

By: Representatives Moss, Bailey, Clarke,
Dedeaux, Hudson

To: Public Utilities

HOUSE BILL NO. 1331

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
7 COMMERCIAL MOBILE RADIO SERVICE (CMRS) TO PROVIDE WIRELESS
8 ENHANCED 911 SERVICE; TO AMEND REENACTED SECTIONS 19-5-303 AND
9 19-5-313, MISSISSIPPI CODE OF 1972, TO MAKE VOICE INTERNET
10 PROTOCOL SERVICES WITHIN THE SCOPE OF THOSE WIRE LINE SERVICES
11 SUBJECT TO WIRE LINE EMERGENCY E911; TO ESTABLISH A PROCEDURE FOR
12 SERVICE SUPPLIERS TO REPORT TO EMERGENCY COMMUNICATIONS DISTRICTS
13 REGARDING SERVICES AND COLLECTIONS; TO PROVIDE A JUDICIAL REMEDY
14 IN CASES WHERE SERVICE PROVIDERS FAIL TO MAKE REPORTS OR AUDITS
15 REQUIRED BY LAW; TO AMEND REENACTED SECTIONS 19-5-331 AND
16 19-5-333, MISSISSIPPI CODE OF 1972, TO BRING PREPAID CELLULAR
17 TELEPHONE SERVICE WITHIN THE SCOPE OF CMRS AND TO FURTHER PROVIDE
18 THAT THE BOARD MAY REQUIRE AUDITS OF CMRS SERVICE PROVIDERS AND
19 CHARGE THE COSTS TO SUCH PROVIDERS; TO AMEND SECTION 19-5-371,
20 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THOSE
21 REENACTED SECTIONS FROM JULY 1, 2007, TO JULY 1, 2009; AND FOR
22 RELATED PURPOSES.

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

24 **SECTION 1.** Section 19-5-303, Mississippi Code of 1972, is
25 reenacted and amended as follows:

26 19-5-303. For purposes of Sections 19-5-301 through
27 19-5-317, the following words and terms shall have the following
28 meanings, unless the context clearly indicates otherwise:

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

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

37 facilities, exclusive of all taxes, fees, licenses or similar
38 charges whatsoever.

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

42 (d) "Service supplier" shall mean any person providing
43 exchange telephone service to any service user throughout the
44 county or a supplier of VoIP service as defined in this section.

45 (e) "Service user" shall mean any person, not otherwise
46 exempt from taxation, who is provided exchange telephone service
47 or VoIP service as defined in this section in the county or state.

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

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

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

70 connection of tariffed telephone trunks or lines connected to a
71 private branch exchange telephone system.

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

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

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

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

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

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

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

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

123 (p) "VoIP service" shall mean interconnected voice over
124 Internet protocol service as defined in the Code of Federal
125 Regulations, Title 47, Part 9, Section 9.3, as amended.

126 **SECTION 2.** Section 19-5-313, Mississippi Code of 1972, is
127 reenacted and amended as follows:

128 19-5-313. (1) The board of supervisors may levy an
129 emergency telephone service charge in an amount not to exceed One
130 Dollar (\$1.00) per residential telephone subscriber line per month
131 and Two Dollars (\$2.00) per commercial telephone subscriber line
132 per month for exchange telephone service. Any emergency telephone
133 service charge shall have uniform application and shall be imposed
134 throughout the entirety of the district to the greatest extent
135 possible in conformity with availability of such service in any

136 area of the district. Those districts which exist on the date of
137 enactment of Chapter 539, Laws of 1993, shall convert to the
138 following structure for service charge levy: If the current
139 charge is five percent (5%) of the basic tariff service rate, the
140 new collection shall be Eighty Cents (\$.80) per month per
141 residential subscriber line and One Dollar and Sixty Cents (\$1.60)
142 per month per commercial subscriber line. The collections may be
143 adjusted as outlined in Chapter 539, Laws of 1993, and within the
144 limits set forth herein. The fees levied by the authority of this
145 subsection shall also be levied on subscribers to interconnected
146 voice over Internet protocol services or VoIP service.

147 (2) If the proceeds generated by the emergency telephone
148 service charge exceed the amount of monies necessary to fund the
149 service, the board of supervisors may authorize such excess funds
150 to be expended by the county and the municipalities in the
151 counties to perform the duties and pay the costs relating to
152 identifying roads, highways and streets, as provided by Section
153 65-7-143. The board of supervisors shall determine how the funds
154 are to be distributed in the county and among municipalities in
155 the county for paying the costs relating to identifying roads,
156 highways and streets. The board of supervisors may temporarily
157 reduce the service charge rate or temporarily suspend the service
158 charge if the proceeds generated exceed the amount that is
159 necessary to fund the service and/or to pay costs relating to
160 identifying roads, highways and streets. Such excess funds may
161 also be used in the development of county or district
162 communications and paging systems when used primarily for the
163 alerting and dispatching of public safety entities and for other
164 administrative costs such as management personnel, maintenance
165 personnel and related building and operational requirements. Such
166 excess funds may be placed in a depreciation fund for emergency
167 and obsolescence replacement of equipment necessary for the

168 operation of the overall 911 emergency telephone and alerting
169 systems.

170 (3) No such service charge shall be imposed upon more than
171 twenty-five (25) exchange access facilities per person per
172 location. Trunks or service lines used to supply service to CMRS
173 providers shall not have a service charge levied against them.
174 Every billed service user shall be liable for any service charge
175 imposed under this section until it has been paid to the service
176 supplier. The duty of the service supplier to collect any such
177 service charge shall commence upon the date of its implementation,
178 which shall be specified in the resolution for the installation of
179 such service. Any such emergency telephone service charge shall
180 be added to and may be stated separately in the billing by the
181 service supplier to the service user.

182 (4) The service supplier shall have no obligation to take
183 any legal action to enforce the collection of any emergency
184 telephone service charge. However, the service supplier shall
185 annually provide the board of supervisors and board of
186 commissioners with a list of the amount uncollected, together with
187 the names and addresses of those service users who carry a balance
188 that can be determined by the service supplier to be nonpayment of
189 such service charge. The service charge shall be collected at the
190 same time as the tariff rate in accordance with the regular
191 billing practice of the service supplier. Good faith compliance
192 by the service supplier with this provision shall constitute a
193 complete defense to any legal action or claim which may result
194 from the service supplier's determination of nonpayment and/or the
195 identification of service users in connection therewith.

196 (5) The amounts collected by the service supplier
197 attributable to any emergency telephone service charge shall be
198 due the county treasury monthly. The amount of service charge
199 collected each month by the service supplier shall be remitted to
200 the county no later than sixty (60) days after the close of the

201 month. A return, in such form as the board of supervisors and the
202 service supplier agree upon, shall be filed with the county,
203 together with a remittance of the amount of service charge
204 collected payable to the county. The service supplier shall
205 maintain records of the amount of service charge collected for a
206 period of at least two (2) years from date of collection. The
207 board of supervisors and board of commissioners shall receive an
208 annual audit of the service supplier's books and records with
209 respect to the collection and remittance of the service charge.
210 From the gross receipts to be remitted to the county, the service
211 supplier shall be entitled to retain as an administrative fee, an
212 amount equal to one percent (1%) thereof. From and after March
213 10, 1987, the service charge is a county fee and is not subject to
214 any sales, use, franchise, income, excise or any other tax, fee or
215 assessment and shall not be considered revenue of the service
216 supplier for any purpose.

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

221 (7) (a) For the fiscal year beginning October 1, 2007, and
222 for the following fiscal year, the service supplier shall provide
223 each emergency communications district with a sworn copy of an
224 emergency telephone service charge billing history for the
225 district detailing by month the number of residential and
226 commercial customers; the amount billed in emergency telephone
227 service charges; any adjustments, amounts uncollectible, and
228 administrative fees, as well as any other items related to the
229 collection and remittance of emergency telephone service charges;
230 and the net amount remitted to the district.

231 (b) For the fiscal year beginning October 1, 2009, each
232 service supplier shall provide to each emergency communications
233 district an audit conducted by an independent certified public

234 accounting firm of the service supplier's books and records with
235 respect to the collection and remittance of the emergency
236 telephone service charges.

237 (c) For following fiscal years, each service supplier
238 shall adhere to the following ongoing three-year cycle of
239 reporting: sworn statements for two (2) years as described in
240 paragraph (a) of this subsection followed by an independent audit
241 as described in paragraph (b) of this subsection.

242 (8) In instances wherein a service supplier fails to provide
243 an audit or sworn billing history as required in subsection (7) of
244 this section, a county may make demand upon the service supplier
245 by certified mail seeking delivery to the affected district of the
246 required audit or sworn billing history. In the event that the
247 service supplier fails to respond, the county may proceed in
248 chancery court against the supplier for an injunction directing
249 compliance with this subsection and a statutory assessment of
250 Fifty Thousand Dollars (\$50,000.00) against any supplier who fails
251 to provide the required reports. Any such assessment shall be
252 paid to the emergency communications district of whose benefit the
253 civil action was commenced. A county may seek assistance from the
254 Attorney General or the district attorney in seeking remedies
255 provided for herein.

256 **SECTION 3.** Section 19-5-331, Mississippi Code of 1972, is
257 reenacted and amended as follows:

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

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

264 (b) The term "automatic number identification" or "ANI"
265 means an Enhanced 911 Service capability that enables the
266 automatic display of the ten-digit wireless telephone number used

267 to place a 911 call and includes "pseudo-automatic number
268 identification" or "pseudo-ANI," which means an Enhanced 911
269 Service capability that enables the automatic display of the
270 number of the cell site and an identification of the CMRS
271 provider.

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

290 (d) The term "commercial mobile radio service provider"
291 or "CMRS provider" means a person or entity who provides
292 commercial mobile radio service or CMRS service.

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

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

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

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

306 (i) The term "ECD" means an emergency communications
307 district created pursuant to Section 19-5-301 et seq., or by local
308 and private act of the State of 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 (l) The term "FCC Order" means Federal Communications
320 Commission orders, rules and regulations issued with respect to
321 implementation of Basic 911 or Enhanced 911 and other emergency
322 communication services.

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

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

330 (o) The term "technical proprietary information" means
331 technology descriptions, technical information or trade secrets

332 and the actual or developmental costs thereof which are developed,
333 produced or received internally by a CMRS provider or by a CMRS
334 provider's employees, directors, officers or agents.

335 **SECTION 4.** Section 19-5-333, Mississippi Code of 1972, is
336 reenacted and amended as follows:

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

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

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

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

351 (d) Two (2) members who are wireless provider
352 representatives;

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

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

359 The initial terms of the board members, as appointed after
360 July 1, 2002, shall be staggered as follows: the members
361 appointed under paragraph (d) shall serve a term of two (2) years;
362 the member appointed under paragraph (e) shall serve a term of one
363 (1) year. After the expiration of the initial terms, the term for
364 all members shall be four (4) years.

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

366 (a) To collect and distribute a CMRS emergency
367 telephone service charge on each CMRS customer whose place of
368 primary use is within the state. The rate of such CMRS service
369 charge shall be One Dollar (\$1.00) per month per CMRS connection.
370 The CMRS service charge shall have uniform application and shall
371 be imposed throughout the state. The board is authorized to
372 receive all revenues derived from the CMRS service charge levied
373 on CMRS connections in the state and collected pursuant to Section
374 19-5-335. The fees provided for in this subsection shall also be
375 imposed on customers who procure prepaid CMRS.

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

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

393 (i) Out of the funds collected by the board,
394 thirty percent (30%) shall be deposited into the CMRS Fund, and
395 shall be used to defray the administrative expenses of the board
396 in accordance with Section 19-5-335(3) and to pay the actual costs
397 incurred by such CMRS providers in complying with the wireless

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

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

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

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

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

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

442 (f) To retain an independent, third-party accountant
443 who shall audit CMRS providers at the discretion of the CMRS Board
444 to verify the accuracy of each CMRS providers' service charge
445 collection. The information obtained by the audits shall be used
446 solely for the purpose of verifying that CMRS providers accurately
447 are collecting and remitting the CMRS service charge and may be
448 used for any legal action initiated by the board against CMRS
449 providers. The costs of such audits shall be borne by the CMRS
450 providers of services and not the board.

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

455 (h) To promulgate such rules and regulations as may be
456 necessary to effect the provisions of Sections 19-5-331 through
457 19-5-341.

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

460 (j) To maintain a registration database of all CMRS
461 providers and to impose an administrative fine on any provider
462 that fails to comply with the registration requirements in Section
463 19-5-335.

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

469 (4) The board shall serve without compensation; however,
470 members of the board shall be entitled to be reimbursed for actual
471 expenses and travel costs associated with their service in an
472 amount not to exceed the reimbursement authorized for state
473 officers and employees in Section 25-3-41, Mississippi Code of
474 1972.

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

481 **SECTION 5.** Section 19-5-319, Mississippi Code of 1972, is
482 reenacted as follows:

483 19-5-319. (1) Automatic number identification (ANI),
484 automatic location identification (ALI) and geographic automatic
485 location identification (GeoALI) information that consist of the
486 name, address and telephone number of telephone or wireless
487 subscribers shall be confidential, and the dissemination of the
488 information contained in the 911 automatic number and location
489 data base is prohibited except for the following purpose: the
490 information will be provided to the Public Safety Answering Point
491 (PSAP) on a call-by-call basis only for the purpose of handling
492 emergency calls or for training, and any permanent record of the
493 information shall be secured by the Public Safety Answering Point
494 (PSAP) and disposed of in a manner which will retain that
495 security, except upon court order or subpoena from a court of
496 competent jurisdiction or as otherwise provided by law.

497 (2) All emergency telephone calls and telephone call
498 transmissions received pursuant to Section 19-5-301 et seq., and
499 all recordings of the emergency telephone calls, shall remain
500 confidential and shall be used only for the purposes as may be
501 needed for law enforcement, fire, medical rescue or other
502 emergency services. These recordings shall not be released to any
503 other parties without court order or subpoena from a court of
504 competent jurisdiction.

505 (3) PSAP and emergency response entities shall maintain and,
506 upon request, release a record of the date of call, time of call,
507 the time the emergency response entity was notified, and the
508 identity of the emergency response entity. The emergency response
509 entity shall maintain and, upon request, release a record of the
510 date and time the call was received by the emergency response
511 entity and the time the emergency response entity arrived on the
512 scene. Requests for release of records must be made in writing
513 and must specify the information desired. Requestors shall pay
514 the cost of providing the information requested in accordance with
515 the Mississippi Public Records Act of 1983, Section 25-61-1 et
516 seq. The identity of any caller or person or persons who are the
517 subject of any call, or the address, phone number or other
518 identifying information about any such person, shall not be
519 released except as provided in subsection (2) of this section.

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

522 19-5-335. (1) Each CMRS provider shall act as a collection
523 agent for the CMRS Fund and shall, as part of the provider's
524 normal monthly billing process, collect the CMRS service charges
525 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)
526 from each CMRS connection to whom the billing provider provides
527 CMRS service and shall, not later than thirty (30) days after the
528 end of the calendar month in which such CMRS service charges are
529 collected, remit to the board the net CMRS service charges so

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

534 (2) Each CMRS provider shall be entitled to deduct and
535 retain from the CMRS service charges collected by such provider
536 during each calendar month an amount not to exceed one percent
537 (1%) of the gross aggregate amount of such CMRS service charges so
538 collected as reimbursement for the costs incurred by such provider
539 in collecting, handling and processing such CMRS service charges.

540 (3) The board shall be entitled to retain from the CMRS
541 service charges collected during each calendar month an amount not
542 to exceed two percent (2%) of the money allocated to the CMRS Fund
543 as reimbursement for the costs incurred by the board in
544 administering Sections 19-5-331 through 19-5-341, including, but
545 not limited to, retaining and paying the independent, third-party
546 auditor to review and disburse the cost recovery funds and to
547 prepare the reports contemplated by Sections 19-5-331 through
548 19-5-341.

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

- 551 (a) The company name of the provider;
- 552 (b) The marketing name of the provider;
- 553 (c) The publicly traded name of the provider;
- 554 (d) The physical address of the company headquarters
555 and of the main office located in the State of Mississippi; and
- 556 (e) The names and addresses of the providers' board of
557 directors/owners.

558 Each CMRS provider shall notify the board of any change in the
559 information prescribed in paragraphs (a) through (e). The board
560 may suspend the disbursement of cost recovery funds to, and may
561 impose an administrative fine in an amount not to exceed Ten

562 Thousand Dollars (\$10,000.00) on any provider which fails to
563 comply with the provisions of this subsection.

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

566 19-5-337. All technical proprietary information submitted to
567 the board or to the independent, third-party auditor as provided
568 by Section 19-5-333(2)(d) shall be retained by the board and such
569 auditor in confidence and shall be subject to review only by the
570 board. Further, notwithstanding any other provision of the law,
571 no technical proprietary information so submitted shall be subject
572 to subpoena or otherwise released to any person other than to the
573 submitting CMRS provider, the board and the aforesaid independent,
574 third-party auditor without the express permission of the
575 administrator and the submitting CMRS provider. General
576 information collected by the aforesaid independent, third-party
577 auditor shall only be released or published in aggregate amounts
578 which do not identify or allow identification of numbers of
579 subscribers of revenues attributable to an individual CMRS
580 provider.

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

583 19-5-339. In accordance with the Federal Communication
584 Commission Order, no CMRS provider shall be required to provide
585 wireless Enhanced 911 Service until such time as (a) the provider
586 receives a request for such service from the administrator of a
587 Public Safety Answering Point (PSAP) that is capable of receiving
588 and utilizing the data elements associated with the service; (b)
589 funds are available pursuant to Section 19-5-333; and (c) the
590 local exchange carrier is able to support the wireless Enhanced
591 911 system.

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

594 19-5-341. Wireless emergency telephone service shall not be
595 used for personal use and shall be used solely for the use of
596 communications by the public. Any person who knowingly uses or
597 attempts to use wireless emergency telephone service for a purpose
598 other than obtaining public safety assistance, or who knowingly
599 uses or attempts to use wireless emergency telephone service in an
600 effort to avoid any CMRS charges, is guilty of a misdemeanor and
601 shall be subject to a fine of not more than Five Hundred Dollars
602 (\$500.00) or imprisonment of not more than thirty (30) days in the
603 county jail, or both such fine and imprisonment. If the value of
604 the CMRS charge or service obtained in a manner prohibited by this
605 section exceeds One Hundred Dollars (\$100.00), the offense may be
606 prosecuted as a felony and punishable by a fine of not more than
607 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
608 than three (3) years, or both such fine and imprisonment.

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

611 19-5-359. (1) Any service supplier operating within the
612 State of Mississippi shall be required to provide access to the
613 locally designated PSAP by dialing the three (3) digits "911" from
614 any telephone subscriber line within such service area. Where
615 technically available, each service supplier shall, at a county's
616 request, provide "Enhanced 911" services. Where this capability
617 does not technically exist, "Basic 911" shall be available as a
618 minimum.

619 (2) From and after December 31, 1993, any person,
620 corporation or entity operating a "shared tenant service" type of
621 telephone system shall be required to provide as a minimum the
622 location and telephone number information for each and every
623 extension or user on such "shared tenant" system to the regulated
624 local exchange telephone service provider where the service
625 provider can utilize such information in the delivery of "Enhanced
626 911" emergency telephone service. This information shall consist

627 of data in a format that is compatible with the service supplier's
628 requirements in order to provide such location and telephone
629 number information automatically in the event a call to 911 is
630 placed from such a system. It shall be the responsibility of the
631 operator or provider of "STS" telephone services to maintain the
632 data pertaining to each extension operating on such system.

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

639 (4) Any service suppliers engaged in the offering or
640 operating of "Centrex" or "ESSX" telephone service within the
641 State of Mississippi shall cause the actual location of all
642 extensions operating in this service to be displayed at the PSAP
643 whenever a 911 call is placed from said extension. This feature
644 shall not be required in areas where Enhanced 911 is not in
645 operation but shall be required should such area upgrade to
646 Enhanced 911 service.

647 (5) Any local exchange telephone service suppliers offering
648 "quick-serve" or "soft" dial tone shall provide address location
649 information to the PSAP operating in the area where the
650 "quick-serve" or "soft" dial tone is in operation so that the PSAP
651 may have this address information displayed should a call to 911
652 be placed from such location. It shall be the responsibility of
653 the service supplier to determine in which emergency service
654 number area the "quick-serve" or "soft" dial tone is located.

655 (6) Any service suppliers operating within the State of
656 Mississippi and providing Enhanced 911 telephone service shall
657 have a reasonable time period, not to exceed five (5) years, to
658 comply with data and operational standards as they are set forth
659 by the National Emergency Number Association. This time period

660 shall apply to data format, equipment supplied for PSAP use and
661 for the length of time required for data updates relating to
662 service user address information, emergency service number updates
663 and other data updates as may be required.

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

666 19-5-361. Any Emergency 911 telephone service supplier and
667 Emergency 911 CMRS provider operating within the State of
668 Mississippi, its employees, directors, officers, agents and
669 subcontractors, shall be entitled to receive the limitations of
670 liability as provided to the state, or any agency or local
671 government of the state, pursuant to Section 11-46-15, Mississippi
672 Code of 1972.

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

675 19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,
676 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-359 and
677 19-5-361, shall stand repealed from and after July 1, 2009.

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