

By: Representative Ford

To: Public Utilities

HOUSE BILL NO. 469
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-331
2 THROUGH 19-5-341, 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF 1972,
3 WHICH PROVIDE FOR AN EMERGENCY TELEPHONE SERVICE CHARGE, CREATE A
4 COMMERCIAL MOBILE RADIO SERVICE BOARD AND PRESCRIBE ITS POWERS AND
5 DUTIES, PROVIDE FOR COLLECTION OF SERVICE CHARGES, REQUIRE
6 CONFIDENTIALITY OF PROPRIETARY INFORMATION AND REQUIRE THE
7 COMMERCIAL MOBILE RADIO SERVICE TO PROVIDE WIRELESS ENHANCED 911
8 SERVICE; TO AMEND SECTION 12, CHAPTER 536, LAWS OF 1993, AS
9 AMENDED BY SECTION 12, CHAPTER 531, LAWS OF 1998, TO EXTEND THE
10 REPEALER ON WIRELESS EMERGENCY TELEPHONE SERVICE FROM JULY 1,
11 2001, TO JULY 1, 2002; TO AUTHORIZE THE MISSISSIPPI HIGHWAY SAFETY
12 PATROL AND COUNTIES AND MUNICIPALITIES WHICH PARTICIPATE IN AN
13 APPROVED INTERGOVERNMENTAL WIRELESS RADIO COMMUNICATIONS PROGRAM
14 TO ASSESS AN ADDITIONAL SURCHARGE UPON PERSONS FINED FOR MOVING
15 TRAFFIC VIOLATIONS FOR THE PURPOSE OF FUNDING PARTICIPATION IN
16 SUCH PROGRAM; AND FOR RELATED PURPOSES.

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

18 SECTION 1. Section 19-5-303, Mississippi Code of 1972, is
19 reenacted as follows:

20 19-5-303. For purposes of Sections 19-5-301 through
21 19-5-317, the following words and terms shall have the following
22 meanings, unless the context clearly indicates otherwise:

23 (a) "Exchange access facilities" shall mean all lines
24 provided by the service supplier for the provision of local
25 exchange service as defined in existing general subscriber
26 services tariffs.

27 (b) "Tariff rate" shall mean the rate or rates billed
28 by a service supplier as stated in the service supplier's tariffs
29 and approved by the Public Service Commission, which represent the
30 service supplier's recurring charges for exchange access
31 facilities, exclusive of all taxes, fees, licenses or similar
32 charges whatsoever.

33 (c) "District" shall mean any communications district
34 created pursuant to Sections 19-5-301 et seq., or by local and
35 private act of the State of Mississippi.

36 (d) "Service supplier" shall mean any person providing
37 exchange telephone service to any service user throughout the
38 county.

39 (e) "Service user" shall mean any person, not otherwise
40 exempt from taxation, who is provided exchange telephone service
41 in the county or state.

42 (f) "E911" shall mean Enhanced Universal Emergency
43 Number Service or Enhanced 911 Service, which is a telephone
44 exchange communications service whereby a Public Safety Answering
45 Point (PSAP) designated by the county or local communications
46 district may receive telephone calls dialed to the telephone
47 number 911. E911 Service includes lines and equipment necessary
48 for the answering, transferring and dispatching of public
49 emergency telephone calls originated by persons within the serving
50 area who dial 911. Enhanced 911 Service includes the displaying
51 of the name, address and other pertinent caller information as may
52 be supplied by the service supplier.

53 (g) "Basic 911" shall mean a telephone service
54 terminated in designated Public Safety Answering Points accessible
55 by the public through telephone calls dialed to the telephone
56 number 911. Basic 911 is a voice service and does not display
57 address or telephone number information.

58 (h) "Shared Tenant Services (STS)" shall mean any
59 telephone service operation supplied by a party other than a
60 regulated local exchange telephone service supplier for which a
61 charge is levied. Such services shall include, but not be limited
62 to, apartment building systems, hospital systems, office building
63 systems and other systems where dial tone is derived from
64 connection of tariffed telephone trunks or lines connected to a
65 private branch exchange telephone system.

66 (i) "Private Branch Exchange (PBX)" shall mean any
67 telephone service operation supplied by a party other than a
68 regulated local exchange telephone service supplier for which a
69 charge is not levied. Such services are those where tariffed
70 telephone trunks or lines are terminated into a central switch
71 which is used to supply dial tone to telephones operating within
72 that system.

73 (j) "Off-Premise Extension" shall mean any telephone
74 connected to a private branch exchange or a shared tenant service
75 which is in a different building or location from the main
76 switching equipment and, therefore, has a different physical
77 address.

78 (k) "Centrex" or "ESSX" shall mean any variety of
79 services offered in connection with any tariffed telephone service
80 in which switching services and other dialing features are
81 provided by the regulated local exchange telephone service
82 supplier.

83 (l) "Commercial mobile radio service" or "CMRS" shall
84 mean commercial mobile radio service under Sections 3(27) and
85 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
86 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
87 1993, Pub. L. 103-66. The term includes the term "wireless" and
88 service provided by any wireless real time two-way voice
89 communication device, including radio-telephone communications
90 used in cellular telephone service, personal communication
91 service, or the functional or competitive equivalent of a
92 radio-telephone communications line used in cellular telephone
93 service, a personal communication service, or a network radio
94 access line. The term does not include service whose customers do
95 not have access to 911 or to a 911-like service, to a
96 communication channel suitable only for data transmission, to a
97 wireless roaming service or other nonlocal radio access line
98 service, or to a private telecommunications system.

99 (m) "Telecommunicator" shall mean any person engaged in
100 or employed as a telecommunications operator by any public safety,
101 fire or emergency medical agency whose primary responsibility is
102 the receipt or processing of calls for emergency services provided
103 by public safety, fire or emergency medical agencies or the
104 dispatching of emergency services provided by public safety, fire
105 or emergency medical agencies and who receives or disseminates
106 information relative to emergency assistance by telephone or
107 radio.

108 (n) "Public Safety Answering Point (PSAP)" shall mean
109 any point of contact between the public and the emergency services
110 such as a 911 answering point or, in the absence of 911 emergency
111 telephone service, any other point of contact where emergency
112 telephone calls are routinely answered and dispatched or
113 transferred to another agency.

114 (o) "Local exchange telephone service" shall mean all
115 lines provided by a service supplier as defined in existing
116 general subscriber tariffs.

117 SECTION 2. Section 19-5-313, Mississippi Code of 1972, is
118 reenacted as follows:

119 19-5-313. (1) The board of supervisors may levy an
120 emergency telephone service charge in an amount not to exceed One
121 Dollar (\$1.00) per residential telephone subscriber line per month
122 and Two Dollars (\$2.00) per commercial telephone subscriber line
123 per month for exchange telephone service. Any emergency telephone
124 service charge shall have uniform application and shall be imposed
125 throughout the entirety of the district to the greatest extent
126 possible in conformity with availability of such service in any
127 area of the district. Those districts which exist on the date of
128 enactment of Chapter 539, Laws of 1993, shall convert to the
129 following structure for service charge levy: If the current
130 charge is five percent (5%) of the basic tariff service rate, the
131 new collection shall be Eighty Cents (\$.80) per month per

132 residential subscriber line and One Dollar and Sixty Cents (\$1.60)
133 per month per commercial subscriber line. The collections may be
134 adjusted as outlined in Chapter 539, Laws of 1993, and within the
135 limits set forth herein.

136 (2) If the proceeds generated by the emergency telephone
137 service charge exceed the amount of monies necessary to fund the
138 service, the board of supervisors may authorize such excess funds
139 to be expended by the county and the municipalities in the
140 counties to perform the duties and pay the costs relating to
141 identifying roads, highways and streets, as provided by Section
142 65-7-143. The board of supervisors shall determine how the funds
143 are to be distributed in the county and among municipalities in
144 the county for paying the costs relating to identifying roads,
145 highways and streets. The board of supervisors may temporarily
146 reduce the service charge rate or temporarily suspend the service
147 charge if the proceeds generated exceed the amount that is
148 necessary to fund the service and/or to pay costs relating to
149 identifying roads, highways and streets. Such excess funds may
150 also be used in the development of county or district
151 communications and paging systems when used primarily for the
152 alerting and dispatching of public safety entities and for other
153 administrative costs such as management personnel, maintenance
154 personnel and related building and operational requirements. Such
155 excess funds may be placed in a depreciation fund for emergency
156 and obsolescence replacement of equipment necessary for the
157 operation of the overall 911 emergency telephone and alerting
158 systems.

159 (3) No such service charge shall be imposed upon more than
160 twenty-five (25) exchange access facilities per person per
161 location. Trunks or service lines used to supply service to CMRS
162 providers shall not have a service charge levied against them.
163 Every billed service user shall be liable for any service charge
164 imposed under this section until it has been paid to the service

165 supplier. The duty of the service supplier to collect any such
166 service charge shall commence upon the date of its implementation,
167 which shall be specified in the resolution for the installation of
168 such service. Any such emergency telephone service charge shall
169 be added to and may be stated separately in the billing by the
170 service supplier to the service user.

171 (4) The service supplier shall have no obligation to take
172 any legal action to enforce the collection of any emergency
173 telephone service charge. However, the service supplier shall
174 annually provide the board of supervisors and board of
175 commissioners with a list of the amount uncollected, together with
176 the names and addresses of those service users who carry a balance
177 that can be determined by the service supplier to be nonpayment of
178 such service charge. The service charge shall be collected at the
179 same time as the tariff rate in accordance with the regular
180 billing practice of the service supplier. Good faith compliance
181 by the service supplier with this provision shall constitute a
182 complete defense to any legal action or claim which may result
183 from the service supplier's determination of nonpayment and/or the
184 identification of service users in connection therewith.

185 (5) The amounts collected by the service supplier
186 attributable to any emergency telephone service charge shall be
187 due the county treasury monthly. The amount of service charge
188 collected each month by the service supplier shall be remitted to
189 the county no later than sixty (60) days after the close of the
190 month. A return, in such form as the board of supervisors and the
191 service supplier agree upon, shall be filed with the county,
192 together with a remittance of the amount of service charge
193 collected payable to the county. The service supplier shall
194 maintain records of the amount of service charge collected for a
195 period of at least two (2) years from date of collection. The
196 board of supervisors and board of commissioners shall receive an
197 annual audit of the service supplier's books and records with

198 respect to the collection and remittance of the service charge.
199 From the gross receipts to be remitted to the county, the service
200 supplier shall be entitled to retain as an administrative fee, an
201 amount equal to one percent (1%) thereof. From and after March
202 10, 1987, the service charge is a county fee and is not subject to
203 any sales, use, franchise, income, excise or any other tax, fee or
204 assessment and shall not be considered revenue of the service
205 supplier for any purpose.

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

210 SECTION 3. Section 19-5-331, Mississippi Code of 1972, is
211 reenacted as follows:

212 19-5-331. As used in Sections 19-5-331 through 19-5-341,
213 unless the context clearly indicates otherwise:

214 (a) The terms "board" and "CMRS Board" mean the
215 Commercial Mobile Radio Service Emergency Telephone Services
216 Board.

217 (b) The term "automatic number identification" or "ANI"
218 means an enhanced 911 service capability that enables the
219 automatic display of the ten-digit wireless telephone number used
220 to place a 911 call and includes "pseudo-automatic number
221 identification" or "pseudo-ANI," which means an enhanced 911
222 service capability that enables the automatic display of the
223 number of the cell site and an identification of the CMRS
224 provider.

225 (c) The term "commercial mobile radio service" or
226 "CMRS" means commercial mobile radio service under Sections 3(27)
227 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
228 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
229 1993, Pub. L. 103-66. The term includes the term "wireless" and
230 service provided by any wireless real time two-way voice

231 communication device, including radio-telephone communications
232 used in cellular telephone service, personal communication
233 service, or the functional or competitive equivalent of a
234 radio-telephone communications line used in cellular telephone
235 service, a personal communication service, specialized mobile
236 radio service, or a network radio access line. The term does not
237 include service whose customers do not have access to 911 or to a
238 911-like service, to a communication channel suitable only for
239 data transmission, to a wireless roaming service or other nonlocal
240 radio access line service, or to a private telecommunications
241 system.

242 (d) The term "commercial mobile radio service provider"
243 or "CMRS provider" or the plural thereof, as the context requires,
244 means a person or entity who provides commercial mobile radio
245 service or CMRS service.

246 (e) The term "CMRS connection" or the plural thereof,
247 as the context requires, means each mobile handset telephone
248 number assigned to a CMRS customer with a service address in the
249 State of Mississippi.

250 (f) The term "CMRS Fund" means the Commercial Mobile
251 Radio Service Fund required to be established and maintained
252 pursuant to Section 19-5-333.

253 (g) The term "CMRS service charge" or the plural
254 thereof, as the context requires, means the CMRS emergency
255 telephone service charge levied and maintained pursuant to Section
256 19-5-333 and collected pursuant to Section 19-5-335.

257 (h) The term "distribution formula" means the formula
258 specified in Section 19-5-333(c) by which monies generated from
259 the CMRS service charge are distributed on a percentage basis to
260 emergency communications districts and to the CMRS Fund.

261 (i) The term "ECD" means an emergency communications
262 district created pursuant to Section 19-5-301, et seq.,

263 Mississippi Code of 1972, or by local and private act of the State
264 of Mississippi.

265 (j) The term "enhanced 911," "E911," "enhanced E911
266 system" or "E911 system" means an emergency telephone system that
267 provides the caller with emergency 911 system service, that
268 directs 911 calls to appropriate public safety answering points by
269 selective routing based on the geographical location from which
270 the call originated, and that provides the capability for
271 automatic number identification and other features that the
272 Federal Communications Commission (FCC) may require in the future.

273 (k) The term "exchange access facility" means an
274 "exchange access facility" as defined by Section 19-5-303,
275 Mississippi Code of 1972.

276 (l) The term "FCC Order" means the Order of the Federal
277 Communications Commission, FCC Docket No. 94-102, adopted on June
278 12, 1996, and released on July 26, 1996.

279 (m) The term "service address" means the location
280 address if the location address is known and accessible; however,
281 if the location address is not known and accessible, the term
282 shall mean the billing address.

283 (n) The term "service supplier" or the plural thereof,
284 as the context requires, means a "service supplier" as defined by
285 Section 19-5-303, Mississippi Code of 1972.

286 (o) The term "technical proprietary information" means
287 technology descriptions, technical information or trade secrets
288 and the actual or developmental costs thereof which are developed,
289 produced or received internally by a CMRS provider or by a CMRS
290 provider's employees, directors, officers or agents.

291 SECTION 4. Section 19-5-333, Mississippi Code of 1972, is
292 reenacted as follows:

293 19-5-333. (1) There is created a Commercial Mobile Radio
294 Service (CMRS) Board, consisting of five (5) members. The members
295 of the board shall be appointed as follows:

296 (a) Two (2) members designated by the Mississippi
297 Association of CMRS Providers; and

298 (b) One (1) member elected, in the manner provided in
299 this paragraph, from each Public Service Commission district, as
300 such districts exist on April 8, 1998. Each emergency
301 communications district established under Section 19-5-305 or by
302 local and private act in the Southern District shall submit a
303 nominee for the board member from the Southern District to the
304 President of the Mississippi Chapter of the National Emergency
305 Number Association, who shall elect the member to represent the
306 Southern District. Each emergency communications district
307 established under Section 19-5-305 or by local and private act in
308 the Central District shall submit a nominee for the board member
309 from the Central District to the President of the American
310 Association of Public Safety Communication Officers, who shall
311 elect the member to represent the Central District. Each
312 emergency communications district established under Section
313 19-5-305 or by local and private act in the Northern District
314 shall submit a nominee for the board member from the Northern
315 District to the President of the Mississippi 911 Coordinators
316 Association, who shall elect the member to represent the Northern
317 District.

318 The initial terms of the board members shall be staggered as
319 follows: the members selected under paragraph (a) shall serve a
320 term of one (1) year; the member elected under paragraph (b) from
321 the Northern District shall serve a term of two (2) years; the
322 member elected under paragraph (b) from the Central District shall
323 serve a term of three (3) years; and the member elected under
324 paragraph (b) from the Southern District shall serve a term of one
325 (1) year. After the expiration of the initial terms, the term for
326 all members shall be two (2) years.

327 (2) The board shall have the following powers and duties:

328 (a) To collect and distribute a CMRS emergency
329 telephone service charge on each CMRS customer that has a billing
330 address within the state. The rate of such CMRS service charge
331 shall be One Dollar (\$1.00) per month per CMRS connection
332 beginning on April 8, 1998. The CMRS service charge shall have
333 uniform application and shall be imposed throughout the state.
334 The board is hereby authorized to receive all revenues derived
335 from the CMRS service charge levied on CMRS connections in the
336 state and collected pursuant to Section 19-5-335.

337 (b) To establish and maintain the CMRS Fund as an
338 insured, interest-bearing account into which the board shall
339 deposit all revenues derived from the CMRS service charge levied
340 on CMRS connections in the state and collected pursuant to Section
341 19-5-335. The revenues which are deposited into the CMRS Fund
342 shall not be monies or property of the state and shall not be
343 subject to appropriation by the Legislature.

344 (c) To establish a distribution formula by which the
345 board will make disbursements of the CMRS service charge in the
346 following amounts and in the following manner:

347 (i) Out of the funds collected by the board,
348 thirty percent (30%) shall be deposited into the CMRS Fund, and
349 shall be used to defray the administrative expenses of the board
350 in accordance with Section 19-5-335(3) and to pay the actual costs
351 incurred by such CMRS providers in complying with the wireless
352 E911 service requirements established by the FCC Order and any
353 rules and regulations which are or may be adopted by the FCC
354 pursuant to the FCC Order, including, but not limited to, costs
355 and expenses incurred for designing, upgrading, purchasing,
356 leasing, programming, installing, testing or maintaining all
357 necessary data, hardware and software required in order to provide
358 such service as well as the incremental costs of operating such
359 service. Sworn invoices must be presented to the board in
360 connection with any request for payment and approved by a majority

361 vote of the board prior to any such disbursement, which approval
362 shall not be withheld or delayed unreasonably. In no event shall
363 any invoice for payment be approved for the payment of costs that
364 are not related to compliance with the wireless E911 service
365 requirements established by the FCC Order and any rules and
366 regulations which are or may be adopted by the FCC pursuant to the
367 FCC Order.

368 (ii) The remainder of all funds collected by the
369 board, which shall not be less than seventy percent (70%) of the
370 total funds collected by the board, shall be distributed by the
371 board monthly based on the number of CMRS connections in each ECD
372 for use in providing wireless E911 service, including capital
373 improvements, and in their normal operations.

374 (d) To obtain from an independent, third-party auditor
375 retained by the board annual reports to the board no later than
376 sixty (60) days after the close of each fiscal year, which shall
377 provide an accounting for all CMRS service charges deposited into
378 the CMRS Fund during the preceding fiscal year and all
379 disbursements to ECDs during the preceding fiscal year. The board
380 shall provide a copy of the annual reports to the Chairmen of the
381 Public Utilities Committees of the House of Representatives and
382 Senate.

383 (e) To conduct a cost study on or before October 1,
384 1999, and to adjust the distribution formula to reflect actual
385 costs to be incurred by each CMRS provider in order to comply with
386 Phase One of the wireless E911 service requirements established by
387 the FCC Order and any rules and regulations which are or may be
388 adopted by the FCC pursuant to the FCC Order.

389 (f) To promulgate such rules and regulations as may be
390 necessary to effect the provisions of Sections 19-5-331 through
391 19-5-341.

392 (g) To make the determinations and disbursements as
393 provided by Section 19-5-333(2)(c).

394 (3) The CMRS service charge provided in Section
395 19-5-333(2)(a) and the service charge provided in Section 19-5-357
396 to fund the training of public safety telecommunicators shall be
397 the only charges assessed to CMRS customers relating to emergency
398 telephone services.

399 (4) The board shall serve without compensation; provided,
400 however, that members of the board shall be entitled to be
401 reimbursed for actual expenses and travel costs associated with
402 their service in an amount not to exceed the reimbursement
403 authorized for state officers and employees in Section 25-3-41,
404 Mississippi Code of 1972.

405 SECTION 5. Section 19-5-335, Mississippi Code of 1972, is
406 reenacted as follows:

407 19-5-335. (1) Each CMRS provider shall act as a collection
408 agent for the CMRS Fund and shall, as part of the provider's
409 normal monthly billing process, collect the CMRS service charges
410 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)
411 from each CMRS connection to whom the billing provider provides
412 CMRS service and shall, not later than thirty (30) days after the
413 end of the calendar month in which such CMRS service charges are
414 collected, remit to the board the net CMRS service charges so
415 collected after deducting the fee authorized by subsection (2) of
416 this section. Each billing provider shall list the CMRS service
417 charge as a separate entry on each bill which includes a CMRS
418 service charge.

419 (2) Each CMRS provider shall be entitled to deduct and
420 retain from the CMRS service charges collected by such provider
421 during each calendar month an amount not to exceed one percent
422 (1%) of the gross aggregate amount of such CMRS service charges so
423 collected as reimbursement for the costs incurred by such provider
424 in collecting, handling and processing such CMRS service charges.

425 (3) The board shall be entitled to retain from the CMRS
426 service charges collected during each calendar month an amount not

427 to exceed two percent (2%) of the money allocated to the CMRS Fund
428 as reimbursement for the costs incurred by the board in
429 administering Sections 19-5-331 through 19-5-341 including, but
430 not limited to, retaining and paying the independent, third-party
431 auditor to review and disburse the cost recovery funds and to
432 prepare the reports contemplated by Sections 19-5-331 through
433 19-5-341.

434 SECTION 6. Section 19-5-337, Mississippi Code of 1972, is
435 reenacted as follows:

436 19-5-337. All technical proprietary information submitted to
437 the board or to the independent, third-party auditor as provided
438 by Section 19-5-333(2)(d) shall be retained by the board and such
439 auditor in confidence and shall be subject to review only by the
440 board. Further, notwithstanding any other provision of the law,
441 no technical proprietary information so submitted shall be subject
442 to subpoena or otherwise released to any person other than to the
443 submitting CMRS provider, the board and the aforesaid independent,
444 third-party auditor without the express permission of the
445 administrator and the submitting CMRS provider. General
446 information collected by the aforesaid independent, third-party
447 auditor shall only be released or published in aggregate amounts
448 which do not identify or allow identification of numbers of
449 subscribers of revenues attributable to an individual CMRS
450 provider.

451 SECTION 7. Section 19-5-339, Mississippi Code of 1972, is
452 reenacted as follows:

453 19-5-339. In accordance with the Federal Communication
454 Commission Order, no CMRS provider shall be required to provide
455 wireless enhanced 911 service until such time as (a) the provider
456 receives a request for such service from the administrator of a
457 Public Safety Answering Point (PSAP) that is capable of receiving
458 and utilizing the data elements associated with the service; (b)
459 funds are available pursuant to Section 19-5-333; and (c) the

460 local exchange carrier is able to support the wireless enhanced
461 911 system.

462 SECTION 8. Section 19-5-341, Mississippi Code of 1972, is
463 reenacted as follows:

464 19-5-341. Wireless emergency telephone service shall not be
465 used for personal use and shall be used solely for the use of
466 communications by the public. Any person who knowingly uses or
467 attempts to use wireless emergency telephone service for a purpose
468 other than obtaining public safety assistance, or who knowingly
469 uses or attempts to use wireless emergency telephone service in an
470 effort to avoid any CMRS charges, is guilty of a misdemeanor and
471 shall be subject to a fine of not more than Five Hundred Dollars
472 (\$500.00) or imprisonment of not more than thirty (30) days in the
473 county jail, or both such fine and imprisonment. If the value of
474 the CMRS charge or service obtained in a manner prohibited by this
475 section exceeds One Hundred Dollars (\$100.00), the offense may be
476 prosecuted as a felony and punishable by a fine of not more than
477 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
478 than three (3) years, or both such fine and imprisonment.

479 SECTION 9. Section 19-5-359, Mississippi Code of 1972, is
480 reenacted as follows:

481 19-5-359. (1) Any service supplier operating within the
482 State of Mississippi shall be required to provide access to the
483 locally designated PSAP by dialing the three (3) digits "911" from
484 any telephone subscriber line within such service area. Where
485 technically available, each service supplier shall, at a county's
486 request, provide "Enhanced 911" services. Where this capability
487 does not technically exist, "Basic 911" shall be available as a
488 minimum.

489 (2) From and after December 31, 1993, any person,
490 corporation or entity operating a "shared tenant service" type of
491 telephone system shall be required to provide as a minimum the
492 location and telephone number information for each and every

493 extension or user on such "shared tenant" system to the regulated
494 local exchange telephone service provider where the service
495 provider can utilize such information in the delivery of "Enhanced
496 911" emergency telephone service. This information shall consist
497 of data in a format that is compatible with the service supplier's
498 requirements in order to provide such location and telephone
499 number information automatically in the event a call to 911 is
500 placed from such a system. It shall be the responsibility of the
501 operator or provider of "STS" telephone services to maintain the
502 data pertaining to each extension operating on such system.

503 (3) Any CMRS providers operating within the State of
504 Mississippi shall be required to have all trunks or service lines
505 supplying all cellular sites and personal communications network
506 sites contain the word "cellular" in the service supplier listing
507 for each trunk or service line to facilitate operator
508 identification of cellular and PCN telephone calls placed to 911.

509 (4) Any service suppliers engaged in the offering or
510 operating of "Centrex" or "ESSX" telephone service within the
511 State of Mississippi shall cause the actual location of all
512 extensions operating in this service to be displayed at the PSAP
513 whenever a 911 call is placed from said extension. This feature
514 shall not be required in areas where Enhanced 911 is not in
515 operation but shall be required should such area upgrade to
516 Enhanced 911 service.

517 (5) Any local exchange telephone service suppliers offering
518 "quick-serve" or "soft" dial tone shall provide address location
519 information to the PSAP operating in the area where the
520 "quick-serve" or "soft" dial tone is in operation so that the PSAP
521 may have this address information displayed should a call to 911
522 be placed from such location. It shall be the responsibility of
523 the service supplier to determine in which emergency service
524 number area the "quick-serve" or "soft" dial tone is located.

525 (6) Any service suppliers operating within the State of
526 Mississippi and providing Enhanced 911 telephone service shall
527 have a reasonable time period, not to exceed five (5) years, to
528 comply with data and operational standards as they are set forth
529 by the National Emergency Number Association. This time period
530 shall apply to data format, equipment supplied for PSAP use and
531 for the length of time required for data updates relating to
532 service user address information, emergency service number updates
533 and other data updates as may be required.

534 SECTION 10. Section 19-5-361, Mississippi Code of 1972, is
535 reenacted as follows:

536 19-5-361. Any Emergency 911 telephone service supplier and
537 Emergency 911 CMRS provider operating within the State of
538 Mississippi, its employees, directors, officers, agents and
539 subcontractors, shall be entitled to receive the limitations of
540 liability as provided to the state, or any agency or local
541 government of the state, pursuant to Section 11-46-15, Mississippi
542 Code of 1972.

543 SECTION 11. Section 12, Chapter 536, Laws of 1993, as
544 amended by Section 12, Chapter 531, Laws of 1998, is amended as
545 follows:

546 Section 12. This act shall stand repealed from and after
547 July 1, 2002.

548 SECTION 12. (1) In addition to any other monetary penalties
549 and other penalties imposed by law, any county or municipality
550 which participates in an intergovernmental wireless radio
551 communications program approved by the applicable governing
552 authorities may assess an additional surcharge in an amount not to
553 exceed Ten Dollars (\$10.00) on each person upon whom a court
554 imposes a fine or other penalty for each violation of Title 63,
555 Mississippi Code of 1972, except offenses relating to vehicular
556 parking or registration. The proceeds from the surcharge may be
557 used by a county or municipality only to fund that county's or

558 municipality's participation in the intergovernmental wireless
559 radio communications program by funding public safety wireless
560 communications systems and related computer and communications
561 equipment. The proceeds from the surcharge imposed by this
562 subsection shall be deposited into a special fund in the
563 Department of Public Safety's Office of Public Safety Planning and
564 shall be utilized for the purpose of funding wireless radio
565 communications and related computer equipment. The Office of
566 Public Safety Planning shall promulgate rules and procedures
567 relating to the administration of the special fund and the
568 disbursement of monies in the fund to participating governmental
569 entities. The maximum amount that a governmental entity may
570 receive from the special fund shall be an amount equal to the
571 deposits made into the fund by that entity, less one percent (1%)
572 to be retained by the Office of Public Safety Planning to defray
573 the costs of administering the special fund. Interest earned on
574 the special fund shall remain in the fund and shall be used by the
575 Office of Public Safety Planning to further defray the costs of
576 administering the special fund.

577 (2) Deposits into the special fund resulting from citations
578 issued by the Mississippi Highway Safety Patrol shall be utilized
579 for the purpose of funding wireless communications and related
580 computer equipment, subject to the approval of the Mississippi
581 Department of Information Technology Services.

582 (3) Approval of an intergovernmental wireless radio
583 communications program must be given by the applicable governing
584 authorities when:

585 (a) The program includes the sharing of support
586 facilities, including, but not limited to, towers, shelters and
587 microwave, by participating entities; or

588 (b) The program includes the establishment of a mutual
589 aid system using common radio frequency channels between
590 participating entities; or

591 (c) The program sets forth a feasible methodology that
592 utilizes the radio frequency spectrum in an efficient manner.

593 (4) Participating counties, municipalities and the
594 Mississippi Highway Safety Patrol must provide notification of
595 facilities available for interoperability to the Mississippi
596 Department of Information Technology Services annually.

597 (5) Counties and municipalities participating in an
598 intergovernmental wireless radio communications program and the
599 Mississippi Highway Safety Patrol must comply with competitive
600 bidding requirements prescribed in Section 31-7-13 and are
601 encouraged to utilize an open architecture, nonproprietary system.

602 SECTION 13. This act shall take effect and be in force from
603 and after July 1, 2001.