

By: Senator(s) DeLano, Williams

To: Technology

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2531

1 AN ACT TO CREATE THE MISSISSIPPI EMERGENCY COMMUNICATIONS
2 AUTHORITY ACT; TO DEFINE CERTAIN TERMS USED IN THE ACT; TO
3 ESTABLISH THE MISSISSIPPI EMERGENCY COMMUNICATIONS AUTHORITY AS AN
4 ENTITY WITHIN THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY; TO
5 PROVIDE FOR THE AUTHORITY'S POWERS AND DUTIES; TO PROVIDE FOR THE
6 DISTRIBUTION OF THE SERVICE CHARGES; TO PROVIDE FOR
7 CONFIDENTIALITY OF INFORMATION SUBMITTED TO THE AUTHORITY; TO
8 AUTHORIZE THE LEVY OF A SERVICE CHARGE; TO BRING FORWARD SECTION
9 33-15-7, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
10 AMENDMENT; TO AMEND SECTION 33-15-14, MISSISSIPPI CODE OF 1972, TO
11 CONFORM TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION 19-5-313,
12 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR EMERGENCY TELEPHONE
13 SERVICES CHARGES; TO REPEAL SECTION 19-5-331, MISSISSIPPI CODE OF
14 1972, WHICH DEFINES CERTAIN TERMS AS USED IN THE PROVISIONS
15 PROVIDING FOR ENHANCED WIRELESS EMERGENCY TELEPHONE SERVICE; TO
16 REPEAL SECTION 19-5-333, MISSISSIPPI CODE OF 1972, WHICH CREATES
17 THE COMMERCIAL MOBILE RADIO SERVICE (CMRS) BOARD AND PROVIDES FOR
18 ITS POWERS AND DUTIES; TO REPEAL SECTION 19-5-335, MISSISSIPPI
19 CODE OF 1972, WHICH PROVIDES FOR THE COLLECTION OF SERVICE CHARGES
20 BY THE COMMERCIAL MOBILE RADIO SERVICE BOARD AND REQUIRES
21 REGISTRATION OF CMRS PROVIDERS; TO REPEAL SECTION 19-5-337,
22 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE CONFIDENTIALITY
23 OF PROPRIETARY INFORMATION SUBMITTED TO THE COMMERCIAL MOBILE
24 RADIO SERVICE BOARD; TO REPEAL SECTION 19-5-339, MISSISSIPPI CODE
25 OF 1972, WHICH PROVIDES FOR THE REQUIREMENT TO PROVIDE ENHANCED
26 911 SERVICE; TO REPEAL SECTION 19-5-341, MISSISSIPPI CODE OF 1972,
27 WHICH MAKES IT AN OFFENSE AND PROVIDES CRIMINAL PENALTIES FOR
28 USING WIRELESS EMERGENCY TELEPHONE SERVICE FOR PERSONAL USE; TO
29 REPEAL SECTION 19-5-343, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
30 FOR THE COLLECTION AND REMITTANCE OF PREPAID WIRELESS E911
31 CHARGES; AND FOR RELATED PURPOSES.

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



33 **SECTION 1.** This act shall be known and may be cited as the
34 "Mississippi Emergency Communications Authority Act."

35 **SECTION 2.** As used in this act, the following terms shall
36 have the following meanings, unless the context clearly indicates
37 otherwise:

38 (a) "Authority" means the Mississippi Emergency
39 Communications Authority.

40 (b) "Board of Governance" or "board" means the
41 governing body of the authority.

42 (c) The director of the authority shall be the
43 Emergency Management Communications Coordinator of the Mississippi
44 Emergency Management Agency (MEMA).

45 (d) "Commercial mobile radio service provider" or "CMRS
46 provider" means a person, corporation, or entity licensed by the
47 Federal Communications Commission to offer CMRS in the State of
48 Mississippi, and includes, but is not limited to, broadband
49 personal communications service, cellular radio telephone service,
50 geographic area Specialized Mobile Radio (SMR) services in the 800
51 MHz and 900 MHz bands that offer real-time, two-way voice service
52 that is interconnected with the public switched network, incumbent
53 wide area SMR licensees, or any other cellular or wireless
54 telecommunications service to any service user.

55 (e) "Next Generation 9-1-1" or "NG9-1-1" or "NG911"
56 means a secure, Internet Protocol (IP)-based, open-standards



57 system comprised of hardware, software, data and operational
58 policies and procedures that:

59 (i) Provides standardized interfaces from
60 emergency call and message services to support emergency
61 communications;

62 (ii) Processes all types of emergency calls,
63 including voice, text, data and multimedia information;

64 (iii) Acquires and integrates additional emergency
65 call data useful to call routing and handling;

66 (iv) Delivers the emergency calls, messages, and
67 data to the appropriate Public Safety Answering Point (PSAP) and
68 other appropriate emergency entities based on the location of the
69 caller;

70 (v) Supports data, video and other communications
71 needs for coordinated incident response and management; and

72 (vi) Interoperates with services and networks used
73 by first responders (and other 911 systems) to facilitate
74 emergency response. NG9-1-1 is designed to provide access to
75 emergency services from all connected communications sources and
76 provide multimedia data capabilities for Public Safety Answering
77 Points (PSAPs) and other emergency service organizations.

78 (f) "Emergency Communications Service Fund" means the
79 Emergency Communications Service Fund required to be established
80 and maintained pursuant to Section 3 of this act.



81 (g) "Emergency communications service charge" means the
82 emergency communications service charge levied and maintained
83 pursuant to this section and collected pursuant to Section 3 of
84 this act.

85 (h) "Distribution formula" means the formula specified
86 in Section 3 of this act by which monies generated from the
87 emergency communications service charge are distributed to the
88 local emergency communications districts and to the authority.

89 (i) "ECD" means an emergency communications district
90 created pursuant to Section 19-5-301 et seq., or by a local and
91 private act of the State of Mississippi.

92 (j) "Exchange access facility" means an "exchange
93 access facility" as defined by Section 19-5-303.

94 (k) "Place of primary use" means the street address
95 representative of where the consumer's use of communications
96 services primarily occurs, which must be either the residential
97 street address or the primary business street address of the
98 consumer. When location of primary use is impractical to
99 determine, the physical address for billing may be used.

100 (l) "Service supplier" means a "service supplier" as
101 defined by Section 19-5-303.

102 (m) "Consumer" means a person who purchases retail
103 communications service or prepaid wireless telecommunications
104 service in a retail transaction.



105 (n) "Prepaid wireless emergency communications services
106 charge" means the charge that is required to be collected by a
107 seller from a consumer in the amount established under Section 3
108 of this act.

109 (o) "Prepaid wireless communications service" means a
110 wireless communications service that allows a caller to access
111 PSAP through a placed call or wireless data connection, which
112 service must be paid for in advance and is sold in predetermined
113 units or dollars of which the number declines with use in a known
114 amount.

115 (p) "Service provider" means an entity that provides a
116 service that allows the two-way transmission, conveyance or
117 routing of voice, data, audio, video or any information of
118 signals, including cable and internet protocol services, to a
119 point or between or among points by or through any electronic,
120 radio, satellite, cable, optical, microwave or other medium or
121 method in existence on or after the effective date of this
122 definition, regardless of protocol used for the transmission or
123 conveyance, only if that service is capable of contacting a PSAP
124 by entering or dialing the digits 911 and is subject to applicable
125 federal or state requirements to provide the 911 dialing
126 capability. The term does not include wireless and
127 internet-protocol-enabled services that are exempt from Federal
128 Communications Commission regulations for 911 communications
129 service, 911 service and next generation 911 service.



130 (q) "Retail transaction" means the purchase of prepaid
131 wireless telecommunications service from a seller for any purpose
132 other than resale. A retail transaction that is effected in
133 person by a consumer at a business location of the seller shall be
134 treated as occurring in this state if that business location is in
135 this state, and any other retail transaction shall be treated as
136 occurring in this state if the retail transaction is treated as
137 occurring in this state for purposes of Section
138 27-65-19(1) (d) (v) 3.c.

139 (r) "Seller" means a person who sells prepaid wireless
140 telecommunications service to another person.

141 (s) "Emergency Services IP Network" or "ESInet" means a
142 managed IP network that is used for emergency services
143 communications, and which can be shared by all public safety
144 agencies. It provides the IP transport infrastructure upon which
145 independent application platforms and core services can be
146 deployed, including, but not restricted to, those necessary for
147 providing NG9-1-1 services. ESInets may be constructed from a mix
148 of dedicated and shared facilities. ESInets may be interconnected
149 at local, regional, state, federal, national and international
150 levels to form an IP-based internetwork (network of networks).

151 (t) "Geographic Information System" or "GIS" is a
152 system for capturing, storing, displaying, analyzing and managing
153 data and associated attributes which are spatially referenced.



154 (u) "Internet Protocol" or "IP" means the method by
155 which data is sent from one computer to another on the internet or
156 other networks.

157 (v) "Public Safety Answering Point" or "PSAP" is an
158 entity responsible for receiving 9-1-1 calls and processing those
159 calls according to a specific operational policy.

160 (w) "NG911 Implementation Fund" established to
161 deposit/transfer all revenues derived from the existing CMRS
162 providers' accounts payable fund (as stated in Section
163 19-5-333(2)(c)(i)) that was levied on CMRS connections since the
164 inception of Sections 19-5-335 and 19-5-343. These monies shall
165 be deposited/transferred into an insured, interest-bearing account
166 and these revenues which are deposited into the NG911 Fund shall
167 not be monies or property of the state and shall not be subject to
168 appropriation by the Legislature. Interest derived from the NG911
169 Implementation Fund shall be used for capital improvements and
170 implementation of NG911 and related purposes as decided by the
171 authority.

172 (x) "NG911 Fund" is specifically used to
173 implement/deploy, maintain and upgrade as necessary a statewide
174 NG911 Services Network, activities and/or infrastructure and other
175 duties of the Mississippi Emergency Communications Authority as
176 set forth in this act.

177 **SECTION 3.** (1) There is established the Mississippi
178 Emergency Communications Authority as an instrumentality of the



179 state. The authority and service providers shall work in
180 cooperation with the state and local government to plan for and
181 implement a framework of both technical and operational aspects of
182 implementing and operating an interoperable and interconnected
183 Next Generation 911 public safety network. The authority may
184 contract and be contracted with and defend and bring actions,
185 including, but not limited to, a private right of action to
186 enforce this act. The authority shall be an entity within the
187 Mississippi Emergency Management Agency and attached to said
188 agency for all operational purposes. The director is the ultimate
189 authority and administrative head of the authority. The director
190 shall be responsible for ensuring the authority is compliant with
191 applicable state and federal law. The director shall serve at the
192 will and pleasure of the Executive Director of Mississippi
193 Emergency Management Agency. All employees shall serve at the
194 will and pleasure of the executive director.

195 (2) The primary purpose of the authority shall be to provide
196 standards, protocols and guidelines for developing and
197 implementing N911 plans for ECDs throughout the state.

198 (3) The authority shall administer, receive, audit and remit
199 emergency communications services charges for the benefit of local
200 governments, as specified in this article, and on such terms and
201 conditions as may be determined to be in the best interest of the
202 operation of local governments in light of the following factors:



203 (a) Provide effective, efficient emergency services to
204 all citizens of Mississippi; and

205 (b) Such other factors as are in the public interest
206 and welfare of the citizens of Mississippi.

207 (4) The authority shall act as a statewide authority and
208 resource for the implementation of a statewide NG911 plan. On or
209 before December 31, 2022, the authority shall develop, establish
210 and publish minimum standards and requirements for ECD N911 plans
211 to be certified as compliant with the State NG911 Plan.

212 (5) In addition to the purposes specified in subsection (2)
213 of this section, the authority shall have the duties and
214 responsibilities to:

215 (a) Apply for, receive, and use federal grants or state
216 grants or both;

217 (b) Study, evaluate and establish technology standards
218 for the regional and statewide provision of a public safety
219 communications network and NG911 systems; review and revise
220 technology standards based on orders and ruling by the Federal
221 Communications Commission (FCC);

222 (c) Identify any changes necessary to accomplish more
223 effective, efficient and sustainable emergency communication
224 service across this state, including consolidation and
225 interoperability of 911 systems, recommending a long-term plan for
226 standardization of operational processes and training to achieve
227 the most efficient and effective delivery of 911 services in



228 Mississippi over both the long and short term, recommending any
229 legislation necessary to implement the long-term strategic State
230 N911 Plan, and reporting its recommendations to the Legislature;

231 (d) Identify any changes necessary in the assessment
232 and collection of emergency communication service charges; provide
233 a report to the Legislative Services Office of the Senate and the
234 House of Representatives;

235 (e) Develop, offer or make recommendations to the
236 Mississippi Board of Emergency Telecommunications Standards and
237 Training (Section 19-5-351) and other state agencies, as to
238 standardized training that should be provided to
239 telecommunicators, trainers, supervisors and directors of Public
240 Safety Answering Points;

241 (f) Recommend minimum standards for the operation of
242 public safety answering points and the authority shall develop and
243 implement a quality assurance program internally and shall monitor
244 local and regional 911 call center compliance with technical and
245 operational standards, requirements and practices;

246 (g) Collect data and statistics regarding the
247 performance of public safety answering points and coordinate with
248 and provide technical assistance to PSAPS to illustrate a
249 proficient path to obtain NG911 services;

250 (h) Identify any necessary changes or enhancements to
251 develop and deploy NG911 statewide and to establish policies and



252 procedures to develop and implement a plan to provide 911
253 services;

254 (i) Investigate and incorporate Geographical
255 Information Systems (GIS) standards and mapping and other
256 resources into the plan and formulate recommended strategies for
257 the efficient and effective delivery of 911 services;

258 (j) The board of governance shall request an annual
259 audit of each emergency communications district based on the
260 accounting system developed for use within this act. Within
261 thirty (30) days after receipt of the audit request by the
262 authority, a copy of the annual audit shall be filed with the
263 clerk or recorder of the appropriate emergency communications
264 district who shall then distribute copies to members of the
265 Mississippi Emergency Communications Authority. Within thirty
266 (30) days after receipt by the district, a copy of the annual
267 audit shall also be filed with the chief administrative officer of
268 the appropriate county or municipality. The State Auditor shall
269 be responsible for determining that such audits are prepared in
270 accordance with generally accepted governmental auditing
271 standards, and that such audits meet the minimum standards
272 prescribed. The State Auditor shall also prescribe procedures
273 necessary to assure that the books and records are kept in
274 accordance with generally accepted accounting principles; and

275 (k) The Mississippi Emergency Communications Authority
276 shall have the authority to act upon any adverse findings noted in



277 such audits or financial statements and to order such action as
278 may be necessary to remedy the adverse findings.

279 (6) (a) Management of the authority shall be vested in a
280 director with technical guidance and recommendations from the
281 board of governance which shall consist of the following:

282 (i) The Commissioner of Public Safety, or his or
283 her designee;

284 (ii) One (1) member appointed by the Governor
285 selected from two (2) nominees submitted by the GIS Coordinating
286 Council;

287 (iii) One (1) member appointed by the Governor
288 selected from two (2) nominees submitted by the Mississippi 911
289 Coordinators Association;

290 (iv) One (1) member appointed by the Governor
291 selected from two (2) nominees submitted by the Mississippi
292 Chapter of the Association of Public Safety Communications
293 Officials;

294 (v) One (1) member appointed by the Governor
295 selected from two (2) nominees submitted by the Mississippi
296 Chapter of the National Emergency Number Association;

297 (vi) One (1) member appointed by the Lieutenant
298 Governor who shall be an elected member of a county board of
299 supervisors selected from two (2) nominees submitted by the
300 Mississippi Association of Supervisors;



301 (vii) One (1) member appointed by the Lieutenant
302 Governor who may be a county manager, county administrator or
303 finance officer from a county that operates or contracts for the
304 operation of a public safety answering point selected from two (2)
305 nominees submitted by the Mississippi Association of Supervisors;

306 (viii) One (1) member appointed by the Governor
307 selected from two (2) nominees submitted by Mississippi Emergency
308 Medical Services;

309 (ix) One (1) member appointed by the Lieutenant
310 Governor who shall be an elected member of a municipal governing
311 authority, city manager, city administrator, or finance officer
312 from a municipality that operates or contracts for the operation
313 of a public safety answering point selected from two (2) nominees
314 submitted by the Mississippi Municipal League;

315 (x) One (1) member appointed by the Governor who
316 shall be from the telecommunications industry;

317 (xi) One (1) member appointed by the Lieutenant
318 Governor who is a sheriff responsible for managing a public safety
319 answering point selected from two (2) nominees submitted by the
320 Mississippi Sheriffs' Association;

321 (xii) One (1) police chief appointed by the
322 Governor who is serving a local government selected from two (2)
323 nominees submitted by the Mississippi Association of Chiefs of
324 Police; and



325 (xiii) One (1) fire chief appointed by the
326 Lieutenant Governor who is serving a local government selected
327 from two (2) nominees submitted by the Mississippi Fire Chiefs
328 Association.

329 (b) The initial term for appointments made pursuant to
330 subparagraphs (ii), (iii), (iv), (v), (vi) and (vii) of paragraph
331 (a) of this subsection shall be from July 1, 2022, until June 30,
332 2025. These initial appointments shall be made by July 1, 2022.
333 The initial term for appointments made pursuant to subparagraphs
334 (viii), (ix), (x), (xi), (xii) and (xiii) of paragraph (a) of this
335 subsection shall be from July 1, 2022, until June 30, 2024. All
336 subsequent terms shall be for three (3) years. Any vacancies that
337 occur prior to the end of a term shall be filled by appointment in
338 the same manner as the original appointment and shall be for the
339 remainder of the unexpired term. Upon expiration of his or her
340 term of office, a board member shall continue to serve until his
341 or her successor has been duly appointed and qualified. Members
342 may be appointed to successive terms. In the event of a vacancy,
343 the vacancy shall be filled for the balance of the unexpired term
344 in the same manner as the original appointment. Any vacancy
345 occurring on the board, whether for an expired or unexpired term,
346 shall be filled by appointment as soon as practicable after the
347 vacancy occurs. Appointments made at times when the Senate is not
348 in session shall be effective immediately ad interim and shall
349 serve until the Senate acts on the appointment as provided herein.



350 Any appointments made while the Senate is not in session shall be
351 submitted to the Senate not later than the third legislative day
352 following the reconvening of the Legislature. In the event the
353 Senate fails or refuses to act on the appointment, the person
354 whose name was submitted shall continue to serve until action is
355 taken on the appointment by the Senate.

356 (c) The board may appoint additional persons to serve
357 in an advisory role to the board. Such advisers shall be
358 nonvoting and shall not be counted in ascertaining if a quorum is
359 present.

360 (d) Members of the board of governance shall receive no
361 compensation for their services, but may be authorized by the
362 authority to receive reimbursement from funds of the authority as
363 provided by state law for travel associated with their service in
364 an amount not to exceed the reimbursement authorized for state
365 officers and employees in Section 25-3-41.

366 (e) Seven (7) members of the board of governance shall
367 constitute a quorum, and the affirmative votes of a majority of a
368 quorum shall be required for any action to be taken by the board.

369 (f) The director of the authority shall convene the
370 initial meeting of the board of the authority no later than August
371 1, 2022, at which time the board shall elect one (1) of its
372 members as chairperson. In addition, the board shall elect from
373 its membership a vice chairperson and a secretary/treasurer.



374 (g) The board of governance shall promulgate bylaws and
375 may adopt other procedures for governing its affairs and for
376 discharging its duties as may be permitted or required by law or
377 applicable rules and regulations, provided that the director has
378 ultimate authority for approving, denying or modifying such bylaws
379 and procedures.

380 (7) The authority, through its director and board of
381 governance, shall have the power and authority to:

382 (a) Have a seal and alter the same at its pleasure;

383 (b) Require each ECD to submit a plan to implement a
384 NG911 program consistent with Section 3 of this act. The ECD may
385 obtain technical assistance from the authority in formulating its
386 plan. Each NG911 shall be designed to meet the individual
387 circumstances of each community and public agency participating in
388 the ECD. The plan shall consider efficiencies to be achieved from
389 regionalization and consolidation. Once the board reviews each
390 ECD's plan for completeness and compliance with the State NG911
391 Plan, the board shall vote to make a recommendation to the
392 director. The director may either approve, deny, or remand the
393 plan to the board with notes for further work;

394 (c) Make and execute contracts, lease agreements, and
395 all other instruments necessary or convenient to exercise the
396 powers of the authority or to further the public purpose for which
397 the authority is created, including, but not limited to,
398 professional services;



399 (d) Acquire by purchase, lease, or otherwise and to
400 hold, lease, and dispose of real or personal property of every
401 kind and character, or any interest therein, in furtherance of the
402 purpose of the authority;

403 (e) Apply for and to accept any gifts or grants, loan
404 guarantees, loans of funds, property, or financial or other aid in
405 any form from the federal government or any agency or
406 instrumentality thereof, from the state government or any agency
407 or instrumentality thereof, or from any other source for any or
408 all purposes specified in this article and to comply, subject to
409 the provisions of this article, with the terms and conditions
410 thereof;

411 (f) Deposit or otherwise invest funds held by it in any
412 state depository or in any investment that is authorized for the
413 investment of proceeds of state general obligation bonds and to
414 use for its corporate purposes or redeposit or reinvest interest
415 earned on such funds;

416 (g) Establish and maintain the Emergency Communications
417 Service Charge Fund, the NG911 Fund and the NG911 Implementation
418 Fund;

419 (h) Receive, manage, control and distribute the
420 emergency communications service charge fund collected by the
421 Department of Revenue on behalf of the authority and pursuant to
422 Section 6 of this act. The emergency communications service
423 charges shall be deposited into an insured, interest-bearing



424 account. The revenues which are deposited into the Emergency
425 Communications Service Charge Fund shall not be monies or property
426 of the state and shall not be subject to appropriation by the
427 Legislature. Interest derived from the Emergency Communications
428 Service Charge Fund shall be divided on a pro rated basis of total
429 revenue collected on behalf of each 911 Emergency Communications
430 District (ECD);

431 (i) Retain from the Emergency Communications Service
432 Charge Fund collected during each calendar month an amount not to
433 exceed five percent (5%) of the money allocated to the NG911 Fund
434 as reimbursement for the operations by the authority in
435 administering Section 3 of this act;

436 (j) Identify and define by geospatial layer, all ECD's
437 throughout the state. The authority shall adopt a schedule of all
438 zip codes plus four (4) designations as required by the federal
439 Universal Sourcing Act for ECDs in the state. An ECD that has
440 within its jurisdiction zip code designations that do not adhere
441 to county lines shall assist the authority in determining the
442 appropriate ECD for scheduling. This schedule will be used by the
443 authority to establish a distribution formula by which the
444 authority will make disbursements of the emergency communications
445 service charge to ECDs in the following amounts and in the
446 following manner:

447 (i) Out of the funds collected by the Department
448 of Revenue, on behalf of the authority, up to thirty percent (30%)



449 shall be deposited into the NG911 Fund, and shall be used to plan
450 and prepare for the transition from Legacy 911 to NG911 by
451 implementing/deploying and maintaining core components of NG911
452 functionality, including an IP-based system comprised of managed
453 Emergency Services IP networks (ESInets), functional elements
454 (applications), databases (GIS), and call-handling systems that
455 replicate traditional E911 features and functions and provides
456 additional capabilities. Other than paragraph (i) of this
457 subsection (7), no other NG911 funds shall be used for any other
458 purpose. The funds deposited in the NG911 Fund shall accrue to
459 the benefit of each ECD. No ECD may access NG911 Funds until the
460 authority, through written authorization from the director, has
461 approved the ECD's NG911 Plan.

462 (ii) The remainder of all funds collected by the
463 authority, which shall not be less than seventy percent (70%) of
464 the total funds collected by the Department of Revenue on behalf
465 of the authority of the Emergency Communications Service Charge
466 Fund shall be distributed by the authority monthly based on the
467 number of CMRS connections or other method as recommended by a
468 vote of the board and subject to approval by the Director, in each
469 ECD for use in providing PSAP services, including capital
470 improvements, and in their normal operations. This method shall
471 consider the best available pro rata formula for distributing
472 funds to each county by population of prepaid wireless plans;



473 (k) To obtain from an independent, third-party auditor
474 retained by the board to provide annual reports to the authority
475 no later than sixty (60) days after the close of each fiscal year,
476 which shall provide an accounting for all emergency communications
477 service charges deposited into the Emergency Communications
478 Services Charge Fund during the preceding fiscal year and all
479 disbursements to ECDs during the preceding fiscal year. The
480 authority shall provide a copy of the annual reports to the
481 Chairmen of Appropriations Committees of the House of
482 Representatives and Senate and Legislative Services Office within
483 thirty (30) days of receipt of report;

484 (l) To retain an independent, third-party accountant
485 who shall audit service providers at the discretion of the
486 authority to verify the accuracy of each service providers'
487 emergency communications service charge collection. The
488 information obtained by the audits shall be used solely for the
489 purpose of verifying that service providers are accurately
490 collecting and remitting the emergency communications service
491 charges and may be used for any legal action initiated by the
492 authority against service providers;

493 (m) To levy interest charges at the legal rate of
494 interest established in Section 75-17-1 on any amount due and
495 outstanding from any service provider who fails to remit emergency
496 communications service charges in accordance with Section 6 of
497 this act;



498 (n) To promulgate such rules and regulations as may be
499 necessary to effect the provisions of Sections 1 through 9 of this
500 act;

501 (o) To maintain a registration database of all service
502 providers and to impose an administrative fine on any provider
503 that fails to comply with the registration requirements in this
504 act;

505 (p) In order to provide additional funding for
506 implementing, deploying, operating, and maintaining NG911
507 programs, the authority may receive federal, state, county or
508 municipal funds, as well as funds from private sources, and may
509 expend such funds for the purposes of Section 19-5-301 et seq.

510 (8) The creation of the authority and the carrying out of
511 its purpose under this act are in all respects for the benefit of
512 the people of this state. The authority shall be carrying out an
513 essential governmental function on behalf of local governments in
514 the exercise of the powers conferred upon it by this act and is,
515 therefore, given the same immunity from liability for carrying out
516 its intended functions as other state officials and employees.

517 (9) The authority shall not be required to pay taxes or
518 assessments upon any real or personal property acquired under its
519 jurisdiction, control, possession, or supervision.

520 (10) All monies received by the authority pursuant to this
521 act shall be deemed to be trust funds to be held and applied
522 solely as provided in this act.



523 (11) This act, being for the welfare of the state and its
524 inhabitants, shall be liberally construed to effect the purposes
525 thereof.

526 (12) The board shall be subject to and shall comply with the
527 Mississippi Administrative Procedures Law in the same manner as a
528 state agency. The board may promulgate and amend, from time to
529 time, such rules or regulations, consistent with this act and the
530 Mississippi Administrative Procedures Law as it deems consistent
531 with or required for the public welfare, for the administration of
532 any provision of this act, or for the orderly conduct of the
533 board's affairs. Any claim by the authority that a service
534 supplier has violated any provision of this act shall be
535 adjudicated as a contested proceeding under the Mississippi
536 Administrative Procedures Law, Section 25-43-1.101, and be subject
537 to judicial review under the Mississippi Administrative Procedures
538 Law, Section 25-43-1.101.

539 (13) It is the Legislature's intent to ensure that the NG911
540 Fund shall be used for capital improvements and implementation of
541 NG911 by the ECD and related purposes consistent with a certified
542 NG911 implementation plan as approved by the authority and Board
543 of Governance.

544 (14) The NG911 Implementation Fund shall be used to fund
545 planning, capital expenditures and/or infrastructure associated
546 with the deployment of NG911 plans and the duties of the



547 Mississippi Emergency Communications Authority or its authorized
548 agent as set forth in this act.

549 **SECTION 4.** All information submitted to the authority or to
550 the independent, third-party auditor as required by this act shall
551 be retained by the authority and such auditor in confidence and
552 shall be subject to review only by the authority. Further,
553 notwithstanding any other provision of the law, no information so
554 submitted shall be subject to subpoena or otherwise released to
555 any person other than to the submitting service provider, the
556 authority, and the aforesaid independent, third-party auditor
557 without the express permission of the administrator and the
558 submitting service provider. General information collected by the
559 aforesaid independent, third-party auditor shall only be released
560 or published in aggregate amounts which do not identify or allow
561 identification of numbers of subscribers of revenues attributable
562 to an individual service provider.

563 **SECTION 5.** The Attorney General shall provide legal services
564 for the authority.

565 **SECTION 6.** (1) The state hereby authorizes each county to
566 levy an emergency communications service charge in an amount not
567 to exceed One Dollar (\$1.00) per residential telephone subscriber
568 line per month, Four Dollars (\$4.00) per Voice over Internet
569 Protocol subscriber account per month, Four Dollars (\$4.00) per
570 commercial telephone subscriber line per month for exchange
571 telephone service, Four Dollars (\$4.00) per CMRS connection per



572 month, and Four Dollars (\$4.00) for a prepaid wireless
573 telecommunications service purchased in a retail transaction.

574 (2) No such emergency communications service charge shall be
575 imposed upon more than two hundred (200) exchange access
576 facilities or Voice over Internet Protocol lines per location.
577 Trunks or service lines used to supply service to CMRS providers
578 shall not have an emergency communications service charge levied
579 against them.

580 (3) Each service provider shall act as a collection agent
581 for the emergency communications service charge and shall, as part
582 of the provider's normal monthly billing process, collect the
583 emergency communications service charges levied upon providers and
584 customers pursuant to subsection (1) of this section and shall,
585 not later than thirty (30) days after the end of the calendar
586 month in which such emergency communications service charges are
587 collected, remit to the Department of Revenue the emergency
588 communications service charges so collected. A return, in such
589 form as the Department of Revenue and the service supplier agree
590 upon, shall be filed with the Department of Revenue, to include
591 aggregate emergency communications service charges collected by a
592 zip code plus four (4) designation as required by the federal
593 Uniform Sourcing Act and a remittance of the amount of service
594 charge collected payable to the Emergency Communications Services
595 Charge Fund.



596 (4) Each service provider shall list the emergency
597 communications service charge as a separate entry on each bill,
598 which includes an emergency communications service charge.

599 (5) The service supplier shall maintain records of the
600 amount of service charge collected for a period of at least two
601 (2) years from date of collection. The authority shall receive an
602 annual audit of the service supplier's books and records with
603 respect to the collection and remittance of the service charge.

604 (6) The service supplier shall have no obligation to take
605 any legal action to enforce the collection of any emergency
606 communications service charge; however, the service supplier shall
607 annually provide the authority, upon request by the authority,
608 with a list of the amount uncollected, together with the names and
609 addresses of those service users who carry a balance that can be
610 determined by the service supplier to be nonpayment of such
611 service charge. Good-faith compliance by the service supplier
612 with this provision shall constitute a complete defense to any
613 legal action or claim which may result from the service supplier's
614 determination of nonpayment and/or the identification of service
615 users in connection therewith.

616 (7) Each service provider shall register with the authority
617 and the Department of Revenue and shall provide the following
618 information upon registration:

- 619 (a) The company name of the provider;
620 (b) The marketing name of the provider;



621 (c) The publicly traded name of the provider;
622 (d) The physical address of the company headquarters
623 and of the main office located in the State of Mississippi; and
624 (e) The names and addresses of the providers' board of
625 directors/owners.

626 Each service provider shall notify the authority of any
627 change in the information prescribed in paragraphs (a) through (e)
628 of this subsection (7). The authority may impose an
629 administrative fine in an amount not to exceed Ten Thousand
630 Dollars (\$10,000.00) on any provider which fails to comply with
631 the provisions of this subsection.

632 (8) (a) For prepaid wireless communications service, the
633 emergency communications service charge shall be collected by the
634 seller from the consumer with respect to each retail transaction
635 occurring in this state. The amount of the emergency
636 communications service charge shall be either separately stated on
637 an invoice, receipt or other similar document that is provided to
638 the consumer by the seller, or otherwise disclosed to the
639 consumer.

640 (b) The prepaid wireless emergency service charge is
641 the liability of the consumer and not of the seller or of any
642 service provider, except that the seller shall be liable to remit
643 all prepaid wireless emergency service charges that the seller
644 collects from consumers as provided in subsection (1) of this
645 section, including all such charges that the seller is deemed to



646 have collected where the amount of the charge has not been
647 separately stated on an invoice, receipt or other similar document
648 provided to the consumer by the seller.

649 (c) Prepaid wireless emergency communications service
650 charges collected by sellers shall be remitted to the Department
651 of Revenue at the times and in the manner provided by Title 27,
652 Chapter 65, Mississippi Code of 1972, with respect to sales and
653 use taxes. The Department of Revenue shall establish registration
654 and payment procedures that substantially coincide with the
655 registration and payment procedures that apply to Title 27,
656 Chapter 65, Mississippi Code of 1972.

657 (d) The audit and appeal procedures applicable to Title
658 27, Chapter 65, Mississippi Code of 1972, shall apply to prepaid
659 wireless emergency communications service charges.

660 (e) The Department of Revenue shall establish
661 procedures by which a seller of prepaid wireless
662 telecommunications service may document that a sale is not a
663 retail transaction, which procedures shall substantially coincide
664 with the procedures for documenting sale for resale transactions
665 for sales and use tax purposes under Title 27, Chapter 65,
666 Mississippi Code of 1972.

667 (9) The amount of the emergency communications service
668 charge that is collected by a service providers or seller from a
669 consumer, shall not be considered revenue for any purpose and,
670 therefore, shall not be included in the base for measuring any



671 tax, fee, surcharge or other charge that is imposed by this state,
672 any political subdivision of this state or any intergovernmental
673 agency.

674 (10) No service provider or seller of prepaid wireless
675 communications service shall be liable for damages to any person
676 resulting from or incurred in connection with accessing or
677 attempting to access emergency services.

678 (11) No service provider shall be liable for damages to any
679 person or entity resulting from or incurred in connection with the
680 service provider's provision of assistance to any investigative or
681 law enforcement officer of the United States, this or any other
682 state, or any political subdivision of this or any other state, in
683 connection with any investigation or other law enforcement
684 activity by such law enforcement officer that the provider
685 believes in good faith to be lawful.

686 (12) The emergency communications service charge provided in
687 Section 6 of this act and the service charge provided in Section
688 19-5-357 to fund the training of public safety telecommunicators
689 shall be the only charges assessed to service providers and
690 customers of service providers relating to emergency
691 communications services.

692 **SECTION 7.** (1) The Department of Revenue shall pay all
693 remitted emergency communications service charges over to the
694 authority, or as otherwise directed by the authority through
695 contract or a memorandum of understanding, within thirty (30) days



696 of receipt, for use by the authority in accordance with the
697 purposes permitted by this act, after deducting an amount, not to
698 exceed one percent (1%) of collected charges that shall be
699 retained by the department to reimburse its direct costs of
700 administering the collection and remittance of emergency
701 communication service charges.

702 (2) In order to provide additional funding for the district,
703 the board of commissioners may receive federal, state, county or
704 municipal funds, as well as funds from private sources, and may
705 expend such funds for the purposes of Section 19-5-301 et seq.

706 **SECTION 8.** Wireless emergency telephone service shall not be
707 used for personal use and shall be used solely for the use of
708 communications by the public. Any person who knowingly uses or
709 attempts to use wireless emergency telephone service for a purpose
710 other than obtaining public safety assistance, or who knowingly
711 uses or attempts to use wireless emergency telephone service in an
712 effort to avoid any emergency communications charges, is guilty of
713 a misdemeanor and shall be subject to a fine of not more than Five
714 Hundred Dollars (\$500.00) or imprisonment of not more than thirty
715 (30) days in the county jail, or both such fine and imprisonment.
716 If the value of the emergency communications charge or service
717 obtained in a manner prohibited by this section exceeds One
718 Hundred Dollars (\$100.00), the offense may be prosecuted as a
719 felony and punishable by a fine of not more than Five Thousand



720 Dollars (\$5,000.00) and imprisonment of not more than three (3)
721 years, or both such fine and imprisonment.

722 **SECTION 9.** All emergency communication districts must adopt
723 an NG911 Plan no later than December 31, 2027, and any district
724 failing to adopt its plan by such date may not receive any monies
725 from the NG911 Fund or NG911 Implementation Fund.

726 **SECTION 10.** Section 33-15-7, Mississippi Code of 1972, is
727 brought forward as follows:

728 33-15-7. (a) There is hereby created within the executive
729 branch of the state government a department called the Mississippi
730 Emergency Management Agency with a director of emergency
731 management who shall be appointed by the Governor; he shall hold
732 office during the pleasure of the Governor and shall be
733 compensated as determined by any appropriation that may be made by
734 the Legislature for such purposes.

735 (b) The director, with the approval of the Governor, may
736 employ such technical, clerical, stenographic and other personnel,
737 to be compensated as provided in any appropriation that may be
738 made for such purpose, and may make such expenditures within the
739 appropriation therefor, or from other funds made available to him
740 for purposes of emergency management, as may be necessary to carry
741 out the purposes of this article.

742 (c) The director and other personnel of the emergency
743 management agency shall be provided with appropriate office space,



744 furniture, equipment, supplies, stationery and printing in the
745 same manner as provided for other state agencies.

746 (d) The director, subject to the direction and control of
747 the Governor, shall be the executive head of the emergency
748 management agency and shall be responsible to the Governor for
749 carrying out the program for emergency management of this state.
750 He shall coordinate the activities of all organizations for
751 emergency management within the state, and shall maintain liaison
752 with and cooperate with emergency management agencies and
753 organizations of other states and of the federal government, and
754 shall have such additional authority, duties, and responsibilities
755 authorized by this article as may be prescribed by the Governor.

756 **SECTION 11.** Section 33-15-14, Mississippi Code of 1972, is
757 amended as follows:

758 33-15-14. (1) The agency is responsible for maintaining a
759 comprehensive statewide program of emergency management. The
760 agency is responsible for coordination with efforts of the federal
761 government with other departments and agencies of state
762 government, with county and municipal governments and school
763 boards and with private agencies that have a role in emergency
764 management.

765 (2) In performing its duties under this article, the agency
766 shall:

767 (a) Work with the Governor, or his representative, in
768 preparing a State Comprehensive Emergency Management Plan of this



769 state, which shall be integrated into and coordinated with the
770 emergency management plans of the federal government and of other
771 states to the fullest possible extent, and to coordinate the
772 preparation of plans and programs for emergency management by the
773 political subdivisions of the state, such local plans to be
774 integrated into and coordinated with the emergency plan and
775 program of this state. The plan must contain provisions to ensure
776 that the state is prepared for emergencies and minor, major and
777 catastrophic disasters, and the agency shall work closely with
778 local governments and agencies and organizations with emergency
779 management responsibilities in preparing and maintaining the plan.
780 The State Comprehensive Emergency Management Plan will be
781 operations oriented and:

782 (i) Include an evacuation component that includes
783 specific regional and interregional planning provisions and
784 promotes intergovernmental coordination of evacuation activities.
785 This component must, at a minimum: ensure coordination pertaining
786 to evacuees crossing county lines; set forth procedures for
787 directing people caught on evacuation routes to safe shelter; and
788 establish policies and strategies for emergency medical
789 evacuations.

790 (ii) Include a shelter component that includes
791 specific regional and interregional planning provisions and
792 promotes coordination of shelter activities between the public,
793 private and nonprofit sectors. This component must, at a minimum:



794 contain strategies to ensure the availability of adequate public
795 shelter space in each region of the state; establish strategies
796 for refuge-of-last-resort programs; provide strategies to assist
797 local emergency management efforts to ensure that adequate
798 staffing plans exist for all shelters, including medical and
799 security personnel; provide for a postdisaster communications
800 system for public shelters; establish model shelter guidelines for
801 operations, registration, inventory, power generation capability,
802 information management and staffing; and set forth policy guidance
803 for sheltering people with special needs.

804 (iii) Include a postdisaster response and recovery
805 component that includes specific regional and interregional
806 planning provisions and promotes intergovernmental coordination of
807 postdisaster response and recovery activities. This component
808 must provide for postdisaster response and recovery strategies
809 according to whether a disaster is minor, major or catastrophic.
810 The postdisaster response and recovery component must, at a
811 minimum: establish the structure of the state's postdisaster
812 response and recovery organization; establish procedures for
813 activating the state's plan; set forth policies used to guide
814 postdisaster response and recovery activities; describe the chain
815 of command during the postdisaster response and recovery period;
816 describe initial and continuous postdisaster response and recovery
817 actions; identify the roles and responsibilities of each involved
818 agency and organization; provide for a comprehensive



819 communications plan; establish procedures for monitoring mutual
820 aid agreements; provide for rapid impact assessment teams; ensure
821 the availability of an effective statewide urban search and rescue
822 program coordinated with the fire services; ensure the existence
823 of a comprehensive statewide medical care and relief plan
824 administered by the State Department of Health; and establish
825 systems for coordinating volunteers and accepting and distributing
826 donated funds and goods.

827 (iv) Include additional provisions addressing
828 aspects of preparedness, response and recovery, as determined
829 necessary by the agency.

830 (v) Address the need for coordinated and
831 expeditious deployment of state resources, including the
832 Mississippi National Guard. In the case of an imminent major
833 disaster, procedures should address predeployment of the
834 Mississippi National Guard, and, in the case of an imminent
835 catastrophic disaster, procedures should address predeployment of
836 the Mississippi National Guard and the United States Armed Forces.
837 This subparagraph (v) does not authorize the agency to call out
838 and deploy the Mississippi National Guard, which authority and
839 determination rests solely with the Governor.

840 (vi) Establish a system of communications and
841 warning to ensure that the state's population and emergency
842 management agencies are warned of developing emergency situations
843 and can communicate emergency response decisions.



844 (vii) Establish guidelines and schedules for
845 annual exercises that evaluate the ability of the state and its
846 political subdivisions to respond to minor, major and catastrophic
847 disasters and support local emergency management agencies. Such
848 exercises shall be coordinated with local governments and, to the
849 extent possible, the federal government.

850 (viii) 1. Assign lead and support
851 responsibilities to state agencies and personnel for emergency
852 support functions and other support activities.

853 2. The agency shall prepare an interim
854 postdisaster response and recovery component that substantially
855 complies with the provisions of this paragraph (a). Each state
856 agency assigned lead responsibility for an emergency support
857 function by the State Comprehensive Emergency Management Plan
858 shall also prepare a detailed operational plan needed to implement
859 its responsibilities. The complete State Comprehensive Emergency
860 Management Plan shall be submitted to the Governor no later than
861 January 1, 1996, and on January 1 of every even-numbered year
862 thereafter.

863 (b) Adopt standards and requirements for county
864 emergency management plans. The standards and requirements must
865 ensure that county plans are coordinated and consistent with the
866 State Comprehensive Emergency Management Plan. If a municipality
867 elects to establish an emergency management program, it must adopt



868 a city emergency management plan that complies with all standards
869 and requirements applicable to county emergency management plans.

870 (c) Assist political subdivisions in preparing and
871 maintaining emergency management plans.

872 (d) Review periodically political subdivision emergency
873 management plans for consistency with the State Comprehensive
874 Emergency Management Plan and standards and requirements adopted
875 under this section.

876 (e) Make recommendations to the Legislature, building
877 code organizations and political subdivisions for zoning, building
878 and other land use controls, safety measures for securing mobile
879 homes or other nonpermanent or semipermanent structures; and other
880 preparedness, prevention and mitigation measures designed to
881 eliminate emergencies or reduce their impact.

882 (f) In accordance with the State Comprehensive
883 Emergency Management Plan and program for emergency management,
884 ascertain the requirements of the state, its political
885 subdivisions and the Mississippi Band of Choctaw Indians for
886 equipment and supplies of all kinds in the event of an emergency;
887 plan for and either procure supplies, medicines, materials and
888 equipment or enter into memoranda of agreement or open purchase
889 orders that will ensure their availability; and use and employ
890 from time to time any of the property, services and resources
891 within the state in accordance with this article.



892 (g) Anticipate trends and promote innovations that will
893 enhance the emergency management system.

894 (h) Prepare and distribute to appropriate state and
895 local officials catalogs of federal, state and private assistance
896 programs.

897 (i) Implement training programs to improve the ability
898 of state and local emergency management personnel to prepare and
899 implement emergency management plans and programs, and require all
900 local civil defense directors or emergency management directors to
901 complete such training as a condition to their authority to
902 continue service in their emergency management positions.

903 (j) Review periodically emergency operating procedures
904 of state agencies and recommend revisions as needed to ensure
905 consistency with the State Comprehensive Emergency Management Plan
906 and program.

907 (k) Prepare, in advance whenever possible, such
908 executive orders, proclamations and rules for issuance by the
909 Governor as are necessary or appropriate for coping with
910 emergencies and disasters.

911 (l) Cooperate with the federal government and any
912 public or private agency or entity in achieving any purpose of
913 this article.

914 (m) Assist political subdivisions with the creation and
915 training of urban search and rescue teams and promote the



916 development and maintenance of a state urban search and rescue
917 program.

918 (n) Delegate, as necessary and appropriate, authority
919 vested in it under this article and provide for the subdelegation
920 of such authority.

921 (o) Require each county or municipality to designate an
922 agent for working with the agency in the event of a natural
923 disaster. The county or municipality may designate any person as
924 agent who has completed training programs required of emergency
925 management directors.

926 (p) Report biennially to the Governor and the President
927 of the Senate, and the Speaker of the House of Representatives, no
928 later than January 1 of every odd-numbered year, the status of the
929 emergency management capabilities of the state and its political
930 subdivisions.

931 (q) In accordance with Section 25-43-1 et seq., create,
932 implement, administer, promulgate, amend and rescind rules,
933 programs and plans needed to carry out the provisions of this
934 article with due consideration for, and in cooperating with, the
935 plans and programs of the federal government.

936 (r) Have the sole power and discretion to enter into,
937 sign, execute and deliver long-term or multiyear leases of real
938 and personal property with other state and federal agencies.

939 (s) Do other things necessary, incidental or
940 appropriate for the implementation of this article.



941 (t) In accordance with Section 33-15-15, create,
942 implement, administer, promulgate, amend and rescind rules
943 regarding the development of the Mississippi Disaster Reservist
944 Program.

945 (u) Unless otherwise instructed by the Governor,
946 sponsor and develop mutual aid plans and agreements between the
947 political subdivisions of the state and the Mississippi Band of
948 Choctaw Indians similar to the mutual aid arrangements with other
949 states referenced in Section 33-15-11(b) (10).

950 (v) Serve as the statewide coordinator for Emergency
951 Communications, including 911, E911, NG911 and all other related
952 functions.

953 **SECTION 12.** Section 19-5-313, Mississippi Code of 1972,
954 which provides for emergency telephone services charges, is hereby
955 repealed.

956 **SECTION 13.** Section 19-5-331, Mississippi Code of 1972,
957 which defines certain terms as used in the provisions providing
958 for enhanced wireless emergency telephone service, is hereby
959 repealed.

960 **SECTION 14.** Section 19-5-333, Mississippi Code of 1972,
961 which creates the Commercial Mobile Radio Service Board and
962 provides for its powers and duties, is hereby repealed.

963 **SECTION 15.** Section 19-5-335, Mississippi Code of 1972,
964 which provides for the collection of services charges by the



965 Commercial Mobile Radio Service Board and requires registration of
966 Commercial Mobile Radio Service providers, is hereby repealed.

967 **SECTION 16.** Section 19-5-337, Mississippi Code of 1972,
968 which provides for the confidentiality of proprietary information
969 submitted to the Commercial Mobile Radio Service Board, is hereby
970 repealed.

971 **SECTION 17.** Section 19-5-339, Mississippi Code of 1972,
972 which provides for the requirement to provide enhanced 911
973 service, is hereby repealed.

974 **SECTION 18.** Section 19-5-341, Mississippi Code of 1972,
975 which makes it an offense and provides criminal penalties for
976 using wireless emergency telephone service for personal use, is
977 hereby repealed.

978 **SECTION 19.** Section 19-5-343, Mississippi Code of 1972,
979 which provides for the collection and remittance of prepaid
980 wireless E911 charges, is hereby repealed.

981 **SECTION 20.** This act shall take effect and be in force from
982 and after July 1, 2022, and shall stand repealed on June 30, 2022.

