

By: Senator(s) Canon, Dearing, Chaney, Hewes To: Public Utilities;
Appropriations

SENATE BILL NO. 2980

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 19-5-307, MISSISSIPPI CODE OF 1972, TO
9 PROVIDE THAT ALL EMERGENCY COMMUNICATIONS DISTRICTS SHALL
10 PURCHASE, LEASE OR LEASE-PURCHASE EQUIPMENT USED TO COMPLY WITH
11 FEDERAL EMERGENCY 911 LAWS FROM A PRODUCTS AND EQUIPMENT LIST TO
12 BE MAINTAINED BY THE MISSISSIPPI DEPARTMENT OF INFORMATION
13 TECHNOLOGY SERVICES; TO CODIFY SECTION 19-5-308, MISSISSIPPI CODE
14 OF 1972, TO AUTHORIZE EMERGENCY COMMUNICATIONS DISTRICTS TO ENTER
15 INTO AGREEMENTS WITH OTHER EMERGENCY COMMUNICATIONS DISTRICTS
16 PURSUANT OT THE STATEWIDE, WIRELESS E911 PLAN DEVELOPED BY THE
17 CMRS BOARD; TO AMEND REENACTED SECTION 19-5-331, MISSISSIPPI CODE
18 OF 1972, TO REVISE THE DEFINITION OF THE TERM "FCC ORDER"; TO
19 AMEND REENACTED SECTION 19-5-333, MISSISSIPPI CODE OF 1972, TO
20 REVISE THE COMPOSITION OF THE COMMERCIAL MOBILE RADIO SERVICE
21 (CMRS) BOARD AND TO REVISE THEIR POWERS AND DUTIES; TO AMEND
22 SECTION 12, CHAPTER 536, LAWS OF 1993, AS AMENDED BY SECTION 12,
23 CHAPTER 531, LAWS OF 1998, AS AMENDED BY SECTION 11, LAWS OF 2001,
24 TO EXTEND THE REPEALER ON WIRELESS EMERGENCY TELEPHONE SERVICE;
25 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 equipment
157 list to be maintained by the Mississippi Department of Information
158 Technology Services.

159 **SECTION 3.** The following provision shall be codified as
160 Section 19-5-308, Mississippi Code of 1972:

161 19-5-308. To facilitate implementation of a statewide,
162 wireless Enhanced 911 system, emergency communications districts
163 created pursuant to Section 19-5-301 or by local and private act
164 are authorized, upon approval by their governing board of
165 commissioners, to enter into agreements with other emergency
166 communications districts pursuant to the statewide, wireless E911
167 plan developed and administered by the Commercial Mobile Radio
168 Service Board as described in Section 19-5-333(2) and subject to
169 the Interlocal Cooperation Act of 1974, Sections 17-13-1 et seq.



170 **SECTION 4.** Section 19-5-313, Mississippi Code of 1972, is
171 reenacted as follows:

172 19-5-313. (1) The board of supervisors may levy an
173 emergency telephone service charge in an amount not to exceed One
174 Dollar (\$1.00) per residential telephone subscriber line per month
175 and Two Dollars (\$2.00) per commercial telephone subscriber line
176 per month for exchange telephone service. Any emergency telephone
177 service charge shall have uniform application and shall be imposed
178 throughout the entirety of the district to the greatest extent
179 possible in conformity with availability of such service in any
180 area of the district. Those districts which exist on the date of
181 enactment of Chapter 539, Laws of 1993, shall convert to the
182 following structure for service charge levy: If the current
183 charge is five percent (5%) of the basic tariff service rate, the
184 new collection shall be Eighty Cents (\$.80) per month per
185 residential subscriber line and One Dollar and Sixty Cents (\$1.60)
186 per month per commercial subscriber line. The collections may be
187 adjusted as outlined in Chapter 539, Laws of 1993, and within the
188 limits set forth herein.

189 (2) If the proceeds generated by the emergency telephone
190 service charge exceed the amount of monies necessary to fund the
191 service, the board of supervisors may authorize such excess funds
192 to be expended by the county and the municipalities in the
193 counties to perform the duties and pay the costs relating to
194 identifying roads, highways and streets, as provided by Section
195 65-7-143. The board of supervisors shall determine how the funds
196 are to be distributed in the county and among municipalities in
197 the county for paying the costs relating to identifying roads,
198 highways and streets. The board of supervisors may temporarily
199 reduce the service charge rate or temporarily suspend the service
200 charge if the proceeds generated exceed the amount that is
201 necessary to fund the service and/or to pay costs relating to
202 identifying roads, highways and streets. Such excess funds may



203 also be used in the development of county or district
204 communications and paging systems when used primarily for the
205 alerting and dispatching of public safety entities and for other
206 administrative costs such as management personnel, maintenance
207 personnel and related building and operational requirements. Such
208 excess funds may be placed in a depreciation fund for emergency
209 and obsolescence replacement of equipment necessary for the
210 operation of the overall 911 emergency telephone and alerting
211 systems.

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

224 (4) The service supplier shall have no obligation to take
225 any legal action to enforce the collection of any emergency
226 telephone service charge. However, the service supplier shall
227 annually provide the board of supervisors and board of
228 commissioners with a list of the amount uncollected, together with
229 the names and addresses of those service users who carry a balance
230 that can be determined by the service supplier to be nonpayment of
231 such service charge. The service charge shall be collected at the
232 same time as the tariff rate in accordance with the regular
233 billing practice of the service supplier. Good faith compliance
234 by the service supplier with this provision shall constitute a
235 complete defense to any legal action or claim which may result



236 from the service supplier's determination of nonpayment and/or the
237 identification of service users in connection therewith.

238 (5) The amounts collected by the service supplier
239 attributable to any emergency telephone service charge shall be
240 due the county treasury monthly. The amount of service charge
241 collected each month by the service supplier shall be remitted to
242 the county no later than sixty (60) days after the close of the
243 month. A return, in such form as the board of supervisors and the
244 service supplier agree upon, shall be filed with the county,
245 together with a remittance of the amount of service charge
246 collected payable to the county. The service supplier shall
247 maintain records of the amount of service charge collected for a
248 period of at least two (2) years from date of collection. The
249 board of supervisors and board of commissioners shall receive an
250 annual audit of the service supplier's books and records with
251 respect to the collection and remittance of the service charge.
252 From the gross receipts to be remitted to the county, the service
253 supplier shall be entitled to retain as an administrative fee, an
254 amount equal to one percent (1%) thereof. From and after March
255 10, 1987, the service charge is a county fee and is not subject to
256 any sales, use, franchise, income, excise or any other tax, fee or
257 assessment and shall not be considered revenue of the service
258 supplier for any purpose.

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

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

265 19-5-331. As used in Sections 19-5-331 through 19-5-341,
266 unless the context clearly indicates otherwise:



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

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

278 (c) The term "commercial mobile radio service" or
279 "CMRS" means commercial mobile radio service under Sections 3(27)
280 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
281 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
282 1993, Public Law 103-66. The term includes the term "wireless"
283 and service provided by any wireless real time two-way voice
284 communication device, including radio-telephone communications
285 used in cellular telephone service, personal communication
286 service, or the functional or competitive equivalent of a
287 radio-telephone communications line used in cellular telephone
288 service, a personal communication service, specialized mobile
289 radio service, or a network radio access line. The term does not
290 include service whose customers do not have access to 911 or to a
291 911-like service, to a communication channel suitable only for
292 data transmission, to a wireless roaming service or other nonlocal
293 radio access line service, or to a private telecommunications
294 system.

295 (d) The term "commercial mobile radio service provider"
296 or "CMRS provider" or the plural thereof, as the context requires,
297 means a person or entity who provides commercial mobile radio
298 service or CMRS service.



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

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

306 (g) The term "CMRS service charge" or the plural
307 thereof, as the context requires, means the CMRS emergency
308 telephone service charge levied and maintained pursuant to Section
309 19-5-333 and collected pursuant to Section 19-5-335.

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

314 (i) The term "ECD" means an emergency communications
315 district created pursuant to Section 19-5-301 et seq., Mississippi
316 Code of 1972, or by local and private act of the State of
317 Mississippi.

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

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

329 (l) The term "FCC Order" means any Federal
330 Communications Commission orders, rules and regulations issued



331 with respect to implementation of Basic 911 or Enhanced 911 and
332 other emergency communication services.

333 (m) The term "service address" means the location
334 address if the location address is known and accessible; however,
335 if the location address is not known and accessible, the term
336 shall mean the billing address.

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

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

345 **SECTION 6.** Section 19-5-333, Mississippi Code of 1972, is
346 reenacted and amended as follows:

347 19-5-333. (1) There is created a Commercial Mobile Radio
348 Service (CMRS) Board, consisting of seven (7) members. The
349 Governor shall appoint six (6) members of the board, subject to
350 the advice and consent of the Senate. The Executive Director of
351 the Mississippi Department of Information Technology Services
352 shall serve as the seventh member with all privileges pertaining
353 to board membership. The appointed members of the board shall
354 be * * * as follows:

355 (a) Two (2) members selected from six (6) nominees
356 submitted to the Governor by the Mississippi 911 Coordinators
357 Association; * * *

358 (b) Two (2) members selected from six (6) nominees
359 submitted to the Governor by the Mississippi Association of CMRS
360 Providers;

361 (c) One (1) member who is a member of the Mississippi
362 Chapter of the National Emergency Numbering Association or the



363 Mississippi Chapter of the American Association of Public Safety
364 Communication Officers; and

365 (d) One (1) member who is a consumer representing the
366 state at large.

367 The initial terms of the board members, as appointed after
368 the effective date of Senate Bill No. 2980, 2002 Regular Session,
369 shall be staggered as follows: the members appointed under
370 paragraph (a) shall serve a term of two (2) years; the member
371 appointed under paragraph (b) * * * shall serve a term of two (2)
372 years; the members appointed under paragraphs (c) and (d) * * *
373 shall serve a term of one (1) year * * *. After the expiration of
374 the initial terms, the term for all members shall be four (4)
375 years.

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

377 (a) To collect and distribute a CMRS emergency
378 telephone service charge on each CMRS customer that has a billing
379 address within the state. The rate of such CMRS service charge
380 shall be One Dollar (\$1.00) per month per CMRS connection
381 beginning on April 8, 1998. The CMRS service charge shall have
382 uniform application and shall be imposed throughout the state.
383 The board is hereby authorized to receive all revenues derived
384 from the CMRS service charge levied on CMRS connections in the
385 state and collected pursuant to Section 19-5-335.

386 (b) To establish and maintain the CMRS Fund as an
387 insured, interest-bearing account into which the board shall
388 deposit all revenues derived from the CMRS service charge levied
389 on CMRS connections in the state and collected pursuant to Section
390 19-5-335. The revenues which are deposited into the CMRS Fund
391 shall not be monies or property of the state and shall not be
392 subject to appropriation by the Legislature. Interest derived
393 from the CMRS Fund shall be divided equally to pay reasonable
394 costs incurred by providers in compliance with the requirements of
395 Section 19-5-331 through 19-5-341 and to employ those persons,



396 parties or firms by the CMRS Board as contemplated in paragraph
397 (e) of this subsection. The interest income shall not be subject
398 to the two percent (2%) cap on administrative spending established
399 in Section 19-5-335(3).

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

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

425 (ii) The remainder of all funds collected by the
426 board, which shall not be less than seventy percent (70%) of the
427 total funds collected by the board, shall be distributed by the
428 board monthly based on the number of CMRS connections in each ECD



429 for use in providing wireless E911 service, including capital
430 improvements, and in their normal operations.

431 (d) To develop and administer a statewide wireless E911
432 plan sufficient to effect implementation of any FCC Order with
433 respect to implementation of wireless E911 emergency services and
434 communications.

435 (e) To contract for the services of accountants,
436 attorneys, consultants, engineers and any other persons, firms or
437 parties the board deems necessary to effect the purposes of
438 Sections 19-5-331 through 19-5-341.

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

448 (g) To retain an independent, third-party accountant
449 who shall audit CMRS providers once every twenty-four (24) months
450 to verify the accuracy of each CMRS providers' service charge
451 collection. The information obtained by the audits shall be used
452 solely for the purpose of verifying that CMRS providers are
453 accurately collecting and remitting the CMRS service charge and
454 may be used for any legal action initiated by the board against
455 CMRS providers.

456 (h) To levy interest charges at the legal rate of
457 interest established in Section 75-17-1 on any amount due and
458 outstanding from any CMRS provider who fails to remit service
459 charges in accordance with Section 19-5-335(1).

460 (i) To review, evaluate and approve or disapprove the
461 plans or plan modifications that are submitted to the board for



462 complying with the wireless E911 service requirements established
463 by the FCC order and by any rules or regulations which are adopted
464 by the Federal Communications Commission.

465 (j) To develop standards to be followed by the board in
466 reviewing, evaluating, approving or disapproving the plans or plan
467 modifications that are submitted by CMRS providers to the board.

468 * * *

469 (k) To promulgate such rules and regulations as may be
470 necessary to effect the provisions of Sections 19-5-331 through
471 19-5-341.

472 (l) To make the determinations and disbursements as
473 provided by Section 19-5-333(2)(c).

474 (3) The CMRS service charge provided in Section
475 19-5-333(2)(a) and the service charge provided in Section 19-5-357
476 to fund the training of public safety telecommunicators shall be
477 the only charges assessed to CMRS customers relating to emergency
478 telephone services.

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

485 **SECTION 7.** Section 19-5-335, Mississippi Code of 1972, is
486 reenacted as follows:

487 19-5-335. (1) Each CMRS provider shall act as a collection
488 agent for the CMRS Fund and shall, as part of the provider's
489 normal monthly billing process, collect the CMRS service charges
490 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)
491 from each CMRS connection to whom the billing provider provides
492 CMRS service and shall, not later than thirty (30) days after the
493 end of the calendar month in which such CMRS service charges are
494 collected, remit to the board the net CMRS service charges so



495 collected after deducting the fee authorized by subsection (2) of
496 this section. Each billing provider shall list the CMRS service
497 charge as a separate entry on each bill which includes a CMRS
498 service charge.

499 (2) Each CMRS provider shall be entitled to deduct and
500 retain from the CMRS service charges collected by such provider
501 during each calendar month an amount not to exceed one percent
502 (1%) of the gross aggregate amount of such CMRS service charges so
503 collected as reimbursement for the costs incurred by such provider
504 in collecting, handling and processing such CMRS service charges.

505 (3) The board shall be entitled to retain from the CMRS
506 service charges collected during each calendar month an amount not
507 to exceed two percent (2%) of the money allocated to the CMRS Fund
508 as reimbursement for the costs incurred by the board in
509 administering Sections 19-5-331 through 19-5-341 including, but
510 not limited to, retaining and paying the independent, third-party
511 auditor to review and disburse the cost recovery funds and to
512 prepare the reports contemplated by Sections 19-5-331 through
513 19-5-341.

514 **SECTION 8.** Section 19-5-337, Mississippi Code of 1972, is
515 reenacted as follows:

516 19-5-337. All technical proprietary information submitted to
517 the board or to the independent, third-party auditor as provided
518 by Section 19-5-333(2)(d) shall be retained by the board and such
519 auditor in confidence and shall be subject to review only by the
520 board. Further, notwithstanding any other provision of the law,
521 no technical proprietary information so submitted shall be subject
522 to subpoena or otherwise released to any person other than to the
523 submitting CMRS provider, the board and the aforesaid independent,
524 third-party auditor without the express permission of the
525 administrator and the submitting CMRS provider. General
526 information collected by the aforesaid independent, third-party
527 auditor shall only be released or published in aggregate amounts



528 which do not identify or allow identification of numbers of
529 subscribers of revenues attributable to an individual CMRS
530 provider.

531 **SECTION 9.** Section 19-5-339, Mississippi Code of 1972, is
532 reenacted as follows:

533 19-5-339. In accordance with the Federal Communication
534 Commission Order, no CMRS provider shall be required to provide
535 wireless enhanced 911 service until such time as (a) the provider
536 receives a request for such service from the administrator of a
537 Public Safety Answering Point (PSAP) that is capable of receiving
538 and utilizing the data elements associated with the service; (b)
539 funds are available pursuant to Section 19-5-333; and (c) the
540 local exchange carrier is able to support the wireless enhanced
541 911 system.

542 **SECTION 10.** Section 19-5-341, Mississippi Code of 1972, is
543 reenacted as follows:

544 19-5-341. Wireless emergency telephone service shall not be
545 used for personal use and shall be used solely for the use of
546 communications by the public. Any person who knowingly uses or
547 attempts to use wireless emergency telephone service for a purpose
548 other than obtaining public safety assistance, or who knowingly
549 uses or attempts to use wireless emergency telephone service in an
550 effort to avoid any CMRS charges, is guilty of a misdemeanor and
551 shall be subject to a fine of not more than Five Hundred Dollars
552 (\$500.00) or imprisonment of not more than thirty (30) days in the
553 county jail, or both such fine and imprisonment. If the value of
554 the CMRS charge or service obtained in a manner prohibited by this
555 section exceeds One Hundred Dollars (\$100.00), the offense may be
556 prosecuted as a felony and punishable by a fine of not more than
557 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
558 than three (3) years, or both such fine and imprisonment.

559 **SECTION 11.** Section 19-5-359, Mississippi Code of 1972, is
560 reenacted as follows:



561 19-5-359. (1) Any service supplier operating within the
562 State of Mississippi shall be required to provide access to the
563 locally designated PSAP by dialing the three (3) digits "911" from
564 any telephone subscriber line within such service area. Where
565 technically available, each service supplier shall, at a county's
566 request, provide "Enhanced 911" services. Where this capability
567 does not technically exist, "Basic 911" shall be available as a
568 minimum.

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

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

589 (4) Any service suppliers engaged in the offering or
590 operating of "Centrex" or "ESSX" telephone service within the
591 State of Mississippi shall cause the actual location of all
592 extensions operating in this service to be displayed at the PSAP
593 whenever a 911 call is placed from said extension. This feature



594 shall not be required in areas where Enhanced 911 is not in
595 operation but shall be required should such area upgrade to
596 Enhanced 911 service.

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

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

614 **SECTION 12.** Section 19-5-361, Mississippi Code of 1972, is
615 reenacted as follows:

616 19-5-361. Any Emergency 911 telephone service supplier and
617 Emergency 911 CMRS provider operating within the State of
618 Mississippi, its employees, directors, officers, agents and
619 subcontractors, shall be entitled to receive the limitations of
620 liability as provided to the state, or any agency or local
621 government of the state, pursuant to Section 11-46-15, Mississippi
622 Code of 1972.

623 **SECTION 13.** Section 12, Chapter 536, Laws of 1993, as
624 amended by Section 12, Chapter 531, Laws of 1998, as amended by
625 Chapter 569, Laws of 2001, is amended as follows:



626 Section 12. This act shall stand repealed from and after
627 July 1, 2004.

628 **SECTION 14.** This act shall take effect and be in force from
629 and after July 1, 2002.

