

By: Representative Turner

To: Public Utilities

HOUSE BILL NO. 74

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 19-5-353, 19-5-357, 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF  
 4 1972, WHICH REGULATE 911 AND E911 EMERGENCY TELECOMMUNICATIONS  
 5 SERVICES AND REQUIRE THE COLLECTION OF SERVICE CHARGES; TO AMEND  
 6 SECTION 19-5-371, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF  
 7 THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

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

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

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

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

18 (b) "Tariff rate" shall mean the rate or rates billed  
 19 by a service supplier as stated in the service supplier's tariffs  
 20 and approved by the Public Service Commission, which represent the



21 service supplier's recurring charges for exchange access  
22 facilities, exclusive of all taxes, fees, licenses or similar  
23 charges whatsoever.

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

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

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

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

44 (g) "Basic 911" shall mean a telephone service  
45 terminated in designated Public Safety Answering Points accessible



46 by the public through telephone calls dialed to the abbreviated  
47 telephone number 911. Basic 911 is a voice service and does not  
48 display address or telephone number information.

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

57 (i) "Private branch exchange (PBX)" shall mean any  
58 telephone service operation supplied by a party other than a  
59 regulated local exchange telephone service supplier for which a  
60 charge is not levied. Such services are those where tariffed  
61 telephone trunks or lines are terminated into a central switch  
62 which is used to supply dial tone to telephones operating within  
63 that system.

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

69 (k) "Centrex" or "ESSX" shall mean any variety of  
70 services offered in connection with any tariffed telephone service



71 in which switching services and other dialing features are  
72 provided by the regulated local exchange telephone service  
73 supplier.

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

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



96 or emergency medical agencies and who receives or disseminates  
97 information relative to emergency assistance by telephone or  
98 radio.

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

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

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

111 (q) "Voice over Internet Protocol service" means any  
112 technology that permits a voice conversation using a voice  
113 connection to a computer, whether through a microphone, a  
114 telephone or other device, which sends a digital signal over the  
115 Internet through a broadband connection to be converted back to  
116 the human voice at a distant terminal and that delivers or is  
117 required by law to deliver a call to a public safety answering  
118 point. Voice over Internet Protocol service shall also include  
119 interconnected Voice over Internet Protocol service, which is  
120 service that enables real-time, two-way voice communications,



121 requires a broadband connection from the user's location, requires  
122 Internet protocol compatible customer premises equipment, and  
123 allows users to receive calls that originate on the public service  
124 telephone network and to terminate calls to the public switched  
125 telephone network.

126 (r) "Voice over Internet Protocol service supplier"  
127 means a person or entity who provides Voice over Internet Protocol  
128 service to subscribers for a fee.

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

131 19-5-313. (1) The board of supervisors may levy an  
132 emergency telephone service charge in an amount not to exceed One  
133 Dollar (\$1.00) per residential telephone subscriber line per  
134 month, One Dollar (\$1.00) per Voice over Internet Protocol  
135 subscriber account per month, and Two Dollars (\$2.00) per  
136 commercial telephone subscriber line per month for exchange  
137 telephone service. Any emergency telephone service charge shall  
138 have uniform application and shall be imposed throughout the  
139 entirety of the district to the greatest extent possible in  
140 conformity with availability of such service in any area of the  
141 district. Those districts which exist on the date of enactment of  
142 Chapter 539, Laws of 1993, shall convert to the following  
143 structure for service charge levy: If the current charge is five  
144 percent (5%) of the basic tariff service rate, the new collection  
145 shall be Eighty Cents (80¢) per month per residential subscriber



146 line and One Dollar and Sixty Cents (\$1.60) per month per  
147 commercial subscriber line. The collections may be adjusted as  
148 outlined in Chapter 539, Laws of 1993, and within the limits set  
149 forth herein.

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



171 operation of the overall 911 emergency telephone and alerting  
172 systems.

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

186 (4) The service supplier shall have no obligation to take  
187 any legal action to enforce the collection of any emergency  
188 telephone service charge. However, the service supplier shall  
189 annually provide the board of supervisors and board of  
190 commissioners with a list of the amount uncollected, together with  
191 the names and addresses of those service users who carry a balance  
192 that can be determined by the service supplier to be nonpayment of  
193 such service charge. The service charge shall be collected at the  
194 same time as the tariff rate or, for nontariff services, at the  
195 time of payment, in accordance with the regular billing practice





196 of the service supplier. Good faith compliance by the service  
197 supplier with this provision shall constitute a complete defense  
198 to any legal action or claim which may result from the service  
199 supplier's determination of nonpayment and/or the identification  
200 of service users in connection therewith.

201 (5) The amounts collected by the service supplier  
202 attributable to any emergency telephone service charge shall be  
203 due the county treasury monthly. The amount of service charge  
204 collected each month by the service supplier shall be remitted to  
205 the county no later than sixty (60) days after the close of the  
206 month. A return, in such form as the board of supervisors and the  
207 service supplier agree upon, shall be filed with the county,  
208 together with a remittance of the amount of service charge  
209 collected payable to the county. The service supplier shall  
210 maintain records of the amount of service charge collected for a  
211 period of at least two (2) years from date of collection. The  
212 board of supervisors and board of commissioners shall receive an  
213 annual audit of the service supplier's books and records with  
214 respect to the collection and remittance of the service charge.  
215 From the gross receipts to be remitted to the county, the service  
216 supplier shall be entitled to retain as an administrative fee, an  
217 amount equal to one percent (1%) thereof. From and after March  
218 10, 1987, the service charge is a county fee and is not subject to  
219 any sales, use, franchise, income, excise or any other tax, fee or



220 assessment and shall not be considered revenue of the service  
221 supplier for any purpose.

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

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

228 19-5-319. (1) Automatic number identification (ANI),  
229 automatic location identification (ALI) and geographic automatic  
230 location identification (GeoALI) information that consist of the  
231 name, address and telephone number of telephone or wireless  
232 subscribers shall be confidential, and the dissemination of the  
233 information contained in the 911 automatic number and location  
234 database is prohibited except for the following purpose: The  
235 information will be provided to the Public Safety Answering Point  
236 (PSAP) on a call-by-call basis only for the purpose of handling  
237 emergency calls or for training, and any permanent record of the  
238 information shall be secured by the Public Safety Answering Point  
239 (PSAP) and disposed of in a manner which will retain that  
240 security, except upon court order or subpoena from a court of  
241 competent jurisdiction or as otherwise provided by law.

242 (2) All emergency telephone calls and telephone call  
243 transmissions received pursuant to Section 19-5-301 et seq., and  
244 all recordings of the emergency telephone calls, shall remain



245 confidential and shall be used only for the purposes as may be  
246 needed for law enforcement, fire, medical rescue or other  
247 emergency services. These recordings shall not be released to any  
248 other parties without court order or subpoena from a court of  
249 competent jurisdiction.

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

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

267 19-5-331. As used in Sections 19-5-331 through 19-5-341, the  
268 following words and phrases have the meanings ascribed in this  
269 section unless the context clearly indicates otherwise:



270 (a) The terms "board" and "CMRS Board" mean the  
271 Commercial Mobile Radio Service Emergency Telephone Services  
272 Board.

273 (b) The term "automatic number identification" or "ANI"  
274 means an Enhanced 911 Service capability that enables the  
275 automatic display of the ten-digit wireless telephone number used  
276 to place a 911 call and includes "pseudo-automatic number  
277 identification" or "pseudo-ANI," which means an Enhanced 911  
278 Service capability that enables the automatic display of the  
279 number of the cell site and an identification of the CMRS  
280 provider.

281 (c) The term "commercial mobile radio service" or  
282 "CMRS" means commercial mobile radio service under Sections 3(27)  
283 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
284 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
285 1993, Public Law 103-66. The term includes the term "wireless"  
286 and service provided by any wireless real time two-way voice  
287 communication device, including radio-telephone communications  
288 used in cellular telephone service, personal communication  
289 service, or the functional or competitive equivalent of a  
290 radio-telephone communications line used in cellular telephone  
291 service, a personal communication service, specialized mobile  
292 radio service, or a network radio access line. The term does not  
293 include service whose customers do not have access to 911 or to a  
294 911-like service, to a communication channel suitable only for



295 data transmission, to a wireless roaming service or other nonlocal  
296 radio access line service, or to a private telecommunications  
297 system.

298 (d) The term "commercial mobile radio service provider"  
299 or "CMRS provider" means a person or entity who provides  
300 commercial mobile radio service or CMRS service.

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

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

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

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

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

317 (j) The term "Enhanced 911," "E911," "Enhanced E911  
318 system" or "E911 system" means an emergency telephone system that  
319 provides the caller with emergency 911 system service, that



320 directs 911 calls to appropriate public safety answering points by  
321 selective routing based on the geographical location from which  
322 the call originated, and that provides the capability for  
323 automatic number identification and other features that the  
324 Federal Communications Commission (FCC) may require in the future.

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

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

331 (m) The term "place of primary use" means the street  
332 address representative of where the customer's use of mobile  
333 telecommunications services primarily occurs, which must be either  
334 the residential street address or the primary business street  
335 address of the customer.

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

338 (o) The term "technical proprietary information" means  
339 technology descriptions, technical information or trade secrets  
340 and the actual or developmental costs thereof which are developed,  
341 produced or received internally by a CMRS provider or by a CMRS  
342 provider's employees, directors, officers or agents.

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



345 19-5-333. (1) There is created a Commercial Mobile Radio  
346 Service (CMRS) Board, consisting of eight (8) members to be  
347 appointed by the Governor with the advice and consent of the  
348 Senate. The members of the board shall be appointed as follows:

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

352 (b) One (1) member from the Central Public Service  
353 Commission District selected from two (2) nominees submitted to  
354 the Governor by the Mississippi Chapter of the Association of  
355 Public Safety Communication Officers;

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

359 (d) Two (2) members who are wireless provider  
360 representatives;

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

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

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



370 The initial terms of the board members, as appointed after  
371 July 1, 2002, shall be staggered as follows: The members  
372 appointed under paragraph (d) shall serve a term of two (2) years;  
373 the member appointed under paragraph (e) shall serve a term of one  
374 (1) year. After the expiration of the initial terms, the term for  
375 all members shall be four (4) years.

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

377 (a) To collect and distribute a CMRS emergency  
378 telephone service charge on each CMRS customer whose place of  
379 primary use is within the state. The rate of such CMRS service  
380 charge shall be One Dollar (\$1.00) per month per CMRS connection.  
381 In the case of prepaid wireless service, the rate and methodology  
382 for collecting and remitting the 911 charge is governed by Section  
383 19-5-343. The CMRS service charge shall have uniform application  
384 and shall be imposed throughout the state. The board is  
385 authorized to receive all revenues derived from the CMRS service  
386 charge levied on CMRS connections in the state and collected  
387 pursuant to Section 19-5-335.

388 (b) To establish and maintain the CMRS Fund as an  
389 insured, interest-bearing account into which the board shall  
390 deposit all revenues derived from the CMRS service charge levied  
391 on CMRS connections in the state and collected pursuant to Section  
392 19-5-335. The revenues which are deposited into the CMRS Fund  
393 shall not be monies or property of the state and shall not be  
394 subject to appropriation by the Legislature. Interest derived





395 from the CMRS Fund shall be divided equally to pay reasonable  
396 costs incurred by providers in compliance with the requirements of  
397 Sections 19-5-331 through 19-5-341 and to compensate those  
398 persons, parties or firms employed by the CMRS Board as  
399 contemplated in paragraph (d) of this subsection. The interest  
400 income is not subject to the two percent (2%) cap on  
401 administrative spending established in Section 19-5-335(3).

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

405 (i) Out of the funds collected by the board,  
406 thirty percent (30%) shall be deposited into the CMRS Fund, and  
407 shall be used to defray the administrative expenses of the board  
408 in accordance with Section 19-5-335(3) and to pay the actual costs  
409 incurred by such CMRS providers in complying with the wireless  
410 E911 service requirements established by the FCC Order and any  
411 rules and regulations which are or may be adopted by the FCC  
412 pursuant to the FCC Order, including, but not limited to, costs  
413 and expenses incurred for designing, upgrading, purchasing,  
414 leasing, programming, installing, testing or maintaining all  
415 necessary data, hardware and software required in order to provide  
416 such service as well as the incremental costs of operating such  
417 service. Sworn invoices must be presented to the board in  
418 connection with any request for payment and approved by a majority  
419 vote of the board prior to any such disbursement, which approval



420 shall not be withheld or delayed unreasonably. In no event shall  
421 any invoice for payment be approved for the payment of costs that  
422 are not related to compliance with the wireless E911 service  
423 requirements established by the FCC Order and any rules and  
424 regulations which are or may be adopted by the FCC pursuant to the  
425 FCC Order, and any rules and regulations which may be adopted by  
426 the FCC with respect to implementation of wireless E911 services.

427 (ii) The remainder of all funds collected by the  
428 board, which shall not be less than seventy percent (70%) of the  
429 total funds collected by the board, shall be distributed by the  
430 board monthly based on the number of CMRS connections in each ECD  
431 for use in providing wireless E911 service, including capital  
432 improvements, and in their normal operations. For purposes of  
433 distributing the funds to each ECD, every CMRS provider shall  
434 identify to the CMRS Board the ECD to which funds should be  
435 remitted based on zip code plus four (4) designation, as required  
436 by the federal Uniform Sourcing Act.

437 An ECD board that has within its jurisdiction zip code  
438 designations that do not adhere to county lines shall assist CMRS  
439 providers in determining the appropriate county to which funds  
440 should be distributed.

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



445           (e) To obtain from an independent, third-party auditor  
446 retained by the board annual reports to the board no later than  
447 sixty (60) days after the close of each fiscal year, which shall  
448 provide an accounting for all CMRS service charges deposited into  
449 the CMRS Fund during the preceding fiscal year and all  
450 disbursements to ECDs during the preceding fiscal year. The board  
451 shall provide a copy of the annual reports to the Chairmen of the  
452 Public Utilities Committees of the House of Representatives and  
453 Senate.

454           (f) To retain an independent, third-party accountant  
455 who shall audit CMRS providers at the discretion of the CMRS Board  
456 to verify the accuracy of each CMRS providers' service charge  
457 collection. The information obtained by the audits shall be used  
458 solely for the purpose of verifying that CMRS providers accurately  
459 are collecting and remitting the CMRS service charge and may be  
460 used for any legal action initiated by the board against CMRS  
461 providers.

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

466           (h) To promulgate such rules and regulations as may be  
467 necessary to effect the provisions of Sections 19-5-331 through  
468 19-5-341.



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

471 (j) To maintain a registration database of all CMRS  
472 providers and to impose an administrative fine on any provider  
473 that fails to comply with the registration requirements in Section  
474 19-5-335.

475 (3) The CMRS service charge provided in subsection (2)(a) of  
476 this section and the service charge provided in Section 19-5-357  
477 to fund the training of public safety telecommunicators shall be  
478 the only charges assessed to CMRS customers relating to emergency  
479 telephone services.

480 (4) The board shall serve without compensation; however,  
481 members of the board shall be entitled to be reimbursed for actual  
482 expenses and travel costs associated with their service in an  
483 amount not to exceed the reimbursement authorized for state  
484 officers and employees in Section 25-3-41, Mississippi Code of  
485 1972.

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

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



494 19-5-335. (1) Each CMRS provider shall act as a collection  
495 agent for the CMRS Fund and shall, as part of the provider's  
496 normal monthly billing process, collect the CMRS service charges  
497 levied upon CMRS connections pursuant to Section 19-5-333(2) (a)  
498 from each CMRS connection to whom the billing provider provides  
499 CMRS service and shall, not later than thirty (30) days after the  
500 end of the calendar month in which such CMRS service charges are  
501 collected, remit to the board the net CMRS service charges so  
502 collected after deducting the fee authorized by subsection (2) of  
503 this section. Each billing provider shall list the CMRS service  
504 charge as a separate entry on each bill which includes a CMRS  
505 service charge.

506 (2) Each CMRS provider shall be entitled to deduct and  
507 retain from the CMRS service charges collected by such provider  
508 during each calendar month an amount not to exceed one percent  
509 (1%) of the gross aggregate amount of such CMRS service charges so  
510 collected as reimbursement for the costs incurred by such provider  
511 in collecting, handling and processing such CMRS service charges.

512 (3) The board shall be entitled to retain from the CMRS  
513 service charges collected during each calendar month an amount not  
514 to exceed two percent (2%) of the money allocated to the CMRS Fund  
515 as reimbursement for the costs incurred by the board in  
516 administering Sections 19-5-331 through 19-5-341 including, but  
517 not limited to, retaining and paying the independent, third-party  
518 auditor to review and disburse the cost recovery funds and to



519 prepare the reports contemplated by Sections 19-5-331 through  
520 19-5-341.

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

523 (a) The company name of the provider;

524 (b) The marketing name of the provider;

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

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

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

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

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

538 19-5-337. All technical proprietary information submitted to  
539 the board or to the independent, third-party auditor as provided  
540 by Section 19-5-333(2) (d) shall be retained by the board and such  
541 auditor in confidence and shall be subject to review only by the  
542 board. Further, notwithstanding any other provision of the law,  
543 no technical proprietary information so submitted shall be subject



544 to subpoena or otherwise released to any person other than to the  
545 submitting CMRS provider, the board and the aforesaid independent,  
546 third-party auditor without the express permission of the  
547 administrator and the submitting CMRS provider. General  
548 information collected by the aforesaid independent, third-party  
549 auditor shall only be released or published in aggregate amounts  
550 which do not identify or allow identification of numbers of  
551 subscribers of revenues attributable to an individual CMRS  
552 provider.

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

555         19-5-339. In accordance with the Federal Communication  
556 Commission Order, no CMRS provider shall be required to provide  
557 wireless Enhanced 911 Service until such time as (a) the provider  
558 receives a request for such service from the administrator of a  
559 Public Safety Answering Point (PSAP) that is capable of receiving  
560 and utilizing the data elements associated with the service; (b)  
561 funds are available pursuant to Section 19-5-333; and (c) the  
562 local exchange carrier is able to support the wireless Enhanced  
563 911 system.

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

566         19-5-341. Wireless emergency telephone service shall not be  
567 used for personal use and shall be used solely for the use of  
568 communications by the public. Any person who knowingly uses or



569 attempts to use wireless emergency telephone service for a purpose  
570 other than obtaining public safety assistance, or who knowingly  
571 uses or attempts to use wireless emergency telephone service in an  
572 effort to avoid any CMRS charges, is guilty of a misdemeanor and  
573 shall be subject to a fine of not more than Five Hundred Dollars  
574 (\$500.00) or imprisonment of not more than thirty (30) days in the  
575 county jail, or both such fine and imprisonment. If the value of  
576 the CMRS charge or service obtained in a manner prohibited by this  
577 section exceeds One Hundred Dollars (\$100.00), the offense may be  
578 prosecuted as a felony and punishable by a fine of not more than  
579 Five Thousand Dollars (\$5,000.00) and imprisonment of not more  
580 than three (3) years, or both such fine and imprisonment.

581       **SECTION 10.** Section 19-5-353, Mississippi Code of 1972, is  
582 reenacted as follows:

583       19-5-353. (1) The initial minimum standard of training for  
584 local public safety and 911 telecommunicators shall be determined  
585 by the Board of Emergency Telecommunications Standards and  
586 Training. All courses approved for minimum standards shall be  
587 taught by instructors certified by the course originator as  
588 instructors for such courses.

589       (2) The minimum standards may be changed at any time by the  
590 Board of Emergency Telecommunications Standards and Training, but  
591 shall always include at least two (2) hours of training related to  
592 handling complaints and/or calls of human trafficking and  
593 commercial sexual exploitation of children as defined in Section





594 43-21-105, communicating with such victims and requiring the local  
595 public safety and 911 telecommunicators to contact the Department  
596 of Child Protection Services when human trafficking or commercial  
597 sexual exploitation is suspected.

598 (3) Changes in the minimum standards may be made upon  
599 request from any bona fide public safety, emergency medical or  
600 fire organization operating within the State of Mississippi.  
601 Requests for change shall be in writing submitted to either the  
602 State Law Enforcement Training Academy; the State Fire Academy;  
603 the Mississippi Chapter of the Associated Public Safety  
604 Communications Officers, Incorporated; the Mississippi Chapter of  
605 the National Emergency Number Association; the Mississippi State  
606 Board of Health, Emergency Medical Services Division; the  
607 Mississippi Justice Information Center; the Mississippi Sheriff's  
608 Association; the Mississippi Fire Chief's Association; the  
609 Mississippi Association of Chiefs of Police; or Mississippians for  
610 Emergency Medical Services.

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

615 (5) Persons in the employment of any public safety, fire,  
616 911 PSAP or emergency medical agency as a telecommunicator on July  
617 1, 1993, shall have three (3) years to be certified in the minimum



618 standards courses provided they have been employed by such agency  
619 for a period of more than one (1) year prior to July 1, 1993.

620 (6) Persons having been employed by any public safety, fire,  
621 911 PSAP or emergency medical agency as a telecommunicator for  
622 less than one (1) year prior to July 1, 1993, shall be required to  
623 have completed all the requirements for minimum training  
624 standards, as set forth in Sections 19-5-351 through 19-5-361,  
625 within one (1) year from July 1, 1993. Persons certified on or  
626 before July 1, 1993, in any course or courses chosen shall be  
627 given credit for these courses, provided the courses are still  
628 current and such persons can provide a course completion  
629 certificate.

630 (7) Any person hired to perform the duties of a  
631 telecommunicator in any public safety, fire, 911 PSAP or emergency  
632 medical agency after July 1, 1993, shall complete the minimum  
633 training standards as set forth in Sections 19-5-351 through  
634 19-5-361 within twelve (12) months of their employment or within  
635 twelve (12) months from the date that the Board of Emergency  
636 Telecommunications Standards and Training shall become  
637 operational.

638 (8) Professional certificates remain the property of the  
639 board, and the board reserves the right to either reprimand the  
640 holder of a certificate, suspend a certificate upon conditions  
641 imposed by the board, or cancel and recall any certificate when:

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



643 (b) The certificate was obtained through  
644 misrepresentation or fraud;

645 (c) The holder has been convicted of any crime  
646 involving moral turpitude;

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

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

649 When the board believes there is a reasonable basis for  
650 either the reprimand, suspension, cancellation of, or recalling  
651 the certification of a telecommunicator, notice and opportunity  
652 for a hearing shall be provided. Any telecommunicator aggrieved  
653 by the findings and order of the board may file an appeal with the  
654 chancery court of the county in which such person is employed from  
655 the final order of the board. Any telecommunicator whose  
656 certification has been cancelled pursuant to Sections 19-5-351  
657 through 19-5-361 may reapply for certification but not sooner than  
658 two (2) years after the date on which the order of the board  
659 canceling such certification became final.

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



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

671 **SECTION 11.** Section 19-5-357, Mississippi Code of 1972, is  
672 reenacted as follows:

673 19-5-357. (1) From and after July 1, 1993, a service charge  
674 of Five Cents (5¢) shall be placed on each subscriber service line  
675 within the State of Mississippi. This service charge shall apply  
676 equally to both private and business lines and shall apply to all  
677 service suppliers operating within the State of Mississippi. This  
678 subscriber service charge level shall be reviewed periodically to  
679 determine if the service charge level is adequate or excessive,  
680 and adjustments may be made accordingly.

681 (2) Every billed service user shall be liable for any  
682 service charge imposed under this section until it has been paid  
683 to the service supplier. The duty of the service supplier to  
684 collect any such service charge shall commence upon the date of  
685 its implementation. Any such minimum standards telephone service  
686 charge shall be added to, and may be stated separately in, the  
687 billing by the service supplier to the service user.

688 (3) The service supplier shall have no obligation to take  
689 any legal action to enforce the collection of any emergency  
690 telephone service charge. However, the service supplier shall  
691 annually provide the Board of Emergency Telecommunications  
692 Standards and Training with a list of the amount uncollected,



693 together with the names and addresses of those service users who  
694 carry a balance that can be determined by the service supplier to  
695 be nonpayment of such service charge. The service charge shall be  
696 collected at the same time as the tariff rate in accordance with  
697 the regular billing practice of the service supplier. Good faith  
698 compliance by the service supplier with this provision shall  
699 constitute a complete defense to any legal action which may result  
700 from the service supplier's determination of nonpayment and/or the  
701 identification of service users in connection therewith.

702 (4) The amounts collected by the service supplier  
703 attributable to the minimum standards telephone service charge  
704 shall be deposited monthly into a special fund hereby created in  
705 the State Treasury. The amount of service charge collected each  
706 month by the service supplier shall be remitted to the special  
707 fund no later than sixty (60) days after the close of the month.  
708 A return, in such form as prescribed by the Department of Revenue,  
709 shall be filed with the Department of Revenue, together with a  
710 remittance of the amount of service charge collected payable to  
711 the special fund. The service supplier shall maintain records of  
712 the amount of service charge collected for a period of at least  
713 three (3) years from date of collection. From the gross receipts  
714 to be remitted to the special fund, the service supplier shall be  
715 entitled to retain as an administrative fee, an amount equal to  
716 one percent (1%) thereof. This service charge is a state fee and  
717 is not subject to any sales, use, franchise, income, excise or any



718 other tax, fee or assessment, and shall not be considered revenue  
719 of the service supplier for any purpose. All administrative  
720 provisions of the Mississippi Sales Tax Law, including those which  
721 fix damages, penalties and interest for nonpayment of taxes and  
722 for noncompliance with the provisions of such chapter, and all  
723 other duties and requirements imposed upon taxpayers, shall apply  
724 to all persons liable for fees under the provisions of this  
725 chapter, and the Commissioner of Revenue shall exercise all the  
726 power and authority and perform all the duties with respect to  
727 taxpayers under this chapter as are provided in the Mississippi  
728 Sales Tax Law except where there is a conflict, then the  
729 provisions of this chapter shall control.

730 (5) The proceeds generated by the minimum standards service  
731 charge shall primarily be used by the board pursuant to  
732 legislative appropriation to fund the minimum standards training  
733 program for public safety telecommunicators within the State of  
734 Mississippi. These funds shall be applied on a first-come  
735 first-served basis, which shall be determined by the date of  
736 application. All city, county and state public safety  
737 telecommunicators, including those employed by city and/or county  
738 supported ambulance services and districts, shall be eligible to  
739 receive these funds to meet minimum standards training  
740 requirements. No "for-profit" ambulance, security or fire service  
741 company operating in the private sector shall be qualified to  
742 receive these minimum standards training funds unless the company



743 is on contract with a local government to provide primary  
744 emergency response. Law enforcement officers, fire and emergency  
745 medical personnel who are used as part-time or "fill-in"  
746 telecommunicators shall also be eligible to receive funding for  
747 this minimum standards training, provided they serve at least  
748 eight (8) hours per month as a telecommunicator. However,  
749 emergency medical personnel who are used as part-time or "fill-in"  
750 telecommunicators and are employed by any for-profit ambulance  
751 company operating in the private sector shall be eligible to  
752 receive funding for the minimum standards training, provided they  
753 serve at least twenty (20) hours per week as a telecommunicator.  
754 These funds may also be expended by the Board of Emergency  
755 Telecommunications Standards and Training to administer the  
756 minimum standards program for such things as personnel, office  
757 equipment, computer software, supplies and other necessary  
758 expenses.

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



767 (7) If the proceeds generated by the minimum standards  
768 service charge exceed the amount of monies necessary to fund the  
769 service, the Board of Emergency Telecommunications Standards and  
770 Training may authorize such excess funds to be available for  
771 advanced training, upgraded training and recertification of  
772 instructors. Any funds remaining at the close of any fiscal year  
773 shall not lapse into the State General Fund but shall be carried  
774 over to the next fiscal year to be used as a beginning balance for  
775 the fiscal requirements of such year.

776 **SECTION 12.** Section 19-5-359, Mississippi Code of 1972, is  
777 reenacted as follows:

778 19-5-359. (1) Any service supplier operating within the  
779 State of Mississippi shall be required to provide access to the  
780 locally designated PSAP by dialing the three (3) digits "911" from  
781 any telephone subscriber line within such service area. Where  
782 technically available, each service supplier shall, at a county's  
783 request, provide "Enhanced 911" services. Where this capability  
784 does not technically exist, "Basic 911" shall be available as a  
785 minimum.

786 (2) From and after December 31, 1993, any person,  
787 corporation or entity operating a "shared tenant service" type of  
788 telephone system shall be required to provide as a minimum the  
789 location and telephone number information for each and every  
790 extension or user on such "shared tenant" system to the regulated  
791 local exchange telephone service provider where the service





792 provider can utilize such information in the delivery of "Enhanced  
793 911" emergency telephone service. This information shall consist  
794 of data in a format that is compatible with the service supplier's  
795 requirements in order to provide such location and telephone  
796 number information automatically in the event a call to 911 is  
797 placed from such a system. It shall be the responsibility of the  
798 operator or provider of "STS" telephone services to maintain the  
799 data pertaining to each extension operating on such system.

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

806 (4) Any service suppliers engaged in the offering or  
807 operating of "Centrex" or "ESSX" telephone service within the  
808 State of Mississippi shall cause the actual location of all  
809 extensions operating in this service to be displayed at the PSAP  
810 whenever a 911 call is placed from said extension. This feature  
811 shall not be required in areas where Enhanced 911 is not in  
812 operation but shall be required should such area upgrade to  
813 Enhanced 911 service.

814 (5) Any local exchange telephone service suppliers offering  
815 "quick-serve" or "soft" dial tone shall provide address location  
816 information to the PSAP operating in the area where the



817 "quick-serve" or "soft" dial tone is in operation so that the PSAP  
818 may have this address information displayed should a call to 911  
819 be placed from such location. It shall be the responsibility of  
820 the service supplier to determine in which emergency service  
821 number area the "quick-serve" or "soft" dial tone is located.

822 (6) Any service suppliers operating within the State of  
823 Mississippi and providing Enhanced 911 telephone service shall  
824 have a reasonable time period, not to exceed five (5) years, to  
825 comply with data and operational standards as they are set forth  
826 by the National Emergency Number Association. This time period  
827 shall apply to data format, equipment supplied for PSAP use and  
828 for the length of time required for data updates relating to  
829 service user address information, emergency service number updates  
830 and other data updates as may be required.

831 **SECTION 13.** Section 19-5-361, Mississippi Code of 1972, is  
832 reenacted as follows:

833 19-5-361. Any Emergency 911 service supplier, Emergency 911  
834 Voice over Internet Protocol service supplier, and Emergency 911  
835 CMRS provider operating within the State of Mississippi, its  
836 employees, directors, officers, agents and subcontractors, shall  
837 be entitled to receive the limitations of liability as provided to  
838 the state, or any agency or local government of the state,  
839 pursuant to Section 11-46-15, Mississippi Code of 1972.

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



842 19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,  
843 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-353,  
844 19-5-357, 19-5-359 and 19-5-361 shall stand repealed from and  
845 after July 1, \* \* \* 2024.

846 **SECTION 15.** This act shall take effect and be in force from  
847 and after July 1, 2021.

