

By: Wallace

To: Appropriations

## HOUSE BILL NO. 1017

1 AN ACT TO REQUIRE ENTITIES THAT ENTER CONTRACTS WITH THE  
2 STATE OR POLITICAL SUBDIVISIONS OF THE STATE TO PROVIDE  
3 PROFESSIONAL SERVICES IN AN AMOUNT OF MORE THAN \$100,000.00 IN ANY  
4 FISCAL YEAR TO FILE A SUBCONTRACTING OR JOINT VENTURE PLAN WITH  
5 THE STATE OUTLINING HOW THE ENTITY PLANS TO UTILIZE MINORITY-OWNED  
6 PROFESSIONAL SERVICES BUSINESSES IN PROVIDING THE PROFESSIONAL  
7 SERVICES TO THE STATE OR POLITICAL SUBDIVISION; TO PROHIBIT THE  
8 STATE AND POLITICAL SUBDIVISIONS FROM USING ANY PROFESSIONAL  
9 SERVICES UNDER ANY SUCH CONTRACT UNTIL THE ENTITY HAS FILED THE  
10 REQUIRED PLAN; TO AMEND SECTIONS 9-21-15, 19-3-69, 25-9-107,  
11 25-9-120, 43-27-201 AND 65-1-141, IN CONFORMITY WITH THE PRECEDING  
12 PROVISIONS; AND FOR RELATED PURPOSES.

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

14 SECTION 1. (1) Each individual, corporation, partnership,  
15 association, organization or other entity that enters a new  
16 contract or renews an existing contract with the State of  
17 Mississippi or any agency, department, institution or political  
18 subdivision of the state to provide professional services in an  
19 amount that will or is reasonably anticipated to exceed One  
20 Hundred Thousand Dollars (\$100,000.00) in any fiscal year of the  
21 state or the political subdivision to which the professional  
22 services are to be provided, shall file with the State Personal  
23 Service Contract Review Board in the case of a contract with the  
24 state or with the State Auditor in the case of a contract with a  
25 political subdivision, a subcontracting or joint venture plan that  
26 outlines the manner in which the entity plans to utilize  
27 minority-owned professional services businesses in providing the  
28 professional services to the state or political subdivision, and  
29 that includes a goal for the utilization of minority-owned  
30 professional services businesses expressed as a percentage of the  
31 total cost of the professional services to be provided under the

32 contract. The entity shall file the plan required by this section  
33 before it may provide any professional services under the contract  
34 with the state or political subdivision with which the entity has  
35 the contract. The state and each political subdivision of the  
36 state having a contract with an entity for which the plan required  
37 by this section must be filed shall be prohibited from using any  
38 professional services to be provided under the contract until the  
39 entity has filed the plan.

40 (2) For the purposes of this section:

41 (a) "Minority-owned professional services business"  
42 means a business providing professional services that is owned by  
43 a majority of persons who are United States citizens or permanent  
44 resident aliens (as defined by the Immigration and Naturalization  
45 Service) of the United States and who are:

46 (i) Asian, which means persons having origins in  
47 any of the original people of the Far East, Southeast Asia, the  
48 Indian subcontinent, or the Pacific Islands;

49 (ii) Black, which means persons having origins in  
50 any black racial group of Africa;

51 (iii) Hispanic, which means persons of Spanish or  
52 Portuguese culture with origins in Mexico, South or Central  
53 America, or the Caribbean Islands, regardless of race;

54 (iv) Native American, which means persons having  
55 origins in any of the original people of North America, including  
56 American Indians, Eskimos and Aleuts;

57 (v) Female; or

58 (vi) Any combination of the persons listed in  
59 subparagraphs (i) through (v) of this paragraph (a).

60 (b) "Professional services" means any type of personal  
61 service rendered to the public for compensation that requires as a  
62 condition precedent to the rendering of such service the obtaining  
63 of a license or other legal authorization, and any type of  
64 personal service rendered to the public for compensation by a  
65 business management, administrative or consulting firm.

66 SECTION 2. Section 9-21-15, Mississippi Code of 1972, is  
67 amended as follows:

68 9-21-15. The Administrative Director of Courts is authorized

69 and empowered to employ consultants and consultant firms and to  
70 contract with the same for their services for reasonable  
71 compensation and as necessary to improve the administration of  
72 justice and the courts of the state. The contracts with such  
73 consultants or consultant firms shall be considered as contracts  
74 for professional services. Professional services contracts  
75 entered into under the authority of this section shall be subject  
76 to the provisions of Section 1 of this act.

77 SECTION 3. Section 19-3-69, Mississippi Code of 1972, is  
78 amended as follows:

79 19-3-69. The board of supervisors of each county may, in its  
80 discretion, contract with certain professionals when the board  
81 determines that such professional services are necessary and in  
82 the best interest of the county.

83 The board of supervisors shall spread upon its minutes its  
84 finding that the professional services are necessary and in the  
85 best interest of the county. The contract for professional  
86 services shall be approved by the attorney for the board of  
87 supervisors and made a part of the minutes. Professional services  
88 contracts entered into under the authority of this section shall  
89 be subject to the provisions of Section 1 of this act.

90 A professional within the meaning of this section shall be  
91 limited to:

92 (a) Attorneys at law, admitted to practice law in this  
93 state by the State Board of Bar Admissions;

94 (b) Accountants, certified by the State Board of Public  
95 Accountancy;

96 (c) Architects, licensed by the State Board of  
97 Architecture;

98 (d) Engineers, registered by the State Board of  
99 Registration for Professional Engineers;

100 (e) Physicians, licensed by the State Board of Medical  
101 Licensure;

102           (f) Appraisers, licensed by the Mississippi Real Estate  
103 Commission or as otherwise provided by law;

104           (g) Real estate brokers, licensed by the Mississippi  
105 Real Estate Commission;

106           (h) In the sale of personal property pursuant to the  
107 provisions of Section 19-7-5, auctioneers who meet standards  
108 established by the State Department of Audit.

109           SECTION 4. Section 25-9-107, Mississippi Code of 1972, is  
110 amended as follows:

111           25-9-107. The following terms, when used in this chapter,  
112 unless a different meaning is plainly required by the context,  
113 shall have the following meanings:

114           (a) "Board" shall mean the State Personnel Board  
115 created under the provisions of this chapter.

116           (b) "State service" shall mean all employees of state  
117 departments, agencies and institutions as defined herein, except  
118 those officers and employees excluded by this chapter.

119           (c) "Nonstate service" shall mean the following  
120 officers and employees excluded from the state service by this  
121 chapter. The following are excluded from the state service:

122           (i) Members of the state Legislature, their staffs  
123 and other employees of the legislative branch;

124           (ii) The Governor and staff members of the  
125 immediate Office of the Governor;

126           (iii) Justices and judges of the judicial branch  
127 or members of appeals boards on a per diem basis;

128           (iv) The Lieutenant Governor, staff members of the  
129 immediate Office of the Lieutenant Governor and officers and  
130 employees directly appointed by the Lieutenant Governor;

131           (v) Officers and officials elected by popular vote  
132 and persons appointed to fill vacancies in elective offices;

133           (vi) Members of boards and commissioners appointed  
134 by the Governor, Lieutenant Governor or the state Legislature;

135 (vii) All academic officials, members of the  
136 teaching staffs and employees of the state institutions of higher  
137 learning, the State Board for Community and Junior Colleges, and  
138 community and junior colleges;

139 (viii) Officers and enlisted members of the  
140 National Guard of the state;

141 (ix) Prisoners, inmates, student or patient help  
142 working in or about institutions;

143 (x) Contract personnel; provided, that any agency  
144 which employs state service employees may enter into contracts for  
145 personal and professional services only if such contracts are  
146 approved in compliance with the rules and regulations promulgated  
147 by the State Personal Service Contract Review Board under Section  
148 25-9-120(3). Before paying any warrant for such contractual  
149 services in excess of One Hundred Thousand Dollars (\$100,000.00),  
150 the State Fiscal Officer shall determine whether the contract  
151 involved was for personal or professional services, and, if so,  
152 was approved by the State Personal Service Contract Review Board.  
153 Professional services contracts entered into by any agency shall  
154 be subject to the provisions of Section 1 of this act;

155 (xi) Part-time employees; provided, however,  
156 part-time employees shall only be hired into authorized employment  
157 positions classified by the board, shall meet minimum  
158 qualifications as set by the board, and shall be paid in  
159 accordance with the Variable Compensation Plan as certified by the  
160 board;

161 (xii) Persons appointed on an emergency basis for  
162 the duration of the emergency; the effective date of the emergency  
163 appointments shall not be earlier than the date approved by the  
164 State Personnel Director, and shall be limited to thirty (30)  
165 working days. Emergency appointments may be extended to sixty  
166 (60) working days by the State Personnel Board;

167 (xiii) Physicians, dentists, veterinarians, nurse

168 practitioners and attorneys, while serving in their professional  
169 capacities in authorized employment positions who are required by  
170 statute to be licensed, registered or otherwise certified as such,  
171 provided that the State Personnel Director shall verify that the  
172 statutory qualifications are met prior to issuance of a payroll  
173 warrant by the auditor;

174                   (xiv) Personnel who are employed and paid from  
175 funds received from a federal grant program which has been  
176 approved by the Legislature or the Department of Finance and  
177 Administration whose length of employment has been determined to  
178 be time-limited in nature. This subparagraph shall apply to  
179 personnel employed under the provisions of the Comprehensive  
180 Employment and Training Act of 1973, as amended, and other special  
181 federal grant programs which are not a part of regular federally  
182 funded programs wherein appropriations and employment positions  
183 are appropriated by the Legislature. Such employees shall be paid  
184 in accordance with the Variable Compensation Plan and shall meet  
185 all qualifications required by federal statutes or by the  
186 Mississippi Classification Plan;

187                   (xv) The administrative head who is in charge of  
188 any state department, agency, institution, board or commission,  
189 wherein the statute specifically authorizes the Governor, board,  
190 commission or other authority to appoint said administrative head;  
191 provided, however, that the salary of such administrative head  
192 shall be determined by the State Personnel Board in accordance  
193 with the Variable Compensation Plan unless otherwise fixed by  
194 statute;

195                   (xvi) The State Personnel Board shall exclude top  
196 level positions if the incumbents determine and publicly advocate  
197 substantive program policy and report directly to the agency head,  
198 or the incumbents are required to maintain a direct confidential  
199 working relationship with a key excluded official. Provided  
200 further, a written job classification shall be approved by the

201 board for each such position, and positions so excluded shall be  
202 paid in conformity with the Variable Compensation Plan;

203 (xvii) Employees whose employment is solely in  
204 connection with an agency's contract to produce, store or  
205 transport goods, and whose compensation is derived therefrom;

206 (xviii) Repealed;

207 (xix) The associate director, deputy directors and  
208 bureau directors within the Department of Agriculture and  
209 Commerce;

210 (xx) Personnel employed by the Mississippi  
211 Industries for the Blind; provided, that any agency may enter into  
212 contracts for the personal services of MIB employees without the  
213 prior approval of the State Personnel Board or the State Personal  
214 Service Contract Review Board; however, any agency contracting for  
215 the personal services of an MIB employee shall provide the MIB  
216 employee with not less than the entry level compensation and  
217 benefits that the agency would provide to a full-time employee of  
218 the agency who performs the same services.

219 (d) "Agency" means any state board, commission,  
220 committee, council, department or unit thereof created by the  
221 Constitution or statutes if such board, commission, committee,  
222 council, department, unit or the head thereof, is authorized to  
223 appoint subordinate staff by the Constitution or statute, except a  
224 legislative or judicial board, commission, committee, council,  
225 department or unit thereof.

226 SECTION 5. Section 25-9-120, Mississippi Code of 1972, is  
227 amended as follows:[RF1]

228 25-9-120. (1) Contract personnel, whether classified as  
229 contract workers or independent contractors shall not be deemed  
230 state service or nonstate service employees of the State of  
231 Mississippi, and shall not be eligible to participate in the  
232 Public Employees' Retirement System, or the state employee health  
233 plan, nor be allowed credit for personal and sick leave and other

234 leave benefits as employees of the State of Mississippi,  
235 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101  
236 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through  
237 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth  
238 herein. Contract workers, i.e., contract personnel who do not  
239 meet the criteria of independent contractors, shall be subject to  
240 the provisions of Section 25-11-127.

241 (2) There is hereby created the Personal Service Contract  
242 Review Board, which shall be composed of the State Personnel  
243 Director, the Executive Director of the Department of Finance and  
244 Administration, or his designee, the Commissioner of Corrections,  
245 or his designee, the Executive Director of the Mississippi  
246 Department of Wildlife and Fisheries, or his designee, and the  
247 Executive Director of the Department of Environmental Quality, or  
248 his designee. The State Personnel Director shall be chairman and  
249 shall preside over the meetings of the board. The board shall  
250 annually elect a vice chairman, who shall serve in the absence of  
251 the chairman. No business shall be transacted, including adoption  
252 of rules of procedure, without the presence of a quorum of the  
253 board. Three (3) members shall be a quorum. No action shall be  
254 valid unless approved by the chairman and two (2) other of those  
255 members present and voting, entered upon the minutes of the board  
256 and signed by the chairman. Necessary clerical and administrative  
257 support for the board shall be provided by the State Personnel  
258 Board. Minutes shall be kept of the proceedings of each meeting,  
259 copies of which shall be filed on a monthly basis with the  
260 Legislative Budget Office.

261 (3) The Personal Service Contract Review Board shall have  
262 the following powers and responsibilities:

263 (a) Promulgate rules and regulations governing the  
264 solicitation and selection of contractual services personnel  
265 including personal and professional services contracts for any  
266 form of consulting, policy analysis, public relations, marketing,



267 public affairs, legislative advocacy services or any other  
268 contract that the board deems appropriate for oversight, with the  
269 exception of any personal service contracts entered into for  
270 computer or information technology-related services governed by  
271 the Mississippi Department of Information Technology Services, any  
272 personal service contracts entered into by the Mississippi  
273 Department of Transportation, and any contract for attorney,  
274 accountant, auditor, physician, dentist, architect, engineer,  
275 veterinarian and utility rate expert services. Any such rules and  
276 regulations shall provide for maintaining continuous internal  
277 audit covering the activities of such agency affecting its revenue  
278 and expenditures as required under Section 7-7-3(6)(d),  
279 Mississippi Code of 1972.

280 (b) Approve all personal and professional services  
281 contracts involving the expenditures of funds in excess of One  
282 Hundred Thousand Dollars (\$100,000.00);

283 (c) Develop standards with respect to contractual  
284 services personnel which require invitations for public bid,  
285 requests for proposals, record keeping and financial  
286 responsibility of contractors. The Personal Service Contract  
287 Review Board may, in its discretion, require the agency involved  
288 to advertise such contract for public bid, and may reserve the  
289 right to reject any or all bids;

290 (d) Prescribe certain circumstances whereby agency  
291 heads may enter into contracts for personal and professional  
292 services without receiving prior approval from the Personal  
293 Service Contract Review Board. The Personal Service Contract  
294 Review Board may establish a pre-approved list of providers of  
295 various personal and professional services for set prices with  
296 which state agencies may contract without bidding or prior  
297 approval from the board.

298 (e) To provide standards for the issuance of requests  
299 for proposals, the evaluation of proposals received, consideration

300 of costs and quality of services proposed, contract negotiations,  
301 the administrative monitoring of contract performance by the  
302 agency and successful steps in terminating a contract;

303 (f) To present recommendations for governmental  
304 privatization and to evaluate privatization proposals submitted by  
305 any state agency;

306 (g) To authorize personal and professional service  
307 contracts to be effective for more than one (1) year provided a  
308 funding condition is included in any such multiple year contract,  
309 except the State Board of Education, which shall have the  
310 authority to enter into contractual agreements for student  
311 assessment for a period up to ten (10) years. The State Board of  
312 Education shall procure these services in accordance with the  
313 Personal Service Contract Review Board procurement regulations;

314 (h) To request the State Auditor to conduct a  
315 performance audit on any personal or professional service  
316 contract;

317 (i) Prepare an annual report to the Legislature  
318 concerning the issuance of personal service contracts during the  
319 previous year, collecting any necessary information from state  
320 agencies in making such report;

321 (j) Receive subcontracting or joint venture plans  
322 outlining how entities plan to utilize minority-owned professional  
323 services businesses in providing professional services to the  
324 state, as required by Section 1 of this act.

325 (4) No member of the Personal Service Contract Review Board  
326 shall use his official authority or influence to coerce, by threat  
327 of discharge from employment, or otherwise, the purchase of  
328 commodities or the contracting for personal or professional  
329 services under this section.

330 SECTION 6. Section 43-27-201, Mississippi Code of 1972, is  
331 amended as follows:

332 43-27-201. (1) The purpose of this section is to outline

333 and structure a long-range proposal in addition to certain  
334 immediate objectives for improvements in the juvenile correctional  
335 facilities of the Division of Youth Services of the Mississippi  
336 Department of Human Services in order to provide modern and  
337 efficient correctional and rehabilitation facilities for juvenile  
338 offenders in Mississippi, who are committing an increasing  
339 percentage of serious and violent crimes.

340 (2) The Department of Finance and Administration, acting  
341 through the Bureau of Building, Grounds and Real Property  
342 Management, using funds from bonds issued under this chapter,  
343 monies appropriated by the Legislature for such purposes, federal  
344 matching or other federal funds, federal grants or other available  
345 funds from whatever source, shall provide for, by construction,  
346 lease, lease-purchase or otherwise, and equip the following  
347 juvenile correctional facilities under the jurisdiction and  
348 responsibility of the Division of Youth Services of the Department  
349 of Human Services:

350 (a) Construct an additional one-hundred-fifty-bed,  
351 stand-alone, medium security juvenile correctional facility for  
352 habitual violent male offenders, which complies with American  
353 Correctional Association Accreditation standards and applicable  
354 building and fire safety codes. The medium security, male  
355 juvenile facility location shall be on property owned by the  
356 Division of Youth Services, or its successor, or at a site  
357 selected by the Bureau of Building, Lands and Real Property  
358 Management on land which is hereafter donated to the state  
359 specifically for the location of such facility.

360 (b) Construct an additional one-hundred-bed minimum  
361 security juvenile correctional facility for female offenders, and  
362 an additional stand-alone, fifteen-bed maximum security juvenile  
363 correctional facility for female offenders, which complies with  
364 American Correctional Association Accreditation standards and  
365 applicable building and fire safety codes. The minimum security

366 and maximum security female juvenile facilities location shall be  
367 on property owned by the Division of Youth Services, or its  
368 successor, or at a site selected by the Bureau of Building,  
369 Grounds and Real Property Management on land which is hereafter  
370 donated to the state specifically for the location of such  
371 facility.

372 (3) Upon the selection of a proposed site for a correctional  
373 facility for juveniles authorized under subsection (2), the Bureau  
374 of Building, Grounds and Real Property Management of the  
375 Department of Finance and Administration shall notify the board of  
376 supervisors of the county in which such facility is proposed to be  
377 located and shall publish a notice as hereinafter set forth in a  
378 newspaper having general circulation in such county. Such notice  
379 shall include a description of the tract of land in the county  
380 whereon the facility is proposed to be located, the nature and  
381 size of the facility and the date on which the determination of  
382 the Bureau of Building, Grounds and Real Property Management shall  
383 be final as to the location of such facility, which date shall not  
384 be less than forty-five (45) days following the first publication  
385 of such notice. Such notice shall include a brief summary of the  
386 provisions of this section pertaining to the petition for an  
387 election on the question of the location of the juvenile housing  
388 facility in such county. Such notice shall be published not less  
389 than one (1) time each week for at least three (3) consecutive  
390 weeks in at least one (1) newspaper published in such county.

391 If no petition requesting an election is filed before the  
392 date of final determination stated in such notice, then the bureau  
393 shall give final approval to the location of such facility.

394 If at any time before the aforesaid date a petition signed by  
395 twenty percent (20%), or fifteen hundred (1500), whichever is  
396 less, of the qualified electors of the county involved shall be  
397 filed with the board of supervisors requesting that an election be  
398 called on the question of locating such facility, then the board

399 of supervisors shall adopt a resolution calling an election to be  
400 held within such county upon the question of the location of such  
401 facility. Such election shall be held, as far as practicable, in  
402 the same manner as other elections are held in counties. At such  
403 election, all qualified electors of the county may vote, and the  
404 ballots used at such election shall have printed thereon a brief  
405 statement of the facility to be constructed and the words "For the  
406 construction of the facility in (here insert county name) County"  
407 and "Against the construction of the facility in (here insert  
408 county name) County." The voter shall vote by placing a cross (x)  
409 or check mark (U) opposite his choice on the proposition. When  
410 the results of the election on the question of the construction of  
411 the facility shall have been canvassed by the election  
412 commissioners of the county and certified by them to the board of  
413 supervisors, it shall be the duty of the board of supervisors to  
414 determine and adjudicate whether or not a majority of the  
415 qualified electors who voted thereon in such election voted in  
416 favor of the construction of the facilities in such county.  
417 Unless a majority of the qualified electors who voted in such  
418 election shall have voted in favor of the construction of the  
419 facilities in such county, then such facility shall not be  
420 constructed in such county.

421 (4) The Division of Youth Services shall establish, maintain  
422 and operate an Adolescent Offender Program (AOP), which may  
423 include non-Medicaid assistance eligible juveniles. The division  
424 may establish at least twelve (12) AOP sites at various locations  
425 throughout the state based upon the needs of the population, as  
426 determined by the division. AOP professional services, salaries,  
427 facility offices, meeting rooms and related supplies and equipment  
428 may be provided through contract with local mental health or other  
429 nonprofit community organizations. Professional services  
430 contracts entered into under the authority of this subsection  
431 shall be subject to the provisions of Section 1 of this act.

432 (5) The Division of Youth Services shall operate and  
433 maintain the Forestry Camp Number 43 at the Columbia Training  
434 School, originally authorized and constructed in 1973, to consist  
435 of a twenty-bed dormitory, four (4) offices, a classroom, kitchen,  
436 dining room, day room and apartment. The purpose of this camp  
437 shall be to train juvenile detention residents for community  
438 college and other forestry training programs.

439 (6) The Division of Youth Services shall establish a ten-bed  
440 transitional living facility for the temporary holding of training  
441 school adolescents who have reached their majority, have completed  
442 the GED requirement, and are willing to be rehabilitated until  
443 they are placed in jobs, job training or postsecondary programs.  
444 Such transitional living facility may be operated pursuant to  
445 contract with a nonprofit community support organization.

446 SECTION 7. Section 65-1-141, Mississippi Code of 1972, is  
447 amended as follows:

448 65-1-141. (1) (a) The Mississippi Transportation  
449 Commission shall annually have the Mississippi Department of  
450 Transportation prepare a three-year plan for the maintenance,  
451 construction, reconstruction and relocation of the state highway  
452 system. The plan shall include:

453 (i) For each interstate, primary, secondary and  
454 other highway or road system under the jurisdiction of the  
455 Transportation Commission, a list and detailed description of  
456 those highways, or segments thereof, on the highway system which  
457 are determined to have the highest priority for maintenance and  
458 which can be maintained within the three-year period from funds  
459 available or estimated to be made available for such purpose;

460 (ii) For each interstate, primary, secondary and  
461 other highway or road system under the jurisdiction of the  
462 Transportation Commission, a list and detailed description of  
463 those highways, or segments thereof, on the highway system which  
464 are determined to have the highest priority for construction,

465 reconstruction or relocation and for which contracts can be let  
466 for construction, reconstruction or relocation within the  
467 three-year period from funds available or estimated to be  
468 available for such purpose;

469 (iii) The reasons for the priority assigned to  
470 highways, or segments thereof, pursuant to the criteria  
471 established in the following subsection (1)(b), and the annual  
472 cost and total estimated cost of completion for each such project;  
473 and

474 (iv) A synopsis of any analyses or studies  
475 considered by the commission to develop the criteria in  
476 determining priorities.

477 (b) The Transportation Commission shall determine the  
478 criteria on which the Department of Transportation shall assign  
479 priority for maintenance, construction, reconstruction and  
480 relocation of highways, or segments thereof, on each highway or  
481 road system under its jurisdiction, taking into consideration all  
482 of the following criteria:

- 483 (i) Public necessity and public safety;  
484 (ii) Present and future economic benefit and  
485 commercial value;  
486 (iii) Present and future traffic census; and  
487 (iv) Route continuity.

488 Additionally, the Transportation Commission shall take into  
489 consideration conditions potentially hazardous to the public  
490 safety at points on highways having substantial truck traffic  
491 entering and leaving the highway. In setting priorities for  
492 construction, the department shall take into consideration the  
493 construction of turning lanes at such points on highways to  
494 facilitate the safe movement of traffic.

495 (c) To develop the criteria to be used in determining  
496 priorities, the Transportation Commission may conduct public  
497 hearings; shall conduct analyses or studies of highway needs,

498 utilizing Department of Transportation personnel; and shall  
499 consider highway needs analyses or studies submitted to them by  
500 the University Research Center, which is \* \* \* directed to develop  
501 such highway needs analyses or studies with respect to the  
502 criteria set forth in subsection (1)(b)(ii) above and to timely  
503 submit or present such analyses or studies to the Transportation  
504 Commission.

505 (2) All funds appropriated and made available to the  
506 Department of Transportation from any source within the state for  
507 maintenance, construction, reconstruction and relocation of the  
508 state highway system shall be expended on order of the  
509 Transportation Commission according to the priorities herein set  
510 forth and without regard to the provisions of Sections 65-3-29  
511 through 65-3-33. The commission shall spread upon its minutes,  
512 from time to time, the priority of roads for application of such  
513 funds, the specific reasons for each priority so assigned, and the  
514 source and amount of funds applied to each project.

515 (a) All interstate funds apportioned to the  
516 Transportation Commission under the Federal Aid Highway Act of  
517 1956 shall be allocated on the basis of need to complete the  
518 interstate system of highways to provide for the maximum  
519 commercial benefit to the state.

520 (b) All primary road construction money shall be used  
521 in the priorities established pursuant to subsection (1)(b)  
522 hereof.

523 (c) The Department of Transportation shall match all  
524 available federal money for highways.

525 (d) Federal aid primary system as constituted.  
526 Priority of use of these funds shall be determined by roads  
527 meeting most of the criteria receiving priority established  
528 pursuant to subsection (1)(b) hereof.

529 (e) Secondary road construction money shall be used  
530 with priorities established by roads meeting most of the following



531 criteria receiving priority:

532 (i) Roads in the order of the relative use and  
533 importance of such highways, as may be determined by the present  
534 and future traffic censuses thereof, taking into consideration  
535 their present and future use, convenience, public necessity and  
536 public safety, the connecting of Mississippi towns, cities and  
537 population centers and the economic contribution to the state  
538 should a specific highway be improved, the recorded maintenance  
539 expense and their continuity as highways through the state.

540 (ii) Roads which carry the most traffic.

541 (iii) Roads which connect the federal aid primary  
542 or interstate system in a uniform manner.

543 (iv) Roads which serve the most commercial value.

544 (v) Roads which are arterial in nature.

545 (vi) Roads which connect the major rural  
546 communities with similar communities in adjoining counties.

547 (f) The Department of Transportation shall when funds  
548 are available match all available federal money for highways.

549 (3) Projects eligible for reimbursement under the provisions  
550 of P.L. 97-424 shall be exempt from the requirements of subsection  
551 (1)(a) of this section, but the Transportation Commission shall  
552 expend funds available to it for such projects in the priorities  
553 established pursuant to subsection (1)(b) hereof.

554 (4) All highway construction, reconstruction and relocation  
555 shall be by contract, let on competitive bid in the manner  
556 provided by statute. On any one (1) reconstruction project the  
557 total cost of which does not exceed Two Hundred Thousand Dollars  
558 (\$200,000.00), reconstruction may be accomplished by Department of  
559 Transportation labor, equipment or materials. Nothing herein  
560 shall be construed to affect maintenance and repair work done or  
561 to be done on existing roads. When new programs require the  
562 utilization of professional services, the Department of  
563 Transportation may contract with, engage, or retain available,

564 competent firms actively offering such professional services as a  
565 primary source of livelihood. "Professional services" is defined  
566 as services normally performed on a fee basis or contract by  
567 engineers, architects, business management, administrative and  
568 consulting firms. Professional services contracts entered into  
569 under the authority of this subsection shall be subject to the  
570 provisions of Section 1 of this act.

571 SECTION 8. This act shall take effect and be in force from  
572 and after July 1, 2000.