

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2395: E911 Wireless Emergency Telephone Service; extend repealer.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

10 19-5-303. For purposes of Sections 19-5-301 through
11 19-5-317, the following words and terms shall have the following
12 meanings, unless the context clearly indicates otherwise:

13 (a) "Exchange access facilities" shall mean all lines
14 provided by the service supplier for the provision of local
15 exchange service as defined in existing general subscriber
16 services tariffs.

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

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

26 (d) "Service supplier" shall mean any person providing
27 exchange telephone service to any service user throughout the
28 county.

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

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

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

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

56 (i) "Private branch exchange (PBX)" shall mean any
57 telephone service operation supplied by a party other than a
58 regulated local exchange telephone service supplier for which a
59 charge is not levied. Such services are those where tariffed
60 telephone trunks or lines are terminated into a central switch

61 which is used to supply dial tone to telephones operating within
62 that system.

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

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

73 (l) "Commercial mobile radio service" or "CMRS" shall
74 mean commercial mobile radio service under Sections 3(27) and
75 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
76 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
77 1993, Public Law 103-66. The term includes the term "wireless"
78 and service provided by any wireless real time two-way voice
79 communication device, including radio-telephone communications
80 used in cellular telephone service, personal communication
81 service, or the functional or competitive equivalent of a
82 radio-telephone communications line used in cellular telephone
83 service, a personal communication service, or a network radio
84 access line. The term does not include service whose customers do
85 not have access to 911 or to a 911-like service, to a
86 communication channel suitable only for data transmission, to a
87 wireless roaming service or other nonlocal radio access line
88 service, or to a private telecommunications system.

89 (m) "Telecommunicator" shall mean any person engaged in
90 or employed as a telecommunications operator by any public safety,
91 fire or emergency medical agency whose primary responsibility is
92 the receipt or processing of calls for emergency services provided

93 by public safety, fire or emergency medical agencies or the
94 dispatching of emergency services provided by public safety, fire
95 or emergency medical agencies and who receives or disseminates
96 information relative to emergency assistance by telephone or
97 radio.

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

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

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

109 19-5-313. (1) The board of supervisors may levy an
110 emergency telephone service charge in an amount not to exceed One
111 Dollar (\$1.00) per residential telephone subscriber line per month
112 and Two Dollars (\$2.00) per commercial telephone subscriber line
113 per month for exchange telephone service. Any emergency telephone
114 service charge shall have uniform application and shall be imposed
115 throughout the entirety of the district to the greatest extent
116 possible in conformity with availability of such service in any
117 area of the district. Those districts which exist on the date of
118 enactment of Chapter 539, Laws of 1993, shall convert to the
119 following structure for service charge levy: If the current
120 charge is five percent (5%) of the basic tariff service rate, the
121 new collection shall be Eighty Cents (\$.80) per month per
122 residential subscriber line and One Dollar and Sixty Cents (\$1.60)
123 per month per commercial subscriber line. The collections may be

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

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

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

156 service charge shall commence upon the date of its implementation,
157 which shall be specified in the resolution for the installation of
158 such service. Any such emergency telephone service charge shall
159 be added to and may be stated separately in the billing by the
160 service supplier to the service user.

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

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

188 respect to the collection and remittance of the service charge.
189 From the gross receipts to be remitted to the county, the service
190 supplier shall be entitled to retain as an administrative fee, an
191 amount equal to one percent (1%) thereof. From and after March
192 10, 1987, the service charge is a county fee and is not subject to
193 any sales, use, franchise, income, excise or any other tax, fee or
194 assessment and shall not be considered revenue of the service
195 supplier for any purpose.

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

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

202 19-5-319. (1) Automatic number identification (ANI),
203 automatic location identification (ALI) and geographic automatic
204 location identification (GeoALI) information that consist of the
205 name, address and telephone number of telephone or wireless
206 subscribers shall be confidential, and the dissemination of the
207 information contained in the 911 automatic number and location
208 data base is prohibited except for the following purpose: the
209 information will be provided to the Public Safety Answering Point
210 (PSAP) on a call-by-call basis only for the purpose of handling
211 emergency calls or for training, and any permanent record of the
212 information shall be secured by the Public Safety Answering Point
213 (PSAP) and disposed of in a manner which will retain that
214 security, except upon court order or subpoena from a court of
215 competent jurisdiction or as otherwise provided by law.

216 (2) All emergency telephone calls and telephone call
217 transmissions received pursuant to Section 19-5-301 et seq., and
218 all recordings of the emergency telephone calls, shall remain
219 confidential and shall be used only for the purposes as may be

220 needed for law enforcement, fire, medical rescue or other
221 emergency services. These recordings shall not be released to any
222 other parties without court order or subpoena from a court of
223 competent jurisdiction.

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

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

241 19-5-331. As used in Sections 19-5-331 through 19-5-341, the
242 following words and phrases have the meanings ascribed in this
243 section unless the context clearly indicates otherwise:

244 (a) The terms "board" and "CMRS Board" mean the
245 Commercial Mobile Radio Service Emergency Telephone Services
246 Board.

247 (b) The term "automatic number identification" or "ANI"
248 means an Enhanced 911 Service capability that enables the
249 automatic display of the ten-digit wireless telephone number used
250 to place a 911 call and includes "pseudo-automatic number
251 identification" or "pseudo-ANI," which means an Enhanced 911

252 Service capability that enables the automatic display of the
253 number of the cell site and an identification of the CMRS
254 provider.

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

272 (d) The term "commercial mobile radio service provider"
273 or "CMRS provider" means a person or entity who provides
274 commercial mobile radio service or CMRS service.

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

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

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

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

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

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

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

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

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

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

312 (o) The term "technical proprietary information" means
313 technology descriptions, technical information or trade secrets
314 and the actual or developmental costs thereof which are developed,

315 produced or received internally by a CMRS provider or by a CMRS
316 provider's employees, directors, officers or agents.

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

319 19-5-333. (1) There is created a Commercial Mobile Radio
320 Service (CMRS) Board, consisting of seven (7) members to be
321 appointed by the Governor with the advice and consent of the
322 Senate. The members of the board shall be appointed as follows:

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

326 (b) One (1) member from the Central Public Service
327 Commission District selected from two (2) nominees submitted to
328 the Governor by the Mississippi Chapter of the Association of
329 Public Safety Communication Officers;

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

333 (d) Two (2) members who are wireless provider
334 representatives;

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

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

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

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

348 (a) To collect and distribute a CMRS emergency
349 telephone service charge on each CMRS customer whose place of
350 primary use is within the state. The rate of such CMRS service
351 charge shall be One Dollar (\$1.00) per month per CMRS connection.
352 The CMRS service charge shall have uniform application and shall
353 be imposed throughout the state. The board is authorized to
354 receive all revenues derived from the CMRS service charge levied
355 on CMRS connections in the state and collected pursuant to Section
356 19-5-335.

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

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

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

379 E911 service requirements established by the FCC Order and any
380 rules and regulations which are or may be adopted by the FCC
381 pursuant to the FCC Order, including, but not limited to, costs
382 and expenses incurred for designing, upgrading, purchasing,
383 leasing, programming, installing, testing or maintaining all
384 necessary data, hardware and software required in order to provide
385 such service as well as the incremental costs of operating such
386 service. Sworn invoices must be presented to the board in
387 connection with any request for payment and approved by a majority
388 vote of the board prior to any such disbursement, which approval
389 shall not be withheld or delayed unreasonably. In no event shall
390 any invoice for payment be approved for the payment of costs that
391 are not related to compliance with the wireless E911 service
392 requirements established by the FCC Order and any rules and
393 regulations which are or may be adopted by the FCC pursuant to the
394 FCC Order, and any rules and regulations which may be adopted by
395 the FCC with respect to implementation of wireless E911 services.

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

406 An ECD board that has within its jurisdiction zip code
407 designations that do not adhere to county lines shall assist CMRS
408 providers in determining the appropriate county to which funds
409 should be distributed.

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

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

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

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

435 (h) To promulgate such rules and regulations as may be
436 necessary to effect the provisions of Sections 19-5-331 through
437 19-5-341.

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

440 (j) To maintain a registration database of all CMRS
441 providers and to impose an administrative fine on any provider

442 that fails to comply with the registration requirements in Section
443 19-5-335.

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

449 (4) The board shall serve without compensation; however,
450 members of the board shall be entitled to be reimbursed for actual
451 expenses and travel costs associated with their service in an
452 amount not to exceed the reimbursement authorized for state
453 officers and employees in Section 25-3-41, Mississippi Code of
454 1972.

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

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

463 19-5-335. (1) Each CMRS provider shall act as a collection
464 agent for the CMRS Fund and shall, as part of the provider's
465 normal monthly billing process, collect the CMRS service charges
466 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)
467 from each CMRS connection to whom the billing provider provides
468 CMRS service and shall, not later than thirty (30) days after the
469 end of the calendar month in which such CMRS service charges are
470 collected, remit to the board the net CMRS service charges so
471 collected after deducting the fee authorized by subsection (2) of
472 this section. Each billing provider shall list the CMRS service

473 charge as a separate entry on each bill which includes a CMRS
474 service charge.

475 (2) Each CMRS provider shall be entitled to deduct and
476 retain from the CMRS service charges collected by such provider
477 during each calendar month an amount not to exceed one percent
478 (1%) of the gross aggregate amount of such CMRS service charges so
479 collected as reimbursement for the costs incurred by such provider
480 in collecting, handling and processing such CMRS service charges.

481 (3) The board shall be entitled to retain from the CMRS
482 service charges collected during each calendar month an amount not
483 to exceed two percent (2%) of the money allocated to the CMRS Fund
484 as reimbursement for the costs incurred by the board in
485 administering Sections 19-5-331 through 19-5-341 including, but
486 not limited to, retaining and paying the independent, third-party
487 auditor to review and disburse the cost recovery funds and to
488 prepare the reports contemplated by Sections 19-5-331 through
489 19-5-341.

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

- 492 (a) The company name of the provider;
- 493 (b) The marketing name of the provider;
- 494 (c) The publicly traded name of the provider;
- 495 (d) The physical address of the company headquarters
496 and of the main office located in the State of Mississippi; and
- 497 (e) The names and addresses of the providers' board of
498 directors/owners.

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

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

507 19-5-337. All technical proprietary information submitted to
508 the board or to the independent, third-party auditor as provided
509 by Section 19-5-333(2)(d) shall be retained by the board and such
510 auditor in confidence and shall be subject to review only by the
511 board. Further, notwithstanding any other provision of the law,
512 no technical proprietary information so submitted shall be subject
513 to subpoena or otherwise released to any person other than to the
514 submitting CMRS provider, the board and the aforesaid independent,
515 third-party auditor without the express permission of the
516 administrator and the submitting CMRS provider. General
517 information collected by the aforesaid independent, third-party
518 auditor shall only be released or published in aggregate amounts
519 which do not identify or allow identification of numbers of
520 subscribers of revenues attributable to an individual CMRS
521 provider.

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

524 19-5-339. In accordance with the Federal Communication
525 Commission Order, no CMRS provider shall be required to provide
526 wireless Enhanced 911 Service until such time as (a) the provider
527 receives a request for such service from the administrator of a
528 Public Safety Answering Point (PSAP) that is capable of receiving
529 and utilizing the data elements associated with the service; (b)
530 funds are available pursuant to Section 19-5-333; and (c) the
531 local exchange carrier is able to support the wireless Enhanced
532 911 system.

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

535 19-5-341. Wireless emergency telephone service shall not be
536 used for personal use and shall be used solely for the use of

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

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

552 19-5-359. (1) Any service supplier operating within the
553 State of Mississippi shall be required to provide access to the
554 locally designated PSAP by dialing the three (3) digits "911" from
555 any telephone subscriber line within such service area. Where
556 technically available, each service supplier shall, at a county's
557 request, provide "Enhanced 911" services. Where this capability
558 does not technically exist, "Basic 911" shall be available as a
559 minimum.

560 (2) From and after December 31, 1993, any person,
561 corporation or entity operating a "shared tenant service" type of
562 telephone system shall be required to provide as a minimum the
563 location and telephone number information for each and every
564 extension or user on such "shared tenant" system to the regulated
565 local exchange telephone service provider where the service
566 provider can utilize such information in the delivery of "Enhanced
567 911" emergency telephone service. This information shall consist
568 of data in a format that is compatible with the service supplier's

569 requirements in order to provide such location and telephone
570 number information automatically in the event a call to 911 is
571 placed from such a system. It shall be the responsibility of the
572 operator or provider of "STS" telephone services to maintain the
573 data pertaining to each extension operating on such system.

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

580 (4) Any service suppliers engaged in the offering or
581 operating of "Centrex" or "ESSX" telephone service within the
582 State of Mississippi shall cause the actual location of all
583 extensions operating in this service to be displayed at the PSAP
584 whenever a 911 call is placed from said extension. This feature
585 shall not be required in areas where Enhanced 911 is not in
586 operation but shall be required should such area upgrade to
587 Enhanced 911 service.

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

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

601 shall apply to data format, equipment supplied for PSAP use and
602 for the length of time required for data updates relating to
603 service user address information, emergency service number updates
604 and other data updates as may be required.

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

607 19-5-361. Any Emergency 911 telephone service supplier and
608 Emergency 911 CMRS provider operating within the State of
609 Mississippi, its employees, directors, officers, agents and
610 subcontractors, shall be entitled to receive the limitations of
611 liability as provided to the state, or any agency or local
612 government of the state, pursuant to Section 11-46-15, Mississippi
613 Code of 1972.

614 **SECTION 12.** Section 19-5-371, Mississippi Code of 1972, is
615 reenacted and amended as follows:

616 19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,
617 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-359 and
618 19-5-361, shall stand repealed from and after July 1, 2010.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-319,
2 19-5-331, 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341,
3 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF 1972, WHICH REGULATE

4 THE E911 WIRELESS EMERGENCY TELEPHONE SERVICE; TO AMEND SECTION
5 19-5-371, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER; AND
6 FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
King

X (SIGNED)
Moffatt

X (SIGNED)
Hewes

CONFEREES FOR THE HOUSE

X (SIGNED)
Ellis

X (SIGNED)
Smith (59th)

X (SIGNED)
Banks