

By: Representatives Ellis, Banks, Jones
(82nd), Perkins, Rogers (61st)

To: Public Utilities

HOUSE BILL NO. 771

1 AN ACT TO AMEND SECTION 25-53-171, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE MEMBERSHIP OF THE MISSISSIPPI WIRELESS COMMUNICATION
3 COMMISSION BY ADDING THE EXECUTIVE DIRECTOR OF WILDLIFE, FISHERIES
4 AND PARKS TO THE COMMISSION AND BY REMOVING A REPRESENTATIVE OF
5 SAFECITY INITIATIVE FROM SUCH COMMISSION; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 25-53-171, Mississippi Code of 1972, is
9 amended as follows:

10 25-53-171. (1) There is hereby created the Wireless
11 Communication Commission, which shall be responsible for promoting
12 the efficient use of public resources to ensure that law
13 enforcement personnel and essential public health and safety
14 personnel have effective communications services available in
15 emergency situations, and to ensure the rapid restoration of such
16 communications services in the event of disruption caused by
17 natural disaster, terrorist attack or other public emergency.

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

20 (a) The Executive Director of the Department of
21 Transportation or his designee;

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

23 (c) The Executive Director of the Department of Public
24 Health or his designee;

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

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



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

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

33 (h) The President of the Mississippi Association of
34 Supervisors or his designee;

35 (i) The President of the Mississippi Municipal
36 Association or his designee;

37 (j) The President of the Mississippi Association of
38 Fire Chiefs or his designee;

39 (k) The President of the Mississippi Association of
40 Police Chiefs or his designee;

41 (l) The Chief of the Mississippi Highway Safety Patrol
42 or his designee;

43 (m) The Commissioner of the Department of Corrections
44 or his designee;

45 (n) The Adjutant General of the Mississippi National
46 Guard or his designee;

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

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

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

53 (3) Within forty-five (45) days from April 21, 2005, the
54 Executive Director of the Department of Information Technology
55 Services shall call a meeting of the commission in the City of
56 Jackson, Mississippi, and organize by electing a chairman and
57 other officers from its membership. The commission shall adopt
58 rules which govern the time and place for meetings and governing
59 the manner of conducting its business. The commission shall meet
60 at least monthly and maintain minutes of such meetings. A quorum
61 shall consist of a majority of the membership of the commission.



62 (4) The commission, in conjunction with the Department of
63 Information Technology Services, shall have the sole authority to
64 promulgate rules and regulations governing the operations of the
65 wireless communications system described in paragraph (a) and
66 shall be vested with all legal authority necessary and proper to
67 perform this function including, but not limited to:

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

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

80 (c) Providing system planning with all public safety
81 communications systems.

82 (d) Assisting with establishment of state and local
83 wireless communications.

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

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



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

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

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

105 (j) Creating a standard user agreement.

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

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

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

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

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

121 (e) Obtain space through rent or lease of space on any
122 tower under state control. The commission may also rent, lease or
123 sublease ground space as necessary to locate equipment to support
124 antennae on the towers. The costs for use of such space shall be



125 established by the owner/agent for each site when it is determined
126 to be practicable and feasible to make space available.

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

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

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

146 (i) Enter into and perform use and occupancy agreements
147 concerning the system.

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

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

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



158 by the commission and the Department of Information Technology
159 Services.

160 (b) The Integrated Public Safety Communications Fund
161 may consist of the following:

162 (i) Appropriations from the Legislature;

163 (ii) Gifts;

164 (iii) Federal grants;

165 (iv) Fees and contributions from user agencies

166 that the commission considers necessary to maintain and operate
167 the system; and

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

169 (c) Any monies remaining in the Integrated Public
170 Safety Communications Fund at the end of the fiscal year shall not
171 revert to the State General Fund, but shall remain in the
172 Integrated Public Safety Communications Fund.

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

176 (9) There is hereby created the Wireless Communication
177 Advisory Board for the purpose of advising the Mississippi
178 Wireless Communication Commission in performance of its duties.
179 The advisory board shall be composed of the following:

180 (a) The Chairman and Vice Chairman of the Senate Public
181 Utilities Committee or their designees;

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

184 (c) The Chairman of the Senate Appropriations Committee
185 or his designee;

186 (d) The Chairman of the House of Representatives
187 Appropriations Committee or his designee;

188 (e) The Chairman of the Senate Finance Committee or his
189 designee; and



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

192 Members of the advisory board shall receive per diem and
193 expenses which shall be paid from the contingent expense funds of
194 their respective houses in the same amounts as provided for
195 committee meetings when the Legislature is not in session;
196 however, no per diem and expenses for attending meetings of the
197 advisory board shall be paid to legislative members while the
198 Legislature is in session.

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

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

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

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

