

By: Senator(s) Jackson (32nd)

To: Public Property

SENATE BILL NO. 2652

1 AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO APPROVE
3 DEMOLITIONS AND ACQUIRE EASEMENTS AND RIGHTS-OF-WAY FOR STATE
4 CONSTRUCTION PROJECTS; AND FOR RELATED PURPOSES.

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

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

8 31-11-3. (1) The Department of Finance and Administration,
9 for the purposes of carrying out the provisions of this chapter,
10 in addition to all other rights and powers granted by law, shall
11 have full power and authority to employ and compensate architects
12 or other employees necessary for the purpose of making
13 inspections, preparing plans and specifications, supervising the
14 erection of any buildings, and making any repairs or additions as
15 may be determined by the Department of Finance and Administration
16 to be necessary, pursuant to the rules and regulations of the
17 State Personnel Board. The department shall have entire control
18 and supervision of, and determine what, if any, buildings,
19 additions, repairs, demolitions or improvements are to be made
20 under the provisions of this chapter, subject to the regulations
21 adopted by the Public Procurement Review Board.

22 (2) The department shall have full power to erect buildings,
23 make repairs, additions or improvements, demolitions, to grant or
24 acquire easements or rights-of-way, and to buy materials, supplies
25 and equipment for any of the institutions or departments of the
26 state subject to the regulations adopted by the Public Procurement
27 Review Board. In addition to other powers conferred, the
28 department shall have full power and authority as directed by the

29 Legislature, or when funds have been appropriated for its use for
30 these purposes, to:

31 (a) Build a state office building;

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

36 (c) Provide state aid for the construction of school
37 buildings;

38 (d) Promote and develop the training of returned
39 veterans of the United States in all sorts of educational and
40 vocational learning to be supplied by the proper educational
41 institution of the State of Mississippi, and in so doing allocate
42 monies appropriated to it for these purposes to the Governor for
43 use by him in setting up, maintaining and operating an office and
44 employing a state director of on-the-job training for veterans and
45 the personnel necessary in carrying out Public Law No. 346 of the
46 United States;

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

49 (f) Build and equip additional buildings and wards at
50 the Boswell Retardation Center;

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

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

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

60 (j) Build and equip a gymnasium at Columbia Training
61 School;

62 (k) Approve or disapprove the expenditure of any money
63 appropriated by the Legislature when authorized by the bill making
64 the appropriation;

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

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

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

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

86 (p) Obtain business property insurance with a
87 deductible of not less than One Hundred Thousand Dollars
88 (\$100,000.00) on state-owned buildings under the management and
89 control of the department; and

90 (q) In consultation with and approval by the Chairmen
91 of the Public Property Committees of the Senate and the House of
92 Representatives, enter into contracts for the purpose of providing
93 parking spaces for state employees who work in the Woolfolk
94 Building, the Carroll Gartin Justice Building or the Walter

95 Sillers Office Building. The provisions of this paragraph (q)
96 shall stand repealed on July 1, 2010.

97 (3) The department shall survey state-owned and
98 state-utilized buildings to establish an estimate of the costs of
99 architectural alterations, pursuant to the Americans With
100 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The
101 department shall establish priorities for making the identified
102 architectural alterations and shall make known to the Legislative
103 Budget Office and to the Legislature the required cost to
104 effectuate such alterations. To meet the requirements of this
105 section, the department shall use standards of accessibility that
106 are at least as stringent as any applicable federal requirements
107 and may consider:

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

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

115 (c) Design manuals;

116 (d) Applicable federal guidelines;

117 (e) Current literature in the field;

118 (f) Applicable safety standards; and

119 (g) Any applicable environmental impact statements.

120 (4) The department shall observe the provisions of Section
121 31-5-23, in letting contracts and shall use Mississippi products,
122 including paint, varnish and lacquer which contain as vehicles
123 tung oil and either ester gum or modified resin (with rosin as the
124 principal base of constituents), and turpentine shall be used as a
125 solvent or thinner, where these products are available at a cost
126 not to exceed the cost of products grown, produced, prepared, made
127 or manufactured outside of the State of Mississippi.

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

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

135 (7) The department shall review and preapprove all
136 architectural or engineering service contracts entered into by any
137 state agency, institution, commission, board or authority
138 regardless of the source of funding used to defray the costs of
139 the construction or renovation project for which services are to
140 be obtained. The provisions of this subsection (7) shall not
141 apply to any architectural or engineering contract paid for by
142 self-generated funds of any of the state institutions of higher
143 learning, nor shall they apply to community college projects that
144 are funded from local funds or other nonstate sources which are
145 outside the Department of Finance and Administration's
146 appropriations or as directed by the Legislature. The provisions
147 of this subsection (7) shall not apply to any construction or
148 design projects of the State Military Department that are funded
149 from federal funds or other nonstate sources.

150 (8) The department shall have the authority to obtain
151 annually from the state institutions of higher learning
152 information on all building, construction and renovation projects
153 including duties, responsibilities and costs of any architect or
154 engineer hired by any such institutions.

155 (9) When funding is provided through the Bureau of Building,
156 Grounds and Real Property Management, the department may authorize
157 the state institutions of higher learning, community and junior
158 colleges, and other state agencies to manage any construction or
159 renovation project with a value not exceeding Two Hundred Fifty
160 Thousand Dollars (\$250,000.00). The department shall develop

161 criteria for management of such projects that each agency must
162 follow in order to manage the projects. Only agencies that the
163 department deems capable of managing by the criteria may manage
164 these projects. Additionally, the department shall require
165 agencies managing these projects to do the following:

166 (a) Use standard departmentally approved contracts and
167 project management procedures; and

168 (b) Conduct projects on a reimbursable basis and
169 require documentation that the department deems appropriate for
170 payment of claims. Reimbursement shall be on a one-time basis at
171 completion and approval of project documentation submittals.

172 The department shall revoke the authority of any agency to
173 perform these project management functions if, in its opinion, an
174 agency has not followed the department's requirements for managing
175 projects. The authority granted to the department in this section
176 shall not apply to projects funded directly to the institutions of
177 higher learning, community and junior colleges, or other state
178 agencies through separate appropriation or other means.

179 (10) The department shall adopt building code standards for
180 the new construction of public facilities in a manner consistent
181 with the provisions of Section 31-11-33.

182 **SECTION 2.** This act shall take effect and be in force from
183 and after its passage.