

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 108

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

5 **SECTION 1.** Section 25-53-171, Mississippi Code of 1972, is
6 amended as follows:
7 25-53-171. (1) There is hereby created the Wireless
8 Communication Commission, which shall be responsible for promoting
9 the efficient use of public resources to ensure that law
10 enforcement personnel and essential public health and safety
11 personnel have effective communications services available in
12 emergency situations, and to ensure the rapid restoration of such
13 communications services in the event of disruption caused by
14 natural disaster, terrorist attack or other public emergency.



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

17 (a) The Executive Director of the Department of
18 Transportation or his designee;

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

20 (c) The Executive Director of the Department of Public
21 Health or his designee;

22 (d) The Executive Director of the Department of
23 Information Technology Services or his designee;

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

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

28 (g) The President of the Mississippi Sheriffs'
29 Association or his designee;

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

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

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

36 (k) The President of the Mississippi Association of
37 Police Chiefs or his designee;

38 (l) The Chief of the Mississippi Highway Safety Patrol
39 or his designee;



40 (m) The Commissioner of the Department of Corrections
41 or his designee;

42 (n) The Adjutant General of the Mississippi National
43 Guard or his designee;

44 (o) The Executive Director of the Mississippi
45 Department of Environmental Quality or his designee; and

46 (p) The Executive Director of Wildlife, Fisheries and
47 Parks or his designee.

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

50 (3) * * * The commission shall adopt rules which govern the
51 time and place for meetings and governing the manner of conducting
52 its business. The commission shall meet at least monthly, unless
53 otherwise specified in the commission's rules, and maintain
54 minutes of such meetings. A quorum shall consist of a majority of
55 the membership of the commission.

56 (4) The commission * * * shall have the sole authority to
57 promulgate rules and regulations governing the operations of the
58 wireless communications system described in paragraph (a) and
59 shall be vested with all legal authority necessary and proper to
60 perform this function including, but not limited to:

61 (a) Purchasing, leasing, acquiring and otherwise
62 implementing a statewide wireless communications system to serve
63 wireless users in state and local governments and those private
64 entities that enter into a partnership with the commission. All



65 purchases shall be made in accordance with public purchasing
66 laws * * *. This system shall enable interoperability between
67 various wireless communications technologies.

68 (b) Ensuring that federal/state communications
69 requirements are followed with respect to such wireless
70 communications systems.

71 (c) Providing system planning with all public safety
72 communications systems.

73 (d) Assisting with establishment of state and local
74 wireless communications.

75 (e) * * * Having the authority to permit state and
76 local agencies use of the communications system under the terms
77 and conditions established by the commission.

78 (f) Providing technical support to users and bearing
79 the overall responsibility for the design, engineering,
80 acquisition and implementation of the statewide communications
81 system and for ensuring the proper operation and maintenance of
82 all equipment common to the system.

83 (g) Seeking proposals for services through competitive
84 processes where required by law and selecting service providers
85 under procedures provided for by law.

86 (h) Establishing * * * policies, procedures and
87 standards which shall be incorporated into a comprehensive
88 management plan for the operation of the statewide communications
89 system.



90 (i) Having sign-off approval on all wireless
91 communications systems within the state which are owned or
92 operated by any state or local governmental entity, agency or
93 department.

94 (j) Creating a standard user agreement.

95 (5) The commission * * * shall exercise its powers and
96 duties pursuant to this section to plan, manage and administer the
97 wireless communications system. The commission may:

98 (a) In consultation with the advisory board * * *,
99 establish policies, procedures and standards to incorporate into a
100 comprehensive management plan for use and operation of the
101 communications system.

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

104 (c) Establish the cost of maintenance and operation of
105 the system and charge subscribers for access and use of the
106 system.

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

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



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

120 (g) Refuse to lease space on any tower at any site.
121 All monies collected by the commission for such rents, leases or
122 subleases shall be deposited directly into a special fund hereby
123 created and known as the "Integrated Public Safety Communications
124 Fund." This fund shall be administered by the * * * commission
125 and may be used by the commission to construct, maintain and
126 operate the system.

127 (h) Rent, lease or sublease ground space on lands
128 acquired by the commission for the construction of privately owned
129 or publicly owned towers. The commission, as part of such rental,
130 lease or sublease agreement, may require space on such towers for
131 antennae as may be necessary for the construction and operation of
132 the wireless communications system.

133 (i) Enter into and perform use and occupancy agreements
134 concerning the system.

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

137 (6) The Department of Transportation, the Department of
138 Public Safety and other commission members may provide to the



139 commission, on a full-time or part-time basis, personnel and
140 technical support necessary and sufficient to effectively and
141 efficiently carry out the requirements of this section.

142 (7) (a) Expenditures from the Integrated Public Safety
143 Communications Fund shall be administered by the * * *
144 commission * * *.

145 (b) The Integrated Public Safety Communications Fund
146 may consist of the following:

147 (i) Appropriations from the Legislature;

148 (ii) Gifts;

149 (iii) Federal grants;

150 (iv) Fees and contributions from user agencies
151 that the commission considers necessary to maintain and operate
152 the system; and

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

154 (c) Any monies remaining in the Integrated Public
155 Safety Communications Fund at the end of the fiscal year shall not
156 revert to the State General Fund, but shall remain in the
157 Integrated Public Safety Communications Fund.

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

161 (9) There is hereby created the Wireless Communication
162 Advisory Board for the purpose of advising the Mississippi



163 Wireless Communication Commission in performance of its duties.

164 The advisory board shall be composed of the following:

165 (a) The Chairman and Vice Chairman of the Senate * * *
166 Energy Committee or their designees;

167 (b) The Chairman and Vice Chairman of the House of
168 Representatives Public Utilities Committee or their designees;

169 (c) The Chairman of the Senate Appropriations Committee
170 or his designee;

171 (d) The Chairman of the House of Representatives
172 Appropriations Committee or his designee;

173 (e) The Chairman of the Senate Finance Committee or his
174 designee; and

175 (f) The Chairman of the House of Representatives Ways
176 and Means Committee or his designee.

177 Members of the advisory board shall receive per diem and
178 expenses which shall be paid from the contingent expense funds of
179 their respective houses in the same amounts as provided for
180 committee meetings when the Legislature is not in session;
181 however, no per diem and expenses for attending meetings of the
182 advisory board shall be paid to legislative members while the
183 Legislature is in session.

184 (10) It is the intent of the Legislature that all state and
185 local government entities make available for purposes of this
186 section all publicly owned wireless communications infrastructure,
187 including, but not limited to, communications towers, transmission



188 equipment, transmission frequencies and other related properties
189 and facilities.

190 (11) Nothing in this section shall be construed or
191 interpreted to provide for the regulation or oversight of
192 commercial mobile radio services.

193 * * *

194 (* * *12) From and after July 1, 2016, the expenses of this
195 agency shall be defrayed by appropriation from the State General
196 Fund and all user charges and fees authorized under this section
197 shall be deposited into the State General Fund as authorized by
198 law.

199 (* * *13) From and after July 1, 2016, no state agency
200 shall charge another state agency a fee, assessment, rent or other
201 charge for services or resources received by authority of this
202 section.

203 **SECTION 2.** This act shall take effect and be in force from
204 and after July 1, 2021, and shall stand repealed on June 30, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 25-53-171, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE DEPARTMENT OF INFORMATION TECHNOLOGY'S CONTROL OVER
3 THE WIRELESS COMMUNICATION COMMISSION; AND FOR RELATED PURPOSES.

