

By: Senator(s) Yancey

To: Fees, Salaries and Administration

SENATE BILL NO. 2961  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-9-31, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT PATROL TO  
3 COLLECT A WIRELESS TECHNOLOGY ASSESSMENT; TO ALLOW THE PEARL RIVER  
4 VALLEY WATER SUPPLY DISTRICT PATROL OFFICERS TO PARTICIPATE IN  
5 MUTUAL AID IN EMERGENCY SITUATIONS; AND FOR RELATED PURPOSES.

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

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

9 63-9-31. (1) In addition to any other monetary penalties  
10 and other penalties imposed by law, any county, municipality or  
11 the Pearl River Valley Water Supply District Patrol which  
12 participates in a wireless radio communications program approved  
13 by the applicable governing authorities may assess an additional  
14 surcharge in an amount not to exceed Ten Dollars (\$10.00) on each  
15 person upon whom a court imposes a fine or other penalty for each  
16 violation of Title 63, Mississippi Code of 1972, except offenses  
17 relating to vehicular parking or registration. On all citations  
18 issued by Mississippi Highway Safety Patrol officers, a surcharge  
19 in the amount of Ten Dollars (\$10.00) shall be collected by the  
20 court and deposited as provided in subsection (2) of this section.  
21 The proceeds from the surcharge on citations issued by county and  
22 municipal law enforcement officers or the Pearl River Valley Water  
23 Supply District Patrol may be used by a county or municipality  
24 only to fund that county's or municipality's or the Pearl River  
25 Valley Water Supply District Patrol's participation in the  
26 wireless radio communications program by funding public safety  
27 wireless communications systems and related computer and  
28 communications equipment. The proceeds from the surcharge on



29 citations issued by Mississippi Highway Safety Patrol officers  
30 shall be used as provided in subsection (2) of this section. All  
31 proceeds from the surcharge imposed by this subsection shall be  
32 deposited into a special fund in the Department of Public Safety's  
33 Office of Public Safety Planning. The Office of Public Safety  
34 Planning shall promulgate rules and procedures relating to the  
35 administration of the special fund and the disbursement of monies  
36 in the fund to participating governmental entities. The maximum  
37 amount that a governmental entity may receive from the special  
38 fund shall be an amount equal to the deposits made into the fund  
39 by that entity, less one percent (1%) to be retained by the Office  
40 of Public Safety Planning to defray the costs of administering the  
41 special fund. Interest earned on the special fund shall remain in  
42 the fund and shall be used by the Office of Public Safety Planning  
43 to further defray the costs of administering the special fund.

44 (2) Deposits into the special fund resulting from citations  
45 issued by the Mississippi Highway Safety Patrol shall be utilized  
46 as follows: Fifty percent (50%) of the deposits into the special  
47 fund shall be used to automate the citations issued by Mississippi  
48 Highway Safety Patrol officers (including the transmittal of  
49 citations to the justice court, retrieval of the disposition from  
50 the justice court, and updating the driver's records) and fifty  
51 percent (50%) of the deposits into the special fund shall be used  
52 for the purpose of funding wireless communications and related  
53 computer equipment and computer software, subject to the approval  
54 of the Mississippi Department of Information Technology Services.

55 (3) Approval of a wireless radio communications program must  
56 be given by the applicable governing authorities when:

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



60 (b) The program includes the establishment of a mutual  
61 aid system using common radio frequency channels between  
62 participating entities; or

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

65 (4) Participating counties, municipalities, the Pearl River  
66 Valley Water Supply District Patrol and the Mississippi Highway  
67 Safety Patrol must provide notification of facilities available  
68 for interoperability to the Mississippi Department of Information  
69 Technology Services annually.

70 (5) Counties and municipalities and the Pearl River Valley  
71 Water Supply District Patrol participating in a wireless radio  
72 communications program and the Mississippi Highway Safety Patrol  
73 must comply with competitive bidding requirements prescribed in  
74 Section 31-7-13 and are encouraged to utilize an open  
75 architecture, nonproprietary system.

76 **SECTION 2.** At the request of a Mississippi municipality,  
77 county, other legal political subdivision of the state or a  
78 Mississippi state agency, federal agency, or under a declaration  
79 of a state of emergency or disaster by the Governor or the  
80 President of the United States, the officers of the Pearl River  
81 Valley Water Supply District Patrol may render law enforcement  
82 services including search and rescue using Pearl River Valley  
83 Water Supply District Patrol equipment. The Pearl River Valley  
84 Water Supply District Patrol, with the approval of the governing  
85 board, may enter into agreements with jurisdictions regarding the  
86 circumstances in which emergency assistance may be provided and  
87 administered. Unless otherwise directed by an agreement, officers  
88 will remain under the authority of the Pearl River Valley Water  
89 Supply District Patrol Chief or to whomever and to what level of  
90 authority is delegated by the Pearl River Valley Water Supply  
91 District Patrol Chief or by assignment through the National  
92 Incident Management System or by the stated declaration of



93 disaster or emergency. The Pearl River Valley Water Supply  
94 District Patrol may seek reimbursement for services and related  
95 expenses if available.

96         **SECTION 3.** This act shall take effect and be in force from  
97 and after July 1, 2008.

