

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

To: Public Utilities

SENATE BILL NO. 2514
(As Sent to Governor)

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 ensure 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 Services 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;
- 37 (k) The President of the Mississippi Association of
38 Police Chiefs or his designee;
- 39 (l) The Chief of the Mississippi Highway Safety Patrol
40 or his designee;
- 41 (m) The Commissioner of the Department of Corrections
42 or his designee;
- 43 (n) The Adjutant General of the Mississippi National
44 Guard or his designee;
- 45 (o) The Executive Director of the Mississippi
46 Department of Environmental Quality or his designee; and
- 47 (p) A representative of the SafeCity Initiative.

48 All members of the commission shall serve a term of not less than
49 four (4) years.

50 (3) Within forty-five (45) days from the effective date of
51 this act, the Executive Director of the Department of Information
52 Technology Services shall call a meeting of the commission in the
53 City of Jackson, Mississippi, and organize by electing a chairman
54 and other officers from its membership. The commission shall
55 adopt rules which govern the time and place for meetings and
56 governing the manner of conducting its business. The commission
57 shall meet at least monthly and maintain minutes of such meetings.
58 A quorum shall consist of a majority of the membership of the
59 commission.

60 (4) The commission, in conjunction with the Department of
61 Information Technology Services, shall have the sole authority to

62 promulgate rules and regulations governing the operations of the
63 wireless communications system described in paragraph (a) and
64 shall be vested with all legal authority necessary and proper to
65 perform this function including, but not limited to:

66 (a) Purchasing, leasing, acquiring and otherwise
67 implementing a statewide wireless communications system to serve
68 wireless users in state and local governments and those private
69 entities that enter into a partnership with the commission. All
70 purchases shall be made in accordance with public purchasing laws
71 and, if required, shall be approved by the Department of
72 Information Technology Services. This system shall enable
73 interoperability between various wireless communications
74 technologies.

75 (b) Ensuring that federal/state communications
76 requirements are followed with respect to such wireless
77 communications systems.

78 (c) Providing system planning with all public safety
79 communications systems.

80 (d) Assisting with establishment of state and local
81 wireless communications.

82 (e) In consultation with the Department of Information
83 Technology Services, having the authority to permit state and
84 local agencies use of the communications system under the terms
85 and conditions established by the commission.

86 (f) Providing technical support to users and bearing
87 the overall responsibility for the design, engineering,
88 acquisition and implementation of the statewide communications
89 system and for ensuring the proper operation and maintenance of
90 all equipment common to the system.

91 (g) Seeking proposals for services through competitive
92 processes where required by law and selecting service providers
93 under procedures provided for by law.

94 (h) Establishing, in conjunction with the Department of
95 Information Technology Services, policies, procedures and
96 standards which shall be incorporated into a comprehensive
97 management plan for the operation of the statewide communications
98 system.

99 (i) Having sign-off approval on all wireless
100 communications systems within the state which are owned or
101 operated by any state or local governmental entity, agency or
102 department.

103 (j) Creating a standard user agreement.

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

108 (a) In consultation with the advisory board and the
109 Department of Information Technology Services, establish policies,
110 procedures and standards to incorporate into a comprehensive
111 management plan for use and operation of the communications
112 system.

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

115 (c) Establish the cost of maintenance and operation of
116 the system and charge subscribers for access and use of the
117 system.

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

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

125 (f) Provide space through rent or lease of space on any
126 tower under the commission's control. The commission may also

127 rent, lease or sublease ground space as necessary to locate
128 equipment to support antennae on the towers. The costs for use of
129 such space shall be established by the commission when it is
130 determined to be practicable and feasible to make space available.

131 (g) Refuse to lease space on any tower at any site.
132 All monies collected by the commission for such rents, leases or
133 subleases shall be deposited directly into a special fund hereby
134 created and known as the "Integrated Public Safety Communications
135 Fund." This fund shall be administered by the Department of
136 Information Technology Services and may be used by the commission
137 to construct, maintain and operate the system.

138 (h) Rent, lease or sublease ground space on lands
139 acquired by the commission for the construction of privately owned
140 or publicly owned towers. The commission, as part of such rental,
141 lease or sublease agreement, may require space on such towers for
142 antennae as may be necessary for the construction and operation of
143 the wireless communications system.

144 (i) Enter into and perform use and occupancy agreements
145 concerning the system.

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

148 (6) The Department of Transportation, the Department of
149 Public Safety and other commission members may provide to the
150 commission, on a full-time or part-time basis, personnel and
151 technical support necessary and sufficient to effectively and
152 efficiently carry out the requirements of this section.

153 (7) (a) Expenditures from the Integrated Public Safety
154 Communications Fund shall be administered by the Department of
155 Information Technology Services with expenditures approved jointly
156 by the commission and the Department of Information Technology
157 Services.

158 (b) The Integrated Public Safety Communications Fund
159 may consist of the following:

160 (i) Appropriations from the Legislature;
161 (ii) Gifts;
162 (iii) Federal grants;
163 (iv) Fees and contributions from user agencies
164 that the commission considers necessary to maintain and operate
165 the system; and
166 (v) Monies from any other source permitted by law.
167 (c) Any monies remaining in the Integrated Public
168 Safety Communications Fund at the end of the fiscal year shall not
169 revert to the State General Fund, but shall remain in the
170 Integrated Public Safety Communications Fund.
171 (8) Members of the commission shall not receive any
172 compensation or per diem, but may receive travel reimbursement
173 provided for under Section 25-3-41.
174 (9) There is hereby created the Wireless Communication
175 Advisory Board for the purpose of advising the Mississippi
176 Wireless Communication Commission in performance of its duties.
177 The advisory board shall be composed of the following:
178 (a) The Chairman and Vice Chairman of the Senate Public
179 Utilities Committee or their designees;
180 (b) The Chairman and Vice Chairman of the House of
181 Representatives Public Utilities Committee or their designees;
182 (c) The Chairman of the Senate Appropriations Committee
183 or his designee;
184 (d) The Chairman of the House of Representatives
185 Appropriations Committee or his designee;
186 (e) The Chairman of the Senate Finance Committee or his
187 designee; and
188 (f) The Chairman of the House of Representatives Ways
189 and Means Committee or his designee.
190 Members of the advisory board shall receive per diem and
191 expenses which shall be paid from the contingent expense funds of
192 their respective houses in the same amounts as provided for

193 committee meetings when the Legislature is not in session;
194 however, no per diem and expenses for attending meetings of the
195 advisory board shall be paid to legislative members while the
196 Legislature is in session.

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

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

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

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