

By: Representatives White, Sykes

To: Public Utilities

HOUSE BILL NO. 890

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
 4 911 AND E911 EMERGENCY TELECOMMUNICATIONS SERVICES AND REQUIRE THE
 5 COLLECTION OF SERVICE CHARGES; TO AMEND SECTIONS 19-5-353 AND
 6 19-5-357, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH CERTIFICATION
 7 REQUIREMENTS FOR 911 TELECOMMUNICATORS AND REQUIRE THE COLLECTION
 8 OF A FEE FROM SUBSCRIBERS TO FUND TRAINING FOR TELECOMMUNICATORS,
 9 TO DELETE THE SEPARATE REPEALER ON THOSE SECTIONS SO THAT ALL
 10 STATUTES RELATING TO EMERGENCY TELECOMMUNICATIONS ARE SUBJECT TO
 11 THE SAME REPEAL DATE; TO AMEND SECTION 19-5-371, MISSISSIPPI CODE
 12 OF 1972, TO INCLUDE SECTIONS 19-5-353 AND 19-5-357, MISSISSIPPI
 13 CODE OF 1972, IN THE STATUTE PROVIDING FOR THE AUTOMATIC REPEAL OF
 14 CERTAIN STATUTES RELATING TO 911 AND E911 SERVICES AND TO EXTEND
 15 THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR
 16 RELATED PURPOSES.

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

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

20 19-5-303. For purposes of Sections 19-5-301 through
 21 19-5-317, the following words and terms shall have the following
 22 meanings, unless the context clearly indicates otherwise:

23 (a) "Exchange access facilities" shall mean all lines
 24 provided by the service supplier for the provision of local



25 exchange service as defined in existing general subscriber
26 services tariffs.

27 (b) "Tariff rate" shall mean the rate or rates billed
28 by a service supplier as stated in the service supplier's tariffs
29 and approved by the Public Service Commission, which represent the
30 service supplier's recurring charges for exchange access
31 facilities, exclusive of all taxes, fees, licenses or similar
32 charges whatsoever.

33 (c) "District" shall mean any communications district
34 created pursuant to Section 19-5-301 et seq., or by local and
35 private act of the State of Mississippi.

36 (d) "Service supplier" shall mean any person providing
37 exchange telephone service to any service user throughout the
38 county.

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

42 (f) "E911" shall mean Enhanced Universal Emergency
43 Number Service or Enhanced 911 Service, which is a telephone
44 exchange communications service whereby a Public Safety Answering
45 Point (PSAP) designated by the county or local communications
46 district may receive telephone calls dialed to the abbreviated
47 telephone number 911. E911 Service includes lines and equipment
48 necessary for the answering, transferring and dispatching of
49 public emergency telephone calls originated by persons within the



50 serving area who dial 911. Enhanced 911 Service includes the
51 displaying of the name, address and other pertinent caller
52 information as may be supplied by the service supplier.

53 (g) "Basic 911" shall mean a telephone service
54 terminated in designated Public Safety Answering Points accessible
55 by the public through telephone calls dialed to the abbreviated
56 telephone number 911. Basic 911 is a voice service and does not
57 display address or telephone number information.

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

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

73 (j) "Off-premise extension" shall mean any telephone
74 connected to a private branch exchange or a shared tenant service



75 which is in a different building or location from the main
76 switching equipment and, therefore, has a different physical
77 address.

78 (k) "Centrex" or "ESSX" shall mean any variety of
79 services offered in connection with any tariffed telephone service
80 in which switching services and other dialing features are
81 provided by the regulated local exchange telephone service
82 supplier.

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



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

108 (n) "Public safety answering point (PSAP)" shall mean
109 any designated point of contact between the public and the
110 emergency services such as a 911 answering point or, in the
111 absence of 911 emergency telephone service, any other designated
112 point of contact where emergency telephone calls are routinely
113 answered and dispatched or transferred to another agency.

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

117 (p) "911 emergency communication" means any FCC
118 mandated 911 communication, message, signal or transmission made
119 to a public safety answering point.

120 (q) "Voice over Internet Protocol service" means any
121 technology that permits a voice conversation using a voice
122 connection to a computer, whether through a microphone, a
123 telephone or other device, which sends a digital signal over the



124 Internet through a broadband connection to be converted back to
125 the human voice at a distant terminal and that delivers or is
126 required by law to deliver a call to a public safety answering
127 point. Voice over Internet Protocol service shall also include
128 interconnected Voice over Internet Protocol service, which is
129 service that enables real-time, two-way voice communications,
130 requires a broadband connection from the user's location, requires
131 Internet protocol compatible customer premises equipment, and
132 allows users to receive calls that originate on the public service
133 telephone network and to terminate calls to the public switched
134 telephone network.

135 (r) "Voice over Internet Protocol service supplier"
136 means a person or entity who provides Voice over Internet Protocol
137 service to subscribers for a fee.

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

140 19-5-313. (1) The board of supervisors may levy an
141 emergency telephone service charge in an amount not to exceed One
142 Dollar (\$1.00) per residential telephone subscriber line per
143 month, One Dollar (\$1.00) per Voice over Internet Protocol
144 subscriber account per month, and Two Dollars (\$2.00) per
145 commercial telephone subscriber line per month for exchange
146 telephone service. Any emergency telephone service charge shall
147 have uniform application and shall be imposed throughout the
148 entirety of the district to the greatest extent possible in



149 conformity with availability of such service in any area of the
150 district. Those districts which exist on the date of enactment of
151 Chapter 539, Laws of 1993, shall convert to the following
152 structure for service charge levy: If the current charge is five
153 percent (5%) of the basic tariff service rate, the new collection
154 shall be Eighty Cents (\$.80) per month per residential subscriber
155 line and One Dollar and Sixty Cents (\$1.60) per month per
156 commercial subscriber line. The collections may be adjusted as
157 outlined in Chapter 539, Laws of 1993, and within the limits set
158 forth herein.

159 (2) If the proceeds generated by the emergency telephone
160 service charge exceed the amount of monies necessary to fund the
161 service, the board of supervisors may authorize such excess funds
162 to be expended by the county and the municipalities in the
163 counties to perform the duties and pay the costs relating to
164 identifying roads, highways and streets, as provided by Section
165 65-7-143. The board of supervisors shall determine how the funds
166 are to be distributed in the county and among municipalities in
167 the county for paying the costs relating to identifying roads,
168 highways and streets. The board of supervisors may temporarily
169 reduce the service charge rate or temporarily suspend the service
170 charge if the proceeds generated exceed the amount that is
171 necessary to fund the service and/or to pay costs relating to
172 identifying roads, highways and streets. Such excess funds may
173 also be used in the development of county or district



174 communications and paging systems when used primarily for the
175 alerting and dispatching of public safety entities and for other
176 administrative costs such as management personnel, maintenance
177 personnel and related building and operational requirements. Such
178 excess funds may be placed in a depreciation fund for emergency
179 and obsolescence replacement of equipment necessary for the
180 operation of the overall 911 emergency telephone and alerting
181 systems.

182 (3) No such service charge shall be imposed upon more than
183 twenty-five (25) exchange access facilities or Voice over Internet
184 Protocol lines per person per location. Trunks or service lines
185 used to supply service to CMRS providers shall not have a service
186 charge levied against them. Every billed service user shall be
187 liable for any service charge imposed under this section until it
188 has been paid to the service supplier. The duty of the service
189 supplier to collect any such service charge shall commence upon
190 the date of its implementation, which shall be specified in the
191 resolution for the installation of such service. Any such
192 emergency telephone service charge shall be added to and may be
193 stated separately in the billing by the service supplier to the
194 service user.

195 (4) The service supplier shall have no obligation to take
196 any legal action to enforce the collection of any emergency
197 telephone service charge. However, the service supplier shall
198 annually provide the board of supervisors and board of



199 commissioners with a list of the amount uncollected, together with
200 the names and addresses of those service users who carry a balance
201 that can be determined by the service supplier to be nonpayment of
202 such service charge. The service charge shall be collected at the
203 same time as the tariff rate or, for nontariff services, at the
204 time of payment, in accordance with the regular billing practice
205 of the service supplier. Good faith compliance by the service
206 supplier with this provision shall constitute a complete defense
207 to any legal action or claim which may result from the service
208 supplier's determination of nonpayment and/or the identification
209 of service users in connection therewith.

210 (5) The amounts collected by the service supplier
211 attributable to any emergency telephone service charge shall be
212 due the county treasury monthly. The amount of service charge
213 collected each month by the service supplier shall be remitted to
214 the county no later than sixty (60) days after the close of the
215 month. A return, in such form as the board of supervisors and the
216 service supplier agree upon, shall be filed with the county,
217 together with a remittance of the amount of service charge
218 collected payable to the county. The service supplier shall
219 maintain records of the amount of service charge collected for a
220 period of at least two (2) years from date of collection. The
221 board of supervisors and board of commissioners shall receive an
222 annual audit of the service supplier's books and records with
223 respect to the collection and remittance of the service charge.



224 From the gross receipts to be remitted to the county, the service
225 supplier shall be entitled to retain as an administrative fee, an
226 amount equal to one percent (1%) thereof. From and after March
227 10, 1987, the service charge is a county fee and is not subject to
228 any sales, use, franchise, income, excise or any other tax, fee or
229 assessment and shall not be considered revenue of the service
230 supplier for any purpose.

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

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

237 19-5-319. (1) Automatic number identification (ANI),
238 automatic location identification (ALI) and geographic automatic
239 location identification (GeoALI) information that consist of the
240 name, address and telephone number of telephone or wireless
241 subscribers shall be confidential, and the dissemination of the
242 information contained in the 911 automatic number and location
243 database is prohibited except for the following purpose: the
244 information will be provided to the Public Safety Answering Point
245 (PSAP) on a call-by-call basis only for the purpose of handling
246 emergency calls or for training, and any permanent record of the
247 information shall be secured by the Public Safety Answering Point
248 (PSAP) and disposed of in a manner which will retain that



249 security, except upon court order or subpoena from a court of
250 competent jurisdiction or as otherwise provided by law.

251 (2) All emergency telephone calls and telephone call
252 transmissions received pursuant to Section 19-5-301 et seq., and
253 all recordings of the emergency telephone calls, shall remain
254 confidential and shall be used only for the purposes as may be
255 needed for law enforcement, fire, medical rescue or other
256 emergency services. These recordings shall not be released to any
257 other parties without court order or subpoena from a court of
258 competent jurisdiction.

259 (3) PSAP and emergency response entities shall maintain and,
260 upon request, release a record of the date of call, time of call,
261 the time the emergency response entity was notified, and the
262 identity of the emergency response entity. The emergency response
263 entity shall maintain and, upon request, release a record of the
264 date and time the call was received by the emergency response
265 entity and the time the emergency response entity arrived on the
266 scene. Requests for release of records must be made in writing
267 and must specify the information desired. Requestors shall pay
268 the cost of providing the information requested in accordance with
269 the Mississippi Public Records Act of 1983, Section 25-61-1 et
270 seq. The identity of any caller or person or persons who are the
271 subject of any call, or the address, phone number or other
272 identifying information about any such person, shall not be
273 released except as provided in subsection (2) of this section.



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

276 19-5-331. As used in Sections 19-5-331 through 19-5-341, the
277 following words and phrases have the meanings ascribed in this
278 section unless the context clearly indicates otherwise:

279 (a) The terms "board" and "CMRS Board" mean the
280 Commercial Mobile Radio Service Emergency Telephone Services
281 Board.

282 (b) The term "automatic number identification" or "ANI"
283 means an Enhanced 911 Service capability that enables the
284 automatic display of the ten-digit wireless telephone number used
285 to place a 911 call and includes "pseudo-automatic number
286 identification" or "pseudo-ANI," which means an Enhanced 911
287 Service capability that enables the automatic display of the
288 number of the cell site and an identification of the CMRS
289 provider.

290 (c) The term "commercial mobile radio service" or
291 "CMRS" means commercial mobile radio service under Sections 3(27)
292 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
293 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
294 1993, Public Law 103-66. The term includes the term "wireless"
295 and service provided by any wireless real time two-way voice
296 communication device, including radio-telephone communications
297 used in cellular telephone service, personal communication
298 service, or the functional or competitive equivalent of a



299 radio-telephone communications line used in cellular telephone
300 service, a personal communication service, specialized mobile
301 radio service, or a network radio access line. The term does not
302 include service whose customers do not have access to 911 or to a
303 911-like service, to a communication channel suitable only for
304 data transmission, to a wireless roaming service or other nonlocal
305 radio access line service, or to a private telecommunications
306 system.

307 (d) The term "commercial mobile radio service provider"
308 or "CMRS provider" means a person or entity who provides
309 commercial mobile radio service or CMRS service.

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

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

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

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



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

326 (j) The term "Enhanced 911," "E911," "Enhanced E911
327 system" or "E911 system" means an emergency telephone system that
328 provides the caller with emergency 911 system service, that
329 directs 911 calls to appropriate public safety answering points by
330 selective routing based on the geographical location from which
331 the call originated, and that provides the capability for
332 automatic number identification and other features that the
333 Federal Communications Commission (FCC) may require in the future.

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

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

340 (m) The term "place of primary use" means the street
341 address representative of where the customer's use of mobile
342 telecommunications services primarily occurs, which must be either
343 the residential street address or the primary business street
344 address of the customer.

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



347 (o) The term "technical proprietary information" means
348 technology descriptions, technical information or trade secrets
349 and the actual or developmental costs thereof which are developed,
350 produced or received internally by a CMRS provider or by a CMRS
351 provider's employees, directors, officers or agents.

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

354 19-5-333. (1) There is created a Commercial Mobile Radio
355 Service (CMRS) Board, consisting of eight (8) members to be
356 appointed by the Governor with the advice and consent of the
357 Senate. The members of the board shall be appointed as follows:

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

361 (b) One (1) member from the Central Public Service
362 Commission District selected from two (2) nominees submitted to
363 the Governor by the Mississippi Chapter of the Association of
364 Public Safety Communication Officers;

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

368 (d) Two (2) members who are wireless provider
369 representatives;



370 (e) One (1) member who is a consumer representing the
371 state at large with no affiliation to the three (3) trade
372 associations or the wireless providers;

373 (f) One (1) member who is a member of the Mississippi
374 Law Enforcement Officers Association selected from two (2)
375 nominees submitted to the Governor by the association; and

376 (g) One (1) member who is a member of the Mississippi
377 Association of Supervisors selected from two (2) nominees
378 submitted to the Governor by the association.

379 The initial terms of the board members, as appointed after
380 July 1, 2002, shall be staggered as follows: the members
381 appointed under paragraph (d) shall serve a term of two (2) years;
382 the member appointed under paragraph (e) shall serve a term of one
383 (1) year. After the expiration of the initial terms, the term for
384 all members shall be four (4) years.

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

386 (a) To collect and distribute a CMRS emergency
387 telephone service charge on each CMRS customer whose place of
388 primary use is within the state. The rate of such CMRS service
389 charge shall be One Dollar (\$1.00) per month per CMRS connection.
390 In the case of prepaid wireless service, the rate and methodology
391 for collecting and remitting the 911 charge is governed by Section
392 19-5-343. The CMRS service charge shall have uniform application
393 and shall be imposed throughout the state. The board is
394 authorized to receive all revenues derived from the CMRS service



395 charge levied on CMRS connections in the state and collected
396 pursuant to Section 19-5-335.

397 (b) To establish and maintain the CMRS Fund as an
398 insured, interest-bearing account into which the board shall
399 deposit all revenues derived from the CMRS service charge levied
400 on CMRS connections in the state and collected pursuant to Section
401 19-5-335. The revenues which are deposited into the CMRS Fund
402 shall not be monies or property of the state and shall not be
403 subject to appropriation by the Legislature. Interest derived
404 from the CMRS Fund shall be divided equally to pay reasonable
405 costs incurred by providers in compliance with the requirements of
406 Sections 19-5-331 through 19-5-341 and to compensate those
407 persons, parties or firms employed by the CMRS Board as
408 contemplated in paragraph (d) of this subsection. The interest
409 income is not subject to the two percent (2%) cap on
410 administrative spending established in Section 19-5-335(3).

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

414 (i) Out of the funds collected by the board,
415 thirty percent (30%) shall be deposited into the CMRS Fund, and
416 shall be used to defray the administrative expenses of the board
417 in accordance with Section 19-5-335(3) and to pay the actual costs
418 incurred by such CMRS providers in complying with the wireless
419 E911 service requirements established by the FCC Order and any



420 rules and regulations which are or may be adopted by the FCC
421 pursuant to the FCC Order, including, but not limited to, costs
422 and expenses incurred for designing, upgrading, purchasing,
423 leasing, programming, installing, testing or maintaining all
424 necessary data, hardware and software required in order to provide
425 such service as well as the incremental costs of operating such
426 service. Sworn invoices must be presented to the board in
427 connection with any request for payment and approved by a majority
428 vote of the board prior to any such disbursement, which approval
429 shall not be withheld or delayed unreasonably. In no event shall
430 any invoice for payment be approved for the payment of costs that
431 are not related to compliance with the wireless E911 service
432 requirements established by the FCC Order and any rules and
433 regulations which are or may be adopted by the FCC pursuant to the
434 FCC Order, and any rules and regulations which may be adopted by
435 the FCC with respect to implementation of wireless E911 services.

436 (ii) The remainder of all funds collected by the
437 board, which shall not be less than seventy percent (70%) of the
438 total funds collected by the board, shall be distributed by the
439 board monthly based on the number of CMRS connections in each ECD
440 for use in providing wireless E911 service, including capital
441 improvements, and in their normal operations. For purposes of
442 distributing the funds to each ECD, every CMRS provider shall
443 identify to the CMRS Board the ECD to which funds should be



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

446 An ECD board that has within its jurisdiction zip code
447 designations that do not adhere to county lines shall assist CMRS
448 providers in determining the appropriate county to which funds
449 should be distributed.

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

454 (e) To obtain from an independent, third-party auditor
455 retained by the board annual reports to the board no later than
456 sixty (60) days after the close of each fiscal year, which shall
457 provide an accounting for all CMRS service charges deposited into
458 the CMRS Fund during the preceding fiscal year and all
459 disbursements to ECDs during the preceding fiscal year. The board
460 shall provide a copy of the annual reports to the Chairmen of the
461 Public Utilities Committees of the House of Representatives and
462 Senate.

463 (f) To retain an independent, third-party accountant
464 who shall audit CMRS providers at the discretion of the CMRS Board
465 to verify the accuracy of each CMRS providers' service charge
466 collection. The information obtained by the audits shall be used
467 solely for the purpose of verifying that CMRS providers accurately
468 are collecting and remitting the CMRS service charge and may be



469 used for any legal action initiated by the board against CMRS
470 providers.

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

475 (h) To promulgate such rules and regulations as may be
476 necessary to effect the provisions of Sections 19-5-331 through
477 19-5-341.

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

480 (j) To maintain a registration database of all CMRS
481 providers and to impose an administrative fine on any provider
482 that fails to comply with the registration requirements in Section
483 19-5-335.

484 (3) The CMRS service charge provided in subsection (2) (a) of
485 this section and the service charge provided in Section 19-5-357
486 to fund the training of public safety telecommunicators shall be
487 the only charges assessed to CMRS customers relating to emergency
488 telephone services.

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



493 officers and employees in Section 25-3-41, Mississippi Code of
494 1972.

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

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

503 19-5-335. (1) Each CMRS provider shall act as a collection
504 agent for the CMRS Fund and shall, as part of the provider's
505 normal monthly billing process, collect the CMRS service charges
506 levied upon CMRS connections pursuant to Section 19-5-333(2) (a)
507 from each CMRS connection to whom the billing provider provides
508 CMRS service and shall, not later than thirty (30) days after the
509 end of the calendar month in which such CMRS service charges are
510 collected, remit to the board the net CMRS service charges so
511 collected after deducting the fee authorized by subsection (2) of
512 this section. Each billing provider shall list the CMRS service
513 charge as a separate entry on each bill which includes a CMRS
514 service charge.

515 (2) Each CMRS provider shall be entitled to deduct and
516 retain from the CMRS service charges collected by such provider
517 during each calendar month an amount not to exceed one percent



518 (1%) of the gross aggregate amount of such CMRS service charges so
519 collected as reimbursement for the costs incurred by such provider
520 in collecting, handling and processing such CMRS service charges.

521 (3) The board shall be entitled to retain from the CMRS
522 service charges collected during each calendar month an amount not
523 to exceed two percent (2%) of the money allocated to the CMRS Fund
524 as reimbursement for the costs incurred by the board in
525 administering Sections 19-5-331 through 19-5-341 including, but
526 not limited to, retaining and paying the independent, third-party
527 auditor to review and disburse the cost recovery funds and to
528 prepare the reports contemplated by Sections 19-5-331 through
529 19-5-341.

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

- 532 (a) The company name of the provider;
- 533 (b) The marketing name of the provider;
- 534 (c) The publicly traded name of the provider;
- 535 (d) The physical address of the company headquarters
536 and of the main office located in the State of Mississippi; and
- 537 (e) The names and addresses of the providers' board of
538 directors/owners.

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



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

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

547 19-5-337. All technical proprietary information submitted to
548 the board or to the independent, third-party auditor as provided
549 by Section 19-5-333(2) (d) shall be retained by the board and such
550 auditor in confidence and shall be subject to review only by the
551 board. Further, notwithstanding any other provision of the law,
552 no technical proprietary information so submitted shall be subject
553 to subpoena or otherwise released to any person other than to the
554 submitting CMRS provider, the board and the aforesaid independent,
555 third-party auditor without the express permission of the
556 administrator and the submitting CMRS provider. General
557 information collected by the aforesaid independent, third-party
558 auditor shall only be released or published in aggregate amounts
559 which do not identify or allow identification of numbers of
560 subscribers of revenues attributable to an individual CMRS
561 provider.

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

564 19-5-339. In accordance with the Federal Communication
565 Commission Order, no CMRS provider shall be required to provide
566 wireless Enhanced 911 Service until such time as (a) the provider
567 receives a request for such service from the administrator of a



568 Public Safety Answering Point (PSAP) that is capable of receiving
569 and utilizing the data elements associated with the service; (b)
570 funds are available pursuant to Section 19-5-333; and (c) the
571 local exchange carrier is able to support the wireless Enhanced
572 911 system.

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

575 19-5-341. Wireless emergency telephone service shall not be
576 used for personal use and shall be used solely for the use of
577 communications by the public. Any person who knowingly uses or
578 attempts to use wireless emergency telephone service for a purpose
579 other than obtaining public safety assistance, or who knowingly
580 uses or attempts to use wireless emergency telephone service in an
581 effort to avoid any CMRS charges, is guilty of a misdemeanor and
582 shall be subject to a fine of not more than Five Hundred Dollars
583 (\$500.00) or imprisonment of not more than thirty (30) days in the
584 county jail, or both such fine and imprisonment. If the value of
585 the CMRS charge or service obtained in a manner prohibited by this
586 section exceeds One Hundred Dollars (\$100.00), the offense may be
587 prosecuted as a felony and punishable by a fine of not more than
588 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
589 than three (3) years, or both such fine and imprisonment.

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



592 19-5-359. (1) Any service supplier operating within the
593 State of Mississippi shall be required to provide access to the
594 locally designated PSAP by dialing the three (3) digits "911" from
595 any telephone subscriber line within such service area. Where
596 technically available, each service supplier shall, at a county's
597 request, provide "Enhanced 911" services. Where this capability
598 does not technically exist, "Basic 911" shall be available as a
599 minimum.

600 (2) From and after December 31, 1993, any person,
601 corporation or entity operating a "shared tenant service" type of
602 telephone system shall be required to provide as a minimum the
603 location and telephone number information for each and every
604 extension or user on such "shared tenant" system to the regulated
605 local exchange telephone service provider where the service
606 provider can utilize such information in the delivery of "Enhanced
607 911" emergency telephone service. This information shall consist
608 of data in a format that is compatible with the service supplier's
609 requirements in order to provide such location and telephone
610 number information automatically in the event a call to 911 is
611 placed from such a system. It shall be the responsibility of the
612 operator or provider of "STS" telephone services to maintain the
613 data pertaining to each extension operating on such system.

614 (3) Any CMRS providers operating within the State of
615 Mississippi shall be required to have all trunks or service lines
616 supplying all cellular sites and personal communications network



617 sites contain the word "cellular" in the service supplier listing
618 for each trunk or service line to facilitate operator
619 identification of cellular and PCN telephone calls placed to 911.

620 (4) Any service suppliers engaged in the offering or
621 operating of "Centrex" or "ESSX" telephone service within the
622 State of Mississippi shall cause the actual location of all
623 extensions operating in this service to be displayed at the PSAP
624 whenever a 911 call is placed from said extension. This feature
625 shall not be required in areas where Enhanced 911 is not in
626 operation but shall be required should such area upgrade to
627 Enhanced 911 service.

628 (5) Any local exchange telephone service suppliers offering
629 "quick-serve" or "soft" dial tone shall provide address location
630 information to the PSAP operating in the area where the
631 "quick-serve" or "soft" dial tone is in operation so that the PSAP
632 may have this address information displayed should a call to 911
633 be placed from such location. It shall be the responsibility of
634 the service supplier to determine in which emergency service
635 number area the "quick-serve" or "soft" dial tone is located.

636 (6) Any service suppliers operating within the State of
637 Mississippi and providing Enhanced 911 telephone service shall
638 have a reasonable time period, not to exceed five (5) years, to
639 comply with data and operational standards as they are set forth
640 by the National Emergency Number Association. This time period
641 shall apply to data format, equipment supplied for PSAP use and



642 for the length of time required for data updates relating to
643 service user address information, emergency service number updates
644 and other data updates as may be required.

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

647 19-5-361. Any Emergency 911 service supplier, Emergency 911
648 Voice over Internet Protocol service supplier, and Emergency 911
649 CMRS provider operating within the State of Mississippi, its
650 employees, directors, officers, agents and subcontractors, shall
651 be entitled to receive the limitations of liability as provided to
652 the state, or any agency or local government of the state,
653 pursuant to Section 11-46-15, Mississippi Code of 1972.

654 **SECTION 12.** Section 19-5-353, Mississippi Code of 1972, is
655 amended as follows:

656 19-5-353. (1) The initial minimum standard of training for
657 local public safety and 911 telecommunicators shall be determined
658 by the Board of Emergency Telecommunications Standards and
659 Training. All courses approved for minimum standards shall be
660 taught by instructors certified by the course originator as
661 instructors for such courses.

662 (2) The minimum standards may be changed at any time by the
663 Board of Emergency Telecommunications Standards and Training.

664 (3) Changes in the minimum standards may be made upon
665 request from any bona fide public safety, emergency medical or
666 fire organization operating within the State of Mississippi.



667 Requests for change shall be in writing submitted to either the
668 State Law Enforcement Training Academy; the State Fire Academy;
669 the Mississippi Chapter of the Associated Public Safety
670 Communications Officers, Incorporated; the Mississippi Chapter of
671 the National Emergency Number Association; the Mississippi State
672 Board of Health, Emergency Medical Services Division; the
673 Mississippi Justice Information Center; the Mississippi Sheriff's
674 Association; the Mississippi Fire Chief's Association; the
675 Mississippi Association of Chiefs of Police; or Mississippians for
676 Emergency Medical Service.

677 (4) The minimum standards in no way are intended to restrict
678 or limit any additional training which any department or agency
679 may wish to employ, or any state or federal required training, but
680 to serve as a basis or foundation for basic training.

681 (5) Persons in the employment of any public safety, fire,
682 911 PSAP or emergency medical agency as a telecommunicator on July
683 1, 1993, shall have three (3) years to be certified in the minimum
684 standards courses provided they have been employed by such agency
685 for a period of more than one (1) year prior to July 1, 1993.

686 (6) Persons having been employed by any public safety, fire,
687 911 PSAP or emergency medical agency as a telecommunicator for
688 less than one (1) year prior to July 1, 1993, shall be required to
689 have completed all the requirements for minimum training
690 standards, as set forth in Sections 19-5-351 through 19-5-361,
691 within one (1) year from July 1, 1993. Persons certified on or



692 before July 1, 1993, in any course or courses chosen shall be
693 given credit for these courses, provided the courses are still
694 current and such persons can provide a course completion
695 certificate.

696 (7) Any person hired to perform the duties of a
697 telecommunicator in any public safety, fire, 911 PSAP or emergency
698 medical agency after July 1, 1993, shall complete the minimum
699 training standards as set forth in Sections 19-5-351 through
700 19-5-361 within twelve (12) months of their employment or within
701 twelve (12) months from the date that the Board of Emergency
702 Telecommunications Standards and Training shall become
703 operational.

704 (8) Professional certificates remain the property of the
705 board, and the board reserves the right to either reprimand the
706 holder of a certificate, suspend a certificate upon conditions
707 imposed by the board, or cancel and recall any certificate when:

708 (a) The certificate was issued by administrative error;

709 (b) The certificate was obtained through
710 misrepresentation or fraud;

711 (c) The holder has been convicted of any crime
712 involving moral turpitude;

713 (d) The holder has been convicted of a felony; or

714 (e) Other due cause as determined by the board.

715 When the board believes there is a reasonable basis for
716 either the reprimand, suspension, cancellation of, or recalling



717 the certification of a telecommunicator, notice and opportunity
718 for a hearing shall be provided. Any telecommunicator aggrieved
719 by the findings and order of the board may file an appeal with the
720 chancery court of the county in which such person is employed from
721 the final order of the board. Any telecommunicator whose
722 certification has been cancelled pursuant to Sections 19-5-351
723 through 19-5-361 may reapply for certification but not sooner than
724 two (2) years after the date on which the order of the board
725 canceling such certification became final.

726 (9) Any state agency, political subdivision or "for-profit"
727 ambulance, security or fire service company that employs a person
728 as a telecommunicator who does not meet the requirements of
729 Sections 19-5-351 through 19-5-361, or that employs a person whose
730 certificate has been suspended or revoked under provisions of
731 Sections 19-5-351 through 19-5-361, is prohibited from paying the
732 salary of such person, and any person violating this subsection
733 shall be personally liable for making such payment.

734 (10) These minimum standards and time limitations shall in
735 no way conflict with other state and federal training as may be
736 required to comply with established laws or regulations.

737 * * *

738 **SECTION 13.** Section 19-5-357, Mississippi Code of 1972, is
739 amended as follows:

740 19-5-357. (1) From and after July 1, 1993, a service charge
741 of Five Cents (5¢) shall be placed on each subscriber service line



742 within the State of Mississippi. This service charge shall apply
743 equally to both private and business lines and shall apply to all
744 service suppliers operating within the State of Mississippi. This
745 subscriber service charge level shall be reviewed periodically to
746 determine if the service charge level is adequate or excessive,
747 and adjustments may be made accordingly.

748 (2) Every billed service user shall be liable for any
749 service charge imposed under this section until it has been paid
750 to the service supplier. The duty of the service supplier to
751 collect any such service charge shall commence upon the date of
752 its implementation. Any such minimum standards telephone service
753 charge shall be added to, and may be stated separately in, the
754 billing by the service supplier to the service user.

755 (3) The service supplier shall have no obligation to take
756 any legal action to enforce the collection of any emergency
757 telephone service charge. However, the service supplier shall
758 annually provide the Board of Emergency Telecommunications
759 Standards and Training with a list of the amount uncollected,
760 together with the names and addresses of those service users who
761 carry a balance that can be determined by the service supplier to
762 be nonpayment of such service charge. The service charge shall be
763 collected at the same time as the tariff rate in accordance with
764 the regular billing practice of the service supplier. Good faith
765 compliance by the service supplier with this provision shall
766 constitute a complete defense to any legal action which may result



767 from the service supplier's determination of nonpayment and/or the
768 identification of service users in connection therewith.

769 (4) The amounts collected by the service supplier
770 attributable to the minimum standards telephone service charge
771 shall be deposited monthly into a special fund hereby created in
772 the State Treasury. The amount of service charge collected each
773 month by the service supplier shall be remitted to the special
774 fund no later than sixty (60) days after the close of the month.
775 A return, in such form as prescribed by the Department of Revenue,
776 shall be filed with the Department of Revenue, together with a
777 remittance of the amount of service charge collected payable to
778 the special fund. The service supplier shall maintain records of
779 the amount of service charge collected for a period of at least
780 three (3) years from date of collection. From the gross receipts
781 to be remitted to the special fund, the service supplier shall be
782 entitled to retain as an administrative fee, an amount equal to
783 one percent (1%) thereof. This service charge is a state fee and
784 is not subject to any sales, use, franchise, income, excise or any
785 other tax, fee or assessment, and shall not be considered revenue
786 of the service supplier for any purpose. All administrative
787 provisions of the Mississippi Sales Tax Law, including those which
788 fix damages, penalties and interest for nonpayment of taxes and
789 for noncompliance with the provisions of such chapter, and all
790 other duties and requirements imposed upon taxpayers, shall apply
791 to all persons liable for fees under the provisions of this



792 chapter, and the Commissioner of Revenue shall exercise all the
793 power and authority and perform all the duties with respect to
794 taxpayers under this chapter as are provided in the Mississippi
795 Sales Tax Law except where there is a conflict, then the
796 provisions of this chapter shall control.

797 (5) The proceeds generated by the minimum standards service
798 charge shall primarily be used by the board pursuant to
799 legislative appropriation to fund the minimum standards training
800 program for public safety telecommunicators within the State of
801 Mississippi. These funds shall be applied on a first-come
802 first-served basis, which shall be determined by the date of
803 application. All city, county and state public safety
804 telecommunicators, including those employed by city and/or county
805 supported ambulance services and districts, shall be eligible to
806 receive these funds to meet minimum standards training
807 requirements. No "for-profit" ambulance, security or fire service
808 company operating in the private sector shall be qualified to
809 receive these minimum standards training funds unless the company
810 is on contract with a local government to provide primary
811 emergency response. Law enforcement officers, fire and emergency
812 medical personnel who are used as part-time or "fill-in"
813 telecommunicators shall also be eligible to receive funding for
814 this minimum standards training, provided they serve at least
815 eight (8) hours per month as a telecommunicator. However,
816 emergency medical personnel who are used as part-time or "fill-in"



817 telecommunicators and are employed by any for-profit ambulance
818 company operating in the private sector shall be eligible to
819 receive funding for the minimum standards training, provided they
820 serve at least twenty (20) hours per week as a telecommunicator.
821 These funds may also be expended by the Board of Emergency
822 Telecommunications Standards and Training to administer the
823 minimum standards program for such things as personnel, office
824 equipment, computer software, supplies and other necessary
825 expenses.

826 (6) The Board of Emergency Telecommunications Standards and
827 Training shall be authorized to reimburse any public safety agency
828 or emergency medical service for meals, lodging, travel, course
829 fees and salary during the time spent training, upon successful
830 completion of such course. Funds may also be expended to train
831 certain individuals to become certified instructors of the various
832 courses included in these minimum standards in order to conduct
833 training within the State of Mississippi.

834 (7) If the proceeds generated by the minimum standards
835 service charge exceed the amount of monies necessary to fund the
836 service, the Board of Emergency Telecommunications Standards and
837 Training may authorize such excess funds to be available for
838 advanced training, upgraded training and recertification of
839 instructors. Any funds remaining at the close of any fiscal year
840 shall not lapse into the State General Fund but shall be carried



841 over to the next fiscal year to be used as a beginning balance for
842 the fiscal requirements of such year.

843 * * *

844 **SECTION 14.** Section 19-5-371, Mississippi Code of 1972, is
845 amended as follows:

846 19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,
847 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-353,
848 19-5-357, 19-5-359 and 19-5-361 shall stand repealed from and
849 after July 1, * * * 2021.

850 **SECTION 15.** This act shall take effect and be in force from
851 and after July 1, 2018.

