

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,



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

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

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

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



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

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



operation of the overall 911 emergency telephone and alerting systems.

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

(4) The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge. However, the service supplier shall annually provide the board of supervisors and board of commissioners with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected at the same time as the tariff rate or, for nontariff services, at the 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



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

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

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

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

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



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

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

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

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



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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

(g) One (1) member who is a member of the Mississippi Association of Supervisors selected from two (2) nominees 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



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

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

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

(d) To contract for the services of accountants, attorneys, consultants, engineers and any other persons, firms or parties the board deems necessary to effectuate the purposes of 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.



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

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

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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

(2) The minimum standards may be changed at any time by the Board of Emergency Telecommunications Standards and Training, but shall always include at least two (2) hours of training related to handling complaints and/or calls of human trafficking and 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.



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

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

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

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

