

By: Representative Roberson

To: Public Utilities

HOUSE BILL NO. 885

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

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



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

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

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

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

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

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

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



55 system comprised of hardware, software, data and operational
56 policies and procedures that:

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

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

62 (iii) Acquires and integrates additional emergency
63 call data useful to call routing and handling;

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

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

70 (vi) Interoperates with services and networks used
71 by first responders (and other 911 systems) to facilitate
72 emergency response. NG911 is designed to provide access to
73 emergency services from all connected communications sources and
74 provide multimedia data capabilities for Public Safety Answering
75 Points (PSAPs) and other emergency service organizations.

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



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

83 (h) "Distribution formula" means the formula specified
84 in Section 3 of this act by which monies generated from the
85 Emergency Communications Service Charge Fund are distributed to
86 the local emergency communications districts and to the authority.

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

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

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

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

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



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

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

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



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

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

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

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



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

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

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

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

175 (y) "Location" is a single physical address.



176 **SECTION 3.** (1) There is established the Mississippi
177 Emergency Communications Authority as an instrumentality of the
178 state. The authority and service providers shall work in
179 cooperation with the state and local government to plan for and
180 implement a framework of both technical and operational aspects of
181 implementing and operating an interoperable and interconnected
182 Next Generation 911 public safety network. The authority may
183 contract and be contracted with and defend and bring actions,
184 including, but not limited to, a private right of action to
185 enforce this act. The authority shall be an entity within the
186 Mississippi Emergency Management Agency and attached to said
187 agency for all operational purposes. The director is the ultimate
188 authority and administrative head of the authority. The director
189 shall be responsible for ensuring the authority is compliant with
190 applicable state and federal programs and law. The director shall
191 serve at the will and pleasure of the Executive Director of
192 Mississippi Emergency Management Agency. All employees shall
193 serve at the will and pleasure of the executive director.

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

197 (3) The authority shall administer, receive, audit and remit
198 emergency communications services charges for the benefit of local
199 governments, as specified in this article, and on such terms and



200 conditions as may be determined to be in the best interest of the
201 operations of ECDs.

202 (4) The authority shall act as a statewide authority and
203 resource for the implementation of a statewide NG911 plan. On or
204 before December 31, 2023, the authority shall develop, establish
205 and publish minimum standards and requirements for ECD N911 plans
206 to be certified as compliant with the statewide NG911 Plan.

207 (5) In addition to the purposes specified in subsection (2)
208 of this section, the authority shall have the duties and
209 responsibilities to:

210 (a) Apply for, receive, and use federal grants or state
211 grants or both;

212 (b) Study, evaluate and establish technology standards
213 for the regional and statewide provision of a public safety
214 communications network and NG911 systems; review and revise
215 technology standards based on orders and ruling by the Federal
216 Communications Commission (FCC);

217 (c) Identify and recommend any changes necessary to
218 accomplish more effective, efficient and sustainable emergency
219 communication service across this state, including consolidation
220 and interoperability of PSAPs and/or 911 systems, recommending a
221 long-term plan for standardization of operational processes and
222 training, recommending any legislation necessary to implement the
223 long-term strategic statewide NG911 Plan, and reporting its
224 recommendations to the Legislature;



225 (d) Identify and recommend any changes necessary in the
226 assessment and collection of emergency communication service
227 charges; provide a report to the Legislative Services Office of
228 the Senate and the House of Representatives;

229 (e) Develop, offer or make recommendations to the
230 Mississippi Board of Emergency Telecommunications Standards and
231 Training (Section 19-5-351) and other state agencies, as to
232 standardized training that should be provided to
233 telecommunicators, trainers, supervisors and directors of Public
234 Safety Answering Points;

235 (f) Recommend minimum standards for the operation of
236 public safety answering points and the authority shall develop and
237 implement a quality assurance program internally and shall monitor
238 local and regional PSAP compliance with technical and operational
239 standards, requirements and practices;

240 (g) Collect data and statistics regarding the
241 performance and operation of public safety answering points and
242 coordinate with ECDs to provide technical assistance when
243 requested;

244 (h) Identify any necessary changes or enhancements to
245 develop and deploy NG911 statewide and to establish policies and
246 procedures to develop and implement a plan to provide NG911
247 services;

248 (i) Investigate and incorporate Geographical
249 Information Systems standards and mapping and other resources into



250 the plan and formulate recommended strategies for the efficient
251 and effective delivery of NG911 services;

252 (j) Each ECD shall submit financial and program audits
253 to the board of governance on a schedule of not less than once
254 every three (3) years. The State Auditor shall be responsible for
255 determining that such audits are prepared in accordance with
256 generally accepted governmental auditing standards, and that such
257 program audits shall test whether emergency communications
258 districts are spending funds in an efficient and effective manner
259 and whether emergency communications districts are using best
260 practices in the contracting for goods and services. The State
261 Auditor shall also prescribe procedures necessary to assure that
262 the books and records are kept in accordance with generally
263 accepted accounting principles; and

264 (k) The Mississippi Emergency Communications Authority
265 shall have the authority to act upon any adverse findings noted in
266 such audits or financial statements and to order such action as
267 may be necessary to remedy the adverse findings.

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

271 (i) The Commissioner of Public Safety, or his or
272 her designee;



273 (ii) One (1) member appointed by the Governor
274 selected from two (2) nominees submitted by the GIS Coordinating
275 Council;

276 (iii) One (1) member appointed by the Governor
277 selected from two (2) nominees submitted by the Mississippi 911
278 Coordinators Association;

279 (iv) One (1) member appointed by the Governor
280 selected from two (2) nominees submitted by the Mississippi
281 Chapter of the Association of Public Safety Communications
282 Officials;

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

286 (vi) One (1) member appointed by the Lieutenant
287 Governor who shall be an elected member of a county board of
288 supervisors selected from two (2) nominees submitted by the
289 Mississippi Association of Supervisors;

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

295 (viii) One (1) member appointed by the Governor
296 selected from two (2) nominees submitted by Mississippi Emergency
297 Medical Services;



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

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

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

310 (xii) One (1) police chief appointed by the
311 Governor who is serving a local government selected from two (2)
312 nominees submitted by the Mississippi Association of Chiefs of
313 Police; and

314 (xiii) One (1) fire chief appointed by the
315 Lieutenant Governor who is serving a local government selected
316 from two (2) nominees submitted by the Mississippi Fire Chiefs
317 Association.

318 (b) The initial term for appointments made pursuant to
319 subparagraphs (ii), (iii), (iv), (v), (vi) and (vii) of paragraph
320 (a) of this subsection shall be from July 1, 2023, until June 30,
321 2026. These initial appointments shall be made by July 1, 2023.
322 The initial term for appointments made pursuant to subparagraphs



323 (viii), (ix), (x), (xi), (xii) and (xiii) of paragraph (a) of this
324 subsection shall be from July 1, 2023, until June 30, 2025. All
325 subsequent terms shall be for three (3) years. Any vacancies that
326 occur prior to the end of a term shall be filled by appointment in
327 the same manner as the original appointment and shall be for the
328 remainder of the unexpired term. Upon expiration of his or her
329 term of office, a board member shall continue to serve until his
330 or her successor has been duly appointed and qualified. Members
331 may be appointed to successive terms. In the event of a vacancy,
332 the vacancy shall be filled for the balance of the unexpired term
333 in the same manner as the original appointment. Any vacancy
334 occurring on the board, whether for an expired or unexpired term,
335 shall be filled by appointment as soon as practicable after the
336 vacancy occurs. Appointments made at times when the Senate is not
337 in session shall be effective immediately ad interim and shall
338 serve until the Senate acts on the appointment as provided herein.
339 Any appointments made while the Senate is not in session shall be
340 submitted to the Senate not later than the third legislative day
341 following the reconvening of the Legislature. In the event the
342 Senate fails or refuses to act on the appointment, the person
343 whose name was submitted shall continue to serve until action is
344 taken on the appointment by the Senate.

345 (c) The board may appoint additional persons to serve
346 in an advisory role to the board. Such advisers shall be



347 nonvoting and shall not be counted in ascertaining if a quorum is
348 present.

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

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

358 (f) The director of the authority shall convene the
359 initial meeting of the board of the authority no later than August
360 1, 2023, at which time the board shall elect one (1) of its
361 members as chairperson. In addition, the board shall elect from
362 its membership a vice chairperson and a secretary/treasurer.

363 (g) The board of governance shall promulgate bylaws and
364 may adopt other procedures for governing its affairs and for
365 discharging its duties as may be permitted or required by law or
366 applicable rules and regulations, provided that the director has
367 ultimate authority for approving, denying or modifying such bylaws
368 and procedures.

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

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



372 (b) Require each ECD to submit a plan to implement a
373 NG911 program consistent with Section 3 of this act. The ECD may
374 obtain technical assistance from the authority in formulating its
375 plan. Each NG911 plan shall be designed to meet the individual
376 circumstances of each community and public agency participating in
377 the ECD. The plan shall consider efficiencies to be achieved from
378 regionalization and consolidation. Once the board reviews each
379 ECD's plan for completeness and compliance with the statewide
380 NG911 Plan, the board shall vote to make a recommendation to the
381 director. The director may either approve, deny, or remand the
382 plan back to the board with notes for further work;

383 (c) Make and execute contracts, lease agreements, and
384 all other instruments necessary or convenient to exercise the
385 powers of the authority or to further the public purpose for which
386 the authority is created, including, but not limited to,
387 professional services;

388 (d) Acquire by purchase, lease, or otherwise and to
389 hold, lease, and dispose of real or personal property of every
390 kind and character, or any interest therein, in furtherance of the
391 purpose of the authority;

392 (e) Apply for and to accept any gifts or grants, loan
393 guarantees, loans of funds, property, or financial or other aid in
394 any form from the federal government or any agency or
395 instrumentality thereof, from the state government or any agency
396 or instrumentality thereof, or from any other source for any or



397 all purposes specified in this article and to comply, subject to
398 the provisions of this article, with the terms and conditions
399 thereof;

400 (f) Deposit or otherwise invest funds held by it in any
401 state depository or in any investment that is authorized for the
402 investment of proceeds of state general obligation bonds and to
403 use for its corporate purposes or redeposit or reinvest interest
404 earned on such funds;

405 (g) Establish and maintain the Emergency Communications
406 Service Charge Fund, the NG911 Fund and the NG911 Implementation
407 Fund;

408 (h) Receive, manage, control and distribute the
409 Emergency Communications Service Charge Fund remitted to the
410 Department of Revenue on behalf of the authority. The emergency
411 communications service charges shall be deposited into an insured,
412 interest-bearing account. The revenues which are deposited into
413 the Emergency Communications Service Charge Fund shall not be
414 monies or property of the state and shall not be subject to
415 appropriation by the Legislature. Interest derived from the
416 Emergency Communications Service Charge Fund shall be divided on a
417 pro rated basis of total revenue collected on behalf of each 911
418 Emergency Communications District (ECD);

419 (i) Retain during each calendar month an amount not to
420 exceed five percent (5%) of the money allocated to the NG911 Fund



421 for the operations of the authority in administering Section 3 of
422 this act;

423 (j) Identify and define by geospatial layer, all ECD's
424 throughout the state. The authority shall adopt a schedule of all
425 zip codes plus four (4) designations as required by the federal
426 Universal Sourcing Act for ECDs in the state. An ECD that has
427 within its jurisdiction zip code designations that do not adhere
428 to county lines shall assist the authority in determining the
429 appropriate ECD for scheduling. This schedule will be used by the
430 authority to establish a distribution formula by which the
431 authority will make disbursements of the emergency communications
432 service charge to ECDs in the following amounts and in the
433 following manner:

434 (i) Out of the funds collected by the Department
435 of Revenue, on behalf of the authority, up to thirty percent (30%)
436 shall be deposited into the NG911 Fund, and shall be used to plan
437 and prepare for the transition from legacy 911 to NG911 by
438 implementing/deploying and maintaining core components of NG911
439 functionality, including an IP-based system comprised of managed
440 Emergency Services IP networks (ESInets), functional elements
441 (applications), databases (GIS), and call-handling systems that
442 replicate traditional E911 features and functions and provides
443 additional capabilities. Other than paragraph (i) of this
444 subsection (7), no other NG911 funds shall be used for any other
445 purpose. The funds deposited in the NG911 Fund shall accrue to



446 the benefit of each ECD. No ECD may access NG911 Funds until the
447 authority, through written authorization from the director, has
448 approved the ECD's NG911 Plan.

449 (ii) The remainder of all funds collected by the
450 authority, which shall not be less than seventy percent (70%) of
451 the total funds collected by the Department of Revenue on behalf
452 of the authority of the Emergency Communications Service Charge
453 Fund shall be distributed by the authority monthly based on the
454 number of CMRS connections or other method as recommended by a
455 vote of the board and subject to approval by the Director, in each
456 ECD for use in providing PSAP services, including capital
457 improvements, and in their normal operations. This method shall
458 consider the best available pro rata formula for distributing
459 funds to each county by population of prepaid wireless plans;

460 (k) To obtain from an independent, third-party auditor
461 retained by the board to provide annual reports to the authority
462 no later than sixty (60) days after the close of each fiscal year,
463 which shall provide an accounting for all emergency communications
464 service charges deposited into the Emergency Communications
465 Services Charge Fund during the preceding fiscal year and all
466 disbursements to ECDs during the preceding fiscal year. The
467 authority shall provide a copy of the annual reports to the
468 Chairmen of Appropriations Committees of the House of
469 Representatives and Senate and Legislative Services Office within
470 thirty (30) days of receipt of report;



471 (1) To retain an independent, third-party accountant
472 who shall audit service providers at the discretion of the
473 authority to verify the accuracy of each service providers'
474 emergency communications service charge collection. The
475 information obtained by the audits shall be used solely for the
476 purpose of verifying that service providers are accurately
477 collecting and remitting the emergency communications service
478 charges and may be used for any legal action initiated by the
479 authority against service providers. The authority is prohibited
480 from retaining a third-party accountant on a contingency fee or
481 other success-based arrangement. The authority shall be subject
482 to the following:

483 (i) The authority shall develop a schedule for
484 auditing service providers according to criteria adopted by the
485 board. Such schedule shall provide for an audit of a service
486 provider not more than once every three (3) years. Any such audit
487 shall cover a representative sample of the service provider's
488 customer base in the state; and

489 (ii) Any claim by the authority seeking to adjust
490 the amount of any collection, remittance or charge reported by the
491 service provider or imposing any penalty shall be limited to the
492 period of three (3) years prior to the date of the initial notice
493 to the service provider of the audit;

494 (m) To levy interest charges at the legal rate of
495 interest established in Section 75-17-1 on any amount due and



496 outstanding from any service provider who fails to remit emergency
497 communications service charges;

498 (n) To promulgate such rules and regulations as may be
499 necessary to effect the provisions of Sections 1 through 8 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 Department of Revenue shall pay all
566 remitted emergency communications service charges over to the
567 authority, or as otherwise directed by the authority through
568 contract or a memorandum of understanding, within thirty (30) days



569 of receipt, for use by the authority in accordance with the
570 purposes permitted by this act, after deducting an amount, not to
571 exceed one percent (1%) of collected charges that shall be
572 retained by the department to reimburse its direct costs of
573 administering the collection and remittance of emergency
574 communication service charges.

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

579 **SECTION 7.** Wireless emergency telephone service shall not be
580 used for personal use and shall be used solely for the use of
581 communications by the public. Any person who knowingly uses or
582 attempts to use wireless emergency telephone service for a purpose
583 other than obtaining public safety assistance, or who knowingly
584 uses or attempts to use wireless emergency telephone service in an
585 effort to avoid any emergency communications charges, is guilty of
586 a misdemeanor and shall be subject to a fine of not more than Five
587 Hundred Dollars (\$500.00) or imprisonment of not more than thirty
588 (30) days in the county jail, or both such fine and imprisonment.
589 If the value of the emergency communications charge or service
590 obtained in a manner prohibited by this section exceeds One
591 Hundred Dollars (\$100.00), the offense may be prosecuted as a
592 felony and punishable by a fine of not more than Five Thousand



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

595 **SECTION 8.** All emergency communication districts must adopt
596 an NG911 Plan no later than December 31, 2028, and any district
597 failing to adopt its plan by such date may not receive any monies
598 from the NG911 Fund or NG911 Implementation Fund.

599 **SECTION 9.** Section 33-15-7, Mississippi Code of 1972, is
600 brought forward as follows:

601 33-15-7. (a) There is hereby created within the executive
602 branch of the state government a department called the Mississippi
603 Emergency Management Agency with a director of emergency
604 management who shall be appointed by the Governor; he shall hold
605 office during the pleasure of the Governor and shall be
606 compensated as determined by any appropriation that may be made by
607 the Legislature for such purposes.

608 (b) The director, with the approval of the Governor, may
609 employ such technical, clerical, stenographic and other personnel,
610 to be compensated as provided in any appropriation that may be
611 made for such purpose, and may make such expenditures within the
612 appropriation therefor, or from other funds made available to him
613 for purposes of emergency management, as may be necessary to carry
614 out the purposes of this article.

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



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

619 (d) The director, subject to the direction and control of
620 the Governor, shall be the executive head of the emergency
621 management agency and shall be responsible to the Governor for
622 carrying out the program for emergency management of this state.
623 He shall coordinate the activities of all organizations for
624 emergency management within the state, and shall maintain liaison
625 with and cooperate with emergency management agencies and
626 organizations of other states and of the federal government, and
627 shall have such additional authority, duties, and responsibilities
628 authorized by this article as may be prescribed by the Governor.

629 **SECTION 10.** Section 33-15-14, Mississippi Code of 1972, is
630 amended as follows:

631 33-15-14. (1) The agency is responsible for maintaining a
632 comprehensive statewide program of emergency management. The
633 agency is responsible for coordination with efforts of the federal
634 government with other departments and agencies of state
635 government, with county and municipal governments and school
636 boards and with private agencies that have a role in emergency
637 management.

638 (2) In performing its duties under this article, the agency
639 shall:

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



642 state, which shall be integrated into and coordinated with the
643 emergency management plans of the federal government and of other
644 states to the fullest possible extent, and to coordinate the
645 preparation of plans and programs for emergency management by the
646 political subdivisions of the state, such local plans to be
647 integrated into and coordinated with the emergency plan and
648 program of this state. The plan must contain provisions to ensure
649 that the state is prepared for emergencies and minor, major and
650 catastrophic disasters, and the agency shall work closely with
651 local governments and agencies and organizations with emergency
652 management responsibilities in preparing and maintaining the plan.
653 The State Comprehensive Emergency Management Plan will be
654 operations oriented and:

655 (i) Include an evacuation component that includes
656 specific regional and interregional planning provisions and
657 promotes intergovernmental coordination of evacuation activities.
658 This component must, at a minimum: ensure coordination pertaining
659 to evacuees crossing county lines; set forth procedures for
660 directing people caught on evacuation routes to safe shelter; and
661 establish policies and strategies for emergency medical
662 evacuations.

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



667 contain strategies to ensure the availability of adequate public
668 shelter space in each region of the state; establish strategies
669 for refuge-of-last-resort programs; provide strategies to assist
670 local emergency management efforts to ensure that adequate
671 staffing plans exist for all shelters, including medical and
672 security personnel; provide for a post-disaster communications
673 system for public shelters; establish model shelter guidelines for
674 operations, registration, inventory, power generation capability,
675 information management and staffing; and set forth policy guidance
676 for sheltering people with special needs.

677 (iii) Include a post-disaster response and
678 recovery component that includes specific regional and
679 interregional planning provisions and promotes intergovernmental
680 coordination of post-disaster response and recovery activities.
681 This component must provide for post-disaster response and
682 recovery strategies according to whether a disaster is minor,
683 major or catastrophic. The post-disaster response and recovery
684 component must, at a minimum: establish the structure of the
685 state's post-disaster response and recovery organization;
686 establish procedures for activating the state's plan; set forth
687 policies used to guide post-disaster response and recovery
688 activities; describe the chain of command during the post-disaster
689 response and recovery period; describe initial and continuous
690 post-disaster response and recovery actions; identify the roles
691 and responsibilities of each involved agency and organization;



692 provide for a comprehensive communications plan; establish
693 procedures for monitoring mutual aid agreements; provide for rapid
694 impact assessment teams; ensure the availability of an effective
695 statewide urban search and rescue program coordinated with the
696 fire services; ensure the existence of a comprehensive statewide
697 medical care and relief plan administered by the State Department
698 of Health; and establish systems for coordinating volunteers and
699 accepting and distributing donated funds and goods.

700 (iv) Include additional provisions addressing
701 aspects of preparedness, response and recovery, as determined
702 necessary by the agency.

703 (v) Address the need for coordinated and
704 expeditious deployment of state resources, including the
705 Mississippi National Guard. In the case of an imminent major
706 disaster, procedures should address predeployment of the
707 Mississippi National Guard, and, in the case of an imminent
708 catastrophic disaster, procedures should address predeployment of
709 the Mississippi National Guard and the United States Armed Forces.
710 This subparagraph (v) does not authorize the agency to call out
711 and deploy the Mississippi National Guard, which authority and
712 determination rests solely with the Governor.

713 (vi) Establish a system of communications and
714 warning to ensure that the state's population and emergency
715 management agencies are warned of developing emergency situations
716 and can communicate emergency response decisions.



717 (vii) Establish guidelines and schedules for
718 annual exercises that evaluate the ability of the state and its
719 political subdivisions to respond to minor, major and catastrophic
720 disasters and support local emergency management agencies. Such
721 exercises shall be coordinated with local governments and, to the
722 extent possible, the federal government.

723 (viii) 1. Assign lead and support
724 responsibilities to state agencies and personnel for emergency
725 support functions and other support activities.

726 2. The agency shall prepare an interim
727 post-disaster response and recovery component that substantially
728 complies with the provisions of this paragraph (a). Each state
729 agency assigned lead responsibility for an emergency support
730 function by the State Comprehensive Emergency Management Plan
731 shall also prepare a detailed operational plan needed to implement
732 its responsibilities. The complete State Comprehensive Emergency
733 Management Plan shall be submitted to the Governor no later than
734 January 1, 1996, and on January 1 of every even-numbered year
735 thereafter.

736 (b) Adopt standards and requirements for county
737 emergency management plans. The standards and requirements must
738 ensure that county plans are coordinated and consistent with the
739 State Comprehensive Emergency Management Plan. If a municipality
740 elects to establish an emergency management program, it must adopt



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

743 (c) Assist political subdivisions in preparing and
744 maintaining emergency management plans.

745 (d) Review periodically political subdivision emergency
746 management plans for consistency with the State Comprehensive
747 Emergency Management Plan and standards and requirements adopted
748 under this section.

749 (e) Make recommendations to the Legislature, building
750 code organizations and political subdivisions for zoning, building
751 and other land use controls, safety measures for securing mobile
752 homes or other nonpermanent or semipermanent structures; and other
753 preparedness, prevention and mitigation measures designed to
754 eliminate emergencies or reduce their impact.

755 (f) In accordance with the State Comprehensive
756 Emergency Management Plan and program for emergency management,
757 ascertain the requirements of the state, its political
758 subdivisions and the Mississippi Band of Choctaw Indians for
759 equipment and supplies of all kinds in the event of an emergency;
760 plan for and either procure supplies, medicines, materials and
761 equipment or enter into memoranda of agreement or open purchase
762 orders that will ensure their availability; and use and employ
763 from time to time any of the property, services and resources
764 within the state in accordance with this article.



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

767 (h) Prepare and distribute to appropriate state and
768 local officials catalogs of federal, state and private assistance
769 programs.

770 (i) Implement training programs to improve the ability
771 of state and local emergency management personnel to prepare and
772 implement emergency management plans and programs, and require all
773 local civil defense directors or emergency management directors to
774 complete such training as a condition to their authority to
775 continue service in their emergency management positions.

776 (j) Review periodically emergency operating procedures
777 of state agencies and recommend revisions as needed to ensure
778 consistency with the State Comprehensive Emergency Management Plan
779 and program.

780 (k) Prepare, in advance whenever possible, such
781 executive orders, proclamations and rules for issuance by the
782 Governor as are necessary or appropriate for coping with
783 emergencies and disasters.

784 (l) Cooperate with the federal government and any
785 public or private agency or entity in achieving any purpose of
786 this article.

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



789 development and maintenance of a state urban search and rescue
790 program.

791 (n) Delegate, as necessary and appropriate, authority
792 vested in it under this article and provide for the subdelegation
793 of such authority.

794 (o) Require each county or municipality to designate an
795 agent for working with the agency in the event of a natural
796 disaster. The county or municipality may designate any person as
797 agent who has completed training programs required of emergency
798 management directors.

799 (p) Report biennially to the Governor and the President
800 of the Senate, and the Speaker of the House of Representatives, no
801 later than January 1 of every odd-numbered year, the status of the
802 emergency management capabilities of the state and its political
803 subdivisions.

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

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

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



814 (t) In accordance with Section 33-15-15, create,
815 implement, administer, promulgate, amend and rescind rules
816 regarding the development of the Mississippi Disaster Reservist
817 Program.

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

823 (v) Serve as the statewide coordinator for Emergency
824 Communications, including 911, E911, NG911 and all other related
825 functions.

826 **SECTION 11.** Section 19-5-313, Mississippi Code of 1972,
827 which provides for emergency telephone services charges, is hereby
828 repealed.

829 **SECTION 12.** Section 19-5-331, Mississippi Code of 1972,
830 which defines certain terms as used in the provisions providing
831 for enhanced wireless emergency telephone service, is hereby
832 repealed.

833 **SECTION 13.** Section 19-5-333, Mississippi Code of 1972,
834 which creates the Commercial Mobile Radio Service Board and
835 provides for its powers and duties, is hereby repealed.

836 **SECTION 14.** Section 19-5-335, Mississippi Code of 1972,
837 which provides for the collection of services charges by the



838 Commercial Mobile Radio Service Board and requires registration of
839 Commercial Mobile Radio Service providers, is hereby repealed.

840 **SECTION 15.** Section 19-5-337, Mississippi Code of 1972,
841 which provides for the confidentiality of proprietary information
842 submitted to the Commercial Mobile Radio Service Board, is hereby
843 repealed.

844 **SECTION 16.** Section 19-5-339, Mississippi Code of 1972,
845 which provides for the requirement to provide enhanced 911
846 service, is hereby repealed.

847 **SECTION 17.** Section 19-5-341, Mississippi Code of 1972,
848 which makes it an offense and provides criminal penalties for
849 using wireless emergency telephone service for personal use, is
850 hereby repealed.

851 **SECTION 18.** Section 19-5-343, Mississippi Code of 1972,
852 which provides for the collection and remittance of prepaid
853 wireless E911 charges, is hereby repealed.

854 **SECTION 19.** This act shall take effect and be in force from
855 and after July 1, 2023.

