

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

To: Public Utilities

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 AN ADVISORY BOARD TO THE WIRELESS
4 COMMUNICATION COMMISSION; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) There is hereby created the Wireless
7 Communication Commission, which shall be responsible for promoting
8 the efficient use of state resources through the implementation
9 and administration of the Mississippi Wireless Communications
10 System.

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

13 (a) The Executive Director of the Department of
14 Transportation or his designee;

15 (b) The Commissioner of Public Safety or his designee;

16 (c) The Executive Director of the Department of Public
17 Health or his designee;

18 (d) The Executive Director of the Department of
19 Information Technology Systems or his designee;

20 (e) The Executive Director of the Mississippi Emergency
21 Management Agency or his designee;

22 (f) The Executive Director of the Mississippi Office of
23 Homeland Security or his designee;

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

26 (h) The President of the Mississippi Association of
27 Fire Chiefs or his designee; and

28 (i) The President of the Mississippi Association of
29 Police Chiefs or his designee.

30 (3) Within ten (10) days from the effective date of this
31 act, the commission shall meet in the City of Jackson,
32 Mississippi, and organize by electing a chairman and other
33 officers from its membership. The commission shall adopt rules
34 which govern the time and place for meetings and governing the
35 manner of conducting its business. The commission shall meet at
36 least monthly and maintain minutes of such meetings. A quorum
37 shall consist of a majority of the membership of the commission.

38 (4) The commission shall have the sole authority to
39 promulgate rules and regulations governing the operations of the
40 wireless communications system and shall be vested with all legal
41 authority necessary and proper to perform this function including,
42 but not limited to:

43 (a) Acquiring and implementing a statewide radio
44 communications system to serve radio users in state and local
45 governments and those private entities that enter into a
46 partnership with the commission. This system shall enable
47 interoperability between various radio communications
48 technologies.

49 (b) Ensuring that federal/state communications
50 requirements are followed.

51 (c) Providing system planning with all public safety
52 communications systems.

53 (d) Assisting with establishment of state and local
54 wireless communications.

55 (e) In consultation with the Department of Information
56 Technology Services, having the authority to permit state and
57 local agencies use of the communications system under the terms
58 and conditions established by the commission and advisory board.

59 (f) Providing technical support to users and bearing
60 the overall responsibility for the design, engineering,

61 acquisition and implementation of the statewide communications
62 system and for ensuring the proper operation and maintenance of
63 all equipment common to the system.

64 (g) Seeking proposals for services through competitive
65 processes where required by law and selecting service providers
66 under procedures provided for by law.

67 (h) Establishing, in conjunction with the Department of
68 Information Technology Services, policies, procedures and
69 standards which shall be incorporated into a comprehensive
70 management plan for the operation of the statewide communications
71 system.

72 (i) Having sign-off approval on all wireless
73 communications systems within the state which use any form of
74 public monies to implement such system.

75 (j) Creating a standard user agreement.

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

80 (a) In consultation with the advisory board and the
81 Department of Information Technology Services, establish policies,
82 procedures and standards to incorporate into a comprehensive
83 management plan for use and operation of the communications
84 system.

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

87 (c) Establish the cost of maintenance and operation of
88 the system and charge subscribers for access and use of the
89 system.

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

91 (e) Be authorized to obtain space through rent or lease
92 of space on any tower under state control. The commission may
93 also rent, lease or sublease ground space as necessary to locate

94 equipment to support antennae on the towers. The costs for use of
95 such space shall be established by the office for each site when
96 it is determined to be practicable and feasible to make space
97 available.

98 (f) Be authorized to provide space through rent or
99 lease of space on any tower under its control. The commission may
100 also rent, lease or sublease ground space as necessary to locate
101 equipment to support antennae on the towers. The costs for use of
102 such space shall be established by the commission when it is
103 determined to be practicable and feasible to make space available.

104 (g) Refuse to lease space on any tower at any site.
105 All monies collected by the commission for such rents, leases or
106 subleases shall be deposited directly into the Mississippi
107 Wireless Communications System Fund and may be used by the
108 commission to construct, maintain and operate the system.

109 (h) May be authorized to rent, lease or sublease ground
110 space on lands acquired by the office for the construction of
111 privately owned or publicly owned towers. The commission may, as
112 part of such rental, lease or sublease agreement, require space on
113 such towers for antennae as may be necessary for the construction
114 and operation of the wireless communications system.

115 (i) Enter into and perform use and occupancy agreements
116 concerning the system.

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

119 (6) The Department of Transportation shall provide to the
120 commission on a full-time basis personnel and technical support
121 necessary and sufficient to effectively and efficiently carry out
122 the requirements of this section. The commission may employ an
123 executive administrator who shall be responsible for the
124 day-to-day management and administration of the commission. The
125 executive administrator shall receive a salary set by the

126 commission and shall be subject to the authority of the State
127 Personnel Board.

128 (7) Members of the commission shall not receive any
129 compensation or per diem, but may receive travel reimbursement
130 provided for under Section 25-3-41.

131 (8) There is hereby created the Wireless Communication
132 Advisory Board for the purpose of advising the Mississippi
133 Wireless Communication Commission in performance of its duties.
134 The advisory board shall be composed of the following:

135 (a) The Chairman of the Senate Public Utilities
136 Committee;

137 (b) The Chairman of the House of Representatives Public
138 Utilities Committee;

139 (c) The President of the Mississippi Association of
140 Supervisors;

141 (d) The President of the Mississippi Municipal
142 Association;

143 (e) One (1) member who represents the Mississippi
144 National Guard to be appointed by the Governor;

145 (f) The Director of the Mississippi office of the
146 Federal Bureau of Investigation;

147 (g) One (1) member who represents the state agency
148 users to be appointed by the Governor;

149 (h) One (1) member who represents private entities with
150 partnerships with the Mississippi Interoperable Communications
151 System to be appointed by the Governor;

152 (i) One (1) member of the House of Representatives to
153 be appointed by the Speaker;

154 (j) One (1) member of the Senate to be appointed by the
155 Lieutenant Governor.

156 Members of the advisory board shall not receive any
157 compensation or per diem, but may receive travel reimbursement
158 provided under Section 25-3-41, except that the legislators shall

159 receive per diem and expenses which shall be paid from the
160 contingent expense funds of their respective houses in the same
161 amounts as provided for committee meetings when the Legislature is
162 not in session; however, no per diem and expenses for attending
163 meetings of the advisory board shall be paid to legislative
164 members while the Legislature is in session.

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