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To: Transportation; Ways  
and Means

## HOUSE BILL NO. 945

1 AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE  
2 KNOWN AS THE "HIGHWAY WELCOME CENTERS AND REST AREAS CONSTRUCTION,  
3 MAINTENANCE AND OPERATION FUND"; TO PROVIDE THAT MONIES IN THE  
4 FUND MAY BE EXPENDED BY THE MISSISSIPPI TRANSPORTATION COMMISSION,  
5 THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF  
6 ECONOMIC AND COMMUNITY DEVELOPMENT FOR THE PURPOSE OF DEFRAYING  
7 EXPENSES RELATED TO THE CONSTRUCTION, MAINTENANCE AND OPERATION OF  
8 WELCOME CENTERS AND REST AREAS ALONG CERTAIN HIGHWAYS IN THE  
9 STATE; TO RENAME HIGHWAY HOSPITALITY CENTERS AS HIGHWAY WELCOME  
10 CENTERS; TO ESTABLISH CERTAIN CRITERIA THAT THE TRANSPORTATION  
11 COMMISSION MUST FOLLOW IN SELECTING SITES FOR NEW WELCOME CENTERS  
12 AND REST AREAS; TO REQUIRE THE CONSTRUCTION OF SUCH FACILITIES TO  
13 CONFORM TO CERTAIN STANDARDS AND COMPLY WITH CERTAIN LAWS AND  
14 REGULATIONS; TO PROVIDE THAT THE TRANSPORTATION DEPARTMENT SHALL  
15 BE RESPONSIBLE FOR THE UPKEEP, MAINTENANCE AND SECURITY OF SUCH  
16 FACILITIES; TO PROVIDE THAT THE DEPARTMENT OF ECONOMIC AND  
17 COMMUNITY DEVELOPMENT SHALL EMPLOY SUITABLE PERSONNEL FOR THE  
18 OPERATION OF WELCOME CENTERS; TO AMEND SECTION 75-76-129,  
19 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PORTION OF THE STATE'S  
20 SHARE OF TAXES, FEES AND PENALTIES COLLECTED BY THE STATE TAX  
21 COMMISSION UNDER THE MISSISSIPPI GAMING CONTROL ACT SHALL BE  
22 DEPOSITED IN THE HIGHWAY WELCOME CENTERS AND REST AREAS  
23 CONSTRUCTION, MAINTENANCE AND OPERATION FUND; TO AMEND SECTIONS  
24 65-31-1, 65-31-3, 65-31-5 AND 65-1-51, MISSISSIPPI CODE OF 1972,  
25 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

27 SECTION 1. The following shall be codified as Section

28 65-32-1, Mississippi Code of 1972:

29 65-32-1. (1) There is created in the State Treasury a  
30 special fund to be designated as the "Highway Welcome Centers and  
31 Rest Areas Construction, Maintenance and Operation Fund." The  
32 fund shall consist of such monies as are required to be deposited  
33 in the fund under the provisions of Section 75-76-129, and such  
34 other monies from any other source as the Legislature may direct.

35 Monies in the fund may be expended, upon legislative  
36 appropriation, to defray the expenses of:

37 (a) The Mississippi Transportation Commission and the

38 Mississippi Department of Transportation for planning, designing,  
39 engineering, constructing, reconstructing, renovating and  
40 maintaining highway welcome centers, as authorized under Chapter  
41 31 of Title 65, Mississippi Code of 1972, and highway rest areas,  
42 as authorized under Section 65-1-51; and

43 (b) The Mississippi Department of Economic and  
44 Community Development for the operation of welcome centers, as  
45 authorized under Chapter 31 of Title 65, Mississippi Code of 1972,  
46 pursuant to contracts entered into with the Mississippi  
47 Transportation Commission under Section 65-31-3.

48 (2) Unexpended amounts remaining in the special fund at the  
49 end of a fiscal year shall not lapse into the State General Fund,  
50 and any interest earned on amounts in the special fund shall be  
51 deposited to the credit of the special fund.

52 SECTION 2. The following shall be codified as Section  
53 65-32-3, Mississippi Code of 1972:

54 65-32-3. (1) Monies in the special fund created under  
55 Section 65-32-1 may be expended by the Mississippi Transportation  
56 Commission and the Mississippi Department of Transportation for  
57 the planning, designing, engineering and constructing of new  
58 welcome centers and rest areas on and along four-lane highways and  
59 interstate highways in the state at sites selected by the  
60 commission based upon the following criteria:

61 (a) A proposed site must be located along or adjacent  
62 to a route with a high traffic volume that serves as a corridor  
63 for motorists and tourists;

64 (b) A proposed site must be close and easily accessible  
65 to the highway it serves and capable of accommodating a sufficient  
66 volume of vehicular parking;

67 (c) Sites must be spaced at sufficient mileage  
68 intervals to provide rest and promote safety and alertness in  
69 motor vehicle operators;

70 (d) Electricity, water and other necessary public

71 utilities must be readily available at a proposed site; and

72 (e) Such other criteria as the Transportation  
73 Commission deems appropriate for site selection.

74 (2) In addition to meeting the site selection criteria under  
75 subsection (1) of this section, the Transportation Commission  
76 shall comply with the procedures prescribed in Section 65-31-1  
77 before constructing any new welcome center after June 30, 1999.

78 SECTION 3. The following shall be codified as Section  
79 65-32-5, Mississippi Code of 1972:

80 65-32-5. All welcome centers and rest areas newly  
81 constructed or renovated after June 30, 1999, must:

82 (a) Conform to Mississippi Department of Transportation  
83 design standards and recommendations based on traffic volume,  
84 suitable terrain, right-of-way needs, and environmental impact;  
85 and

86 (b) Comply with the American Association of State  
87 Highway Officials Rest Area Design Guide, the Americans with  
88 Disabilities Act and all other applicable state and federal laws,  
89 rules and regulations.

90 SECTION 4. The following shall be codified as Section  
91 65-32-7, Mississippi Code of 1972:

92 65-32-7. From and after July 1, 1999, it shall be the  
93 responsibility of the Mississippi Department of Transportation to  
94 maintain the grounds and facilities of all welcome centers and  
95 rest areas open and operating in this state, whether constructed  
96 or renovated before, on or after July 1, 1999. The department  
97 shall keep such facilities clean, neat and functional, provide for  
98 the removal of litter, trash and debris, mow the grass on a  
99 regular basis, care for all trees, shrubs and landscape features,  
100 perform such repairs and renovations as may be necessary, furnish  
101 electricity, water and other necessary public utilities and employ  
102 or contract for the employment of armed security personnel, as  
103 authorized under Section 65-1-131 or Section 65-1-136, to provide

104 continuous security and protection to the property, patrons and  
105 employees of such facilities. The Department of Economic and  
106 Community Development shall be responsible, pursuant to contract  
107 entered into with the Mississippi Transportation Commission under  
108 Section 65-31-3, for employing and compensating suitable personnel  
109 for the operation of all welcome centers.

110 SECTION 5. Section 75-76-129, Mississippi Code of 1972, is  
111 amended as follows:

112 **[Through June 30, 2006, this section shall read as follows:]**

113 75-76-129. On or before the last day of each month all  
114 taxes, fees, interest, penalties, damages, fines or other monies  
115 collected by the State Tax Commission during that month under the  
116 provisions of this chapter, with the exception of (a) the local  
117 government fees imposed under Section 75-76-195, \* \* \* (b) an  
118 amount equal to Three Million Dollars (\$3,000,000.00) of the  
119 revenue collected pursuant to the fee imposed under Section  
120 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)  
121 of the revenue collected pursuant to the fee imposed under Section  
122 75-65-177(1)(c), whichever is the greater amount, and (c) One  
123 Million Six Hundred Four Thousand One Hundred Sixty-seven Dollars  
124 (\$1,604,167.00), shall be paid by the State Tax Commission to the  
125 State Treasurer to be deposited in the State General Fund. The  
126 local government fees shall be distributed by the State Tax  
127 Commission pursuant to Section 75-76-197. An amount equal to  
128 Three Million Dollars (\$3,000,000.00) of the revenue collected  
129 during that month pursuant to the fee imposed under Section  
130 75-76-177(1)(c) shall be deposited by the State Tax Commission  
131 into the bond sinking fund created in Section 65-39-3. The  
132 revenue collected during that month pursuant to the fee imposed  
133 under Section 75-76-177(1)(c) that is in excess of Three Million  
134 Dollars (\$3,000,000.00), but is less than twenty-five percent  
135 (25%) of the amount of revenue collected under Section  
136 75-76-177(1)(c) during that month, shall be deposited into the

137 State Highway Fund to be used exclusively for the reconstruction  
138 and maintenance of highways of the State of Mississippi. The One  
139 Million Six Hundred Four Thousand One Hundred Sixty-seven Dollars  
140 (\$1,604,167.00) shall be deposited by the State Tax Commission  
141 into the Highway Welcome Centers and Rest Areas Construction,  
142 Maintenance and Operation Fund created under Section 65-32-1.

143 **[From and after July 1, 2006, through June 30, 2012, this**  
144 **section shall read as follows:]**

145 75-76-129. On or before the last day of each month, all  
146 taxes, fees, interest, penalties, damages, fines or other monies  
147 collected by the State Tax Commission during that month under the  
148 provisions of this chapter, with the exception of (a) the local  
149 government fees imposed under Section 75-76-195, \* \* \* (b) an  
150 amount equal to Three Million Dollars (\$3,000,000.00) of the  
151 revenue collected pursuant to the fee imposed under Section  
152 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)  
153 of the revenue collected pursuant to the fee imposed under Section  
154 75-65-177(1)(c), whichever is the greater amount, and (c) One  
155 Million One Hundred Ninety-one Thousand Six Hundred Sixty-seven  
156 Dollars (\$1,191,667.00), shall be paid by the State Tax Commission  
157 to the State Treasurer to be deposited in the State General Fund.

158 The local government fees shall be distributed by the State Tax  
159 Commission pursuant to Section 75-76-197. An amount equal to  
160 Three Million Dollars (\$3,000,000.00) of the revenue collected  
161 during that month pursuant to the fee imposed under Section  
162 75-76-177(1)(c) shall be deposited by the State Tax Commission  
163 into the bond sinking fund created in Section 65-39-3. The  
164 revenue collected during that month pursuant to the fee imposed  
165 under Section 75-76-177(1)(c) that is in excess of Three Million  
166 Dollars (\$3,000,000.00), but is less than twenty-five percent  
167 (25%) of the amount of revenue collected under Section  
168 75-76-177(1)(c) during that month, shall be deposited into the  
169 State Highway Fund to be used exclusively for the reconstruction

170 and maintenance of highways of the State of Mississippi. The One  
171 Million One Hundred Ninety-one Thousand Six Hundred Sixty-seven  
172 Dollars (\$1,191,667.00), shall be deposited by the State Tax  
173 Commission into the Highway Welcome Centers and Rest Areas  
174 Construction, Maintenance and Operation Fund created under Section  
175 65-32-1.

176 **[From and after July 1, 2012, this section shall read as**  
177 **follows:]**

178 75-76-129. On or before the last day of each month, all  
179 taxes, fees, interest, penalties, damages, fines or other monies  
180 collected by the State Tax Commission during that month under the  
181 provisions of this chapter, with the exception of (a) the local  
182 government fees imposed under Section 75-76-195, and (b) One  
183 Million One Hundred Ninety-one Thousand Six Hundred Sixty-seven  
184 Dollars (\$1,191,667.00), shall be paid by the State Tax Commission  
185 to the State Treasurer to be deposited in the State General Fund.

186 The local government fees shall be distributed by the State Tax  
187 Commission pursuant to Section 75-76-197. The One Million One  
188 Hundred Ninety-one Thousand Six Hundred Sixty-seven Dollars  
189 (\$1,191,667.00), shall be deposited by the State Tax Commission  
190 into the Highway Welcome Centers and Rest Areas Construction,  
191 Maintenance and Operation Fund created under Section 65-32-1.

192 SECTION 6. Section 65-31-1, Mississippi Code of 1972, is  
193 amended as follows:

194 65-31-1. The Mississippi Transportation Commission is hereby  
195 authorized to locate, design, construct \* \* \* and maintain welcome  
196 centers on four-lane highways and interstate highways at or near  
197 points of entry into this state from other states. In carrying  
198 out the provisions of this chapter, the commission shall have  
199 authority to employ such engineers, architects, skilled and  
200 unskilled labor as may be determined necessary by the commission,  
201 for the preparation of plans for such welcome centers and their  
202 proper location, design, construction, maintenance, and operation.

203 The commission shall employ full-time security officers, as  
204 authorized under Section 65-1-131, and/or shall contract for the  
205 employment of private security officers, as authorized under  
206 Section 65-1-136, to patrol and protect the property of welcome  
207 centers and visitors, patrons and other employees of welcome  
208 centers. Prior to the location of such welcome centers the  
209 commission shall afford the opportunity for a public hearing in  
210 the county wherein such welcome center is to be located for the  
211 purpose of receiving testimony regarding the most feasible and  
212 advantageous location for such welcome center, at which hearing  
213 all interested persons may appear and present testimony in regard  
214 thereto. A notice of such proposed location shall be given in  
215 some newspaper published or having general circulation in the  
216 county wherein such welcome center is proposed to be located.  
217 Should a public hearing be requested thereon, notice by  
218 publication shall be given at least ten (10) days prior to the  
219 date upon which the public hearing is to be held and written  
220 notice thereof shall likewise be given, within such time, to the  
221 governing authorities of all municipalities within such county and  
222 the governing authority of such county.

223 Each welcome center constructed under the provisions of this  
224 chapter shall be maintained and kept in a neat and attractive  
225 condition.

226 SECTION 7. Section 65-31-3, Mississippi Code of 1972, is  
227 amended as follows:

228 65-31-3. The Mississippi Transportation Commission may  
229 contract with the Department of Economic and Community  
230 Development, on terms and conditions agreeable between the two (2)  
231 state agencies, for the operation of all of such welcome centers  
232 constructed under the provisions of this chapter. \* \* \* Such  
233 contracts and agreements shall provide that the Department of  
234 Economic and Community Development will furnish suitable personnel  
235 for the operation of such stations and will keep such stations

236 \* \* \* supplied with such information, pamphlets and other  
237 materials as will advertise and publicize the history, commerce,  
238 industry, natural resources and tourist attractions of this state.  
239 Such information, pamphlets and other materials shall be  
240 available to the traveling public and shall be distributed by the  
241 personnel employed to operate such stations. The Department of  
242 Economic and Community Development shall provide for the free  
243 distribution to the traveling public of such literature,  
244 pamphlets, refreshments and other items that may be of interest to  
245 tourists in such manner as deemed to be in the best interest of  
246 promoting the tourist trade in this state. \* \* \*

247 SECTION 8. Section 65-31-5, Mississippi Code of 1972, is  
248 amended as follows:

249 65-31-5. Both the Transportation Commission and the  
250 Department of Economic and Community Development, in exercising  
251 the powers granted in this chapter, may accept private donations  
252 and public grants which may be available to them, respectively,  
253 for the furtherance of the purposes of this chapter. In addition  
254 thereto, either or both of such agencies may expend, for the  
255 purposes of this chapter, such monies as are appropriated to them  
256 under Section 65-32-1, and any other funds available to them not  
257 otherwise specifically designated for a different public  
258 purposes. Each of such agencies shall cooperate with other state  
259 agencies in carrying out the provisions of this chapter.

260 SECTION 9. Section 65-1-51, Mississippi Code of 1972, is  
261 amended as follows:

262 65-1-51. The Mississippi Transportation Commission may  
263 acquire by gift, purchase, or otherwise, and \* \* \* have the  
264 Mississippi Department of Transportation improve and maintain  
265 strips of land necessary for the restoration, preservation and  
266 enhancement of scenic beauty adjacent to the state highway  
267 rights-of-way. The commission may acquire and have the  
268 Transportation Department develop publicly owned and controlled



269 rest and recreation areas and sanitary and other facilities within  
270 or adjacent to the highway right-of-way reasonably necessary to  
271 accommodate the traveling public. Such rest areas may be located  
272 on and along four-lane highways and interstate highways, at sites  
273 that the Transportation Commission determines appropriate;  
274 however, any such rest areas that are newly constructed after June  
275 30, 1999, must meet the site selection criteria under Section  
276 65-32-3.

277 \* \* \*

278 SECTION 10. This act shall take effect and be in force from  
279 and after July 1, 1999.