

By: Representative Reynolds

To: Public Utilities

HOUSE BILL NO. 1355

1 AN ACT TO AMEND SECTION 19-5-333, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE SUPPLIERS OF EXCHANGE TELEPHONE SERVICES TO FURNISH TO
3 THE COMMERCIAL MOBILE RADIO SERVICE EMERGENCY TELEPHONE SERVICES
4 BOARD INFORMATION IDENTIFYING THE COUNTY OF PRIMARY USE FOR EACH
5 COMMERCIAL MOBILE RADIO SERVICE EMERGENCY TELEPHONE SERVICES BOARD
6 CUSTOMER; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-5-333, Mississippi Code of 1972, is
9 amended as follows:

10 19-5-333. (1) There is created a Commercial Mobile Radio
11 Service (CMRS) Board, consisting of seven (7) members to be
12 appointed by the Governor with the advice and consent of the
13 Senate. The members of the board shall be appointed as follows:

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

17 (b) One (1) member from the Central Public Service
18 Commission District selected from two (2) nominees submitted to
19 the Governor by the Mississippi Chapter of the Association of
20 Public Safety Communication Officers;

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

24 (d) Two (2) members who are wireless provider
25 representatives;

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

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

32 The initial terms of the board members, as appointed after
33 July 1, 2002, shall be staggered as follows: the members
34 appointed under paragraph (d) shall serve a term of two (2) years;
35 the member appointed under paragraph (e) shall serve a term of one
36 (1) year. After the expiration of the initial terms, the term for
37 all members shall be four (4) years.

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

39 (a) To collect and distribute a CMRS emergency
40 telephone service charge on each CMRS customer whose place of
41 primary use is within the state. The rate of such CMRS service
42 charge shall be One Dollar (\$1.00) per month per CMRS connection.
43 The CMRS service charge shall have uniform application and shall
44 be imposed throughout the state. The board is authorized to
45 receive all revenues derived from the CMRS service charge levied
46 on CMRS connections in the state and collected pursuant to Section
47 19-5-335.

48 (b) To establish and maintain the CMRS Fund as an
49 insured, interest-bearing account into which the board shall
50 deposit all revenues derived from the CMRS service charge levied
51 on CMRS connections in the state and collected pursuant to Section
52 19-5-335. The revenues which are deposited into the CMRS Fund
53 shall not be monies or property of the state and shall not be
54 subject to appropriation by the Legislature. Interest derived
55 from the CMRS Fund shall be divided equally to pay reasonable
56 costs incurred by providers in compliance with the requirements of
57 Sections 19-5-331 through 19-5-341 and to compensate those
58 persons, parties or firms employed by the CMRS Board as
59 contemplated in paragraph (d) of this subsection. The interest
60 income is not subject to the two percent (2%) cap on
61 administrative spending established in Section 19-5-335(3).

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

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

87 (ii) The remainder of all funds collected by the
88 board, which shall not be less than seventy percent (70%) of the
89 total funds collected by the board, shall be distributed by the
90 board monthly based on the number of CMRS connections in each ECD
91 for use in providing wireless E911 service, including capital
92 improvements, and in their normal operations. For purposes of
93 distributing the funds to each ECD, every CMRS provider shall
94 identify to the CMRS Board the ECD to which funds should be

95 remitted based on zip code plus four (4) designation, as required
96 by the federal Uniform Sourcing Act.

97 An ECD board that has within its jurisdiction zip code
98 designations that do not adhere to county lines shall assist CMRS
99 providers in determining the appropriate county to which funds
100 should be distributed. Each service supplier shall furnish to the
101 CMRS Board, in addition to such other information as the board may
102 require, information identifying the county of primary use for
103 each CMRS customer.

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

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

117 (f) To retain an independent, third-party accountant
118 who shall audit CMRS providers at the discretion of the CMRS Board
119 to verify the accuracy of each CMRS providers' service charge
120 collection. The information obtained by the audits shall be used
121 solely for the purpose of verifying that CMRS providers accurately
122 are collecting and remitting the CMRS service charge and may be
123 used for any legal action initiated by the board against CMRS
124 providers.

125 (g) To levy interest charges at the legal rate of
126 interest established in Section 75-17-1 on any amount due and

127 outstanding from any CMRS provider who fails to remit service
128 charges in accordance with Section 19-5-335(1).

129 (h) To promulgate such rules and regulations as may be
130 necessary to effect the provisions of Sections 19-5-331 through
131 19-5-341.

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

134 (j) To maintain a registration database of all CMRS
135 providers and to impose an administrative fine on any provider
136 that fails to comply with the registration requirements in Section
137 19-5-335.

138 (3) The CMRS service charge provided in subsection (2)(a) of
139 this section and the service charge provided in Section 19-5-357
140 to fund the training of public safety telecommunicators shall be
141 the only charges assessed to CMRS customers relating to emergency
142 telephone services.

143 (4) The board shall serve without compensation; however,
144 members of the board shall be entitled to be reimbursed for actual
145 expenses and travel costs associated with their service in an
146 amount not to exceed the reimbursement authorized for state
147 officers and employees in Section 25-3-41, Mississippi Code of
148 1972.

149 (5) It is the Legislature's intent to ensure that the State
150 of Mississippi shall be Phase I compliant by July 1, 2005. For
151 purposes of this subsection, Phase I compliant means the mandate
152 by the FCC that requires any carrier when responding to a PSAP to
153 define and deliver data related to the cell site location and the
154 caller's call-back number.

155 **SECTION 2.** This act shall take effect and be in force from
156 and after July 1, 2005.