

By: Senator(s) Thomas

To: Local and Private

SENATE BILL NO. 3067

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF YAZOO CITY,
2 MISSISSIPPI, TO AUTHORIZE THE PUBLIC SERVICE COMMISSION OF YAZOO
3 CITY TO ACQUIRE, PURCHASE AND/OR CONSTRUCT, OWN, OPERATE AND
4 MAINTAIN, LEASE, SELL, MORTGAGE, PLEDGE OR OTHERWISE DISPOSE OF, A
5 TELECOMMUNICATIONS SYSTEM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** As used in this act, the following terms shall
8 have the meanings ascribed in this section unless otherwise
9 clearly indicated by the context in which they are used:

10 (a) "City" means Yazoo City, Mississippi.

11 (b) "Governing authorities" means the governing
12 authorities of Yazoo City, Mississippi.

13 (c) "Commission" means the Public Service Commission of
14 Yazoo City, Mississippi.

15 **SECTION 2.** The governing authorities, in their discretion,
16 may authorize the commission to:

17 (a) Acquire, purchase and/or construct, own, operate
18 and maintain, lease, sell, mortgage, pledge or otherwise dispose
19 of, in whole or in part, a telecommunications system within the
20 service area of the commission which is comprised of:

21 (i) Fiberoptic, coaxial, and/or copper conductors
22 with necessary electronics, connections, and other plant and
23 equipment necessary or appropriate to receive, transmit, broadcast
24 and communicate voice, data, and/or video signals; and

25 (ii) Such other means or instruments of
26 communication, as the governing authorities, in their discretion,
27 may select to accomplish the purposes of this act.

28 (b) Use the telecommunications system for the receipt,
29 transmission, broadcast or communication of voice, data, and/or
30 video signals of each and every sort for:

31 (i) Control, monitoring and regulation of the
32 city's utilities;

33 (ii) Communications by and among, from or to, the
34 city's departments, and the public, executive, legislative or
35 judicial offices of other governments and educational facilities
36 in Yazoo County, Mississippi; and

37 (iii) Cable television and other
38 telecommunications services to persons, firms, public or private
39 corporations, or other users or consumers of telecommunication
40 services in the service area of the commission.

41 (c) Lease, or otherwise by contract, provide access to
42 the telecommunications system to one or more persons, firms,
43 public or private corporations, or other users or consumers of
44 telecommunication services, in order for such lessee(s) or
45 contracting party to provide any lawful telecommunications service
46 in service area of the commission that the governing authorities
47 may deem appropriate.

48 **SECTION 3.** To accomplish its telecommunications system, the
49 governing authorities shall have power and is authorized:

50 (a) To accept grants, loans, or other financial
51 assistance from any federal agency, for or in aid of the
52 acquisition or improvement of the telecommunications system;

53 (b) To acquire, hold and dispose of any property, real
54 or personal, tangible or intangible, or any right or interest in
55 any such property in connection with the telecommunications
56 system, however, the governing authorities shall dispose of all,
57 or substantially all, of its telecommunications system only as
58 provided by general law;

59 (c) To make contracts and execute instruments
60 containing such covenants, terms, and conditions as in the

61 discretion of the governing authorities may be necessary, proper
62 or advisable for the purpose of obtaining loans from any federal
63 agency, including, but without limitation, covenants, terms and
64 conditions with respect to the acquisition and/or construction of
65 its telecommunications system or any improvement thereto with
66 money in whole or in part borrowed from or granted by any such
67 federal agency and subject to the provisions of any acts or joint
68 resolutions of the Congress of the United States of America
69 heretofore or hereafter enacted to encourage such public works; to
70 make all other contracts and execute all other instruments as in
71 the discretion of the governing authorities may be necessary,
72 proper or advisable in or for the furtherance of the acquisition,
73 improvement, operation and maintenance of the telecommunications
74 system and the furnishing of telecommunications system services
75 authorized by this act; and to carry out and perform the
76 covenants, terms and conditions of all such contracts or
77 instruments; and

78 (d) To do all acts and things necessary or convenient
79 to carry out the powers expressly given in this act.

80 **SECTION 4.** The general supervision and control of the
81 acquisition, improvement, operation, maintenance and disposition
82 of the telecommunications system shall be in the charge of the
83 commission. The governing authorities shall acquire, improve,
84 operate, maintain and dispose of the telecommunications system as
85 it shall see fit, in its sole discretion, in accordance with
86 applicable law.

87 Subject to the provisions of applicable contracts, the
88 governing authorities shall determine programs and make all plans
89 for the acquisition of the telecommunications system, shall make
90 all determinations as to improvements, rates and financial
91 practices, may establish such rules and regulations as it may deem
92 necessary or appropriate to govern the furnishing of
93 telecommunications services, and may disburse all monies available

94 for the acquisition, improvement, operation, maintenance or
95 disposition of the telecommunications system and the furnishing of
96 telecommunications services.

97 The commission shall organize the system so as to make and
98 keep full and proper books and records.

99 **SECTION 5.** The governing authorities may adopt any and all
100 lawful resolutions, orders and ordinances, and do and perform any
101 and all acts and things necessary and requisite to carry out the
102 purposes of this act. However, no action taken by the governing
103 authorities under this act may be in violation of any applicable
104 federal law or regulation.

105 **SECTION 6.** Rates charged by the city for telecommunications
106 system services shall not be subject to supervision or regulation
107 by any state bureau, board, commission, or other like
108 instrumentality or agency thereof. It shall not be necessary for
109 the governing authorities to obtain any franchise or other permit
110 from any state bureau, board, commission or other instrumentality
111 thereof, in order to acquire, purchase and/or construct, improve,
112 enlarge, extend or repair, operate or maintain, mortgage, pledge,
113 lease, sell or otherwise use or dispose of its telecommunications
114 system. However, the governing authorities may obtain such a
115 franchise from the city or such a permit from state bureaus,
116 boards, commissions or instrumentalities.

117 **SECTION 7.** This act is for the public purpose of promoting
118 the increased use of telecommunications system services and
119 promoting competition for telecommunications services in the city.
120 This act is remedial in nature and the powers granted in it shall
121 be liberally construed to effectuate the purposes hereof, and to
122 this end the governing authorities shall have power to do all
123 things necessary or convenient to carry out the purposes hereof in
124 addition to the powers expressly conferred. The powers conferred
125 hereby shall be in addition and supplemental to the powers
126 conferred by any other law.

127 **SECTION 8.** This act shall take effect and be in force from
128 and after its passage.