

By: Representative Wallace

To: Appropriations

HOUSE BILL NO. 1038

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:

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 (✓) 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, 2002.

