

By: Senator(s) Robertson

To: Public Utilities

SENATE BILL NO. 2822

1 AN ACT TO AMEND SECTION 63-9-31, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE GOVERNMENTAL AUTHORITIES OF COUNTIES AND MUNICIPALITIES
3 WHICH PARTICIPATE IN AN INTERGOVERNMENTAL WIRELESS RADIO
4 COMMUNICATIONS PROGRAM TO ASSESS THE MAXIMUM SURCHARGE ON ALL
5 CITATIONS ISSUED BY THE MISSISSIPPI HIGHWAY PATROL; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-9-31, Mississippi Code of 1972, is
9 amended as follows:

10 63-9-31. (1) In addition to any other monetary penalties
11 and other penalties imposed by law, any county or municipality
12 which participates in an intergovernmental wireless radio
13 communications program approved by the applicable governing
14 authorities may assess an additional surcharge in an amount not to
15 exceed Ten Dollars (\$10.00) on each person upon whom a court
16 imposes a fine or other penalty for each violation of Title 63,
17 Mississippi Code of 1972, except offenses relating to vehicular
18 parking or registration. The proceeds from the surcharge may be
19 used by a county or municipality only to fund that county's or
20 municipality's participation in the intergovernmental wireless
21 radio communications program by funding public safety wireless
22 communications systems and related computer and communications
23 equipment. However, on all citations issued by the Mississippi
24 Highway Safety Patrol, the governing authorities shall assess the
25 maximum surcharge of Ten Dollars (\$10.00) and the proceeds from
26 the surcharge shall be divided equably between the Mississippi
27 Highway Patrol and the governing authority if both entities have
28 agreed to such division of proceeds by evidence of an
29 intergovernmental agreement. The proceeds from the surcharge



30 imposed by this subsection shall be deposited into a special fund
31 in the Department of Public Safety's Office of Public Safety
32 Planning and shall be utilized for the purpose of funding wireless
33 radio communications and related computer equipment. The Office
34 of Public Safety Planning shall promulgate rules and procedures
35 relating to the administration of the special fund and the
36 disbursement of monies in the fund to participating governmental
37 entities. The maximum amount that a governmental entity may
38 receive from the special fund shall be an amount equal to the
39 deposits made into the fund by that entity, less one percent (1%)
40 to be retained by the Office of Public Safety Planning to defray
41 the costs of administering the special fund. Interest earned on
42 the special fund shall remain in the fund and shall be used by the
43 Office of Public Safety Planning to further defray the costs of
44 administering the special fund.

45 (2) Deposits into the special fund resulting from citations
46 issued by the Mississippi Highway Safety Patrol shall be utilized
47 for the purpose of funding wireless communications and related
48 computer equipment, subject to the approval of the Mississippi
49 Department of Information Technology Services.

50 (3) Approval of an intergovernmental wireless radio
51 communications program must be given by the applicable governing
52 authorities when:

53 (a) The program includes the sharing of support
54 facilities, including, but not limited to, towers, shelters and
55 microwave, by participating entities; or

56 (b) The program includes the establishment of a mutual
57 aid system using common radio frequency channels between
58 participating entities; or

59 (c) The program sets forth a feasible methodology that
60 utilizes the radio frequency spectrum in an efficient manner.

61 (4) Participating counties, municipalities and the
62 Mississippi Highway Safety Patrol must provide notification of



63 facilities available for interoperability to the Mississippi
64 Department of Information Technology Services annually.

65 (5) Counties and municipalities participating in an
66 intergovernmental wireless radio communications program and the
67 Mississippi Highway Safety Patrol must comply with competitive
68 bidding requirements prescribed in Section 31-7-13 and are
69 encouraged to utilize an open architecture, nonproprietary system.

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

