

By: Senator(s) King, Mettetal, Burton,
Robertson

To: Public Utilities

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2514

1 AN ACT TO CREATE THE MISSISSIPPI WIRELESS COMMUNICATION
2 COMMISSION; TO PROVIDE FOR ITS MEMBERSHIP AND PRESCRIBE ITS POWERS
3 AND DUTIES; TO CREATE THE "INTEGRATED PUBLIC SAFETY COMMUNICATIONS
4 FUND" WHICH MAY BE USED TO ADMINISTRATE THIS ACT; TO CREATE AN
5 ADVISORY BOARD TO THE WIRELESS COMMUNICATION COMMISSION; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** (1) There is hereby created the Wireless
9 Communication Commission, which shall be responsible for promoting
10 the efficient use of public resources to ensure that law
11 enforcement personnel and essential public health and safety
12 personnel have effective communications services available in
13 emergency situations, and to insure the rapid restoration of such
14 communications services in the event of disruption caused by
15 natural disaster, terrorist attack or other public emergency.

16 (2) The Wireless Communication Commission, hereafter
17 referred to as the "commission," shall consist of the following:

- 18 (a) The Executive Director of the Department of
19 Transportation or his designee;
- 20 (b) The Commissioner of Public Safety or his designee;
- 21 (c) The Executive Director of the Department of Public
22 Health or his designee;
- 23 (d) The Executive Director of the Department of
24 Information Technology Systems or his designee;
- 25 (e) The Executive Director of the Mississippi Emergency
26 Management Agency or his designee;
- 27 (f) The Executive Director of the Mississippi Office of
28 Homeland Security or his designee;

29 (g) The President of the Mississippi Sheriff's
30 Association or his designee;

31 (h) The President of the Mississippi Association of
32 Supervisors or his designee;

33 (i) The President of the Mississippi Municipal
34 Association or his designee;

35 (j) The President of the Mississippi Association of
36 Fire Chiefs or his designee; and

37 (k) The President of the Mississippi Association of
38 Police Chiefs or his designee.

39 (3) Within ten (10) days from the effective date of this
40 act, the commission shall meet in the City of Jackson,
41 Mississippi, and organize by electing a chairman and other
42 officers from its membership. The commission shall adopt rules
43 which govern the time and place for meetings and governing the
44 manner of conducting its business. The commission shall meet at
45 least monthly and maintain minutes of such meetings. A quorum
46 shall consist of a majority of the membership of the commission.

47 (4) The commission, in conjunction with the Department of
48 Information Technology Services, shall have the sole authority to
49 promulgate rules and regulations governing the operations of the
50 wireless communications system described in paragraph (a) and
51 shall be vested with all legal authority necessary and proper to
52 perform this function including, but not limited to:

53 (a) Purchasing, leasing, acquiring and otherwise
54 implementing a statewide wireless communications system to serve
55 wireless users in state and local governments and those private
56 entities that enter into a partnership with the commission. This
57 system shall enable interoperability between various wireless
58 communications technologies.

59 (b) Ensuring that federal/state communications
60 requirements are followed with respect to such wireless
61 communications systems.

62 (c) Providing system planning with all public safety
63 communications systems.

64 (d) Assisting with establishment of state and local
65 wireless communications.

66 (e) In consultation with the Department of Information
67 Technology Services, having the authority to permit state and
68 local agencies use of the communications system under the terms
69 and conditions established by the commission.

70 (f) Providing technical support to users and bearing
71 the overall responsibility for the design, engineering,
72 acquisition and implementation of the statewide communications
73 system and for ensuring the proper operation and maintenance of
74 all equipment common to the system.

75 (g) Seeking proposals for services through competitive
76 processes where required by law and selecting service providers
77 under procedures provided for by law.

78 (h) Establishing, in conjunction with the Department of
79 Information Technology Services, policies, procedures and
80 standards which shall be incorporated into a comprehensive
81 management plan for the operation of the statewide communications
82 system.

83 (i) Having sign-off approval on all wireless
84 communications systems within the state which are owned or
85 operated by any state or local governmental entity, agency or
86 department.

87 (j) Creating a standard user agreement.

88 (5) The commission, in conjunction with the Department of
89 Information Technology Services, shall exercise its powers and
90 duties pursuant to this act to plan, manage and administer the
91 wireless communications system. The commission may:

92 (a) In consultation with the advisory board and the
93 Department of Information Technology Services, establish policies,
94 procedures and standards to incorporate into a comprehensive

95 management plan for use and operation of the communications
96 system.

97 (b) Enter into mutual aid agreements among federal,
98 state and local agencies for the use of the communications system.

99 (c) Establish the cost of maintenance and operation of
100 the system and charge subscribers for access and use of the
101 system.

102 (d) Assess charges for use of the system.

103 (e) Obtain space through rent or lease of space on any
104 tower under state control. The commission may also rent, lease or
105 sublease ground space as necessary to locate equipment to support
106 antennae on the towers. The costs for use of such space shall be
107 established by the owner/agent for each site when it is determined
108 to be practicable and feasible to make space available.

109 (f) Provide space through rent or lease of space on any
110 tower under the commission's control. The commission may also
111 rent, lease or sublease ground space as necessary to locate
112 equipment to support antennae on the towers. The costs for use of
113 such space shall be established by the commission when it is
114 determined to be practicable and feasible to make space available.

115 (g) Refuse to lease space on any tower at any site.

116 All monies collected by the commission for such rents, leases or
117 subleases shall be deposited directly into a special fund hereby
118 created and known as the "Integrated Public Safety Communications
119 Fund," and may be used by the commission to construct, maintain
120 and operate the system.

121 (h) Rent, lease or sublease ground space on lands
122 acquired by the commission for the construction of privately owned
123 or publicly owned towers. The commission, as part of such rental,
124 lease or sublease agreement, may require space on such towers for
125 antennae as may be necessary for the construction and operation of
126 the wireless communications system.

127 (i) Enter into and perform use and occupancy agreements
128 concerning the system.

129 (j) Exercise any power necessary to carry out the
130 intent of this law.

131 (6) The Department of Transportation shall provide to the
132 commission, on a full-time basis, personnel and technical support
133 necessary and sufficient to effectively and efficiently carry out
134 the requirements of this section. The commission shall appoint an
135 executive administrator who shall be responsible for the
136 day-to-day management and administration of the commission. The
137 executive administrator shall receive a salary set by the
138 commission and shall be subject to the authority of the State
139 Personnel Board.

140 (7) (a) From and after the effective date of this act, and
141 during each fiscal year thereafter, the Commissioner of Public
142 Safety shall transfer an amount not to exceed One Million Dollars
143 (\$1,000,000.00) annually from the Department of Public Safety
144 Wireless Communication Fund to the Integrated Public Safety
145 Communications Fund which may be used solely for the purposes of
146 this act. The Integrated Public Safety Communications Fund shall
147 be administered by the commission.

148 (b) The Integrated Public Safety Communications Fund
149 may consist of the following:

150 (i) Appropriations from the Legislature;

151 (ii) Gifts;

152 (iii) Federal grants;

153 (iv) Fees and contributions from user agencies
154 that the commission considers necessary to maintain and operate
155 the system; and

156 (v) Monies from any other source permitted by law.

157 (c) Any monies remaining in the Integrated Public
158 Safety Communications Fund at the end of the fiscal year shall not

159 revert to the State General Fund, but shall remain in the
160 Integrated Public Safety Communications Fund.

161 (8) Members of the commission shall not receive any
162 compensation or per diem, but may receive travel reimbursement
163 provided for under Section 25-3-41.

164 (9) There is hereby created the Wireless Communication
165 Advisory Board for the purpose of advising the Mississippi
166 Wireless Communication Commission in performance of its duties.
167 The advisory board shall be composed of the following:

168 (a) The Chairman of the Senate Public Utilities
169 Committee;

170 (b) The Chairman of the House of Representatives Public
171 Utilities Committee;

172 (c) The Adjutant General of the Mississippi National
173 Guard;

174 (d) The Director of the Mississippi office of the
175 Federal Bureau of Investigation;

176 (e) One (1) member who represents the state agency
177 users to be appointed by the Governor;

178 (f) One (1) member who represents private entities with
179 partnerships with the Mississippi Interoperable Communications
180 Systems to be appointed by the Governor;

181 (g) One (1) member of the House of Representatives to
182 be appointed by the Speaker; and

183 (h) One (1) member of the Senate to be appointed by the
184 Lieutenant Governor.

185 Members of the advisory board shall not receive any
186 compensation or per diem, but may receive travel reimbursement
187 provided under Section 25-3-41, except that the legislators shall
188 receive per diem and expenses which shall be paid from the
189 contingent expense funds of their respective houses in the same
190 amounts as provided for committee meetings when the Legislature is
191 not in session; however, no per diem and expenses for attending

192 meetings of the advisory board shall be paid to legislative
193 members while the Legislature is in session.

194 (10) It is the intent of the Legislature that all state and
195 local government entities make available for purposes of this act
196 all publicly owned wireless communications infrastructure,
197 including, but not limited to, communications towers, transmission
198 equipment, transmission frequencies and other related properties
199 and facilities.

200 (11) Nothing in this act shall be construed or interpreted
201 to provide for the regulation or oversight of commercial mobile
202 radio services.

203 (12) Nothing in this act shall be construed to supercede the
204 authority of the Department of Information Technology Services
205 provided in Section 25-53-1 et seq.

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