AN ACT TO AMEND SECTION 19-5-331, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "SERVICE ADDRESS," AS THAT TERM IS USED IN THE FORMULA FOR THE DISTRIBUTION OF E-911 SERVICE CHARGES ASSESSED AGAINST ALL WIRELESS CUSTOMERS BY THE COMMERCIAL MOBILE RADIO SERVICE (CMRS) BOARD, TO MEAN THE LEGAL RESIDENCE OF A WIRELESS CUSTOMER; TO AMEND SECTION 19-5-333, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO BRING FORWARD SECTION 19-5-335, MISSISSIPPI CODE OF 1972, WHICH REQUIRES CMRS PROVIDERS TO COLLECT THE CMRS SERVICE CHARGE FROM WIRELESS CUSTOMERS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 19-5-331, Mississippi Code of 1972, is amended as follows:

19-5-331. As used in Sections 19-5-331 through 19-5-341, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

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

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

(c) The term "commercial mobile radio service" or "CMRS" means commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS Section 151 et seq., and the Omnibus Budget Reconciliation Act of
1993, Public Law 103-66. The term includes the term "wireless" and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service, personal communication service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communication service, specialized mobile radio service, or a network radio access line. The term does not include service whose customers do not have access to 911 or to a 911-like service, to a communication channel suitable only for data transmission, to a wireless roaming service or other nonlocal radio access line service, or to a private telecommunications system.

(d) The term "commercial mobile radio service provider" or "CMRS provider" means a person or entity who provides commercial mobile radio service or CMRS service.

(e) The term "CMRS connection" means each mobile handset telephone number assigned to a CMRS customer with a service address in the State of Mississippi.

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

(g) The term "CMRS service charge" means the CMRS emergency telephone service charge levied and maintained pursuant to Section 19-5-333 and collected pursuant to Section 19-5-335.

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

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

(k) The term "exchange access facility" means an "exchange access facility" as defined by Section 19-5-303.


(m) The term "service address" means the address of the legal residence of the CMRS customer; however, if the address of the legal residence of the CMRS customer is outside of Mississippi, the term shall mean the billing address.

(n) The term "service supplier" means a service supplier as defined by Section 19-5-303.

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

SECTION 2. Section 19-5-333, Mississippi Code of 1972, is amended as follows:

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

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

(b) One (1) member elected, in the manner provided in this paragraph, from each Public Service Commission district, as
such districts exist on April 8, 1998. Each emergency
communications district established under Section 19-5-305 or by
local and private act in the Southern District shall submit a
nominee for the board member from the Southern District to the
President of the Mississippi Chapter of the National Emergency
Number Association, who shall elect the member to represent the
Southern District. Each emergency communications district
established under Section 19-5-305 or by local and private act in
the Central District shall submit a nominee for the board member
from the Central District to the President of the American
Association of Public Safety Communication Officers, who shall
elect the member to represent the Central District. Each
emergency communications district established under Section
19-5-305 or by local and private act in the Northern District
shall submit a nominee for the board member from the Northern
District to the President of the Mississippi 911 Coordinators
Association, who shall elect the member to represent the Northern
District.

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

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

(a) To collect *** a CMRS emergency telephone service
charge on each CMRS customer that has a billing address within the
state. The rate of such CMRS service charge shall be One Dollar
($1.00) per month per CMRS connection ***. The CMRS service
charge shall have uniform application and shall be imposed
throughout the state. The board is * * * authorized to receive all revenues derived from the CMRS service charge levied on CMRS connections in the state and collected pursuant to Section 19-5-335.

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

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

(i) Out of the funds collected by the board, thirty percent (30%) shall be deposited into the CMRS Fund, and shall be used to defray the administrative expenses of the board in accordance with Section 19-5-335(3) and to pay the actual costs incurred by such CMRS providers in complying with the wireless E911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order, including, but not limited to, costs and expenses incurred for designing, upgrading, purchasing, leasing, programming, installing, testing or maintaining all necessary data, hardware and software required in order to provide such service as well as the incremental costs of operating such service. Sworn invoices must be presented to the board in connection with any request for payment and approved by a majority vote of the board prior to any such disbursement, which approval shall not be withheld or delayed unreasonably. In no event shall any invoice for payment be approved for the payment of costs that are not related to compliance with the wireless E911 service requirements established by the FCC Order and any rules and
regulations which are or may be adopted by the FCC pursuant to the
FCC Order.

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

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

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

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

(g) To make the determinations and disbursements as
provided by subsection (2)(c) of this section [***].

(3) The CMRS service charge provided in subsection (2)(a) of
this section and the service charge provided in subsection
19-5-357 to fund the training of public safety telecommunicators
shall be the only charges assessed to CMRS customers relating to
emergency telephone services.
(4) The board shall serve without compensation; however, members of the board shall be entitled to be reimbursed for actual expenses and travel costs associated with their service in an amount not to exceed the reimbursement authorized for state officers and employees in Section 25-3-41.

SECTION 3. Section 19-5-335, Mississippi Code of 1972, is brought forward as follows:

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

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

(3) The board shall be entitled to retain from the CMRS service charges collected during each calendar month an amount not to exceed two percent (2%) of the money allocated to the CMRS Fund as reimbursement for the costs incurred by the board in administering Sections 19-5-331 through 19-5-341 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 Sections 19-5-331 through 19-5-341.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.