

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MR. PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 652: State Port Authority and other ports; delete repealer on authority to use design-build method of contracting.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7           **SECTION 1.** Section 59-5-37, Mississippi Code of 1972, is  
8 amended as follows:

9           59-5-37. (1) The board or State Port Authority, in the  
10 performance of its duties, may employ such personnel and make all  
11 contracts and purchases incidental to or necessary for the  
12 advancement, promotion, development, establishment, insurance,  
13 maintenance, repair, improvement and operation of any ports,  
14 harbors, rivers, channels and waterways including, if required for  
15 its protection, retirement benefits, workers' compensation  
16 insurance and other employee benefits for the benefit of any  
17 employees of the board or State Port Authority. The board or  
18 State Port Authority may establish a trade development and  
19 promotion account to pay all direct and necessary expenses for the

20 promotion and development of the state port. The authority is  
21 granted the power to sue and be sued in its own name.

22 (2) (a) The board or State Port Authority may, in its  
23 discretion, make such contracts or purchases according to the  
24 state purchasing laws. Contracts let for any port, harbor, river,  
25 channel or waterway improvements shall be advertised as required  
26 by law for the letting of public contracts, and such contracts  
27 shall be awarded to the lowest and best bidder who shall make bond  
28 as shall be required by the board or State Port Authority  
29 conditioned for the faithful prosecution and completion of work  
30 according to such contracts, such bond to be furnished by a  
31 corporate surety company qualified to do business in this state.  
32 However, the board may negotiate and enter into contracts with  
33 responsible lessees for the construction of facilities by lessees,  
34 such as those referred to in Section 59-5-11, and the acquisition  
35 thereof by the board upon such terms and conditions and for such  
36 amount as may be approved by the board.

37 (b) The State Port Authority shall be considered to be  
38 a "governing authority" under the state public purchasing laws as  
39 that term is defined in Section 31-7-1 and used in Sections 31-7-1  
40 through 31-7-73, and shall not be subject to the jurisdiction of  
41 the Department of Finance and Administration, the Public  
42 Procurement Review Board or the Bureau of Building, Grounds and  
43 Real Property Management under the provisions of Sections  
44 27-104-7, 29-5-2 and 31-11-3.

45           (3)   (a)   The board or State Port Authority, in its  
46 discretion, may use the design-build method of contracting for the  
47 renovation, repair and/or making of other improvements to not more  
48 than one (1) freezer and related equipment and/or facilities at  
49 the State Port at Gulfport, Mississippi. Notwithstanding any  
50 other provision of law to the contrary, any port or port  
51 commission may use the design-build method of contracting for the  
52 renovation, repair and/or making of other improvements to  
53 equipment and/or facilities at the port. For the purposes of this  
54 subsection (3), the term "design-build method of contracting"  
55 means a contract that combines the design and construction phases  
56 of a project into a single contract and the contractor is required  
57 to satisfactorily perform, at a minimum, both the design and  
58 construction of the project.

59           (b)   This subsection (3) shall stand repealed from and  
60 after July 1, \* \* \* 2027.

61           **SECTION 2.** This act shall take effect and be in force from  
62 and after July 1, 2024.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 59-5-37, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE REPEALER ON THE PROVISION OF LAW WHICH AUTHORIZES THE  
3 STATE PORT AUTHORITY AND OTHER PORTS AND PORT COMMISSIONS TO USE  
4 THE DESIGN-BUILD METHOD OF CONTRACTING FOR CERTAIN PROJECTS; AND  
5 FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)

Guice

X (SIGNED)

Ford (54th)

X (SIGNED)

Fondren

CONFEREES FOR THE SENATE

X (SIGNED)

Thompson

X (SIGNED)

Sparks

X (SIGNED)

Ladner