

House Amendments to Senate Bill No. 2395

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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.

**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 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.

HR07\SB2395A.J

Don Richardson
Clerk of the House of Representatives