

By: Representative Warren

To: Public Utilities

## HOUSE BILL NO. 533

1 AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-319,  
2 19-5-331 THROUGH 19-5-341, 19-5-359 AND 19-5-361, MISSISSIPPI CODE  
3 OF 1972, WHICH PROVIDE FOR AN EMERGENCY TELEPHONE SERVICE CHARGE,  
4 CREATE A COMMERCIAL MOBILE RADIO SERVICE BOARD AND PRESCRIBE ITS  
5 POWERS AND DUTIES, PROVIDE FOR COLLECTION OF SERVICE CHARGES,  
6 REQUIRE CONFIDENTIALITY OF PROPRIETARY INFORMATION AND REQUIRE THE  
7 COMMERCIAL MOBILE RADIO SERVICE TO PROVIDE WIRELESS ENHANCED 911  
8 SERVICE; TO AMEND SECTION 19-5-371, MISSISSIPPI CODE OF 1972, TO  
9 EXTEND THE REPEALER ON THE REENACTED SECTIONS FROM JULY 1, 2007,  
10 TO JULY 1, 2009; AND FOR RELATED PURPOSES.

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

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

14 19-5-303. For purposes of Sections 19-5-301 through  
15 19-5-317, the following words and terms shall have the following  
16 meanings, unless the context clearly indicates otherwise:

17 (a) "Exchange access facilities" shall mean all lines  
18 provided by the service supplier for the provision of local  
19 exchange service as defined in existing general subscriber  
20 services tariffs.

21 (b) "Tariff rate" shall mean the rate or rates billed  
22 by a service supplier as stated in the service supplier's tariffs  
23 and approved by the Public Service Commission, which represent the  
24 service supplier's recurring charges for exchange access  
25 facilities, exclusive of all taxes, fees, licenses or similar  
26 charges whatsoever.

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

30           (d) "Service supplier" shall mean any person providing  
31 exchange telephone service to any service user throughout the  
32 county.

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

36           (f) "E911" shall mean Enhanced Universal Emergency  
37 Number Service or Enhanced 911 Service, which is a telephone  
38 exchange communications service whereby a Public Safety Answering  
39 Point (PSAP) designated by the county or local communications  
40 district may receive telephone calls dialed to the telephone  
41 number 911. E911 Service includes lines and equipment necessary  
42 for the answering, transferring and dispatching of public  
43 emergency telephone calls originated by persons within the serving  
44 area who dial 911. Enhanced 911 Service includes the displaying  
45 of the name, address and other pertinent caller information as may  
46 be supplied by the service supplier.

47           (g) "Basic 911" shall mean a telephone service  
48 terminated in designated Public Safety Answering Points accessible  
49 by the public through telephone calls dialed to the telephone  
50 number 911. Basic 911 is a voice service and does not display  
51 address or telephone number information.

52           (h) "Shared tenant services (STS)" shall mean any  
53 telephone service operation supplied by a party other than a  
54 regulated local exchange telephone service supplier for which a  
55 charge is levied. Such services shall include, but not be limited  
56 to, apartment building systems, hospital systems, office building  
57 systems and other systems where dial tone is derived from  
58 connection of tariffed telephone trunks or lines connected to a  
59 private branch exchange telephone system.

60           (i) "Private branch exchange (PBX)" shall mean any  
61 telephone service operation supplied by a party other than a  
62 regulated local exchange telephone service supplier for which a

63 charge is not levied. Such services are those where tariffed  
64 telephone trunks or lines are terminated into a central switch  
65 which is used to supply dial tone to telephones operating within  
66 that system.

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

72 (k) "Centrex" or "ESSX" shall mean any variety of  
73 services offered in connection with any tariffed telephone service  
74 in which switching services and other dialing features are  
75 provided by the regulated local exchange telephone service  
76 supplier.

77 (l) "Commercial mobile radio service" or "CMRS" shall  
78 mean commercial mobile radio service under Sections 3(27) and  
79 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
80 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
81 1993, Public Law 103-66. The term includes the term "wireless"  
82 and service provided by any wireless real time two-way voice  
83 communication device, including radio-telephone communications  
84 used in cellular telephone service, personal communication  
85 service, or the functional or competitive equivalent of a  
86 radio-telephone communications line used in cellular telephone  
87 service, a personal communication service, or a network radio  
88 access line. The term does not include service whose customers do  
89 not have access to 911 or to a 911-like service, to a  
90 communication channel suitable only for data transmission, to a  
91 wireless roaming service or other nonlocal radio access line  
92 service, or to a private telecommunications system.

93 (m) "Telecommunicator" shall mean any person engaged in  
94 or employed as a telecommunications operator by any public safety,  
95 fire or emergency medical agency whose primary responsibility is

96 the receipt or processing of calls for emergency services provided  
97 by public safety, fire or emergency medical agencies or the  
98 dispatching of emergency services provided by public safety, fire  
99 or emergency medical agencies and who receives or disseminates  
100 information relative to emergency assistance by telephone or  
101 radio.

102 (n) "Public safety answering point (PSAP)" shall mean  
103 any point of contact between the public and the emergency services  
104 such as a 911 answering point or, in the absence of 911 emergency  
105 telephone service, any other point of contact where emergency  
106 telephone calls are routinely answered and dispatched or  
107 transferred to another agency.

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

111 **SECTION 2.** Section 19-5-313, Mississippi Code of 1972, is  
112 reenacted as follows:

113 19-5-313. (1) The board of supervisors may levy an  
114 emergency telephone service charge in an amount not to exceed One  
115 Dollar (\$1.00) per residential telephone subscriber line per month  
116 and Two Dollars (\$2.00) per commercial telephone subscriber line  
117 per month for exchange telephone service. Any emergency telephone  
118 service charge shall have uniform application and shall be imposed  
119 throughout the entirety of the district to the greatest extent  
120 possible in conformity with availability of such service in any  
121 area of the district. Those districts which exist on the date of  
122 enactment of Chapter 539, Laws of 1993, shall convert to the  
123 following structure for service charge levy: If the current  
124 charge is five percent (5%) of the basic tariff service rate, the  
125 new collection shall be Eighty Cents (\$.80) per month per  
126 residential subscriber line and One Dollar and Sixty Cents (\$1.60)  
127 per month per commercial subscriber line. The collections may be

128 adjusted as outlined in Chapter 539, Laws of 1993, and within the  
129 limits set forth herein.

130 (2) If the proceeds generated by the emergency telephone  
131 service charge exceed the amount of monies necessary to fund the  
132 service, the board of supervisors may authorize such excess funds  
133 to be expended by the county and the municipalities in the  
134 counties to perform the duties and pay the costs relating to  
135 identifying roads, highways and streets, as provided by Section  
136 65-7-143. The board of supervisors shall determine how the funds  
137 are to be distributed in the county and among municipalities in  
138 the county for paying the costs relating to identifying roads,  
139 highways and streets. The board of supervisors may temporarily  
140 reduce the service charge rate or temporarily suspend the service  
141 charge if the proceeds generated exceed the amount that is  
142 necessary to fund the service and/or to pay costs relating to  
143 identifying roads, highways and streets. Such excess funds may  
144 also be used in the development of county or district  
145 communications and paging systems when used primarily for the  
146 alerting and dispatching of public safety entities and for other  
147 administrative costs such as management personnel, maintenance  
148 personnel and related building and operational requirements. Such  
149 excess funds may be placed in a depreciation fund for emergency  
150 and obsolescence replacement of equipment necessary for the  
151 operation of the overall 911 emergency telephone and alerting  
152 systems.

153 (3) No such service charge shall be imposed upon more than  
154 twenty-five (25) exchange access facilities per person per  
155 location. Trunks or service lines used to supply service to CMRS  
156 providers shall not have a service charge levied against them.  
157 Every billed service user shall be liable for any service charge  
158 imposed under this section until it has been paid to the service  
159 supplier. The duty of the service supplier to collect any such  
160 service charge shall commence upon the date of its implementation,

161 which shall be specified in the resolution for the installation of  
162 such service. Any such emergency telephone service charge shall  
163 be added to and may be stated separately in the billing by the  
164 service supplier to the service user.

165 (4) The service supplier shall have no obligation to take  
166 any legal action to enforce the collection of any emergency  
167 telephone service charge. However, the service supplier shall  
168 annually provide the board of supervisors and board of  
169 commissioners with a list of the amount uncollected, together with  
170 the names and addresses of those service users who carry a balance  
171 that can be determined by the service supplier to be nonpayment of  
172 such service charge. The service charge shall be collected at the  
173 same time as the tariff rate in accordance with the regular  
174 billing practice of the service supplier. Good faith compliance  
175 by the service supplier with this provision shall constitute a  
176 complete defense to any legal action or claim which may result  
177 from the service supplier's determination of nonpayment and/or the  
178 identification of service users in connection therewith.

179 (5) The amounts collected by the service supplier  
180 attributable to any emergency telephone service charge shall be  
181 due the county treasury monthly. The amount of service charge  
182 collected each month by the service supplier shall be remitted to  
183 the county no later than sixty (60) days after the close of the  
184 month. A return, in such form as the board of supervisors and the  
185 service supplier agree upon, shall be filed with the county,  
186 together with a remittance of the amount of service charge  
187 collected payable to the county. The service supplier shall  
188 maintain records of the amount of service charge collected for a  
189 period of at least two (2) years from date of collection. The  
190 board of supervisors and board of commissioners shall receive an  
191 annual audit of the service supplier's books and records with  
192 respect to the collection and remittance of the service charge.  
193 From the gross receipts to be remitted to the county, the service

194 supplier shall be entitled to retain as an administrative fee, an  
195 amount equal to one percent (1%) thereof. From and after March  
196 10, 1987, the service charge is a county fee and is not subject to  
197 any sales, use, franchise, income, excise or any other tax, fee or  
198 assessment and shall not be considered revenue of the service  
199 supplier for any purpose.

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

204 **SECTION 3.** Section 19-5-319, Mississippi Code of 1972, is  
205 reenacted as follows:

206 19-5-319. (1) Automatic number identification (ANI),  
207 automatic location identification (ALI) and geographic automatic  
208 location identification (GeoALI) information that consist of the  
209 name, address and telephone number of telephone or wireless  
210 subscribers shall be confidential, and the dissemination of the  
211 information contained in the 911 automatic number and location  
212 data base is prohibited except for the following purpose: the  
213 information will be provided to the Public Safety Answering Point  
214 (PSAP) on a call-by-call basis only for the purpose of handling  
215 emergency calls or for training, and any permanent record of the  
216 information shall be secured by the Public Safety Answering Point  
217 (PSAP) and disposed of in a manner which will retain that  
218 security, except upon court order or subpoena from a court of  
219 competent jurisdiction or as otherwise provided by law.

220 (2) All emergency telephone calls and telephone call  
221 transmissions received pursuant to Section 19-5-301 et seq., and  
222 all recordings of the emergency telephone calls, shall remain  
223 confidential and shall be used only for the purposes as may be  
224 needed for law enforcement, fire, medical rescue or other  
225 emergency services. These recordings shall not be released to any

226 other parties without court order or subpoena from a court of  
227 competent jurisdiction.

228 (3) PSAP and emergency response entities shall maintain and,  
229 upon request, release a record of the date of call, time of call,  
230 the time the emergency response entity was notified, and the  
231 identity of the emergency response entity. The emergency response  
232 entity shall maintain and, upon request, release a record of the  
233 date and time the call was received by the emergency response  
234 entity and the time the emergency response entity arrived on the  
235 scene. Requests for release of records must be made in writing  
236 and must specify the information desired. Requestors shall pay  
237 the cost of providing the information requested in accordance with  
238 the Mississippi Public Records Act of 1983, Section 25-61-1 et  
239 seq. The identity of any caller or person or persons who are the  
240 subject of any call, or the address, phone number or other  
241 identifying information about any such person, shall not be  
242 released except as provided in subsection (2) of this section.

243 **SECTION 4.** Section 19-5-331, Mississippi Code of 1972, is  
244 reenacted as follows:

245 19-5-331. As used in Sections 19-5-331 through 19-5-341, the  
246 following words and phrases have the meanings ascribed in this  
247 section unless the context clearly indicates otherwise:

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

251 (b) The term "automatic number identification" or "ANI"  
252 means an Enhanced 911 Service capability that enables the  
253 automatic display of the ten-digit wireless telephone number used  
254 to place a 911 call and includes "pseudo-automatic number  
255 identification" or "pseudo-ANI," which means an Enhanced 911  
256 Service capability that enables the automatic display of the  
257 number of the cell site and an identification of the CMRS  
258 provider.



259 (c) The term "commercial mobile radio service" or  
260 "CMRS" means commercial mobile radio service under Sections 3(27)  
261 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
262 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
263 1993, Public Law 103-66. The term includes the term "wireless"  
264 and service provided by any wireless real time two-way voice  
265 communication device, including radio-telephone communications  
266 used in cellular telephone service, personal communication  
267 service, or the functional or competitive equivalent of a  
268 radio-telephone communications line used in cellular telephone  
269 service, a personal communication service, specialized mobile  
270 radio service, or a network radio access line. The term does not  
271 include service whose customers do not have access to 911 or to a  
272 911-like service, to a communication channel suitable only for  
273 data transmission, to a wireless roaming service or other nonlocal  
274 radio access line service, or to a private telecommunications  
275 system.

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

279 (e) The term "CMRS connection" means each mobile  
280 handset telephone number assigned to a CMRS customer with a place  
281 of primary use in the State of Mississippi.

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

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

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

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

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

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

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

309 (m) The term "place of primary use" means the street  
310 address representative of where the customer's use of mobile  
311 telecommunications services primarily occurs, which must be either  
312 the residential street address or the primary business street  
313 address of the customer.

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

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

321 **SECTION 5.** Section 19-5-333, Mississippi Code of 1972, is  
322 reenacted as follows:

323 19-5-333. (1) There is created a Commercial Mobile Radio  
324 Service (CMRS) Board, consisting of seven (7) members to be

325 appointed by the Governor with the advice and consent of the  
326 Senate. The members of the board shall be appointed as follows:

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

330 (b) One (1) member from the Central Public Service  
331 Commission District selected from two (2) nominees submitted to  
332 the Governor by the Mississippi Chapter of the Association of  
333 Public Safety Communication Officers;

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

337 (d) Two (2) members who are wireless provider  
338 representatives;

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

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

345 The initial terms of the board members, as appointed after  
346 July 1, 2002, shall be staggered as follows: the members  
347 appointed under paragraph (d) shall serve a term of two (2) years;  
348 the member appointed under paragraph (e) shall serve a term of one  
349 (1) year. After the expiration of the initial terms, the term for  
350 all members shall be four (4) years.

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

352 (a) To collect and distribute a CMRS emergency  
353 telephone service charge on each CMRS customer whose place of  
354 primary use is within the state. The rate of such CMRS service  
355 charge shall be One Dollar (\$1.00) per month per CMRS connection.  
356 The CMRS service charge shall have uniform application and shall  
357 be imposed throughout the state. The board is authorized to

358 receive all revenues derived from the CMRS service charge levied  
359 on CMRS connections in the state and collected pursuant to Section  
360 19-5-335.

361 (b) To establish and maintain the CMRS Fund as an  
362 insured, interest-bearing account into which the board shall  
363 deposit all revenues derived from the CMRS service charge levied  
364 on CMRS connections in the state and collected pursuant to Section  
365 19-5-335. The revenues which are deposited into the CMRS Fund  
366 shall not be monies or property of the state and shall not be  
367 subject to appropriation by the Legislature. Interest derived  
368 from the CMRS Fund shall be divided equally to pay reasonable  
369 costs incurred by providers in compliance with the requirements of  
370 Sections 19-5-331 through 19-5-341 and to compensate those  
371 persons, parties or firms employed by the CMRS Board as  
372 contemplated in paragraph (d) of this subsection. The interest  
373 income is not subject to the two percent (2%) cap on  
374 administrative spending established in Section 19-5-335(3).

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

378 (i) Out of the funds collected by the board,  
379 thirty percent (30%) shall be deposited into the CMRS Fund, and  
380 shall be used to defray the administrative expenses of the board  
381 in accordance with Section 19-5-335(3) and to pay the actual costs  
382 incurred by such CMRS providers in complying with the wireless  
383 E911 service requirements established by the FCC Order and any  
384 rules and regulations which are or may be adopted by the FCC  
385 pursuant to the FCC Order, including, but not limited to, costs  
386 and expenses incurred for designing, upgrading, purchasing,  
387 leasing, programming, installing, testing or maintaining all  
388 necessary data, hardware and software required in order to provide  
389 such service as well as the incremental costs of operating such  
390 service. Sworn invoices must be presented to the board in

391 connection with any request for payment and approved by a majority  
392 vote of the board prior to any such disbursement, which approval  
393 shall not be withheld or delayed unreasonably. In no event shall  
394 any invoice for payment be approved for the payment of costs that  
395 are not related to compliance with the wireless E911 service  
396 requirements established by the FCC Order and any rules and  
397 regulations which are or may be adopted by the FCC pursuant to the  
398 FCC Order, and any rules and regulations which may be adopted by  
399 the FCC with respect to implementation of wireless E911 services.

400 (ii) The remainder of all funds collected by the  
401 board, which shall not be less than seventy percent (70%) of the  
402 total funds collected by the board, shall be distributed by the  
403 board monthly based on the number of CMRS connections in each ECD  
404 for use in providing wireless E911 service, including capital  
405 improvements, and in their normal operations. For purposes of  
406 distributing the funds to each ECD, every CMRS provider shall  
407 identify to the CMRS Board the ECD to which funds should be  
408 remitted based on zip code plus four (4) designation, as required  
409 by the federal Uniform Sourcing Act.

410 An ECD board that has within its jurisdiction zip code  
411 designations that do not adhere to county lines shall assist CMRS  
412 providers in determining the appropriate county to which funds  
413 should be distributed.

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

418 (e) To obtain from an independent, third-party auditor  
419 retained by the board annual reports to the board no later than  
420 sixty (60) days after the close of each fiscal year, which shall  
421 provide an accounting for all CMRS service charges deposited into  
422 the CMRS Fund during the preceding fiscal year and all  
423 disbursements to ECDs during the preceding fiscal year. The board

424 shall provide a copy of the annual reports to the Chairmen of the  
425 Public Utilities Committees of the House of Representatives and  
426 Senate.

427 (f) To retain an independent, third-party accountant  
428 who shall audit CMRS providers at the discretion of the CMRS Board  
429 to verify the accuracy of each CMRS providers' service charge  
430 collection. The information obtained by the audits shall be used  
431 solely for the purpose of verifying that CMRS providers accurately  
432 are collecting and remitting the CMRS service charge and may be  
433 used for any legal action initiated by the board against CMRS  
434 providers.

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

439 (h) To promulgate such rules and regulations as may be  
440 necessary to effect the provisions of Sections 19-5-331 through  
441 19-5-341.

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

444 (j) To maintain a registration database of all CMRS  
445 providers and to impose an administrative fine on any provider  
446 that fails to comply with the registration requirements in Section  
447 19-5-335.

448 (3) The CMRS service charge provided in subsection (2)(a) of  
449 this section and the service charge provided in Section 19-5-357  
450 to fund the training of public safety telecommunicators shall be  
451 the only charges assessed to CMRS customers relating to emergency  
452 telephone services.

453 (4) The board shall serve without compensation; however,  
454 members of the board shall be entitled to be reimbursed for actual  
455 expenses and travel costs associated with their service in an  
456 amount not to exceed the reimbursement authorized for state

457 officers and employees in Section 25-3-41, Mississippi Code of  
458 1972.

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

465 **SECTION 6.** Section 19-5-335, Mississippi Code of 1972, is  
466 reenacted as follows:

467 19-5-335. (1) Each CMRS provider shall act as a collection  
468 agent for the CMRS Fund and shall, as part of the provider's  
469 normal monthly billing process, collect the CMRS service charges  
470 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)  
471 from each CMRS connection to whom the billing provider provides  
472 CMRS service and shall, not later than thirty (30) days after the  
473 end of the calendar month in which such CMRS service charges are  
474 collected, remit to the board the net CMRS service charges so  
475 collected after deducting the fee authorized by subsection (2) of  
476 this section. Each billing provider shall list the CMRS service  
477 charge as a separate entry on each bill which includes a CMRS  
478 service charge.

479 (2) Each CMRS provider shall be entitled to deduct and  
480 retain from the CMRS service charges collected by such provider  
481 during each calendar month an amount not to exceed one percent  
482 (1%) of the gross aggregate amount of such CMRS service charges so  
483 collected as reimbursement for the costs incurred by such provider  
484 in collecting, handling and processing such CMRS service charges.

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

490 not limited to, retaining and paying the independent, third-party  
491 auditor to review and disburse the cost recovery funds and to  
492 prepare the reports contemplated by Sections 19-5-331 through  
493 19-5-341.

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

496 (a) The company name of the provider;

497 (b) The marketing name of the provider;

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

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

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

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

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

511 19-5-337. All technical proprietary information submitted to  
512 the board or to the independent, third-party auditor as provided  
513 by Section 19-5-333(2)(d) shall be retained by the board and such  
514 auditor in confidence and shall be subject to review only by the  
515 board. Further, notwithstanding any other provision of the law,  
516 no technical proprietary information so submitted shall be subject  
517 to subpoena or otherwise released to any person other than to the  
518 submitting CMRS provider, the board and the aforesaid independent,  
519 third-party auditor without the express permission of the  
520 administrator and the submitting CMRS provider. General  
521 information collected by the aforesaid independent, third-party  
522 auditor shall only be released or published in aggregate amounts



523 which do not identify or allow identification of numbers of  
524 subscribers of revenues attributable to an individual CMRS  
525 provider.

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

528 19-5-339. In accordance with the Federal Communication  
529 Commission Order, no CMRS provider shall be required to provide  
530 wireless Enhanced 911 Service until such time as (a) the provider  
531 receives a request for such service from the administrator of a  
532 Public Safety Answering Point (PSAP) that is capable of receiving  
533 and utilizing the data elements associated with the service; (b)  
534 funds are available pursuant to Section 19-5-333; and (c) the  
535 local exchange carrier is able to support the wireless Enhanced  
536 911 system.

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

539 19-5-341. Wireless emergency telephone service shall not be  
540 used for personal use and shall be used solely for the use of  
541 communications by the public. Any person who knowingly uses or  
542 attempts to use wireless emergency telephone service for a purpose  
543 other than obtaining public safety assistance, or who knowingly  
544 uses or attempts to use wireless emergency telephone service in an  
545 effort to avoid any CMRS charges, is guilty of a misdemeanor and  
546 shall be subject to a fine of not more than Five Hundred Dollars  
547 (\$500.00) or imprisonment of not more than thirty (30) days in the  
548 county jail, or both such fine and imprisonment. If the value of  
549 the CMRS charge or service obtained in a manner prohibited by this  
550 section exceeds One Hundred Dollars (\$100.00), the offense may be  
551 prosecuted as a felony and punishable by a fine of not more than  
552 Five Thousand Dollars (\$5,000.00) and imprisonment of not more  
553 than three (3) years, or both such fine and imprisonment.

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

556           19-5-359. (1) Any service supplier operating within the  
557 State of Mississippi shall be required to provide access to the  
558 locally designated PSAP by dialing the three (3) digits "911" from  
559 any telephone subscriber line within such service area. Where  
560 technically available, each service supplier shall, at a county's  
561 request, provide "Enhanced 911" services. Where this capability  
562 does not technically exist, "Basic 911" shall be available as a  
563 minimum.

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

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

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

589 shall not be required in areas where Enhanced 911 is not in  
590 operation but shall be required should such area upgrade to  
591 Enhanced 911 service.

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

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

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

611 19-5-361. Any Emergency 911 telephone service supplier and  
612 Emergency 911 CMRS provider operating within the State of  
613 Mississippi, its employees, directors, officers, agents and  
614 subcontractors, shall be entitled to receive the limitations of  
615 liability as provided to the state, or any agency or local  
616 government of the state, pursuant to Section 11-46-15, Mississippi  
617 Code of 1972.

618 **SECTION 12.** Section 19-5-371, Mississippi Code of 1972, is  
619 amended as follows:

620 19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,  
621 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-359 and  
622 19-5-361, shall stand repealed from and after July 1, 2009.

623 **SECTION 13.** This act shall take effect and be in force from  
624 and after July 1, 2007.