

By: Representatives Clarke, Bowles,  
Frierson, Horne, Stevens

To: Public Utilities

HOUSE BILL NO. 972

1 AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-331  
2 THROUGH 19-5-341, 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF 1972,  
3 WHICH PROVIDE FOR AN EMERGENCY TELEPHONE SERVICE CHARGE, CREATE A  
4 COMMERCIAL MOBILE RADIO SERVICE (CMRS) BOARD AND PRESCRIBE ITS  
5 POWERS AND DUTIES, PROVIDE FOR COLLECTION OF SERVICE CHARGES,  
6 REQUIRE CONFIDENTIALITY OF PROPRIETARY INFORMATION AND REQUIRE THE  
7 COMMERCIAL MOBILE RADIO SERVICE TO PROVIDE WIRELESS ENHANCED 911  
8 SERVICE; TO AMEND SECTION 19-5-307, MISSISSIPPI CODE OF 1972, TO  
9 PROVIDE THAT ALL EMERGENCY COMMUNICATIONS DISTRICTS SHALL  
10 PURCHASE, LEASE OR LEASE-PURCHASE EQUIPMENT USED TO COMPLY WITH  
11 FEDERAL EMERGENCY 911 LAWS FROM A PRODUCTS AND EQUIPMENT LIST TO  
12 BE MAINTAINED BY THE MISSISSIPPI DEPARTMENT OF INFORMATION  
13 TECHNOLOGY SERVICES; TO CREATE NEW SECTION 19-5-308, MISSISSIPPI  
14 CODE OF 1972, TO AUTHORIZE EMERGENCY COMMUNICATIONS DISTRICTS TO  
15 ENTER INTO AGREEMENTS WITH OTHER EMERGENCY COMMUNICATIONS  
16 DISTRICTS PURSUANT TO THE STATEWIDE, WIRELESS E911 PLAN DEVELOPED  
17 BY THE CMRS BOARD; TO AMEND REENACTED SECTION 19-5-331,  
18 MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM  
19 "FCC ORDER"; TO AMEND REENACTED SECTION 19-5-333, MISSISSIPPI CODE  
20 OF 1972, TO REVISE THE COMPOSITION OF THE CMRS BOARD AND TO REVISE  
21 ITS POWERS AND DUTIES; TO AMEND SECTION 12, CHAPTER 536, LAWS OF  
22 1993, AS AMENDED BY SECTION 12, CHAPTER 531, LAWS OF 1998, AS  
23 AMENDED BY SECTION 11, LAWS OF 2001, TO EXTEND THE REPEALER ON  
24 WIRELESS EMERGENCY TELEPHONE SERVICE; AND FOR RELATED PURPOSES.

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

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

28 19-5-303. For purposes of Sections 19-5-301 through  
29 19-5-317, the following words and terms shall have the following  
30 meanings, unless the context clearly indicates otherwise:

31 (a) "Exchange access facilities" shall mean all lines  
32 provided by the service supplier for the provision of local  
33 exchange service as defined in existing general subscriber  
34 services tariffs.

35 (b) "Tariff rate" shall mean the rate or rates billed  
36 by a service supplier as stated in the service supplier's tariffs  
37 and approved by the Public Service Commission, which represent the  
38 service supplier's recurring charges for exchange access



39 facilities, exclusive of all taxes, fees, licenses or similar  
40 charges whatsoever.

41 (c) "District" shall mean any communications district  
42 created pursuant to Sections 19-5-301 et seq., or by local and  
43 private act of the State of Mississippi.

44 (d) "Service supplier" shall mean any person providing  
45 exchange telephone service to any service user throughout the  
46 county.

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

50 (f) "E911" shall mean Enhanced Universal Emergency  
51 Number Service or Enhanced 911 Service, which is a telephone  
52 exchange communications service whereby a Public Safety Answering  
53 Point (PSAP) designated by the county or local communications  
54 district may receive telephone calls dialed to the telephone  
55 number 911. E911 Service includes lines and equipment necessary  
56 for the answering, transferring and dispatching of public  
57 emergency telephone calls originated by persons within the serving  
58 area who dial 911. Enhanced 911 Service includes the displaying  
59 of the name, address and other pertinent caller information as may  
60 be supplied by the service supplier.

61 (g) "Basic 911" shall mean a telephone service  
62 terminated in designated Public Safety Answering Points accessible  
63 by the public through telephone calls dialed to the telephone  
64 number 911. Basic 911 is a voice service and does not display  
65 address or telephone number information.

66 (h) "Shared tenant services (STS)" shall mean any  
67 telephone service operation supplied by a party other than a  
68 regulated local exchange telephone service supplier for which a  
69 charge is levied. Such services shall include, but not be limited  
70 to, apartment building systems, hospital systems, office building  
71 systems and other systems where dial tone is derived from



72 connection of tariffed telephone trunks or lines connected to a  
73 private branch exchange telephone system.

74 (i) "Private branch exchange (PBX)" shall mean any  
75 telephone service operation supplied by a party other than a  
76 regulated local exchange telephone service supplier for which a  
77 charge is not levied. Such services are those where tariffed  
78 telephone trunks or lines are terminated into a central switch  
79 which is used to supply dial tone to telephones operating within  
80 that system.

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

86 (k) "Centrex" or "ESSX" shall mean any variety of  
87 services offered in connection with any tariffed telephone service  
88 in which switching services and other dialing features are  
89 provided by the regulated local exchange telephone service  
90 supplier.

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



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

107 (m) "Telecommunicator" shall mean any person engaged in  
108 or employed as a telecommunications operator by any public safety,  
109 fire or emergency medical agency whose primary responsibility is  
110 the receipt or processing of calls for emergency services provided  
111 by public safety, fire or emergency medical agencies or the  
112 dispatching of emergency services provided by public safety, fire  
113 or emergency medical agencies and who receives or disseminates  
114 information relative to emergency assistance by telephone or  
115 radio.

116 (n) "Public safety answering point (PSAP)" shall mean  
117 any point of contact between the public and the emergency services  
118 such as a 911 answering point or, in the absence of 911 emergency  
119 telephone service, any other point of contact where emergency  
120 telephone calls are routinely answered and dispatched or  
121 transferred to another agency.

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

125 **SECTION 2.** Section 19-5-307, Mississippi Code of 1972, is  
126 amended as follows:

127 19-5-307. (1) When any district is created, the board of  
128 supervisors of the county creating such district may appoint a  
129 board of commissioners composed of seven (7) members to govern its  
130 affairs, and shall fix the domicile of the board at any point  
131 within the district. The members of the board shall be qualified  
132 electors of the district, two (2) of whom shall be appointed for  
133 terms of two (2) years, three (3) for terms of three (3) years,  
134 and two (2) for terms of four (4) years, dating from the date of  
135 the adoption of the ordinance creating the district. Thereafter,  
136 all appointments of the members shall be for terms of four (4)  
137 years.



138 (2) The board of commissioners shall have complete and sole  
139 authority to appoint a chairman and any other officers it may deem  
140 necessary from among the membership of the board of commissioners.

141 (3) A majority of the board of commissioners membership  
142 shall constitute a quorum and all official action of the board of  
143 commissioners shall require a quorum.

144 (4) The board of commissioners shall have authority to  
145 employ such employees, experts and consultants as it may deem  
146 necessary to assist the board of commissioners in the discharge of  
147 its responsibilities to the extent that funds are made available.

148 (5) In lieu of appointing a board of commissioners, the  
149 board of supervisors of the county may serve as the board of  
150 commissioners of the district, in which case it shall assume all  
151 the powers and duties of the board of commissioners as provided in  
152 Section 19-5-301 et seq.

153 (6) All emergency communications districts shall purchase,  
154 lease or lease-purchase equipment used to comply with the FCC  
155 Order, as defined in Section 19-5-333, from a products and  
156 equipment list to be maintained by the Mississippi Department of  
157 Information Technology Services.

158 **SECTION 3.** The following shall be codified as Section  
159 19-5-308, Mississippi Code of 1972:

160 19-5-308. To facilitate implementation of a statewide,  
161 wireless Enhanced 911 system, emergency communications districts  
162 created pursuant to Section 19-5-301 or by local and private act  
163 are authorized, upon approval by their governing board of  
164 commissioners, to enter into agreements with other emergency  
165 communications districts pursuant to the statewide, wireless E911  
166 plan developed and administered by the Commercial Mobile Radio  
167 Service Board, as described in Section 19-5-333(2), and subject to  
168 the Interlocal Cooperation Act of 1974, Sections 17-13-1 et seq.

169 **SECTION 4.** Section 19-5-313, Mississippi Code of 1972, is  
170 reenacted as follows:



171 19-5-313. (1) The board of supervisors may levy an  
172 emergency telephone service charge in an amount not to exceed One  
173 Dollar (\$1.00) per residential telephone subscriber line per month  
174 and Two Dollars (\$2.00) per commercial telephone subscriber line  
175 per month for exchange telephone service. Any emergency telephone  
176 service charge shall have uniform application and shall be imposed  
177 throughout the entirety of the district to the greatest extent  
178 possible in conformity with availability of such service in any  
179 area of the district. Those districts which exist on the date of  
180 enactment of Chapter 539, Laws of 1993, shall convert to the  
181 following structure for service charge levy: If the current  
182 charge is five percent (5%) of the basic tariff service rate, the  
183 new collection shall be Eighty Cents (\$.80) per month per  
184 residential subscriber line and One Dollar and Sixty Cents (\$1.60)  
185 per month per commercial subscriber line. The collections may be  
186 adjusted as outlined in Chapter 539, Laws of 1993, and within the  
187 limits set forth herein.

188 (2) If the proceeds generated by the emergency telephone  
189 service charge exceed the amount of monies necessary to fund the  
190 service, the board of supervisors may authorize such excess funds  
191 to be expended by the county and the municipalities in the  
192 counties to perform the duties and pay the costs relating to  
193 identifying roads, highways and streets, as provided by Section  
194 65-7-143. The board of supervisors shall determine how the funds  
195 are to be distributed in the county and among municipalities in  
196 the county for paying the costs relating to identifying roads,  
197 highways and streets. The board of supervisors may temporarily  
198 reduce the service charge rate or temporarily suspend the service  
199 charge if the proceeds generated exceed the amount that is  
200 necessary to fund the service and/or to pay costs relating to  
201 identifying roads, highways and streets. Such excess funds may  
202 also be used in the development of county or district  
203 communications and paging systems when used primarily for the



204 alerting and dispatching of public safety entities and for other  
205 administrative costs such as management personnel, maintenance  
206 personnel and related building and operational requirements. Such  
207 excess funds may be placed in a depreciation fund for emergency  
208 and obsolescence replacement of equipment necessary for the  
209 operation of the overall 911 emergency telephone and alerting  
210 systems.

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

223 (4) The service supplier shall have no obligation to take  
224 any legal action to enforce the collection of any emergency  
225 telephone service charge. However, the service supplier shall  
226 annually provide the board of supervisors and board of  
227 commissioners with a list of the amount uncollected, together with  
228 the names and addresses of those service users who carry a balance  
229 that can be determined by the service supplier to be nonpayment of  
230 such service charge. The service charge shall be collected at the  
231 same time as the tariff rate in accordance with the regular  
232 billing practice of the service supplier. Good faith compliance  
233 by the service supplier with this provision shall constitute a  
234 complete defense to any legal action or claim which may result  
235 from the service supplier's determination of nonpayment and/or the  
236 identification of service users in connection therewith.



237 (5) The amounts collected by the service supplier  
238 attributable to any emergency telephone service charge shall be  
239 due the county treasury monthly. The amount of service charge  
240 collected each month by the service supplier shall be remitted to  
241 the county no later than sixty (60) days after the close of the  
242 month. A return, in such form as the board of supervisors and the  
243 service supplier agree upon, shall be filed with the county,  
244 together with a remittance of the amount of service charge  
245 collected payable to the county. The service supplier shall  
246 maintain records of the amount of service charge collected for a  
247 period of at least two (2) years from date of collection. The  
248 board of supervisors and board of commissioners shall receive an  
249 annual audit of the service supplier's books and records with  
250 respect to the collection and remittance of the service charge.  
251 From the gross receipts to be remitted to the county, the service  
252 supplier shall be entitled to retain as an administrative fee, an  
253 amount equal to one percent (1%) thereof. From and after March  
254 10, 1987, the service charge is a county fee and is not subject to  
255 any sales, use, franchise, income, excise or any other tax, fee or  
256 assessment and shall not be considered revenue of the service  
257 supplier for any purpose.

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

262 **SECTION 5.** Section 19-5-331, Mississippi Code of 1972, is  
263 reenacted and amended as follows:

264 19-5-331. As used in Sections 19-5-331 through 19-5-341,  
265 unless the context clearly indicates otherwise:

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





269 (b) The term "automatic number identification" or "ANI"  
270 means an enhanced 911 service capability that enables the  
271 automatic display of the ten-digit wireless telephone number used  
272 to place a 911 call and includes "pseudo-automatic number  
273 identification" or "pseudo-ANI," which means an enhanced 911  
274 service capability that enables the automatic display of the  
275 number of the cell site and an identification of the CMRS  
276 provider.

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

294 (d) The term "commercial mobile radio service provider"  
295 or "CMRS provider" or the plural thereof, as the context requires,  
296 means a person or entity who provides commercial mobile radio  
297 service or CMRS service.

298 (e) The term "CMRS connection" or the plural thereof,  
299 as the context requires, means each mobile handset telephone  
300 number assigned to a CMRS customer with a service address in the  
301 State of Mississippi.



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

305 (g) The term "CMRS service charge" or the plural  
306 thereof, as the context requires, means the CMRS emergency  
307 telephone service charge levied and maintained pursuant to Section  
308 19-5-333 and collected pursuant to Section 19-5-335.

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

313 (i) The term "ECD" means an emergency communications  
314 district created pursuant to Section 19-5-301 et seq., Mississippi  
315 Code of 1972, or by local and private act of the State of  
316 Mississippi.

317 (j) The term "enhanced 911," "E911," "enhanced E911  
318 system" or "E911 system" means an emergency telephone system that  
319 provides the caller with emergency 911 system service, that  
320 directs 911 calls to appropriate public safety answering points by  
321 selective routing based on the geographical location from which  
322 the call originated, and that provides the capability for  
323 automatic number identification and other features that the  
324 Federal Communications Commission (FCC) may require in the future.

325 (k) The term "exchange access facility" means an  
326 "exchange access facility" as defined by Section 19-5-303,  
327 Mississippi Code of 1972.

328 (l) The term "FCC Order" means a Federal Communications  
329 Commission order, rule or regulation issued with respect to  
330 implementation of Basic 911 or Enhanced 911 and other emergency  
331 communication services.

332 (m) The term "service address" means the location  
333 address if the location address is known and accessible; however,



334 if the location address is not known and accessible, the term  
335 shall mean the billing address.

336 (n) The term "service supplier" or the plural thereof,  
337 as the context requires, means a "service supplier" as defined by  
338 Section 19-5-303, Mississippi Code of 1972.

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

344 **SECTION 6.** Section 19-5-333, Mississippi Code of 1972, is  
345 reenacted and amended as follows:

346 19-5-333. (1) There is created a Commercial Mobile Radio  
347 Service (CMRS) Board, consisting of seven (7) members. The  
348 Governor shall appoint six (6) members of the board, subject to  
349 the advice and consent of the Senate. The Executive Director of  
350 the Mississippi Department of Information Technology Services  
351 shall serve as the seventh member with all privileges pertaining  
352 to board membership. The appointed members of the board shall  
353 be \* \* \* as follows:

354 (a) Two (2) members selected from six (6) nominees  
355 submitted to the Governor by the Mississippi 911 Coordinators  
356 Association;

357 (b) Two (2) members selected from six (6) nominees  
358 submitted to the Governor by the Mississippi Association of CMRS  
359 Providers;

360 (c) One (1) member who is a member of the Mississippi  
361 Chapter of the National Emergency Numbering Association or the  
362 Mississippi Chapter of the American Association of Public Safety  
363 Communication Officers; and

364 (d) One (1) member who is a consumer representing the  
365 state at large.



366           The initial terms of the board members, as reconstituted  
367 after the effective date of House Bill No. \_\_\_\_\_, 2002 Regular  
368 Session, shall be staggered as follows: the members appointed  
369 under paragraph (a) shall serve a term of two (2) years; the  
370 member appointed under paragraph (b) \* \* \* shall serve a term of  
371 two (2) years; the members appointed under paragraphs (c) and (d)  
372 \* \* \* shall serve a term of one (1) year \* \* \*. After the  
373 expiration of the initial terms, the term for all members shall be  
374 four (4) years.

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

376           (a) To collect and distribute a CMRS emergency  
377 telephone service charge on each CMRS customer that has a billing  
378 address within the state. The rate of such CMRS service charge  
379 shall be One Dollar (\$1.00) per month per CMRS connection  
380 beginning on April 8, 1998. The CMRS service charge shall have  
381 uniform application and shall be imposed throughout the state.  
382 The board is hereby authorized to receive all revenues derived  
383 from the CMRS service charge levied on CMRS connections in the  
384 state and collected pursuant to Section 19-5-335.

385           (b) To establish and maintain the CMRS Fund as an  
386 insured, interest-bearing account into which the board shall  
387 deposit all revenues derived from the CMRS service charge levied  
388 on CMRS connections in the state and collected pursuant to Section  
389 19-5-335. The revenues which are deposited into the CMRS Fund  
390 shall not be monies or property of the state and shall not be  
391 subject to appropriation by the Legislature. Interest derived  
392 from the CMRS Fund shall be divided equally to pay reasonable  
393 costs incurred by providers in compliance with the requirements of  
394 Section 19-5-331 through 19-5-341 and to employ those persons,  
395 parties or firms by the CMRS Board as contemplated in paragraph  
396 (e) of this subsection. The interest income shall not be subject  
397 to the two percent (2%) cap on administrative spending established  
398 in Section 19-5-335(3).



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

402 (i) Out of the funds collected by the board,  
403 thirty percent (30%) shall be deposited into the CMRS Fund, and  
404 shall be used to defray the administrative expenses of the board  
405 in accordance with Section 19-5-335(3) and to pay the actual costs  
406 incurred by such CMRS providers in complying with the wireless  
407 E911 service requirements established by the FCC Order and any  
408 rules and regulations which are or may be adopted by the FCC  
409 pursuant to the FCC Order, including, but not limited to, costs  
410 and expenses incurred for designing, upgrading, purchasing,  
411 leasing, programming, installing, testing or maintaining all  
412 necessary data, hardware and software required in order to provide  
413 such service as well as the incremental costs of operating such  
414 service. Sworn invoices must be presented to the board in  
415 connection with any request for payment and approved by a majority  
416 vote of the board prior to any such disbursement, which approval  
417 shall not be withheld or delayed unreasonably. In no event shall  
418 any invoice for payment be approved for the payment of costs that  
419 are not related to compliance with the wireless E911 service  
420 requirements established by the FCC Order and any rules and  
421 regulations which are or may be adopted by the FCC pursuant to the  
422 FCC Order, and any rules and regulations which may be adopted by  
423 the FCC with respect to implementation of wireless E911 services.

424 (ii) The remainder of all funds collected by the  
425 board, which shall not be less than seventy percent (70%) of the  
426 total funds collected by the board, shall be distributed by the  
427 board monthly based on the number of CMRS connections in each ECD  
428 for use in providing wireless E911 service, including capital  
429 improvements, and in their normal operations.

430 (d) To develop and administer a statewide wireless E911  
431 plan sufficient to effect implementation of any FCC Order with



432 respect to implementation of wireless E911 emergency services and  
433 communications.

434 (e) To contract for the services of accountants,  
435 attorneys, consultants, engineers and any other persons, firms or  
436 parties the board deems necessary to effect the purposes of  
437 Sections 19-5-331 through 19-5-341.

438 (f) To obtain from an independent, third-party auditor  
439 retained by the board annual reports to the board no later than  
440 sixty (60) days after the close of each fiscal year, which shall  
441 provide an accounting for all CMRS service charges deposited into  
442 the CMRS Fund during the preceding fiscal year and all  
443 disbursements to ECDs during the preceding fiscal year. The board  
444 shall provide a copy of the annual reports to the Chairmen of the  
445 Public Utilities Committees of the House of Representatives and  
446 Senate.

447 (g) To retain an independent, third-party accountant  
448 who shall audit CMRS providers once every twenty-four (24) months  
449 to verify the accuracy of each CMRS providers' service charge  
450 collection. The information obtained by the audits shall be used  
451 solely for the purpose of verifying that CMRS providers are  
452 accurately collecting and remitting the CMRS service charge and  
453 may be used for any legal action initiated by the board against  
454 CMRS providers.

455 (h) To levy interest charges at the legal rate of  
456 interest established in Section 75-17-1 on any amount due and  
457 outstanding from any CMRS provider who fails to remit service  
458 charges in accordance with Section 19-5-335(1).

459 (i) To review, evaluate and approve or disapprove the  
460 plans or plan modifications that are submitted to the board for  
461 complying with the wireless E911 service requirements established  
462 by the FCC order and by any rules or regulations which are adopted  
463 by the Federal Communications Commission.



464           (j) To develop standards to be followed by the board in  
465 reviewing, evaluating, approving or disapproving the plans or plan  
466 modifications that are submitted by CMRS providers to the board.

467       \* \* \*

468           (k) To promulgate such rules and regulations as may be  
469 necessary to effect the provisions of Sections 19-5-331 through  
470 19-5-341.

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

473           (3) The CMRS service charge provided in Section  
474 19-5-333(2)(a) and the service charge provided in Section 19-5-357  
475 to fund the training of public safety telecommunicators shall be  
476 the only charges assessed to CMRS customers relating to emergency  
477 telephone services.

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

484           **SECTION 7.** Section 19-5-335, Mississippi Code of 1972, is  
485 reenacted as follows:

486           19-5-335. (1) Each CMRS provider shall act as a collection  
487 agent for the CMRS Fund and shall, as part of the provider's  
488 normal monthly billing process, collect the CMRS service charges  
489 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)  
490 from each CMRS connection to whom the billing provider provides  
491 CMRS service and shall, not later than thirty (30) days after the  
492 end of the calendar month in which such CMRS service charges are  
493 collected, remit to the board the net CMRS service charges so  
494 collected after deducting the fee authorized by subsection (2) of  
495 this section. Each billing provider shall list the CMRS service



496 charge as a separate entry on each bill which includes a CMRS  
497 service charge.

498 (2) Each CMRS provider shall be entitled to deduct and  
499 retain from the CMRS service charges collected by such provider  
500 during each calendar month an amount not to exceed one percent  
501 (1%) of the gross aggregate amount of such CMRS service charges so  
502 collected as reimbursement for the costs incurred by such provider  
503 in collecting, handling and processing such CMRS service charges.

504 (3) The board shall be entitled to retain from the CMRS  
505 service charges collected during each calendar month an amount not  
506 to exceed two percent (2%) of the money allocated to the CMRS Fund  
507 as reimbursement for the costs incurred by the board in  
508 administering Sections 19-5-331 through 19-5-341 including, but  
509 not limited to, retaining and paying the independent, third-party  
510 auditor to review and disburse the cost recovery funds and to  
511 prepare the reports contemplated by Sections 19-5-331 through  
512 19-5-341.

513 **SECTION 8.** Section 19-5-337, Mississippi Code of 1972, is  
514 reenacted as follows:

515 19-5-337. All technical proprietary information submitted to  
516 the board or to the independent, third-party auditor as provided  
517 by Section 19-5-333(2)(d) shall be retained by the board and such  
518 auditor in confidence and shall be subject to review only by the  
519 board. Further, notwithstanding any other provision of the law,  
520 no technical proprietary information so submitted shall be subject  
521 to subpoena or otherwise released to any person other than to the  
522 submitting CMRS provider, the board and the aforesaid independent,  
523 third-party auditor without the express permission of the  
524 administrator and the submitting CMRS provider. General  
525 information collected by the aforesaid independent, third-party  
526 auditor shall only be released or published in aggregate amounts  
527 which do not identify or allow identification of numbers of





528 subscribers of revenues attributable to an individual CMRS  
529 provider.

530 **SECTION 9.** Section 19-5-339, Mississippi Code of 1972, is  
531 reenacted as follows:

532 19-5-339. In accordance with the Federal Communication  
533 Commission Order, no CMRS provider shall be required to provide  
534 wireless enhanced 911 service until such time as (a) the provider  
535 receives a request for such service from the administrator of a  
536 Public Safety Answering Point (PSAP) that is capable of receiving  
537 and utilizing the data elements associated with the service; (b)  
538 funds are available pursuant to Section 19-5-333; and (c) the  
539 local exchange carrier is able to support the wireless enhanced  
540 911 system.

541 **SECTION 10.** Section 19-5-341, Mississippi Code of 1972, is  
542 reenacted as follows:

543 19-5-341. Wireless emergency telephone service shall not be  
544 used for personal use and shall be used solely for the use of  
545 communications by the public. Any person who knowingly uses or  
546 attempts to use wireless emergency telephone service for a purpose  
547 other than obtaining public safety assistance, or who knowingly  
548 uses or attempts to use wireless emergency telephone service in an  
549 effort to avoid any CMRS charges, is guilty of a misdemeanor and  
550 shall be subject to a fine of not more than Five Hundred Dollars  
551 (\$500.00) or imprisonment of not more than thirty (30) days in the  
552 county jail, or both such fine and imprisonment. If the value of  
553 the CMRS charge or service obtained in a manner prohibited by this  
554 section exceeds One Hundred Dollars (\$100.00), the offense may be  
555 prosecuted as a felony and punishable by a fine of not more than  
556 Five Thousand Dollars (\$5,000.00) and imprisonment of not more  
557 than three (3) years, or both such fine and imprisonment.

558 **SECTION 11.** Section 19-5-359, Mississippi Code of 1972, is  
559 reenacted as follows:



560 19-5-359. (1) Any service supplier operating within the  
561 State of Mississippi shall be required to provide access to the  
562 locally designated PSAP by dialing the three (3) digits "911" from  
563 any telephone subscriber line within such service area. Where  
564 technically available, each service supplier shall, at a county's  
565 request, provide "Enhanced 911" services. Where this capability  
566 does not technically exist, "Basic 911" shall be available as a  
567 minimum.

568 (2) From and after December 31, 1993, any person,  
569 corporation or entity operating a "shared tenant service" type of  
570 telephone system shall be required to provide as a minimum the  
571 location and telephone number information for each and every  
572 extension or user on such "shared tenant" system to the regulated  
573 local exchange telephone service provider where the service  
574 provider can utilize such information in the delivery of "Enhanced  
575 911" emergency telephone service. This information shall consist  
576 of data in a format that is compatible with the service supplier's  
577 requirements in order to provide such location and telephone  
578 number information automatically in the event a call to 911 is  
579 placed from such a system. It shall be the responsibility of the  
580 operator or provider of "STS" telephone services to maintain the  
581 data pertaining to each extension operating on such system.

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

588 (4) Any service suppliers engaged in the offering or  
589 operating of "Centrex" or "ESSX" telephone service within the  
590 State of Mississippi shall cause the actual location of all  
591 extensions operating in this service to be displayed at the PSAP  
592 whenever a 911 call is placed from said extension. This feature



593 shall not be required in areas where Enhanced 911 is not in  
594 operation but shall be required should such area upgrade to  
595 Enhanced 911 service.

596 (5) Any local exchange telephone service suppliers offering  
597 "quick-serve" or "soft" dial tone shall provide address location  
598 information to the PSAP operating in the area where the  
599 "quick-serve" or "soft" dial tone is in operation so that the PSAP  
600 may have this address information displayed should a call to 911  
601 be placed from such location. It shall be the responsibility of  
602 the service supplier to determine in which emergency service  
603 number area the "quick-serve" or "soft" dial tone is located.

604 (6) Any service suppliers operating within the State of  
605 Mississippi and providing Enhanced 911 telephone service shall  
606 have a reasonable time period, not to exceed five (5) years, to  
607 comply with data and operational standards as they are set forth  
608 by the National Emergency Number Association. This time period  
609 shall apply to data format, equipment supplied for PSAP use and  
610 for the length of time required for data updates relating to  
611 service user address information, emergency service number updates  
612 and other data updates as may be required.

613 **SECTION 12.** Section 19-5-361, Mississippi Code of 1972, is  
614 reenacted as follows:

615 19-5-361. Any Emergency 911 telephone service supplier and  
616 Emergency 911 CMRS provider operating within the State of  
617 Mississippi, its employees, directors, officers, agents and  
618 subcontractors, shall be entitled to receive the limitations of  
619 liability as provided to the state, or any agency or local  
620 government of the state, pursuant to Section 11-46-15, Mississippi  
621 Code of 1972.

622 **SECTION 13.** Section 12, Chapter 536, Laws of 1993, as  
623 amended by Section 12, Chapter 531, Laws of 1998, as amended by  
624 Chapter 569, Laws of 2001, is amended as follows:



625           Section 12. This act shall stand repealed from and after  
626 July 1, 2004.

627           **SECTION 14.** This act shall take effect and be in force from  
628 and after July 1, 2002.

