

By: Representative Ellis

To: Public Utilities

HOUSE BILL NO. 1144  
(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 (CMRS) BOARD AND PRESCRIBE ITS  
5 POWERS AND DUTIES, PROVIDE FOR COLLECTION OF SERVICE CHARGES,  
6 REQUIRE CONFIDENTIALITY OF PROPRIETARY INFORMATION AND REQUIRE THE  
7 CMRS BOARD TO PROVIDE WIRELESS ENHANCED 911 SERVICE; TO AMEND  
8 SECTION 19-5-307, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL  
9 EMERGENCY COMMUNICATIONS DISTRICTS SHALL PURCHASE, LEASE OR  
10 LEASE-PURCHASE EQUIPMENT USED TO COMPLY WITH FEDERAL EMERGENCY 911  
11 LAWS FROM A PRODUCTS AND EQUIPMENT LIST TO BE MAINTAINED BY THE  
12 MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES; TO  
13 AMEND REENACTED SECTION 19-5-331, MISSISSIPPI CODE OF 1972, TO  
14 REVISE THE DEFINITION OF THE TERM "FCC ORDER" AND TO DEFINE THE  
15 TERM "PLACE OF PRIMARY USE" AS THOSE TERMS ARE USED IN THE  
16 STATUTES RELATING TO COMMERCIAL MOBILE RADIO SERVICE; TO AMEND  
17 REENACTED SECTION 19-5-333, MISSISSIPPI CODE OF 1972, TO REVISE  
18 THE COMPOSITION OF THE CMRS BOARD AND TO REVISE ITS POWERS AND  
19 DUTIES; TO AMEND REENACTED SECTION 19-5-335, MISSISSIPPI CODE OF  
20 1972, TO REQUIRE REGISTRATION OF CMRS PROVIDERS AND TO AUTHORIZE  
21 THE CMRS BOARD TO IMPOSE AN ADMINISTRATIVE FINE FOR FAILING TO  
22 REGISTER; TO AMEND SECTION 12, CHAPTER 536, LAWS OF 1993, AS  
23 AMENDED BY SECTION 12, CHAPTER 531, LAWS OF 1998, AS AMENDED BY  
24 SECTION 11, LAWS OF 2001, TO EXTEND THE REPEALER ON WIRELESS  
25 EMERGENCY TELEPHONE SERVICE; AND FOR RELATED PURPOSES.

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

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

29 19-5-303. For purposes of Sections 19-5-301 through  
30 19-5-317, the following words and terms shall have the following  
31 meanings, unless the context clearly indicates otherwise:

32 (a) "Exchange access facilities" shall mean all lines  
33 provided by the service supplier for the provision of local  
34 exchange service as defined in existing general subscriber  
35 services tariffs.

36 (b) "Tariff rate" shall mean the rate or rates billed  
37 by a service supplier as stated in the service supplier's tariffs  
38 and approved by the Public Service Commission, which represent the



39 service supplier's recurring charges for exchange access  
40 facilities, exclusive of all taxes, fees, licenses or similar  
41 charges whatsoever.

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

45 (d) "Service supplier" shall mean any person providing  
46 exchange telephone service to any service user throughout the  
47 county.

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

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

62 (g) "Basic 911" shall mean a telephone service  
63 terminated in designated Public Safety Answering Points accessible  
64 by the public through telephone calls dialed to the telephone  
65 number 911. Basic 911 is a voice service and does not display  
66 address or telephone number information.

67 (h) "Shared tenant services (STS)" shall mean any  
68 telephone service operation supplied by a party other than a  
69 regulated local exchange telephone service supplier for which a  
70 charge is levied. Such services shall include, but not be limited  
71 to, apartment building systems, hospital systems, office building



72 systems and other systems where dial tone is derived from  
73 connection of tariffed telephone trunks or lines connected to a  
74 private branch exchange telephone system.

75 (i) "Private branch exchange (PBX)" shall mean any  
76 telephone service operation supplied by a party other than a  
77 regulated local exchange telephone service supplier for which a  
78 charge is not levied. Such services are those where tariffed  
79 telephone trunks or lines are terminated into a central switch  
80 which is used to supply dial tone to telephones operating within  
81 that system.

82 (j) "Off-premise extension" shall mean any telephone  
83 connected to a private branch exchange or a shared tenant service  
84 which is in a different building or location from the main  
85 switching equipment and, therefore, has a different physical  
86 address.

87 (k) "Centrex" or "ESSX" shall mean any variety of  
88 services offered in connection with any tariffed telephone service  
89 in which switching services and other dialing features are  
90 provided by the regulated local exchange telephone service  
91 supplier.

92 (l) "Commercial mobile radio service" or "CMRS" shall  
93 mean commercial mobile radio service under Sections 3(27) and  
94 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
95 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
96 1993, Public Law 103-66. The term includes the term "wireless"  
97 and service provided by any wireless real time two-way voice  
98 communication device, including radio-telephone communications  
99 used in cellular telephone service, personal communication  
100 service, or the functional or competitive equivalent of a  
101 radio-telephone communications line used in cellular telephone  
102 service, a personal communication service, or a network radio  
103 access line. The term does not include service whose customers do  
104 not have access to 911 or to a 911-like service, to a



105 communication channel suitable only for data transmission, to a  
106 wireless roaming service or other nonlocal radio access line  
107 service, or to a private telecommunications system.

108 (m) "Telecommunicator" shall mean any person engaged in  
109 or employed as a telecommunications operator by any public safety,  
110 fire or emergency medical agency whose primary responsibility is  
111 the receipt or processing of calls for emergency services provided  
112 by public safety, fire or emergency medical agencies or the  
113 dispatching of emergency services provided by public safety, fire  
114 or emergency medical agencies and who receives or disseminates  
115 information relative to emergency assistance by telephone or  
116 radio.

117 (n) "Public safety answering point (PSAP)" shall mean  
118 any point of contact between the public and the emergency services  
119 such as a 911 answering point or, in the absence of 911 emergency  
120 telephone service, any other point of contact where emergency  
121 telephone calls are routinely answered and dispatched or  
122 transferred to another agency.

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

126 **SECTION 2.** Section 19-5-307, Mississippi Code of 1972, is  
127 amended as follows:

128 19-5-307. (1) When any district is created, the board of  
129 supervisors of the county creating such district may appoint a  
130 board of commissioners composed of seven (7) members to govern its  
131 affairs, and shall fix the domicile of the board at any point  
132 within the district. The members of the board shall be qualified  
133 electors of the district, two (2) of whom shall be appointed for  
134 terms of two (2) years, three (3) for terms of three (3) years,  
135 and two (2) for terms of four (4) years, dating from the date of  
136 the adoption of the ordinance creating the district. Thereafter,



137 all appointments of the members shall be for terms of four (4)  
138 years.

139 (2) The board of commissioners shall have complete and sole  
140 authority to appoint a chairman and any other officers it may deem  
141 necessary from among the membership of the board of commissioners.

142 (3) A majority of the board of commissioners membership  
143 shall constitute a quorum and all official action of the board of  
144 commissioners shall require a quorum.

145 (4) The board of commissioners shall have authority to  
146 employ such employees, experts and consultants as it may deem  
147 necessary to assist the board of commissioners in the discharge of  
148 its responsibilities to the extent that funds are made available.

149 (5) In lieu of appointing a board of commissioners, the  
150 board of supervisors of the county may serve as the board of  
151 commissioners of the district, in which case it shall assume all  
152 the powers and duties of the board of commissioners as provided in  
153 Section 19-5-301 et seq.

154 (6) All emergency communications districts shall purchase,  
155 lease or lease-purchase equipment used to comply with the FCC  
156 Order, as defined in Section 19-5-333, from a products and  
157 equipment list maintained by the Mississippi Department of  
158 Information Technology Services; however, items not available from  
159 the list, or items which may be purchased at a lower price, shall  
160 be purchased in accordance with the Public Purchasing Law (Section  
161 31-7-13).

162 **SECTION 3.** Section 19-5-313, Mississippi Code of 1972, is  
163 reenacted as follows:

164 19-5-313. (1) The board of supervisors may levy an  
165 emergency telephone service charge in an amount not to exceed One  
166 Dollar (\$1.00) per residential telephone subscriber line per month  
167 and Two Dollars (\$2.00) per commercial telephone subscriber line  
168 per month for exchange telephone service. Any emergency telephone  
169 service charge shall have uniform application and shall be imposed



170 throughout the entirety of the district to the greatest extent  
171 possible in conformity with availability of such service in any  
172 area of the district. Those districts which exist on the date of  
173 enactment of Chapter 539, Laws of 1993, shall convert to the  
174 following structure for service charge levy: If the current  
175 charge is five percent (5%) of the basic tariff service rate, the  
176 new collection shall be Eighty Cents (\$.80) per month per  
177 residential subscriber line and One Dollar and Sixty Cents (\$1.60)  
178 per month per commercial subscriber line. The collections may be  
179 adjusted as outlined in Chapter 539, Laws of 1993, and within the  
180 limits set forth herein.

181 (2) If the proceeds generated by the emergency telephone  
182 service charge exceed the amount of monies necessary to fund the  
183 service, the board of supervisors may authorize such excess funds  
184 to be expended by the county and the municipalities in the  
185 counties to perform the duties and pay the costs relating to  
186 identifying roads, highways and streets, as provided by Section  
187 65-7-143. The board of supervisors shall determine how the funds  
188 are to be distributed in the county and among municipalities in  
189 the county for paying the costs relating to identifying roads,  
190 highways and streets. The board of supervisors may temporarily  
191 reduce the service charge rate or temporarily suspend the service  
192 charge if the proceeds generated exceed the amount that is  
193 necessary to fund the service and/or to pay costs relating to  
194 identifying roads, highways and streets. Such excess funds may  
195 also be used in the development of county or district  
196 communications and paging systems when used primarily for the  
197 alerting and dispatching of public safety entities and for other  
198 administrative costs such as management personnel, maintenance  
199 personnel and related building and operational requirements. Such  
200 excess funds may be placed in a depreciation fund for emergency  
201 and obsolescence replacement of equipment necessary for the



202 operation of the overall 911 emergency telephone and alerting  
203 systems.

204 (3) No such service charge shall be imposed upon more than  
205 twenty-five (25) exchange access facilities per person per  
206 location. Trunks or service lines used to supply service to CMRS  
207 providers shall not have a service charge levied against them.  
208 Every billed service user shall be liable for any service charge  
209 imposed under this section until it has been paid to the service  
210 supplier. The duty of the service supplier to collect any such  
211 service charge shall commence upon the date of its implementation,  
212 which shall be specified in the resolution for the installation of  
213 such service. Any such emergency telephone service charge shall  
214 be added to and may be stated separately in the billing by the  
215 service supplier to the service user.

216 (4) The service supplier shall have no obligation to take  
217 any legal action to enforce the collection of any emergency  
218 telephone service charge. However, the service supplier shall  
219 annually provide the board of supervisors and board of  
220 commissioners with a list of the amount uncollected, together with  
221 the names and addresses of those service users who carry a balance  
222 that can be determined by the service supplier to be nonpayment of  
223 such service charge. The service charge shall be collected at the  
224 same time as the tariff rate in accordance with the regular  
225 billing practice of the service supplier. Good faith compliance  
226 by the service supplier with this provision shall constitute a  
227 complete defense to any legal action or claim which may result  
228 from the service supplier's determination of nonpayment and/or the  
229 identification of service users in connection therewith.

230 (5) The amounts collected by the service supplier  
231 attributable to any emergency telephone service charge shall be  
232 due the county treasury monthly. The amount of service charge  
233 collected each month by the service supplier shall be remitted to  
234 the county no later than sixty (60) days after the close of the



235 month. A return, in such form as the board of supervisors and the  
236 service supplier agree upon, shall be filed with the county,  
237 together with a remittance of the amount of service charge  
238 collected payable to the county. The service supplier shall  
239 maintain records of the amount of service charge collected for a  
240 period of at least two (2) years from date of collection. The  
241 board of supervisors and board of commissioners shall receive an  
242 annual audit of the service supplier's books and records with  
243 respect to the collection and remittance of the service charge.  
244 From the gross receipts to be remitted to the county, the service  
245 supplier shall be entitled to retain as an administrative fee, an  
246 amount equal to one percent (1%) thereof. From and after March  
247 10, 1987, the service charge is a county fee and is not subject to  
248 any sales, use, franchise, income, excise or any other tax, fee or  
249 assessment and shall not be considered revenue of the service  
250 supplier for any purpose.

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

255 **SECTION 4.** Section 19-5-331, Mississippi Code of 1972, is  
256 reenacted and amended as follows:

257 19-5-331. As used in Sections 19-5-331 through 19-5-341, the  
258 following words and phrases have the meanings ascribed in this  
259 section unless the context clearly indicates otherwise:

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

263 (b) The term "automatic number identification" or "ANI"  
264 means an enhanced 911 service capability that enables the  
265 automatic display of the ten-digit wireless telephone number used  
266 to place a 911 call and includes "pseudo-automatic number  
267 identification" or "pseudo-ANI," which means an enhanced 911





268 service capability that enables the automatic display of the  
269 number of the cell site and an identification of the CMRS  
270 provider.

271 (c) The term "commercial mobile radio service" or  
272 "CMRS" means commercial mobile radio service under Sections 3(27)  
273 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
274 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
275 1993, Public Law 103-66. The term includes the term "wireless"  
276 and service provided by any wireless real time two-way voice  
277 communication device, including radio-telephone communications  
278 used in cellular telephone service, personal communication  
279 service, or the functional or competitive equivalent of a  
280 radio-telephone communications line used in cellular telephone  
281 service, a personal communication service, specialized mobile  
282 radio service, or a network radio access line. The term does not  
283 include service whose customers do not have access to 911 or to a  
284 911-like service, to a communication channel suitable only for  
285 data transmission, to a wireless roaming service or other nonlocal  
286 radio access line service, or to a private telecommunications  
287 system.

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

291 (e) The term "CMRS connection" \* \* \* means each mobile  
292 handset telephone number assigned to a CMRS customer with a place  
293 of primary use in the State of Mississippi.

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

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



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

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

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

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

317 (l) The term "FCC Order" means Federal Communications  
318 Commission orders, rules and regulations issued with respect to  
319 implementation of Basic 911 or Enhanced 911 and other emergency  
320 communication services.

321 (m) The term "place of primary use" means the street  
322 address representative of where the customer's use of mobile  
323 telecommunications services primarily occurs, which must be either  
324 the residential street address or the primary business street  
325 address of the customer.

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

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



333           **SECTION 5.** Section 19-5-333, Mississippi Code of 1972, is  
334 reenacted and amended as follows:

335           19-5-333. (1) There is created a Commercial Mobile Radio  
336 Service (CMRS) Board, consisting of seven (7) members to be  
337 appointed by the Governor with the advice and consent of the  
338 Senate. The members of the board shall be appointed as follows:

339           (a) One (1) member from the Northern Public Service  
340 Commission District selected from two (2) nominees submitted to  
341 the Governor by the Mississippi 911 Coordinators Association;

342           (b) One (1) member from the Central Public Service  
343 Commission District selected from two (2) nominees submitted to  
344 the Governor by the Mississippi Chapter of the Association of  
345 Public Safety Communication Officers;

346           (c) One (1) member from the Southern Public Service  
347 Commission District selected from two (2) nominees submitted to  
348 the Governor by the National Emergency Numbering Association;

349           (d) Two (2) members who are wireless provider  
350 representatives;

351           (e) One (1) member who is a consumer representing the  
352 state at large with no affiliation to the three (3) trade  
353 associations or the wireless providers; and

354           (f) One (1) member who is a member of the Mississippi  
355 Law Enforcement Officers Association selected from two (2)  
356 nominees submitted to the Governor by the association.

357           The initial terms of the board members, as appointed after  
358 the effective date of House Bill No. 1144, 2002 Regular Session,  
359 shall be staggered as follows: the members appointed under  
360 paragraph (d) shall serve a term of two (2) years; the member  
361 appointed under paragraph (e) shall serve a term of one (1) year.  
362 After the expiration of the initial terms, the term for all  
363 members shall be four (4) years.

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



365 (a) To collect and distribute a CMRS emergency  
366 telephone service charge on each CMRS customer whose place of  
367 primary use is within the state. The rate of such CMRS service  
368 charge shall be One Dollar (\$1.00) per month per CMRS  
369 connection \* \* \*. The CMRS service charge shall have uniform  
370 application and shall be imposed throughout the state. The board  
371 is \* \* \* authorized to receive all revenues derived from the CMRS  
372 service charge levied on CMRS connections in the state and  
373 collected pursuant to Section 19-5-335.

374 (b) To establish and maintain the CMRS Fund as an  
375 insured, interest-bearing account into which the board shall  
376 deposit all revenues derived from the CMRS service charge levied  
377 on CMRS connections in the state and collected pursuant to Section  
378 19-5-335. The revenues which are deposited into the CMRS Fund  
379 shall not be monies or property of the state and shall not be  
380 subject to appropriation by the Legislature. Interest derived  
381 from the CMRS Fund shall be divided equally to pay reasonable  
382 costs incurred by providers in compliance with the requirements of  
383 Sections 19-5-331 through 19-5-341 and to compensate those  
384 persons, parties or firms employed by the CMRS Board as  
385 contemplated in paragraph (d) of this subsection. The interest  
386 income is not subject to the two percent (2%) cap on  
387 administrative spending established in Section 19-5-335(3).

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

391 (i) Out of the funds collected by the board,  
392 thirty percent (30%) shall be deposited into the CMRS Fund, and  
393 shall be used to defray the administrative expenses of the board  
394 in accordance with Section 19-5-335(3) and to pay the actual costs  
395 incurred by such CMRS providers in complying with the wireless  
396 E911 service requirements established by the FCC Order and any  
397 rules and regulations which are or may be adopted by the FCC



398 pursuant to the FCC Order, including, but not limited to, costs  
399 and expenses incurred for designing, upgrading, purchasing,  
400 leasing, programming, installing, testing or maintaining all  
401 necessary data, hardware and software required in order to provide  
402 such service as well as the incremental costs of operating such  
403 service. Sworn invoices must be presented to the board in  
404 connection with any request for payment and approved by a majority  
405 vote of the board prior to any such disbursement, which approval  
406 shall not be withheld or delayed unreasonably. In no event shall  
407 any invoice for payment be approved for the payment of costs that  
408 are not related to compliance with the wireless E911 service  
409 requirements established by the FCC Order and any rules and  
410 regulations which are or may be adopted by the FCC pursuant to the  
411 FCC Order, and any rules and regulations which may be adopted by  
412 the FCC with respect to implementation of wireless E911 services.

413 (ii) The remainder of all funds collected by the  
414 board, which shall not be less than seventy percent (70%) of the  
415 total funds collected by the board, shall be distributed by the  
416 board monthly based on the number of CMRS connections in each ECD  
417 for use in providing wireless E911 service, including capital  
418 improvements, and in their normal operations. For purposes of  
419 distributing the funds to each ECD, every CMRS provider shall  
420 identify to the CMRS Board the ECD to which funds should be  
421 remitted based on zip code plus four (4) designation, as required  
422 by the federal Uniform Sourcing Act.

423 An ECD board that has within its jurisdiction zip code  
424 designations that do not adhere to county lines shall assist CMRS  
425 providers in determining the appropriate county to which funds  
426 should be distributed.

427 (d) To contract for the services of accountants,  
428 attorneys, consultants, engineers and any other persons, firms or  
429 parties the board deems necessary to effectuate the purposes of  
430 Sections 19-5-331 through 19-5-341.



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

440           (f) To retain an independent, third-party accountant  
441 who shall audit CMRS providers at the discretion of the CMRS Board  
442 to verify the accuracy of each CMRS providers' service charge  
443 collection. The information obtained by the audits shall be used  
444 solely for the purpose of verifying that CMRS providers accurately  
445 are collecting and remitting the CMRS service charge and may be  
446 used for any legal action initiated by the board against CMRS  
447 providers.

448           (g) To levy interest charges at the legal rate of  
449 interest established in Section 75-17-1 on any amount due and  
450 outstanding from any CMRS provider who fails to remit service  
451 charges in accordance with Section 19-5-335(1).

452           \* \* \*

453           (h) To promulgate such rules and regulations as may be  
454 necessary to effect the provisions of Sections 19-5-331 through  
455 19-5-341.

456           (i) To make the determinations and disbursements as  
457 provided by Section 19-5-333(2)(c).

458           (j) To maintain a registration database of all CMRS  
459 providers and to impose an administrative fine on any provider  
460 that fails to comply with the registration requirements in Section  
461 19-5-335.

462           (3) The CMRS service charge provided in subsection (2)(a) of  
463 this section \* \* \* and the service charge provided in Section



464 19-5-357 to fund the training of public safety telecommunicators  
465 shall be the only charges assessed to CMRS customers relating to  
466 emergency telephone services.

467 (4) The board shall serve without compensation; \* \* \*  
468 however, \* \* \* members of the board shall be entitled to be  
469 reimbursed for actual expenses and travel costs associated with  
470 their service in an amount not to exceed the reimbursement  
471 authorized for state officers and employees in Section 25-3-41,  
472 Mississippi Code of 1972.

473 **SECTION 6.** Section 19-5-335, Mississippi Code of 1972, is  
474 reenacted and amended as follows:

475 19-5-335. (1) Each CMRS provider shall act as a collection  
476 agent for the CMRS Fund and shall, as part of the provider's  
477 normal monthly billing process, collect the CMRS service charges  
478 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)  
479 from each CMRS connection to whom the billing provider provides  
480 CMRS service and shall, not later than thirty (30) days after the  
481 end of the calendar month in which such CMRS service charges are  
482 collected, remit to the board the net CMRS service charges so  
483 collected after deducting the fee authorized by subsection (2) of  
484 this section. Each billing provider shall list the CMRS service  
485 charge as a separate entry on each bill which includes a CMRS  
486 service charge.

487 (2) Each CMRS provider shall be entitled to deduct and  
488 retain from the CMRS service charges collected by such provider  
489 during each calendar month an amount not to exceed one percent  
490 (1%) of the gross aggregate amount of such CMRS service charges so  
491 collected as reimbursement for the costs incurred by such provider  
492 in collecting, handling and processing such CMRS service charges.

493 (3) The board shall be entitled to retain from the CMRS  
494 service charges collected during each calendar month an amount not  
495 to exceed two percent (2%) of the money allocated to the CMRS Fund  
496 as reimbursement for the costs incurred by the board in



497 administering Sections 19-5-331 through 19-5-341 including, but  
498 not limited to, retaining and paying the independent, third-party  
499 auditor to review and disburse the cost recovery funds and to  
500 prepare the reports contemplated by Sections 19-5-331 through  
501 19-5-341.

502 (4) Each CMRS provider shall register with the CMRS Board  
503 and shall provide the following information upon registration:

504 (a) The company name of the provider;

505 (b) The marketing name of the provider;

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

507 (d) The physical address of the company headquarters

508 and of the main office located in the State of Mississippi; and

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

511 Each CMRS provider shall notify the board of any change in the  
512 information prescribed in paragraphs (a) through (e). The board  
513 may suspend the disbursement of cost recovery funds to, and may  
514 impose an administrative fine in an amount not to exceed Ten  
515 Thousand Dollars (\$10,000.00) on any provider which fails to  
516 comply with the provisions of this subsection.

517 **SECTION 7.** Section 19-5-337, Mississippi Code of 1972, is  
518 reenacted as follows:

519 19-5-337. All technical proprietary information submitted to  
520 the board or to the independent, third-party auditor as provided  
521 by Section 19-5-333(2)(d) shall be retained by the board and such  
522 auditor in confidence and shall be subject to review only by the  
523 board. Further, notwithstanding any other provision of the law,  
524 no technical proprietary information so submitted shall be subject  
525 to subpoena or otherwise released to any person other than to the  
526 submitting CMRS provider, the board and the aforesaid independent,  
527 third-party auditor without the express permission of the  
528 administrator and the submitting CMRS provider. General  
529 information collected by the aforesaid independent, third-party





530 auditor shall only be released or published in aggregate amounts  
531 which do not identify or allow identification of numbers of  
532 subscribers of revenues attributable to an individual CMRS  
533 provider.

534 **SECTION 8.** Section 19-5-339, Mississippi Code of 1972, is  
535 reenacted as follows:

536 19-5-339. In accordance with the Federal Communication  
537 Commission Order, no CMRS provider shall be required to provide  
538 wireless enhanced 911 service until such time as (a) the provider  
539 receives a request for such service from the administrator of a  
540 Public Safety Answering Point (PSAP) that is capable of receiving  
541 and utilizing the data elements associated with the service; (b)  
542 funds are available pursuant to Section 19-5-333; and (c) the  
543 local exchange carrier is able to support the wireless enhanced  
544 911 system.

545 **SECTION 9.** Section 19-5-341, Mississippi Code of 1972, is  
546 reenacted as follows:

547 19-5-341. Wireless emergency telephone service shall not be  
548 used for personal use and shall be used solely for the use of  
549 communications by the public. Any person who knowingly uses or  
550 attempts to use wireless emergency telephone service for a purpose  
551 other than obtaining public safety assistance, or who knowingly  
552 uses or attempts to use wireless emergency telephone service in an  
553 effort to avoid any CMRS charges, is guilty of a misdemeanor and  
554 shall be subject to a fine of not more than Five Hundred Dollars  
555 (\$500.00) or imprisonment of not more than thirty (30) days in the  
556 county jail, or both such fine and imprisonment. If the value of  
557 the CMRS charge or service obtained in a manner prohibited by this  
558 section exceeds One Hundred Dollars (\$100.00), the offense may be  
559 prosecuted as a felony and punishable by a fine of not more than  
560 Five Thousand Dollars (\$5,000.00) and imprisonment of not more  
561 than three (3) years, or both such fine and imprisonment.



562           **SECTION 10.** Section 19-5-359, Mississippi Code of 1972, is  
563 reenacted as follows:

564           19-5-359. (1) Any service supplier operating within the  
565 State of Mississippi shall be required to provide access to the  
566 locally designated PSAP by dialing the three (3) digits "911" from  
567 any telephone subscriber line within such service area. Where  
568 technically available, each service supplier shall, at a county's  
569 request, provide "Enhanced 911" services. Where this capability  
570 does not technically exist, "Basic 911" shall be available as a  
571 minimum.

572           (2) From and after December 31, 1993, any person,  
573 corporation or entity operating a "shared tenant service" type of  
574 telephone system shall be required to provide as a minimum the  
575 location and telephone number information for each and every  
576 extension or user on such "shared tenant" system to the regulated  
577 local exchange telephone service provider where the service  
578 provider can utilize such information in the delivery of "Enhanced  
579 911" emergency telephone service. This information shall consist  
580 of data in a format that is compatible with the service supplier's  
581 requirements in order to provide such location and telephone  
582 number information automatically in the event a call to 911 is  
583 placed from such a system. It shall be the responsibility of the  
584 operator or provider of "STS" telephone services to maintain the  
585 data pertaining to each extension operating on such system.

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

592           (4) Any service suppliers engaged in the offering or  
593 operating of "Centrex" or "ESSX" telephone service within the  
594 State of Mississippi shall cause the actual location of all



595 extensions operating in this service to be displayed at the PSAP  
596 whenever a 911 call is placed from said extension. This feature  
597 shall not be required in areas where Enhanced 911 is not in  
598 operation but shall be required should such area upgrade to  
599 Enhanced 911 service.

600 (5) Any local exchange telephone service suppliers offering  
601 "quick-serve" or "soft" dial tone shall provide address location  
602 information to the PSAP operating in the area where the  
603 "quick-serve" or "soft" dial tone is in operation so that the PSAP  
604 may have this address information displayed should a call to 911  
605 be placed from such location. It shall be the responsibility of  
606 the service supplier to determine in which emergency service  
607 number area the "quick-serve" or "soft" dial tone is located.

608 (6) Any service suppliers operating within the State of  
609 Mississippi and providing Enhanced 911 telephone service shall  
610 have a reasonable time period, not to exceed five (5) years, to  
611 comply with data and operational standards as they are set forth  
612 by the National Emergency Number Association. This time period  
613 shall apply to data format, equipment supplied for PSAP use and  
614 for the length of time required for data updates relating to  
615 service user address information, emergency service number updates  
616 and other data updates as may be required.

617 **SECTION 11.** Section 19-5-361, Mississippi Code of 1972, is  
618 reenacted as follows:

619 19-5-361. Any Emergency 911 telephone service supplier and  
620 Emergency 911 CMRS provider operating within the State of  
621 Mississippi, its employees, directors, officers, agents and  
622 subcontractors, shall be entitled to receive the limitations of  
623 liability as provided to the state, or any agency or local  
624 government of the state, pursuant to Section 11-46-15, Mississippi  
625 Code of 1972.



626           **SECTION 12.** Section 12, Chapter 536, Laws of 1993, as  
627 amended by Section 12, Chapter 531, Laws of 1998, as amended by  
628 Chapter 569, Laws of 2001, is amended as follows:

629           Section 12. This act shall stand repealed from and after  
630 July 1, 2004.

631           **SECTION 13.** This act shall take effect and be in force from  
632 and after July 1, 2002.

