

By: Senator(s) Robertson

To: Public Utilities

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3040

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 BOARD AND PRESCRIBE ITS POWERS AND
5 DUTIES, PROVIDE FOR COLLECTION OF SERVICE CHARGES, REQUIRE
6 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 AMEND REENACTED SECTION 19-5-331,
14 MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM
15 "FCC ORDER"; TO AMEND REENACTED SECTION 19-5-333, MISSISSIPPI CODE
16 OF 1972, TO REVISE THE COMPOSITION OF THE COMMERCIAL MOBILE RADIO
17 SERVICE (CMRS) BOARD AND TO REVISE THEIR POWERS AND DUTIES; TO
18 AMEND REENACTED SECTION 19-5-335, MISSISSIPPI CODE OF 1972, TO
19 REQUIRE REGISTRATION OF CMRS PROVIDERS AND TO AUTHORIZE THE CMRS
20 BOARD TO IMPOSE AN ADMINISTRATIVE FINE FOR FAILING TO REGISTER; TO
21 AMEND SECTION 12, CHAPTER 536, LAWS OF 1993, AS AMENDED BY SECTION
22 12, CHAPTER 531, LAWS OF 1998, AS AMENDED BY SECTION 11, LAWS OF
23 2001, TO EXTEND THE REPEALER ON WIRELESS EMERGENCY TELEPHONE
24 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 equipment
156 list to be maintained by the Mississippi Department of Information
157 Technology Services; provided, however, that items not available
158 from the list, or items which may be purchased at a lower price,
159 shall be purchased in accordance with the Public Purchasing Law,
160 Section 31-7-13.

161 **SECTION 3.** Section 19-5-313, Mississippi Code of 1972, is
162 reenacted as follows:

163 19-5-313. (1) The board of supervisors may levy an
164 emergency telephone service charge in an amount not to exceed One
165 Dollar (\$1.00) per residential telephone subscriber line per month
166 and Two Dollars (\$2.00) per commercial telephone subscriber line
167 per month for exchange telephone service. Any emergency telephone
168 service charge shall have uniform application and shall be imposed
169 throughout the entirety of the district to the greatest extent
170 possible in conformity with availability of such service in any



171 area of the district. Those districts which exist on the date of
172 enactment of Chapter 539, Laws of 1993, shall convert to the
173 following structure for service charge levy: If the current
174 charge is five percent (5%) of the basic tariff service rate, the
175 new collection shall be Eighty Cents (\$.80) per month per
176 residential subscriber line and One Dollar and Sixty Cents (\$1.60)
177 per month per commercial subscriber line. The collections may be
178 adjusted as outlined in Chapter 539, Laws of 1993, and within the
179 limits set forth herein.

180 (2) If the proceeds generated by the emergency telephone
181 service charge exceed the amount of monies necessary to fund the
182 service, the board of supervisors may authorize such excess funds
183 to be expended by the county and the municipalities in the
184 counties to perform the duties and pay the costs relating to
185 identifying roads, highways and streets, as provided by Section
186 65-7-143. The board of supervisors shall determine how the funds
187 are to be distributed in the county and among municipalities in
188 the county for paying the costs relating to identifying roads,
189 highways and streets. The board of supervisors may temporarily
190 reduce the service charge rate or temporarily suspend the service
191 charge if the proceeds generated exceed the amount that is
192 necessary to fund the service and/or to pay costs relating to
193 identifying roads, highways and streets. Such excess funds may
194 also be used in the development of county or district
195 communications and paging systems when used primarily for the
196 alerting and dispatching of public safety entities and for other
197 administrative costs such as management personnel, maintenance
198 personnel and related building and operational requirements. Such
199 excess funds may be placed in a depreciation fund for emergency
200 and obsolescence replacement of equipment necessary for the
201 operation of the overall 911 emergency telephone and alerting
202 systems.



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

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

229 (5) The amounts collected by the service supplier
230 attributable to any emergency telephone service charge shall be
231 due the county treasury monthly. The amount of service charge
232 collected each month by the service supplier shall be remitted to
233 the county no later than sixty (60) days after the close of the
234 month. A return, in such form as the board of supervisors and the
235 service supplier agree upon, shall be filed with the county,



236 together with a remittance of the amount of service charge
237 collected payable to the county. The service supplier shall
238 maintain records of the amount of service charge collected for a
239 period of at least two (2) years from date of collection. The
240 board of supervisors and board of commissioners shall receive an
241 annual audit of the service supplier's books and records with
242 respect to the collection and remittance of the service charge.
243 From the gross receipts to be remitted to the county, the service
244 supplier shall be entitled to retain as an administrative fee, an
245 amount equal to one percent (1%) thereof. From and after March
246 10, 1987, the service charge is a county fee and is not subject to
247 any sales, use, franchise, income, excise or any other tax, fee or
248 assessment and shall not be considered revenue of the service
249 supplier for any purpose.

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

254 **SECTION 4.** Section 19-5-331, Mississippi Code of 1972, is
255 reenacted and amended as follows:

256 19-5-331. As used in Sections 19-5-331 through 19-5-341,
257 unless the context clearly indicates otherwise:

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

261 (b) The term "automatic number identification" or "ANI"
262 means an enhanced 911 service capability that enables the
263 automatic display of the ten-digit wireless telephone number used
264 to place a 911 call and includes "pseudo-automatic number
265 identification" or "pseudo-ANI," which means an enhanced 911
266 service capability that enables the automatic display of the
267 number of the cell site and an identification of the CMRS
268 provider.



269 (c) The term "commercial mobile radio service" or
270 "CMRS" means commercial mobile radio service under Sections 3(27)
271 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
272 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
273 1993, Public Law 103-66. The term includes the term "wireless"
274 and service provided by any wireless real time two-way voice
275 communication device, including radio-telephone communications
276 used in cellular telephone service, personal communication
277 service, or the functional or competitive equivalent of a
278 radio-telephone communications line used in cellular telephone
279 service, a personal communication service, specialized mobile
280 radio service, or a network radio access line. The term does not
281 include service whose customers do not have access to 911 or to a
282 911-like service, to a communication channel suitable only for
283 data transmission, to a wireless roaming service or other nonlocal
284 radio access line service, or to a private telecommunications
285 system.

286 (d) The term "commercial mobile radio service provider"
287 or "CMRS provider" or the plural thereof, as the context requires,
288 means a person or entity who provides commercial mobile radio
289 service or CMRS service.

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

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

297 (g) The term "CMRS service charge" or the plural
298 thereof, as the context requires, means the CMRS emergency
299 telephone service charge levied and maintained pursuant to Section
300 19-5-333 and collected pursuant to Section 19-5-335.



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

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

309 (j) The term "enhanced 911," "E911," "enhanced E911
310 system" or "E911 system" means an emergency telephone system that
311 provides the caller with emergency 911 system service, that
312 directs 911 calls to appropriate public safety answering points by
313 selective routing based on the geographical location from which
314 the call originated, and that provides the capability for
315 automatic number identification and other features that the
316 Federal Communications Commission (FCC) may require in the future.

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

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

324 (m) The term "service address" means the place of
325 primary use which is the street address representative of where
326 the customer's use of mobile telecommunication services primarily
327 occurs, which must be either the residential street address or the
328 primary business street address of the customer; however, if the
329 place of primary use is not known and accessible, the term shall
330 mean the billing address.

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



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

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

341 19-5-333. (1) There is created a Commercial Mobile Radio
342 Service (CMRS) Board, consisting of eight (8) members. The
343 Governor shall appoint seven (7) members of the board subject to
344 the advice and consent of the Senate. The Executive Director of
345 the Department of Information Technology Services shall serve as
346 an ex officio nonvoting member. The appointed members of the
347 board shall be * * * as follows:

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

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

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

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

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

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



366 The initial terms of the board members, as appointed after
367 the effective date of Senate Bill No. 3040, 2002 Regular Session,
368 shall be staggered as follows: the members appointed under
369 paragraph (d) shall serve a term of two (2) years; the member
370 appointed under paragraph (e) * * * shall serve a term of one (1)
371 year * * *. After the expiration of the initial terms, the term
372 for all members shall be four (4) years.

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

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

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



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

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

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

428 (d) To contract for the services of accountants,
429 attorneys, consultants, engineers and any other persons, firms or



430 parties the board deems necessary to effect the purposes of
431 Sections 19-5-331 through 19-5-341.

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

441 (f) To retain an independent, third-party accountant
442 who shall audit CMRS providers at the discretion of the CMRS board
443 to verify the accuracy of each CMRS providers' service charge
444 collection. The information obtained by the audits shall be used
445 solely for the purpose of verifying that CMRS providers are
446 accurately collecting and remitting the CMRS service charge and
447 may be used for any legal action initiated by the board against
448 CMRS providers.

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

453 * * *

454 (h) To promulgate such rules and regulations as may be
455 necessary to effect the provisions of Sections 19-5-331 through
456 19-5-341.

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

459 (j) To maintain a registration database of all CMRS
460 providers and to impose an administrative fine on any provider
461 that fails to comply with the registration requirements in Section
462 19-5-335.



463 (3) The CMRS service charge provided in Section
464 19-5-333(2)(a) and the service charge provided in Section 19-5-357
465 to fund the training of public safety telecommunicators shall be
466 the only charges assessed to CMRS customers relating to emergency
467 telephone services.

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

474 **SECTION 6.** Section 19-5-335, Mississippi Code of 1972, is
475 reenacted and amended as follows:

476 19-5-335. (1) Each CMRS provider shall act as a collection
477 agent for the CMRS Fund and shall, as part of the provider's
478 normal monthly billing process, collect the CMRS service charges
479 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)
480 from each CMRS connection to whom the billing provider provides
481 CMRS service and shall, not later than thirty (30) days after the
482 end of the calendar month in which such CMRS service charges are
483 collected, remit to the board the net CMRS service charges so
484 collected after deducting the fee authorized by subsection (2) of
485 this section. Each billing provider shall list the CMRS service
486 charge as a separate entry on each bill which includes a CMRS
487 service charge.

488 (2) Each CMRS provider shall be entitled to deduct and
489 retain from the CMRS service charges collected by such provider
490 during each calendar month an amount not to exceed one percent
491 (1%) of the gross aggregate amount of such CMRS service charges so
492 collected as reimbursement for the costs incurred by such provider
493 in collecting, handling and processing such CMRS service charges.

494 (3) The board shall be entitled to retain from the CMRS
495 service charges collected during each calendar month an amount not



496 to exceed two percent (2%) of the money allocated to the CMRS Fund
497 as reimbursement for the costs incurred by the board in
498 administering Sections 19-5-331 through 19-5-341 including, but
499 not limited to, retaining and paying the independent, third-party
500 auditor to review and disburse the cost recovery funds and to
501 prepare the reports contemplated by Sections 19-5-331 through
502 19-5-341.

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

505 (a) The company name of the provider;

506 (b) The marketing name of the provider;

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

508 (d) The physical address of the company headquarters

509 and of the main office located in the State of Mississippi; and

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

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

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

520 19-5-337. All technical proprietary information submitted to
521 the board or to the independent, third-party auditor as provided
522 by Section 19-5-333(2)(d) shall be retained by the board and such
523 auditor in confidence and shall be subject to review only by the
524 board. Further, notwithstanding any other provision of the law,
525 no technical proprietary information so submitted shall be subject
526 to subpoena or otherwise released to any person other than to the
527 submitting CMRS provider, the board and the aforesaid independent,
528 third-party auditor without the express permission of the



529 administrator and the submitting CMRS provider. General
530 information collected by the aforesaid independent, third-party
531 auditor shall only be released or published in aggregate amounts
532 which do not identify or allow identification of numbers of
533 subscribers of revenues attributable to an individual CMRS
534 provider.

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

537 19-5-339. In accordance with the Federal Communication
538 Commission Order, no CMRS provider shall be required to provide
539 wireless enhanced 911 service until such time as (a) the provider
540 receives a request for such service from the administrator of a
541 Public Safety Answering Point (PSAP) that is capable of receiving
542 and utilizing the data elements associated with the service; (b)
543 funds are available pursuant to Section 19-5-333; and (c) the
544 local exchange carrier is able to support the wireless enhanced
545 911 system.

546 **SECTION 9.** Section 19-5-341, Mississippi Code of 1972, is
547 amended as follows:

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



561 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
562 than three (3) years, or both such fine and imprisonment.

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

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

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

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



593 (4) Any service suppliers engaged in the offering or
594 operating of "Centrex" or "ESSX" telephone service within the
595 State of Mississippi shall cause the actual location of all
596 extensions operating in this service to be displayed at the PSAP
597 whenever a 911 call is placed from said extension. This feature
598 shall not be required in areas where Enhanced 911 is not in
599 operation but shall be required should such area upgrade to
600 Enhanced 911 service.

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

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

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

620 19-5-361. Any Emergency 911 telephone service supplier and
621 Emergency 911 CMRS provider operating within the State of
622 Mississippi, its employees, directors, officers, agents and
623 subcontractors, shall be entitled to receive the limitations of
624 liability as provided to the state, or any agency or local



625 government of the state, pursuant to Section 11-46-15, Mississippi
626 Code of 1972.

627 **SECTION 12.** Section 12, Chapter 536, Laws of 1993, as
628 amended by Section 12, Chapter 531, Laws of 1998, as amended by
629 Chapter 569, Laws of 2001, is amended as follows:

630 Section 12. This act shall stand repealed from and after
631 July 1, 2004.

632 **SECTION 13.** This act shall take effect and be in force from
633 and after July 1, 2002.

