By: Representative Bennett

To: Public Utilities

# HOUSE BILL NO. 369

AN ACT TO CREATE THE MISSISSIPPI EMERGENCY COMMUNICATIONS AUTHORITY ACT; TO DEFINE CERTAIN TERMS USED IN THE ACT; TO ESTABLISH THE MISSISSIPPI EMERGENCY COMMUNICATIONS AUTHORITY AS AN ENTITY WITHIN THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY; TO PROVIDE FOR THE AUTHORITY'S POWERS AND DUTIES; TO PROVIDE FOR THE DISTRIBUTION OF THE SERVICE CHARGES; TO PROVIDE FOR CONFIDENTIALITY OF INFORMATION SUBMITTED TO THE AUTHORITY; TO AUTHORIZE THE LEVY OF A SERVICE CHARGE; TO BRING FORWARD SECTIONS 33-15-7 AND 33-15-14, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO REPEAL SECTION 19-5-313, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR EMERGENCY TELEPHONE SERVICES CHARGES; TO REPEAL SECTION 19-5-331, MISSISSIPPI CODE OF 1972, WHICH DEFINES CERTAIN TERMS AS USED IN THE PROVISIONS PROVIDING FOR ENHANCED WIRELESS EMERGENCY TELEPHONE SERVICE; TO REPEAL SECTION 19-5-333, MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMERCIAL MOBILE RADIO SERVICE (CMRS) BOARD AND PROVIDES FOR ITS POWERS AND DUTIES; TO REPEAL SECTION 19-5-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE COLLECTION OF SERVICE CHARGES BY THE COMMERCIAL MOBILE RADIO SERVICE BOARD AND REQUIRES REGISTRATION OF CMRS PROVIDERS; TO REPEAL SECTION 19-5-337, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE CONFIDENTIALITY OF PROPRIETARY INFORMATION SUBMITTED TO THE COMMERCIAL MOBILE RADIO SERVICE BOARD; TO REPEAL SECTION 19-5-339, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE REQUIREMENT TO PROVIDE ENHANCED 911 SERVICE; TO REPEAL SECTION 19-5-341, MISSISSIPPI CODE OF 1972, WHICH MAKES IT AN OFFENSE AND PROVIDES CRIMINAL PENALTIES FOR USING WIRELESS EMERGENCY TELEPHONE SERVICE FOR PERSONAL USE; TO REPEAL SECTION 19-5-343, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE COLLECTION AND REMITTANCE OF PREPAID WIRELESS E911 CHARGES; AND FOR RELATED PURPOSES.

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

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

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

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

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

(c) "Director" means the director of the authority who shall also be the Mississippi Emergency Management Agency Emergency Management Communications Coordinator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c) Identify any changes necessary to accomplish more effective and efficient emergency communication service across this state, including consolidation and interoperability of 911 systems; and recommend a long-term plan for the most efficient and effective delivery of 911 services in Mississippi over both the long and short term; recommend any legislation necessary to implement the long-term plan and report its recommendations to the Legislature.

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

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

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

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

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

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

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

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

(k) The authority may act upon any adverse findings noted in such audits or financial statements and to order such action as may be necessary to remedy the adverse findings.

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

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

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

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

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

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

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

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

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

(viii) One (1) member appointed by the Governor who represents Mississippi Emergency Medical Services. Mississippi Emergency Medical Services may provide recommendations to the Governor for such appointment;

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

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

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

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

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

(b) The initial term for appointments made pursuant to subparagraphs (ii), (iii), (iv), (v), (vi) and (vii) of paragraph (a) of this subsection shall be from July 1, 2021, until June 30, 2024. The initial term for appointments made pursuant to subparagraphs (viii), (ix), (x), (xi), (xii) and (xiii) of paragraph (a) of this subsection shall be from July 1, 2021, until June 30, 2023. All subsequent terms shall be for three (3) years. Any vacancies that occur prior to the end of a term shall be filled by appointment in the same manner as the original appointment and shall be for the remainder of the unexpired term. Upon expiration of his or her term of office, a board member shall continue to serve until his or her successor has been duly appointed and qualified. Members may be appointed to successive terms. In the event of a vacancy, the vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. Any vacancy occurring on the board, whether for an expired or unexpired term, shall be filled by appointment as soon as practicable after the vacancy occurs. Appointments made at times when the Senate is not in session shall be effective immediately ad interim and shall serve until the Senate acts on the appointment as provided herein. Any appointments made while

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

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

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

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

(f) The director of the authority shall convene the initial meeting of the board of the authority no later than August 1, 2021, at which time the board shall elect one (1) of its members as chairperson. In addition, the board shall elect from its membership a vice chairperson and a secretary/treasurer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The company name of the provider;

(b) The marketing name of the provider;

(c) The publicly traded name of the provider;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 20.** This act shall take effect and be in force from and after July 1, 2021.