect and receive from educational institutions
90 of the State of Mississippi monies required to be paid by these
91 institutions to the state in carrying out any veterans'
92 educational programs;

93 (o) Purchase lands for building sites, or as additions
94 to building sites, for the erection of buildings and other



95 facilities which the department is authorized to erect, and
96 demolish and dispose of old buildings, when necessary for the
97 proper construction of new buildings. Any transaction which
98 involves state lands under the provisions of this paragraph shall
99 be done in a manner consistent with the provisions of Section
100 29-1-1;

101 (p) Obtain business property insurance with a
102 deductible of not less than One Hundred Thousand Dollars
103 (\$100,000.00) on state-owned buildings under the management and
104 control of the department; * * *

105 (q) In consultation with and approval by the Chairmen
106 of the Public Property Committees of the Senate and the House of
107 Representatives, enter into contracts for the purpose of providing
108 parking spaces for state employees who work in the Woolfolk
109 Building, the Carroll Gartin Justice Building or the Walter
110 Sillers Office Building * * *; and

111 (r) The department is hereby authorized to transfer up
112 to * * * Three Million Dollars (\$3,000,000.00) of available bond
113 funds to each community college requesting to be exempt from
114 department control and supervision relating to the repair,
115 renovation and improvement of existing facilities owned by the
116 community colleges, including utility infrastructure projects;
117 heating and air conditioning systems; and the replacement of
118 furniture and equipment. The community colleges shall abide by
119 all applicable statutes related to the purchase of the repair,



renovation and improvement of such existing facilities. This paragraph (r) shall stand repealed on July 1, 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);

(c) Community college projects that are fully funded from local funds or other nonstate sources which are outside the Department of Finance and Administration's appropriations or as directed by the Legislature;

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

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

(8) (a) The department shall have the authority to obtain annually from the state institutions of higher learning, the state community colleges and junior colleges, the Department of Mental Health, the Department of Corrections and the Department of Wildlife, Fisheries and Parks information on all renovation and repair expenditures for buildings under their operation and control, including duties, responsibilities and costs of any architect or engineer hired by any such institutions, and shall



194 annually report the same to the Legislative Budget Office, the
195 Chairman of the House Public Property Committee and the Chairman
196 of the Senate Public Property Committee before September 1.

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

200 (c) Expenditures shall not include those amounts
201 expended for janitorial, landscaping or administrative support,
202 but shall include expenditures from both state and nonstate
203 sources.

204 (d) Expenditures shall not include amounts expended by
205 the department on behalf of state agencies, departments and
206 institutions through the Department of Finance and Administration
207 administered contracts, but shall include amounts transferred to
208 the Department of Finance and Administration for support of such
209 contracts.

210 (9) As an alternative to other methods of awarding contracts
211 as prescribed by law, the department may elect to use the method
212 of contracting for construction projects set out in Sections
213 31-7-13.1 and 31-7-13.2; however, the design-build method of
214 construction contracting authorized under Section 31-7-13.1 may be
215 used only when the Legislature has specifically required or
216 authorized the use of this method in the legislation authorizing a
217 project.



218 (10) The department shall have the authority, for the
219 purposes of carrying out the provisions of this chapter, and in
220 addition to all other rights and powers granted by law, to create
221 and maintain a list of suspended and debarred contractors and
222 subcontractors. Consistent with this authority, the department
223 may adopt regulations governing the suspension or debarment of
224 contractors and subcontractors, which regulations shall be subject
225 to the approval of the Public Procurement Review Board. A
226 suspended or debarred contractor or subcontractor shall be
227 disqualified from consideration for contracts with the department
228 during the suspension or debarment period in accordance with the
229 department's regulations.

230 (11) This section shall not apply to the Mississippi State
231 Port Authority.

232 **SECTION 3.** This act shall take effect and be in force from
233 its passage.

