

By: Senator(s) Robertson

To: Public Utilities

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3040

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 AMEND REENACTED SECTION 19-5-331,  
14 MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM  
15 "FCC ORDER"; TO AMEND REENACTED SECTION 19-5-333, MISSISSIPPI CODE  
16 OF 1972, TO REVISE THE COMPOSITION OF THE COMMERCIAL MOBILE RADIO  
17 SERVICE (CMRS) BOARD AND TO REVISE THEIR POWERS AND DUTIES; TO  
18 AMEND REENACTED SECTION 19-5-335, MISSISSIPPI CODE OF 1972, TO  
19 REQUIRE REGISTRATION OF CMRS PROVIDERS AND TO AUTHORIZE THE CMRS  
20 BOARD TO IMPOSE AN ADMINISTRATIVE FINE FOR FAILING TO REGISTER; TO  
21 AMEND SECTION 12, CHAPTER 536, LAWS OF 1993, AS AMENDED BY SECTION  
22 12, CHAPTER 531, LAWS OF 1998, AS AMENDED BY SECTION 11, LAWS OF  
23 2001, TO EXTEND THE REPEALER ON WIRELESS EMERGENCY TELEPHONE  
24 SERVICE; AND FOR RELATED PURPOSES.

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

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

28 19-5-303. For purposes of Sections 19-5-301 through  
29 19-5-317, the following words and terms shall have the following  
30 meanings, unless the context clearly indicates otherwise:

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

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



39 facilities, exclusive of all taxes, fees, licenses or similar  
40 charges whatsoever.

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

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

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

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

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

66 (h) "Shared tenant services (STS)" 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 levied. Such services shall include, but not be limited  
70 to, apartment building systems, hospital systems, office building  
71 systems and other systems where dial tone is derived from



72 connection of tariffed telephone trunks or lines connected to a  
73 private branch exchange telephone system.

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

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

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

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



105 wireless roaming service or other nonlocal radio access line  
106 service, or to a private telecommunications system.

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

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

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

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

127 19-5-307. (1) When any district is created, the board of  
128 supervisors of the county creating such district may appoint a  
129 board of commissioners composed of seven (7) members to govern its  
130 affairs, and shall fix the domicile of the board at any point  
131 within the district. The members of the board shall be qualified  
132 electors of the district, two (2) of whom shall be appointed for  
133 terms of two (2) years, three (3) for terms of three (3) years,  
134 and two (2) for terms of four (4) years, dating from the date of  
135 the adoption of the ordinance creating the district. Thereafter,  
136 all appointments of the members shall be for terms of four (4)  
137 years.



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

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

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

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

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

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

163           19-5-313. (1) The board of supervisors may levy an  
164 emergency telephone service charge in an amount not to exceed One  
165 Dollar (\$1.00) per residential telephone subscriber line per month  
166 and Two Dollars (\$2.00) per commercial telephone subscriber line  
167 per month for exchange telephone service. Any emergency telephone  
168 service charge shall have uniform application and shall be imposed  
169 throughout the entirety of the district to the greatest extent  
170 possible in conformity with availability of such service in any



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

180 (2) If the proceeds generated by the emergency telephone  
181 service charge exceed the amount of monies necessary to fund the  
182 service, the board of supervisors may authorize such excess funds  
183 to be expended by the county and the municipalities in the  
184 counties to perform the duties and pay the costs relating to  
185 identifying roads, highways and streets, as provided by Section  
186 65-7-143. The board of supervisors shall determine how the funds  
187 are to be distributed in the county and among municipalities in  
188 the county for paying the costs relating to identifying roads,  
189 highways and streets. The board of supervisors may temporarily  
190 reduce the service charge rate or temporarily suspend the service  
191 charge if the proceeds generated exceed the amount that is  
192 necessary to fund the service and/or to pay costs relating to  
193 identifying roads, highways and streets. Such excess funds may  
194 also be used in the development of county or district  
195 communications and paging systems when used primarily for the  
196 alerting and dispatching of public safety entities and for other  
197 administrative costs such as management personnel, maintenance  
198 personnel and related building and operational requirements. Such  
199 excess funds may be placed in a depreciation fund for emergency  
200 and obsolescence replacement of equipment necessary for the  
201 operation of the overall 911 emergency telephone and alerting  
202 systems.



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

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

229           (5) The amounts collected by the service supplier  
230 attributable to any emergency telephone service charge shall be  
231 due the county treasury monthly. The amount of service charge  
232 collected each month by the service supplier shall be remitted to  
233 the county no later than sixty (60) days after the close of the  
234 month. A return, in such form as the board of supervisors and the  
235 service supplier agree upon, shall be filed with the county,



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

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

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

256 19-5-331. As used in Sections 19-5-331 through 19-5-341,  
257 unless the context clearly indicates otherwise:

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

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





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

286 (d) The term "commercial mobile radio service provider"  
287 or "CMRS provider" or the plural thereof, as the context requires,  
288 means a person or entity who provides commercial mobile radio  
289 service or CMRS service.

290 (e) The term "CMRS connection" or the plural thereof,  
291 as the context requires, means each mobile handset telephone  
292 number assigned to a CMRS customer with a service address in the  
293 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" or the plural  
298 thereof, as the context requires, means the CMRS emergency  
299 telephone service charge levied and maintained pursuant to Section  
300 19-5-333 and collected pursuant to Section 19-5-335.



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

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

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

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

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

324 (m) The term "service address" means the place of  
325 primary use which is the street address representative of where  
326 the customer's use of mobile telecommunication services primarily  
327 occurs, which must be either the residential street address or the  
328 primary business street address of the customer; however, if the  
329 place of primary use is not known and accessible, the term shall  
330 mean the billing address.

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



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

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

341 19-5-333. (1) There is created a Commercial Mobile Radio  
342 Service (CMRS) Board, consisting of eight (8) members. The  
343 Governor shall appoint seven (7) members of the board subject to  
344 the advice and consent of the Senate. The Executive Director of  
345 the Department of Information Technology Services shall serve as  
346 an ex officio nonvoting member. The appointed members of the  
347 board shall be \* \* \* as follows:

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

351 (b) One (1) member from the Central Public Service  
352 Commission District selected from two (2) nominees submitted to  
353 the Governor by the Mississippi Chapter of the American  
354 Association of Public Safety Communication Officers;

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

358 (d) Two (2) members who are wireless provider  
359 representatives; and

360 (e) One (1) member who is a consumer representing the  
361 state at large with no affiliation to the three (3) trade  
362 associations or the wireless providers.

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



366           The initial terms of the board members, as appointed after  
367 the effective date of Senate Bill No. 3040, 2002 Regular Session,  
368 shall be staggered as follows: the members appointed under  
369 paragraph (d) shall serve a term of two (2) years; the member  
370 appointed under paragraph (e) \* \* \* shall serve a term of one (1)  
371 year \* \* \*. After the expiration of the initial terms, the term  
372 for all members shall be four (4) years.

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

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

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



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

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

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

428 (d) To contract for the services of accountants,  
429 attorneys, consultants, engineers and any other persons, firms or



430 parties the board deems necessary to effect the purposes of  
431 Sections 19-5-331 through 19-5-341.

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

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

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

453 \* \* \*

454 (h) To promulgate such rules and regulations as may be  
455 necessary to effect the provisions of Sections 19-5-331 through  
456 19-5-341.

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

459 (j) To maintain a registration database of all CMRS  
460 providers and to impose an administrative fine on any provider  
461 that fails to comply with the registration requirements in Section  
462 19-5-335.



463           (3) The CMRS service charge provided in Section  
464 19-5-333(2)(a) and the service charge provided in Section 19-5-357  
465 to fund the training of public safety telecommunicators shall be  
466 the only charges assessed to CMRS customers relating to emergency  
467 telephone services.

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

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

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

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

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



496 to exceed two percent (2%) of the money allocated to the CMRS Fund  
497 as reimbursement for the costs incurred by the board in  
498 administering Sections 19-5-331 through 19-5-341 including, but  
499 not limited to, retaining and paying the independent, third-party  
500 auditor to review and disburse the cost recovery funds and to  
501 prepare the reports contemplated by Sections 19-5-331 through  
502 19-5-341.

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

505 (a) The company name of the provider;

506 (b) The marketing name of the provider;

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

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

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

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

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

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





529 administrator and the submitting CMRS provider. General  
530 information collected by the aforesaid independent, third-party  
531 auditor shall only be released or published in aggregate amounts  
532 which do not identify or allow identification of numbers of  
533 subscribers of revenues attributable to an individual CMRS  
534 provider.

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

537 19-5-339. In accordance with the Federal Communication  
538 Commission Order, no CMRS provider shall be required to provide  
539 wireless enhanced 911 service until such time as (a) the provider  
540 receives a request for such service from the administrator of a  
541 Public Safety Answering Point (PSAP) that is capable of receiving  
542 and utilizing the data elements associated with the service; (b)  
543 funds are available pursuant to Section 19-5-333; and (c) the  
544 local exchange carrier is able to support the wireless enhanced  
545 911 system.

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

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



561 Five Thousand Dollars (\$5,000.00) and imprisonment of not more  
562 than three (3) years, or both such fine and imprisonment.

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

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

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

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



593 (4) Any service suppliers engaged in the offering or  
594 operating of "Centrex" or "ESSX" telephone service within the  
595 State of Mississippi shall cause the actual location of all  
596 extensions operating in this service to be displayed at the PSAP  
597 whenever a 911 call is placed from said extension. This feature  
598 shall not be required in areas where Enhanced 911 is not in  
599 operation but shall be required should such area upgrade to  
600 Enhanced 911 service.

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

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

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

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



625 government of the state, pursuant to Section 11-46-15, Mississippi  
626 Code of 1972.

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

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

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

