

By: Senator(s) Parker

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2310

1 AN ACT TO AMEND SECTION 19-5-371, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF REPEAL ON THE PROVISION OF LAW AUTHORIZING
3 COUNTY BOARDS OF SUPERVISORS TO ASSESS AN EMERGENCY
4 TELECOMMUNICATIONS SERVICE CHARGE; TO BRING FORWARD SECTIONS
5 19-5-303, 19-5-313, 19-5-319, 19-5-331, 19-5-333, 19-5-335,
6 19-5-337, 19-5-339, 19-5-341, 19-5-353, 19-5-357, 19-5-359 AND
7 19-5-361, MISSISSIPPI CODE OF 1972, FOR THE PURPOSES OF POSSIBLE
8 AMENDMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 19-5-371, Mississippi Code of 1972, is
11 amended as follows:

12 19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,
13 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-353,
14 19-5-357, 19-5-359 and 19-5-361 shall stand repealed from and
15 after July 1, * * * 2028.

16 **SECTION 2.** Section 19-5-303, Mississippi Code of 1972, is
17 brought forward as follows:

18 19-5-303. For purposes of Sections 19-5-301 through
19 19-5-317, the following words and terms shall have the following
20 meanings, unless the context clearly indicates otherwise:



21 (a) "Exchange access facilities" shall mean all lines
22 provided by the service supplier for the provision of local
23 exchange service as defined in existing general subscriber
24 services tariffs.

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

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

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

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

40 (f) "E911" shall mean Enhanced Universal Emergency
41 Number Service or Enhanced 911 Service, which is a telephone
42 exchange communications service whereby a Public Safety Answering
43 Point (PSAP) designated by the county or local communications
44 district may receive telephone calls dialed to the abbreviated
45 telephone number 911. E911 Service includes lines and equipment



46 necessary for the answering, transferring and dispatching of
47 public emergency telephone calls originated by persons within the
48 serving area who dial 911. Enhanced 911 Service includes the
49 displaying of the name, address and other pertinent caller
50 information as may be supplied by the service supplier.

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

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

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



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

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

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



95 nonlocal radio access line service, or to a private
96 telecommunications system.

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

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

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

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

118 (q) "Voice over Internet Protocol service" means any
119 technology that permits a voice conversation using a voice



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

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

136 **SECTION 3.** Section 19-5-313, Mississippi Code of 1972, is
137 brought forward as follows:

138 19-5-313. (1) The board of supervisors may levy an
139 emergency telephone service charge in an amount not to exceed One
140 Dollar (\$1.00) per residential telephone subscriber line per
141 month, One Dollar (\$1.00) per Voice over Internet Protocol
142 subscriber account per month, and Two Dollars (\$2.00) per
143 commercial telephone subscriber line per month for exchange
144 telephone service. Any emergency telephone service charge shall



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

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



170 identifying roads, highways and streets. Such excess funds may
171 also be used in the development of county or district
172 communications and paging systems when used primarily for the
173 alerting and dispatching of public safety entities and for other
174 administrative costs such as management personnel, maintenance
175 personnel and related building and operational requirements. Such
176 excess funds may be placed in a depreciation fund for emergency
177 and obsolescence replacement of equipment necessary for the
178 operation of the overall 911 emergency telephone and alerting
179 systems.

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

193 (4) The service supplier shall have no obligation to take
194 any legal action to enforce the collection of any emergency



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

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



220 annual audit of the service supplier's books and records with
221 respect to the collection and remittance of the service charge.
222 From the gross receipts to be remitted to the county, the service
223 supplier shall be entitled to retain as an administrative fee, an
224 amount equal to one percent (1%) thereof. From and after March
225 10, 1987, the service charge is a county fee and is not subject to
226 any sales, use, franchise, income, excise or any other tax, fee or
227 assessment and shall not be considered revenue of the service
228 supplier for any purpose.

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

233 **SECTION 4.** Section 19-5-319, Mississippi Code of 1972, is
234 brought forward as follows:

235 19-5-319. (1) Automatic number identification (ANI),
236 automatic location identification (ALI) and geographic automatic
237 location identification (GeoALI) information that consist of the
238 name, address and telephone number of telephone or wireless
239 subscribers shall be confidential, and the dissemination of the
240 information contained in the 911 automatic number and location
241 database is prohibited except for the following purpose: The
242 information will be provided to the Public Safety Answering Point
243 (PSAP) on a call-by-call basis only for the purpose of handling
244 emergency calls or for training, and any permanent record of the



245 information shall be secured by the Public Safety Answering Point
246 (PSAP) and disposed of in a manner which will retain that
247 security, except upon court order or subpoena from a court of
248 competent jurisdiction or as otherwise provided by law.

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

257 (3) PSAP and emergency response entities shall maintain and,
258 upon request, release a record of the date of call, time of call,
259 the time the emergency response entity was notified, and the
260 identity of the emergency response entity. The emergency response
261 entity shall maintain and, upon request, release a record of the
262 date and time the call was received by the emergency response
263 entity and the time the emergency response entity arrived on the
264 scene. Requests for release of records must be made in writing
265 and must specify the information desired. Requestors shall pay
266 the cost of providing the information requested in accordance with
267 the Mississippi Public Records Act of 1983, Section 25-61-1 et
268 seq. The identity of any caller or person or persons who are the
269 subject of any call, or the address, phone number or other



270 identifying information about any such person, shall not be
271 released except as provided in subsection (2) of this section.

272 **SECTION 5.** Section 19-5-331, Mississippi Code of 1972, is
273 brought forward as follows:

274 19-5-331. As used in Sections 19-5-331 through 19-5-341, the
275 following words and phrases have the meanings ascribed in this
276 section unless the context clearly indicates otherwise:

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

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

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



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

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

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

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

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

317 (h) The term "distribution formula" means the formula
318 specified in Section 19-5-333(c) by which monies generated from



319 the CMRS service charge are distributed on a percentage basis to
320 emergency communications districts and to the CMRS Fund.

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

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

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

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

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



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

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

350 **SECTION 6.** Section 19-5-333, Mississippi Code of 1972, is
351 brought forward as follows:

352 19-5-333. (1) There is created a Commercial Mobile Radio
353 Service (CMRS) Board, consisting of eight (8) members to be
354 appointed by the Governor with the advice and consent of the
355 Senate. The members of the board shall be appointed as follows:

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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



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

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

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

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

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



467 used for any legal action initiated by the board against CMRS
468 providers.

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

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

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

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

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

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



491 officers and employees in Section 25-3-41, Mississippi Code of
492 1972.

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

499 **SECTION 7.** Section 19-5-335, Mississippi Code of 1972, is
500 brought forward as follows:

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

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



516 (1%) of the gross aggregate amount of such CMRS service charges so
517 collected as reimbursement for the costs incurred by such provider
518 in collecting, handling and processing such CMRS service charges.

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

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

530 (a) The company name of the provider;

531 (b) The marketing name of the provider;

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

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

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

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



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

543 **SECTION 8.** Section 19-5-337, Mississippi Code of 1972, is
544 brought forward as follows:

545 19-5-337. All technical proprietary information submitted to
546 the board or to the independent, third-party auditor as provided
547 by Section 19-5-333(2) (d) shall be retained by the board and such
548 auditor in confidence and shall be subject to review only by the
549 board. Further, notwithstanding any other provision of the law,
550 no technical proprietary information so submitted shall be subject
551 to subpoena or otherwise released to any person other than to the
552 submitting CMRS provider, the board and the aforesaid independent,
553 third-party auditor without the express permission of the
554 administrator and the submitting CMRS provider. General
555 information collected by the aforesaid independent, third-party
556 auditor shall only be released or published in aggregate amounts
557 which do not identify or allow identification of numbers of
558 subscribers of revenues attributable to an individual CMRS
559 provider.

560 **SECTION 9.** Section 19-5-339, Mississippi Code of 1972, is
561 brought forward as follows:

562 19-5-339. In accordance with the Federal Communication
563 Commission Order, no CMRS provider shall be required to provide
564 wireless Enhanced 911 Service until such time as (a) the provider
565 receives a request for such service from the administrator of a



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

571 **SECTION 10.** Section 19-5-341, Mississippi Code of 1972, is
572 brought forward as follows:

573 19-5-341. Wireless emergency telephone service shall not be
574 used for personal use and shall be used solely for the use of
575 communications by the public. Any person who knowingly uses or
576 attempts to use wireless emergency telephone service for a purpose
577 other than obtaining public safety assistance, or who knowingly
578 uses or attempts to use wireless emergency telephone service in an
579 effort to avoid any CMRS charges, is guilty of a misdemeanor and
580 shall be subject to a fine of not more than Five Hundred Dollars
581 (\$500.00) or imprisonment of not more than thirty (30) days in the
582 county jail, or both such fine and imprisonment. If the value of
583 the CMRS charge or service obtained in a manner prohibited by this
584 section exceeds One Hundred Dollars (\$100.00), the offense may be
585 prosecuted as a felony and punishable by a fine of not more than
586 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
587 than three (3) years, or both such fine and imprisonment.

588 **SECTION 11.** Section 19-5-353, Mississippi Code of 1972, is
589 brought forward as follows:



590 19-5-353. (1) The initial minimum standard of training for
591 local public safety and 911 telecommunicators shall be determined
592 by the Board of Emergency Telecommunications Standards and
593 Training. All courses approved for minimum standards shall be
594 taught by instructors certified by the course originator as
595 instructors for such courses.

596 (2) The minimum standards may be changed at any time by the
597 Board of Emergency Telecommunications Standards and Training, but
598 shall always include at least two (2) hours of training related to
599 handling complaints and/or calls of human trafficking and
600 commercial sexual exploitation of children as defined in Section
601 43-21-105, communicating with such victims and requiring the local
602 public safety and 911 telecommunicators to contact the Department
603 of Child Protection Services when human trafficking or commercial
604 sexual exploitation is suspected.

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



615 Association; the Mississippi Fire Chief's Association; the
616 Mississippi Association of Chiefs of Police; or Mississippians for
617 Emergency Medical Services.

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

622 (5) Persons in the employment of any public safety, fire,
623 911 PSAP or emergency medical agency as a telecommunicator on July
624 1, 1993, shall have three (3) years to be certified in the minimum
625 standards courses provided they have been employed by such agency
626 for a period of more than one (1) year prior to July 1, 1993.

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

637 (7) Any person hired to perform the duties of a
638 telecommunicator in any public safety, fire, 911 PSAP or emergency
639 medical agency after July 1, 1993, shall complete the minimum



640 training standards as set forth in Sections 19-5-351 through
641 19-5-361 within twelve (12) months of their employment or within
642 twelve (12) months from the date that the Board of Emergency
643 Telecommunications Standards and Training shall become
644 operational.

645 (8) Professional certificates remain the property of the
646 board, and the board reserves the right to either reprimand the
647 holder of a certificate, suspend a certificate upon conditions
648 imposed by the board, or cancel and recall any certificate when:

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

650 (b) The certificate was obtained through
651 misrepresentation or fraud;

652 (c) The holder has been convicted of any crime
653 involving moral turpitude;

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

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

656 When the board believes there is a reasonable basis for
657 either the reprimand, suspension, cancellation of, or recalling
658 the certification of a telecommunicator, notice and opportunity
659 for a hearing shall be provided. Any telecommunicator aggrieved
660 by the findings and order of the board may file an appeal with the
661 chancery court of the county in which such person is employed from
662 the final order of the board. Any telecommunicator whose
663 certification has been cancelled pursuant to Sections 19-5-351
664 through 19-5-361 may reapply for certification but not sooner than



665 two (2) years after the date on which the order of the board
666 canceling such certification became final.

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

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

678 **SECTION 12.** Section 19-5-357, Mississippi Code of 1972, is
679 brought forward as follows:

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

688 (2) Every billed service user shall be liable for any
689 service charge imposed under this section until it has been paid



690 to the service supplier. The duty of the service supplier to
691 collect any such service charge shall commence upon the date of
692 its implementation. Any such minimum standards telephone service
693 charge shall be added to, and may be stated separately in, the
694 billing by the service supplier to the service user.

695 (3) The service supplier shall have no obligation to take
696 any legal action to enforce the collection of any emergency
697 telephone service charge. However, the service supplier shall
698 annually provide the Board of Emergency Telecommunications
699 Standards and Training with a list of the amount uncollected,
700 together with the names and addresses of those service users who
701 carry a balance that can be determined by the service supplier to
702 be nonpayment of such service charge. The service charge shall be
703 collected at the same time as the tariff rate in accordance with
704 the regular billing practice of the service supplier. Good faith
705 compliance by the service supplier with this provision shall
706 constitute a complete defense to any legal action which may result
707 from the service supplier's determination of nonpayment and/or the
708 identification of service users in connection therewith.

709 (4) The amounts collected by the service supplier
710 attributable to the minimum standards telephone service charge
711 shall be deposited monthly into a special fund hereby created in
712 the State Treasury. The amount of service charge collected each
713 month by the service supplier shall be remitted to the special
714 fund no later than sixty (60) days after the close of the month.



715 A return, in such form as prescribed by the Department of Revenue,
716 shall be filed with the Department of Revenue, together with a
717 remittance of the amount of service charge collected payable to
718 the special fund. The service supplier shall maintain records of
719 the amount of service charge collected for a period of at least
720 three (3) years from date of collection. From the gross receipts
721 to be remitted to the special fund, the service supplier shall be
722 entitled to retain as an administrative fee, an amount equal to
723 one percent (1%) thereof. This service charge is a state fee and
724 is not subject to any sales, use, franchise, income, excise or any
725 other tax, fee or assessment, and shall not be considered revenue
726 of the service supplier for any purpose. All administrative
727 provisions of the Mississippi Sales Tax Law, including those which
728 fix damages, penalties and interest for nonpayment of taxes and
729 for noncompliance with the provisions of such chapter, and all
730 other duties and requirements imposed upon taxpayers, shall apply
731 to all persons liable for fees under the provisions of this
732 chapter, and the Commissioner of Revenue shall exercise all the
733 power and authority and perform all the duties with respect to
734 taxpayers under this chapter as are provided in the Mississippi
735 Sales Tax Law except where there is a conflict, then the
736 provisions of this chapter shall control.

737 (5) The proceeds generated by the minimum standards service
738 charge shall primarily be used by the board pursuant to
739 legislative appropriation to fund the minimum standards training



740 program for public safety telecommunicators within the State of
741 Mississippi. These funds shall be applied on a first-come
742 first-served basis, which shall be determined by the date of
743 application. All city, county and state public safety
744 telecommunicators, including those employed by city and/or county
745 supported ambulance services and districts, shall be eligible to
746 receive these funds to meet minimum standards training
747 requirements. No "for-profit" ambulance, security or fire service
748 company operating in the private sector shall be qualified to
749 receive these minimum standards training funds unless the company
750 is on contract with a local government to provide primary
751 emergency response. Law enforcement officers, fire and emergency
752 medical personnel who are used as part-time or "fill-in"
753 telecommunicators shall also be eligible to receive funding for
754 this minimum standards training, provided they serve at least
755 eight (8) hours per month as a telecommunicator. However,
756 emergency medical personnel who are used as part-time or "fill-in"
757 telecommunicators and are employed by any for-profit ambulance
758 company operating in the private sector shall be eligible to
759 receive funding for the minimum standards training, provided they
760 serve at least twenty (20) hours per week as a telecommunicator.
761 These funds may also be expended by the Board of Emergency
762 Telecommunications Standards and Training to administer the
763 minimum standards program for such things as personnel, office



764 equipment, computer software, supplies and other necessary
765 expenses.

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

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

783 **SECTION 13.** Section 19-5-359, Mississippi Code of 1972, is
784 brought forward as follows:

785 19-5-359. (1) Any service supplier operating within the
786 State of Mississippi shall be required to provide access to the
787 locally designated PSAP by dialing the three (3) digits "911" from
788 any telephone subscriber line within such service area. Where



789 technically available, each service supplier shall, at a county's
790 request, provide "Enhanced 911" services. Where this capability
791 does not technically exist, "Basic 911" shall be available as a
792 minimum.

793 (2) From and after December 31, 1993, any person,
794 corporation or entity operating a "shared tenant service" type of
795 telephone system shall be required to provide as a minimum the
796 location and telephone number information for each and every
797 extension or user on such "shared tenant" system to the regulated
798 local exchange telephone service provider where the service
799 provider can utilize such information in the delivery of "Enhanced
800 911" emergency telephone service. This information shall consist
801 of data in a format that is compatible with the service supplier's
802 requirements in order to provide such location and telephone
803 number information automatically in the event a call to 911 is
804 placed from such a system. It shall be the responsibility of the
805 operator or provider of "STS" telephone services to maintain the
806 data pertaining to each extension operating on such system.

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



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

821 (5) Any local exchange telephone service suppliers offering
822 "quick-serve" or "soft" dial tone shall provide address location
823 information to the PSAP operating in the area where the
824 "quick-serve" or "soft" dial tone is in operation so that the PSAP
825 may have this address information displayed should a call to 911
826 be placed from such location. It shall be the responsibility of
827 the service supplier to determine in which emergency service
828 number area the "quick-serve" or "soft" dial tone is located.

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



838 **SECTION 14.** Section 19-5-361, Mississippi Code of 1972, is
839 brought forward as follows:

840 19-5-361. Any Emergency 911 service supplier, Emergency 911
841 Voice over Internet Protocol service supplier, and Emergency 911
842 CMRS provider operating within the State of Mississippi, its
843 employees, directors, officers, agents and subcontractors, shall
844 be entitled to receive the limitations of liability as provided to
845 the state, or any agency or local government of the state,
846 pursuant to Section 11-46-15, Mississippi Code of 1972.

847 **SECTION 15.** This act shall take effect and be in force from
848 and after June 30, 2024.

