

By: Senator(s) DeLano, Williams

To: Technology

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 SECTIONS
9 33-15-7 AND 33-15-14, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
10 POSSIBLE AMENDMENT; TO REPEAL SECTION 19-5-313, MISSISSIPPI CODE
11 OF 1972, WHICH PROVIDES FOR EMERGENCY TELEPHONE SERVICES CHARGES;
12 TO REPEAL SECTION 19-5-331, MISSISSIPPI CODE OF 1972, WHICH
13 DEFINES CERTAIN TERMS AS USED IN THE PROVISIONS PROVIDING FOR
14 ENHANCED WIRELESS EMERGENCY TELEPHONE SERVICE; TO REPEAL SECTION
15 19-5-333, MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMERCIAL
16 MOBILE RADIO SERVICE (CMRS) BOARD AND PROVIDES FOR ITS POWERS AND
17 DUTIES; TO REPEAL SECTION 19-5-335, MISSISSIPPI CODE OF 1972,
18 WHICH PROVIDES FOR THE COLLECTION OF SERVICE CHARGES BY THE
19 COMMERCIAL MOBILE RADIO SERVICE BOARD AND REQUIRES REGISTRATION OF
20 CMRS PROVIDERS; TO REPEAL SECTION 19-5-337, MISSISSIPPI CODE OF
21 1972, WHICH PROVIDES FOR THE CONFIDENTIALITY OF PROPRIETARY
22 INFORMATION SUBMITTED TO THE COMMERCIAL MOBILE RADIO SERVICE
23 BOARD; TO REPEAL SECTION 19-5-339, MISSISSIPPI CODE OF 1972, WHICH
24 PROVIDES FOR THE REQUIREMENT TO PROVIDE ENHANCED 911 SERVICE; TO
25 REPEAL SECTION 19-5-341, MISSISSIPPI CODE OF 1972, WHICH MAKES IT
26 AN OFFENSE AND PROVIDES CRIMINAL PENALTIES FOR USING WIRELESS
27 EMERGENCY TELEPHONE SERVICE FOR PERSONAL USE; TO REPEAL SECTION
28 19-5-343, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
29 COLLECTION AND REMITTANCE OF PREPAID WIRELESS E911 CHARGES; AND
30 FOR RELATED PURPOSES.

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



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

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

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

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

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

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

54 (e) "Next Generation 9-1-1" or "NG9-1-1" or "NG911" is
55 a secure, nationwide, interoperable, standards-based, all internet
56 protocol emergency communications infrastructure enabling



57 end-to-end transmission of all types of data, including, but not
58 limited to, voice and multimedia communications from the public to
59 a public safety answering point. A secure Internet Protocol
60 (IP)-based system comprised of managed Emergency Services IP
61 networks (ESInets), functional elements (applications), and
62 databases that replicate traditional E9-1-1 features and functions
63 and provides additional capabilities. NG9-1-1 is designed to
64 provide access to emergency services from all connected
65 communications sources, and provide multimedia data capabilities
66 for Public Safety Answering Points (PSAPs) and other emergency
67 service organizations.

68 (f) "Emergency communications service fund" means the
69 emergency communications service fund required to be established
70 and maintained pursuant to Section 3 of this act.

71 (g) "Emergency communications service charge" means the
72 emergency communications service charge levied and maintained
73 pursuant to this section and collected pursuant to Section 3 of
74 this act.

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

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



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

84 (k) "Place of primary use" means the street address
85 representative of where the consumer's use of communications
86 services primarily occurs, which must be either the residential
87 street address or the primary business street address of the
88 consumer. When location of primary use is impractical to
89 determine, the physical address for billing may be used.

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

92 (m) "Consumer" means a person who purchases retail
93 communications service or prepaid wireless telecommunications
94 service in a retail transaction.

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

99 (o) "Prepaid wireless communications service" means a
100 wireless communications service that allows a caller to access
101 PSAP through a placed call or wireless data connection, which
102 service must be paid for in advance and is sold in predetermined
103 units or dollars of which the number declines with use in a known
104 amount.

105 (p) "Service provider" means an entity providing one or
106 more of the following elements: wired, Voice over Internet



107 Protocol (VoIP), wireless, prepaid, or any other service that
108 could result in a call for assistance, communication services,
109 network, CPE/911 systems, database service or support pursuant to
110 a license issued by the Federal Communications Commission.

111 (q) "Retail transaction" means the purchase of prepaid
112 wireless telecommunications service from a seller for any purpose
113 other than resale. A retail transaction that is effected in
114 person by a consumer at a business location of the seller shall be
115 treated as occurring in this state if that business location is in
116 this state, and any other retail transaction shall be treated as
117 occurring in this state if the retail transaction is treated as
118 occurring in this state for purposes of Section
119 27-65-19(1) (d) (v) 3.c.

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

122 (s) "Emergency Services IP Network" or "ESInet" means a
123 managed IP network that is used for emergency services
124 communications, and which can be shared by all public safety
125 agencies. It provides the IP transport infrastructure upon which
126 independent application platforms and core services can be
127 deployed, including, but not restricted to, those necessary for
128 providing NG9-1-1 services. ESInets may be constructed from a mix
129 of dedicated and shared facilities. ESInets may be interconnected
130 at local, regional, state, federal, national and international
131 levels to form an IP-based internetwork (network of networks).



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

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

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

141 (w) "NG911 Implementation Fund" established to
142 deposit/transfer all revenues derived from the existing CMRS
143 providers' accounts payable fund (as stated in Section
144 19-5-333(2)(c)(i)) that was levied on CMRS connections since the
145 inception of Sections 19-5-335 and 19-5-343. These monies shall
146 be deposited/transferred into an insured, interest-bearing account
147 and these revenues which are deposited into the NG911 fund shall
148 not be monies or property of the state and shall not be subject to
149 appropriation by the Legislature. Interest derived from the NG911
150 Implementation fund shall be used for capital improvements and
151 implementation of NG911 and related purposes as decided by the
152 authority.

153 (x) "NG911 Fund" is specifically used to
154 implement/deploy, maintain and upgrade as necessary a statewide
155 NG911 Services Network, activities and/or infrastructure and other



156 duties of the Mississippi Emergency Communications Authority as
157 set forth in this act.

158 SECTION 3. (1) There is established the Mississippi
159 Emergency Communications Authority as an instrumentality of the
160 state. The authority and service providers shall work in
161 cooperation with the state and local government to plan for and
162 implement a statewide public safety communications network. The
163 authority may contract and be contracted with and defend and bring
164 actions, including, but not limited to, a private right of action
165 to enforce this act. The authority shall be an entity within the
166 Mississippi Emergency Management Agency and attached to said
167 agency for all operational purposes. The director is the
168 administrative head of the authority. The director shall serve at
169 the will and pleasure of the executive director of Mississippi
170 Emergency Management Agency. All employees shall serve at the
171 will and pleasure of the executive director.

172 (2) The primary purpose of the authority shall be to
173 administer, receive, audit, and remit emergency communications
174 services charges for the benefit of local governments, as
175 specified in this article, and on such terms and conditions as may
176 be determined to be in the best interest of the operation of local
177 governments in light of the following factors:

178 (a) Provide effective, efficient emergency services to
179 all citizens of Mississippi.



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

182 (c) Provide as a statewide authority and resource for
183 the implementation of a statewide NG911 plan.

184 (3) In addition to the purposes specified in subsection (2)
185 of this section, the authority shall have the duties and
186 responsibilities to:

187 (a) Apply for, receive, and use federal grants or state
188 grants or both.

189 (b) Study, evaluate and establish technology standards
190 for the regional and statewide provision of a public safety
191 communications network and NG911 systems; review and revise
192 technology standards based on orders and ruling by the Federal
193 Communications Commission (FCC).

194 (c) Identify any changes necessary to accomplish more
195 effective and efficient emergency communication service across
196 this state, including consolidation and interoperability of 911
197 systems, recommending a long-term plan for the most efficient and
198 effective delivery of 911 services in Mississippi over both the
199 long and short term, recommending any legislation necessary to
200 implement the long-term plan, and reporting its recommendations to
201 the Legislature.

202 (d) Identify any changes necessary in the assessment
203 and collection of emergency communication service charges; provide



204 a report to the legislative services office of the Senate and the
205 House of Representatives.

206 (e) Develop, offer or make recommendations to the
207 Mississippi Board of Emergency Telecommunications Standards and
208 Training (Section 19-5-351) and other state agencies, as to
209 training that should be provided to telecommunicators, trainers,
210 supervisors and directors of public safety answering points.

211 (f) Recommend minimum standards for the operation of
212 public safety answering points and the authority shall develop and
213 implement a quality assurance program internally and shall monitor
214 local and regional 911 call center compliance with technical and
215 operational standards, requirements and practices.

216 (g) Collect data and statistics regarding the
217 performance of public safety answering points and coordinate with
218 and provide technical assistance to PSAPS to illustrate a
219 proficient path to obtain NG911 services.

220 (h) Identify any necessary changes or enhancements to
221 develop and deploy NG911 statewide and to establish policies and
222 procedures to develop and implement a plan to provide 911
223 services.

224 (i) Investigate and incorporate Geographical
225 Information Systems (GIS) standards and mapping and other
226 resources into the plan and formulate recommended strategies for
227 the efficient and effective delivery of 911 services.



228 (j) The board of governance shall request an annual
229 audit of each emergency communications district based on the
230 accounting system developed for use within this act. Within
231 thirty (30) days after receipt of the audit request by the
232 authority, a copy of the annual audit shall be filed with the
233 clerk or recorder of the appropriate emergency communications
234 district who shall then distribute copies to members of the
235 Mississippi Emergency Communications Authority. Within thirty
236 (30) days after receipt by the district, a copy of the annual
237 audit shall also be filed with the chief administrative officer of
238 the appropriate county or municipality. The State Auditor shall
239 be responsible for determining that such audits are prepared in
240 accordance with generally accepted governmental auditing
241 standards, and that such audits meet the minimum standards
242 prescribed. The State Auditor shall also prescribe procedures
243 necessary to assure that the books and records are kept in
244 accordance with generally accepted accounting principles.

245 (k) The Mississippi Emergency Commission shall have the
246 authority to act upon any adverse findings noted in such audits or
247 financial statements and to order such action as may be necessary
248 to remedy the adverse findings.

249 (4) (a) Management of the authority shall be vested in a
250 board of governance which shall consist of the following:

251 (i) The Commissioner of Public Safety, or his or
252 her designee;



253 (ii) One (1) member appointed by the Governor from
254 the GIS Coordinating Council. The GIS Coordinating Council may
255 provide recommendations to the Governor for such appointments;

256 (iii) One (1) member appointed by the Governor
257 from the Mississippi 911 Coordinators Association. The
258 Mississippi 911 Coordinators Association may provide
259 recommendations to the Governor for such appointments;

260 (iv) One (1) member appointed by the Governor from
261 the Mississippi Chapter of the Association of Public Safety
262 Communications Officials. The Mississippi Chapter of the
263 Association of Public Safety Communications Officials may provide
264 recommendations to the Governor for such appointments;

265 (v) One (1) member appointed by the Governor from
266 the Mississippi Chapter of the National Emergency Number
267 Association. The Mississippi Chapter of the National Emergency
268 Number Association may provide recommendations to the Governor for
269 such appointments;

270 (vi) One (1) member appointed by the Lieutenant
271 Governor who shall be an elected member of a county board of
272 supervisors. The Mississippi Association of Supervisors may make
273 recommendations to the Lieutenant Governor for such appointment;

274 (vii) One (1) member appointed by the Lieutenant
275 Governor who may be a county manager, county administrator or
276 finance officer from a county that operates or contracts for the
277 operation of a public safety answering point. The Mississippi



278 Association of Supervisors may provide recommendations to the
279 Lieutenant Governor for such appointment;

280 (viii) One (1) member appointed by the Governor
281 who represents Mississippi Emergency Medical Services.

282 Mississippi Emergency Medical Services may provide recommendations
283 to the Governor for such appointment;

284 (ix) One (1) member appointed by the Lieutenant
285 Governor who shall be an elected member of a municipal governing
286 authority, city manager, city administrator or finance officer
287 from a municipality that operates or contracts for the operation
288 of a public safety answering point. The Mississippi Municipal
289 League may provide recommendations to the Lieutenant Governor for
290 such appointment;

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

293 (xi) One (1) member appointed by the Lieutenant
294 Governor who is a sheriff responsible for managing a public safety
295 answering point. The Mississippi Sheriffs' Association may
296 provide recommendations to the Lieutenant Governor for such
297 appointment;

298 (xii) One (1) police chief appointed by the
299 Governor who is serving a local government. The Mississippi
300 Association of Chiefs of Police may provide recommendations to the
301 Governor for such appointment; and



302 (xiii) One (1) fire chief appointed by the
303 Lieutenant Governor who is serving a local government. The
304 Mississippi Fire Chiefs Association may provide recommendations to
305 the Lieutenant Governor for such appointment.

306 (b) The initial term for appointments made pursuant to
307 subparagraphs (ii), (iii), (iv), (v), (vi) and (vii) of paragraph
308 (a) of this subsection shall be from July 1, 2022, until June 30,
309 2025. The initial term for appointments made pursuant to
310 subparagraphs (viii), (ix), (x), (xi), (xii) and (xiii) of
311 paragraph (a) of this subsection shall be from July 1, 2022, until
312 June 30, 2024. All subsequent terms shall be for three (3) years.
313 Any vacancies that occur prior to the end of a term shall be
314 filled by appointment in the same manner as the original
315 appointment and shall be for the remainder of the unexpired term.
316 Upon expiration of his or her term of office, a board member shall
317 continue to serve until his or her successor has been duly
318 appointed and qualified. Members may be appointed to successive
319 terms. In the event of a vacancy, the vacancy shall be filled for
320 the balance of the unexpired term in the same manner as the
321 original appointment. Any vacancy occurring on the board, whether
322 for an expired or unexpired term, shall be filled by appointment
323 as soon as practicable after the vacancy occurs. Appointments
324 made at times when the Senate is not in session shall be effective
325 immediately ad interim and shall serve until the Senate acts on
326 the appointment as provided herein. Any appointments made while



327 the Senate is not in session shall be submitted to the Senate not
328 later than the third legislative day following the reconvening of
329 the Legislature. In the event the Senate fails or refuses to act
330 on the appointment, the person whose name was submitted shall
331 continue to serve until action is taken on the appointment by the
332 Senate.

333 (c) The board may appoint additional persons to serve
334 in an advisory role to the board. Such advisers shall be
335 nonvoting and shall not be counted in ascertaining if a quorum is
336 present.

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

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

346 (f) The director of the authority shall convene the
347 initial meeting of the board of the authority no later than August
348 1, 2022, at which time the board shall elect one (1) of its
349 members as chairperson. In addition, the board shall elect from
350 its membership a vice chairperson and a secretary/treasurer.



351 (g) The board of governance shall promulgate bylaws and
352 may adopt other procedures for governing its affairs and for
353 discharging its duties as may be permitted or required by law or
354 applicable rules and regulations.

355 (5) The authority through its board of governance shall have
356 the power and authority to:

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

358 (b) Make and execute contracts, lease agreements, and
359 all other instruments necessary or convenient to exercise the
360 powers of the authority or to further the public purpose for which
361 the authority is created, including, but not limited to,
362 professional services;

363 (c) Acquire by purchase, lease, or otherwise and to
364 hold, lease, and dispose of real or personal property of every
365 kind and character, or any interest therein, in furtherance of the
366 purpose of the authority;

367 (d) Apply for and to accept any gifts or grants, loan
368 guarantees, loans of funds, property, or financial or other aid in
369 any form from the federal government or any agency or
370 instrumentality thereof, from the state government or any agency
371 or instrumentality thereof, or from any other source for any or
372 all purposes specified in this article and to comply, subject to
373 the provisions of this article, with the terms and conditions
374 thereof;



375 (e) Deposit or otherwise invest funds held by it in any
376 state depository or in any investment that is authorized for the
377 investment of proceeds of state general obligation bonds and to
378 use for its corporate purposes or redeposit or reinvest interest
379 earned on such funds;

380 (f) Establish and maintain the Emergency Communications
381 Service Charge Fund, the NG911 Fund and the NG911 Implementation
382 Fund;

383 (g) Receive, manage, control and distribute the
384 emergency communications service charge fund collected by the
385 Department of Revenue on behalf of the authority and pursuant to
386 Section 6 of this act. The emergency communications service
387 charges shall be deposited into an insured, interest-bearing
388 account. The revenues which are deposited into the Emergency
389 Communications Service Charge Fund shall not be monies or property
390 of the state and shall not be subject to appropriation by the
391 Legislature. Interest derived from the Emergency Communications
392 Service Charge Fund shall be divided on a prorated basis of total
393 revenue collected on behalf of each 911 Emergency Communications
394 District (ECD);

395 (h) Retain from the Emergency Communications Service
396 Charge Fund collected during each calendar month an amount not to
397 exceed five percent (5%) of the money allocated to the NG911 Fund
398 as reimbursement for the operations by the authority in
399 administering Section 3 of this act, including, but not limited



400 to, retaining and paying the independent, third-party auditor to
401 review and disburse the cost-recovery funds and to prepare the
402 reports contemplated by paragraph (j) of this subsection;

403 (i) To establish a distribution formula by which the
404 authority will make disbursements of the emergency communications
405 service charge in the following amounts and in the following
406 manner:

407 (i) The remainder of all funds collected by the
408 authority, which shall not be less than seventy percent (70%) of
409 the total funds collected by the Department of Revenue on behalf
410 of the authority of the Emergency Communications Service Charge
411 Fund shall be distributed by the authority monthly based on the
412 number of CMRS connections in each ECD for use in providing PSAP
413 services, including capital improvements, and in their normal
414 operations.

415 (ii) Out of the funds collected by the Department
416 of Revenue, on behalf of the authority, up to thirty percent (30%)
417 shall be deposited into the NG911 Fund, and shall be used to plan
418 and prepare for the transition from Legacy 911 to NG911 by
419 implementing/deploying and maintaining an IP based system
420 comprised of managed Emergency Services IP networks (ESInets),
421 functional elements (applications), databases (GIS), and call
422 handling systems that replicate traditional E911 features and
423 functions and provides additional capabilities. Other than



424 paragraph (h) of this subsection (5), no other NG911 funds shall
425 be used for any other purpose.

426 An ECD that has within its jurisdiction zip code designations
427 that do not adhere to county lines shall assist the authority in
428 determining the appropriate county to which funds should be
429 distributed;

430 (j) To obtain from an independent, third-party auditor
431 retained by the board to provide annual reports to the authority
432 no later than sixty (60) days after the close of each fiscal year,
433 which shall provide an accounting for all emergency communications
434 service charges deposited into the Emergency Communications
435 Services Charge Fund during the preceding fiscal year and all
436 disbursements to ECDs during the preceding fiscal year. The
437 authority shall provide a copy of the annual reports to the
438 Chairmen of Appropriations Committees of the House of
439 Representatives and Senate and Legislative Services Office within
440 thirty (30) days of receipt of report;

441 (k) To retain an independent, third-party accountant
442 who shall audit service providers at the discretion of the
443 authority to verify the accuracy of each service providers'
444 emergency communications service charge collection. The
445 information obtained by the audits shall be used solely for the
446 purpose of verifying that service providers are accurately
447 collecting and remitting the emergency communications service



448 charges and may be used for any legal action initiated by the
449 authority against service providers;

450 (l) To levy interest charges at the legal rate of
451 interest established in Section 75-17-1 on any amount due and
452 outstanding from any service provider who fails to remit emergency
453 communications service charges in accordance with Section 6 of
454 this act;

455 (m) To promulgate such rules and regulations as may be
456 necessary to effect the provisions of Sections 1 through 9 of this
457 act;

458 (n) To maintain a registration database of all service
459 providers and to impose an administrative fine on any provider
460 that fails to comply with the registration requirements in this
461 act;

462 (o) In order to provide additional funding for
463 implementing, deploying, operating, and maintaining NG911
464 programs, the authority may receive federal, state, county or
465 municipal funds, as well as funds from private sources, and may
466 expend such funds for the purposes of Section 19-5-301 et seq.

467 (6) The creation of the authority and the carrying out of
468 its purpose under this act are in all respects for the benefit of
469 the people of this state. The authority shall be carrying out an
470 essential governmental function on behalf of local governments in
471 the exercise of the powers conferred upon it by this act and is,



472 therefore, given the same immunity from liability for carrying out
473 its intended functions as other state officials and employees.

474 (7) The authority shall not be required to pay taxes or
475 assessments upon any real or personal property acquired under its
476 jurisdiction, control, possession, or supervision.

477 (8) All monies received by the authority pursuant to this
478 act shall be deemed to be trust funds to be held and applied
479 solely as provided in this act.

480 (9) This act, being for the welfare of the state and its
481 inhabitants, shall be liberally construed to effect the purposes
482 thereof.

483 (10) The board shall be subject to and shall comply with the
484 Mississippi Administrative Procedures Law in the same manner as a
485 state agency. The board may promulgate and amend, from time to
486 time, such rules or regulations, consistent with this act and the
487 Mississippi Administrative Procedures Law as it deems consistent
488 with or required for the public welfare, for the administration of
489 any provision of this act, or for the orderly conduct of the
490 board's affairs. Any claim by the authority that a service
491 supplier has violated any provision of this act shall be
492 adjudicated as a contested proceeding under the Mississippi
493 Administrative Procedures Law, Section 25-43-1.101, and be subject
494 to judicial review under the Mississippi Administrative Procedures
495 Law, Section 25-43-1.101.



496 (11) It is the Legislature's intent to ensure that the NG911
497 Fund shall be used for capital improvements and implementation of
498 NG911 and related purposes as decided by the authority and Board
499 of Governance.

500 (12) The NG911 Implementation Fund shall be used to fund
501 planning, activities and/or infrastructure associated with
502 carrying out the duties of the Mississippi Emergency
503 Communications Authority or its authorized agent as set forth in
504 this act.

505 **SECTION 4.** All information submitted to the authority or to
506 the independent, third-party auditor as required by this act shall
507 be retained by the authority and such auditor in confidence and
508 shall be subject to review only by the authority. Further,
509 notwithstanding any other provision of the law, no information so
510 submitted shall be subject to subpoena or otherwise released to
511 any person other than to the submitting service provider, the
512 authority, and the aforesaid independent, third-party auditor
513 without the express permission of the administrator and the
514 submitting service provider. General information collected by the
515 aforesaid independent, third-party auditor shall only be released
516 or published in aggregate amounts which do not identify or allow
517 identification of numbers of subscribers of revenues attributable
518 to an individual service provider.

519 **SECTION 5.** The Attorney General shall provide legal services
520 for the authority.



521 **SECTION 6.** (1) The state hereby authorizes each county to
522 levy an emergency communications service charge in an amount not
523 to exceed Four Dollars (\$4.00) per Voice over Internet Protocol
524 subscriber account per month, Four Dollars (\$4.00) per commercial
525 telephone subscriber line per month for exchange telephone
526 service, Four Dollars (\$4.00) per CMRS connection per month, and
527 Four Dollars (\$4.00) for a prepaid wireless telecommunications
528 service purchased in a retail transaction. Any emergency
529 communications service charge shall have uniform application and
530 shall be imposed throughout the entire state.

531 (2) No such emergency communications service charge shall be
532 imposed upon more than two hundred (200) exchange access
533 facilities or Voice over Internet Protocol lines per location.
534 Trunks or service lines used to supply service to CMRS providers
535 shall not have an emergency communications service charge levied
536 against them.

537 (3) Each service provider shall act as a collection agent
538 for the emergency communications service charge and shall, as part
539 of the provider's normal monthly billing process, collect the
540 emergency communications service charges levied upon providers and
541 customers pursuant to subsection (1) of this section and shall,
542 not later than thirty (30) days after the end of the calendar
543 month in which such emergency communications service charges are
544 collected, remit to the Department of Revenue the emergency
545 communications service charges so collected. A return, in such



546 form as the Department of Revenue and the service supplier agree
547 upon, shall be filed with the Department of Revenue, to include
548 aggregate emergency communications service charges collected by a
549 zip code plus four (4) designation as required by the federal
550 Uniform Sourcing Act and a remittance of the amount of service
551 charge collected payable to the Emergency Communications Services
552 Charge Fund.

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

556 (5) The service supplier shall maintain records of the
557 amount of service charge collected for a period of at least two
558 (2) years from date of collection. The authority shall receive an
559 annual audit of the service supplier's books and records with
560 respect to the collection and remittance of the service charge.

561 (6) The service supplier shall have no obligation to take
562 any legal action to enforce the collection of any emergency
563 communications service charge; however, the service supplier shall
564 annually provide the authority, upon request by the authority,
565 with a list of the amount uncollected, together with the names and
566 addresses of those service users who carry a balance that can be
567 determined by the service supplier to be nonpayment of such
568 service charge. Good-faith compliance by the service supplier
569 with this provision shall constitute a complete defense to any
570 legal action or claim which may result from the service supplier's



571 determination of nonpayment and/or the identification of service
572 users in connection therewith.

573 (7) Each service provider shall register with the authority
574 and the Department of Revenue and shall provide the following
575 information upon registration:

576 (a) The company name of the provider;

577 (b) The marketing name of the provider;

578 (c) The publicly traded name of the provider;

579 (d) The physical address of the company headquarters
580 and of the main office located in the State of Mississippi; and

581 (e) The names and addresses of the providers' board of
582 directors/owners.

583 Each service provider shall notify the authority of any
584 change in the information prescribed in paragraphs (a) through (e)
585 of this subsection (7). The authority may impose an
586 administrative fine in an amount not to exceed Ten Thousand
587 Dollars (\$10,000.00) on any provider which fails to comply with
588 the provisions of this subsection.

589 (8) (a) For prepaid wireless communications service, the
590 emergency communications service charge shall be collected by the
591 seller from the consumer with respect to each retail transaction
592 occurring in this state. The amount of the emergency
593 communications service charge shall be either separately stated on
594 an invoice, receipt or other similar document that is provided to



595 the consumer by the seller, or otherwise disclosed to the
596 consumer.

597 (b) The prepaid wireless emergency service charge is
598 the liability of the consumer and not of the seller or of any
599 service provider, except that the seller shall be liable to remit
600 all prepaid wireless emergency service charges that the seller
601 collects from consumers as provided in subsection (1) of this
602 section, including all such charges that the seller is deemed to
603 have collected where the amount of the charge has not been
604 separately stated on an invoice, receipt or other similar document
605 provided to the consumer by the seller.

606 (c) Prepaid wireless emergency communications service
607 charges collected by sellers shall be remitted to the Department
608 of Revenue at the times and in the manner provided by Title 27,
609 Chapter 65, Mississippi Code of 1972, with respect to sales and
610 use taxes. The Department of Revenue shall establish registration
611 and payment procedures that substantially coincide with the
612 registration and payment procedures that apply to Title 27,
613 Chapter 65, Mississippi Code of 1972.

614 (d) The audit and appeal procedures applicable to Title
615 27, Chapter 65, Mississippi Code of 1972, shall apply to prepaid
616 wireless emergency communications service charges.

617 (e) The Department of Revenue shall establish
618 procedures by which a seller of prepaid wireless
619 telecommunications service may document that a sale is not a



620 retail transaction, which procedures shall substantially coincide
621 with the procedures for documenting sale for resale transactions
622 for sales and use tax purposes under Title 27, Chapter 65,
623 Mississippi Code of 1972.

624 (9) The amount of the emergency communications service
625 charge that is collected by a service providers or seller from a
626 consumer, shall not be considered revenue for any purpose and,
627 therefore, shall not be included in the base for measuring any
628 tax, fee, surcharge or other charge that is imposed by this state,
629 any political subdivision of this state or any intergovernmental
630 agency.

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

635 (11) No service provider shall be liable for damages to any
636 person or entity resulting from or incurred in connection with the
637 service provider's provision of assistance to any investigative or
638 law enforcement officer of the United States, this or any other
639 state, or any political subdivision of this or any other state, in
640 connection with any investigation or other law enforcement
641 activity by such law enforcement officer that the provider
642 believes in good faith to be lawful.

643 (12) The emergency communications service charge provided in
644 Section 6 of this act and the service charge provided in Section



645 19-5-357 to fund the training of public safety telecommunicators
646 shall be the only charges assessed to service providers and
647 customers relating to emergency communications services.

648 **SECTION 7.** (1) The Department of Revenue shall pay all
649 remitted emergency communications service charges over to the
650 authority within thirty (30) days of receipt, for use by the
651 authority in accordance with the purposes permitted by this act,
652 after deducting an amount, not to exceed one percent (1%) of
653 collected charges that shall be retained by the department to
654 reimburse its direct costs of administering the collection and
655 remittance of emergency communication service charges.

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

660 **SECTION 8.** Wireless emergency telephone service shall not be
661 used for personal use and shall be used solely for the use of
662 communications by the public. Any person who knowingly uses or
663 attempts to use wireless emergency telephone service for a purpose
664 other than obtaining public safety assistance, or who knowingly
665 uses or attempts to use wireless emergency telephone service in an
666 effort to avoid any emergency communications charges, is guilty of
667 a misdemeanor and shall be subject to a fine of not more than Five
668 Hundred Dollars (\$500.00) or imprisonment of not more than thirty
669 (30) days in the county jail, or both such fine and imprisonment.



670 If the value of the emergency communications charge or service
671 obtained in a manner prohibited by this section exceeds One
672 Hundred Dollars (\$100.00), the offense may be prosecuted as a
673 felony and punishable by a fine of not more than Five Thousand
674 Dollars (\$5,000.00) and imprisonment of not more than three (3)
675 years, or both such fine and imprisonment.

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

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

682 33-15-7. (a) There is hereby created within the executive
683 branch of the state government a department called the Mississippi
684 Emergency Management Agency with a director of emergency
685 management who shall be appointed by the Governor; he shall hold
686 office during the pleasure of the Governor and shall be
687 compensated as determined by any appropriation that may be made by
688 the Legislature for such purposes.

689 (b) The director, with the approval of the Governor, may
690 employ such technical, clerical, stenographic and other personnel,
691 to be compensated as provided in any appropriation that may be
692 made for such purpose, and may make such expenditures within the
693 appropriation therefor, or from other funds made available to him



694 for purposes of emergency management, as may be necessary to carry
695 out the purposes of this article.

696 (c) The director and other personnel of the emergency
697 management agency shall be provided with appropriate office space,
698 furniture, equipment, supplies, stationery and printing in the
699 same manner as provided for other state agencies.

700 (d) The director, subject to the direction and control of
701 the Governor, shall be the executive head of the emergency
702 management agency and shall be responsible to the Governor for
703 carrying out the program for emergency management of this state.
704 He shall coordinate the activities of all organizations for
705 emergency management within the state, and shall maintain liaison
706 with and cooperate with emergency management agencies and
707 organizations of other states and of the federal government, and
708 shall have such additional authority, duties, and responsibilities
709 authorized by this article as may be prescribed by the Governor.

710 **SECTION 11.** Section 33-15-14, Mississippi Code of 1972, is
711 brought forward as follows:

712 33-15-14. (1) The agency is responsible for maintaining a
713 comprehensive statewide program of emergency management. The
714 agency is responsible for coordination with efforts of the federal
715 government with other departments and agencies of state
716 government, with county and municipal governments and school
717 boards and with private agencies that have a role in emergency
718 management.



719 (2) In performing its duties under this article, the agency
720 shall:

721 (a) Work with the Governor, or his representative, in
722 preparing a State Comprehensive Emergency Management Plan of this
723 state, which shall be integrated into and coordinated with the
724 emergency management plans of the federal government and of other
725 states to the fullest possible extent, and to coordinate the
726 preparation of plans and programs for emergency management by the
727 political subdivisions of the state, such local plans to be
728 integrated into and coordinated with the emergency plan and
729 program of this state. The plan must contain provisions to ensure
730 that the state is prepared for emergencies and minor, major and
731 catastrophic disasters, and the agency shall work closely with
732 local governments and agencies and organizations with emergency
733 management responsibilities in preparing and maintaining the plan.
734 The State Comprehensive Emergency Management Plan will be
735 operations oriented and:

736 (i) Include an evacuation component that includes
737 specific regional and interregional planning provisions and
738 promotes intergovernmental coordination of evacuation activities.
739 This component must, at a minimum: ensure coordination pertaining
740 to evacuees crossing county lines; set forth procedures for
741 directing people caught on evacuation routes to safe shelter; and
742 establish policies and strategies for emergency medical
743 evacuations.



744 (ii) Include a shelter component that includes
745 specific regional and interregional planning provisions and
746 promotes coordination of shelter activities between the public,
747 private and nonprofit sectors. This component must, at a minimum:
748 contain strategies to ensure the availability of adequate public
749 shelter space in each region of the state; establish strategies
750 for refuge-of-last-resort programs; provide strategies to assist
751 local emergency management efforts to ensure that adequate
752 staffing plans exist for all shelters, including medical and
753 security personnel; provide for a postdisaster communications
754 system for public shelters; establish model shelter guidelines for
755 operations, registration, inventory, power generation capability,
756 information management and staffing; and set forth policy guidance
757 for sheltering people with special needs.

758 (iii) Include a postdisaster response and recovery
759 component that includes specific regional and interregional
760 planning provisions and promotes intergovernmental coordination of
761 postdisaster response and recovery activities. This component
762 must provide for postdisaster response and recovery strategies
763 according to whether a disaster is minor, major or catastrophic.
764 The postdisaster response and recovery component must, at a
765 minimum: establish the structure of the state's postdisaster
766 response and recovery organization; establish procedures for
767 activating the state's plan; set forth policies used to guide
768 postdisaster response and recovery activities; describe the chain



769 of command during the postdisaster response and recovery period;
770 describe initial and continuous postdisaster response and recovery
771 actions; identify the roles and responsibilities of each involved
772 agency and organization; provide for a comprehensive
773 communications plan; establish procedures for monitoring mutual
774 aid agreements; provide for rapid impact assessment teams; ensure
775 the availability of an effective statewide urban search and rescue
776 program coordinated with the fire services; ensure the existence
777 of a comprehensive statewide medical care and relief plan
778 administered by the State Department of Health; and establish
779 systems for coordinating volunteers and accepting and distributing
780 donated funds and goods.

781 (iv) Include additional provisions addressing
782 aspects of preparedness, response and recovery, as determined
783 necessary by the agency.

784 (v) Address the need for coordinated and
785 expeditious deployment of state resources, including the
786 Mississippi National Guard. In the case of an imminent major
787 disaster, procedures should address predeployment of the
788 Mississippi National Guard, and, in the case of an imminent
789 catastrophic disaster, procedures should address predeployment of
790 the Mississippi National Guard and the United States Armed Forces.
791 This subparagraph (v) does not authorize the agency to call out
792 and deploy the Mississippi National Guard, which authority and
793 determination rests solely with the Governor.



794 (vi) Establish a system of communications and
795 warning to ensure that the state's population and emergency
796 management agencies are warned of developing emergency situations
797 and can communicate emergency response decisions.

798 (vii) Establish guidelines and schedules for
799 annual exercises that evaluate the ability of the state and its
800 political subdivisions to respond to minor, major and catastrophic
801 disasters and support local emergency management agencies. Such
802 exercises shall be coordinated with local governments and, to the
803 extent possible, the federal government.

804 (viii) 1. Assign lead and support
805 responsibilities to state agencies and personnel for emergency
806 support functions and other support activities.

807 2. The agency shall prepare an interim
808 postdisaster response and recovery component that substantially
809 complies with the provisions of this paragraph (a). Each state
810 agency assigned lead responsibility for an emergency support
811 function by the State Comprehensive Emergency Management Plan
812 shall also prepare a detailed operational plan needed to implement
813 its responsibilities. The complete State Comprehensive Emergency
814 Management Plan shall be submitted to the Governor no later than
815 January 1, 1996, and on January 1 of every even-numbered year
816 thereafter.

817 (b) Adopt standards and requirements for county
818 emergency management plans. The standards and requirements must



819 ensure that county plans are coordinated and consistent with the
820 State Comprehensive Emergency Management Plan. If a municipality
821 elects to establish an emergency management program, it must adopt
822 a city emergency management plan that complies with all standards
823 and requirements applicable to county emergency management plans.

824 (c) Assist political subdivisions in preparing and
825 maintaining emergency management plans.

826 (d) Review periodically political subdivision emergency
827 management plans for consistency with the State Comprehensive
828 Emergency Management Plan and standards and requirements adopted
829 under this section.

830 (e) Make recommendations to the Legislature, building
831 code organizations and political subdivisions for zoning, building
832 and other land use controls, safety measures for securing mobile
833 homes or other nonpermanent or semipermanent structures; and other
834 preparedness, prevention and mitigation measures designed to
835 eliminate emergencies or reduce their impact.

836 (f) In accordance with the State Comprehensive
837 Emergency Management Plan and program for emergency management,
838 ascertain the requirements of the state, its political
839 subdivisions and the Mississippi Band of Choctaw Indians for
840 equipment and supplies of all kinds in the event of an emergency;
841 plan for and either procure supplies, medicines, materials and
842 equipment or enter into memoranda of agreement or open purchase
843 orders that will ensure their availability; and use and employ



844 from time to time any of the property, services and resources
845 within the state in accordance with this article.

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

848 (h) Prepare and distribute to appropriate state and
849 local officials catalogs of federal, state and private assistance
850 programs.

851 (i) Implement training programs to improve the ability
852 of state and local emergency management personnel to prepare and
853 implement emergency management plans and programs, and require all
854 local civil defense directors or emergency management directors to
855 complete such training as a condition to their authority to
856 continue service in their emergency management positions.

857 (j) Review periodically emergency operating procedures
858 of state agencies and recommend revisions as needed to ensure
859 consistency with the State Comprehensive Emergency Management Plan
860 and program.

861 (k) Prepare, in advance whenever possible, such
862 executive orders, proclamations and rules for issuance by the
863 Governor as are necessary or appropriate for coping with
864 emergencies and disasters.

865 (l) Cooperate with the federal government and any
866 public or private agency or entity in achieving any purpose of
867 this article.



868 (m) Assist political subdivisions with the creation and
869 training of urban search and rescue teams and promote the
870 development and maintenance of a state urban search and rescue
871 program.

872 (n) Delegate, as necessary and appropriate, authority
873 vested in it under this article and provide for the subdelegation
874 of such authority.

875 (o) Require each county or municipality to designate an
876 agent for working with the agency in the event of a natural
877 disaster. The county or municipality may designate any person as
878 agent who has completed training programs required of emergency
879 management directors.

880 (p) Report biennially to the Governor and the President
881 of the Senate, and the Speaker of the House of Representatives, no
882 later than January 1 of every odd-numbered year, the status of the
883 emergency management capabilities of the state and its political
884 subdivisions.

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

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



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

895 (t) In accordance with Section 33-15-15, create,
896 implement, administer, promulgate, amend and rescind rules
897 regarding the development of the Mississippi Disaster Reservist
898 Program.

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

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

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

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

914 **SECTION 15.** Section 19-5-335, Mississippi Code of 1972,
915 which provides for the collection of services charges by the
916 Commercial Mobile Radio Service Board and requires registration of
917 Commercial Mobile Radio Service providers, is hereby repealed.



918 **SECTION 16.** Section 19-5-337, Mississippi Code of 1972,
919 which provides for the confidentiality of proprietary information
920 submitted to the Commercial Mobile Radio Service Board, is hereby
921 repealed.

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

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

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

932 **SECTION 20.** This act shall take effect and be in force from
933 and after July 1, 2022.

