

By: Representative Rushing

To: Public Utilities;
Appropriations

HOUSE BILL NO. 1183

1 AN ACT TO BRING FORWARD SECTIONS 19-5-301 THROUGH 19-5-317,
2 19-5-331 THROUGH 19-5-343, 19-5-351 THROUGH 19-5-361, 19-5-371 AND
3 33-15-14, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE COMMERCIAL
4 MOBILE SERVICES BOARD, E911 AND THE MISSISSIPPI EMERGENCY
5 MANAGEMENT AGENCY, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-5-301, Mississippi Code of 1972, is
9 brought forward as follows:

10 19-5-301. (1) The Legislature finds and declares it to be
11 in the public interest to reduce the time required for a citizen
12 to request and receive emergency aid, and to raise the level of
13 competence of local public safety and 911 telecommunicators by
14 establishing a minimum standard of training and certification for
15 personnel involved in the answering and dispatching of calls to
16 law enforcement, fire and emergency medical services. The
17 provision of a single, primary three-digit emergency number
18 through which emergency services can be quickly and efficiently
19 obtained will provide a significant contribution to law
20 enforcement and other public service efforts by simplifying the



21 notification of public service personnel. Such a simplified means
22 of procuring emergency services will result in the saving of life,
23 a reduction in the destruction of property, quicker apprehension
24 of criminals and, ultimately, the saving of monies. Establishment
25 of a uniform emergency number is a matter of concern and interest
26 to all citizens of the state.

27 (2) The Legislature also finds and declares it to be in the
28 public interest to reduce the time required for a citizen to
29 request and receive emergency aid, by requiring all owners and
30 renters of residences, buildings and structures to obtain a 911
31 address from the county.

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

34 19-5-303. For purposes of Sections 19-5-301 through
35 19-5-317, the following words and terms shall have the following
36 meanings, unless the context clearly indicates otherwise:

37 (a) "Exchange access facilities" shall mean all lines
38 provided by the service supplier for the provision of local
39 exchange service as defined in existing general subscriber
40 services tariffs.

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



45 facilities, exclusive of all taxes, fees, licenses or similar
46 charges whatsoever.

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

50 (d) "Service supplier" shall mean any person providing
51 exchange telephone service to any service user throughout the
52 county.

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

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

67 (g) "Basic 911" shall mean a telephone service
68 terminated in designated Public Safety Answering Points accessible
69 by the public through telephone calls dialed to the abbreviated



70 telephone number 911. Basic 911 is a voice service and does not
71 display address or telephone number information.

72 (h) "Shared tenant services (STS)" shall mean any
73 telephone service operation supplied by a party other than a
74 regulated local exchange telephone service supplier for which a
75 charge is levied. Such services shall include, but not be limited
76 to, apartment building systems, hospital systems, office building
77 systems and other systems where dial tone is derived from
78 connection of tariffed telephone trunks or lines connected to a
79 private branch exchange telephone system.

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

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

92 (k) "Centrex" or "ESSX" shall mean any variety of
93 services offered in connection with any tariffed telephone service
94 in which switching services and other dialing features are



95 provided by the regulated local exchange telephone service
96 supplier.

97 (1) "Commercial mobile radio service" or "CMRS" shall
98 mean commercial mobile radio service under Sections 3(27) and
99 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
100 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
101 1993, Public Law 103-66. The term includes the term "wireless"
102 and service provided by any wireless real-time, two-way voice
103 communication device, including radio-telephone communications
104 used in cellular telephone service, personal communication
105 service, or the functional or competitive equivalent of a
106 radio-telephone communications line used in cellular telephone
107 service, a personal communication service, or a network radio
108 access line. The term does not include service whose customers do
109 not have ready access to 911, to a communication channel suitable
110 only for data transmission, to a wireless roaming service or other
111 nonlocal radio access line service, or to a private
112 telecommunications system.

113 (m) "Telecommunicator" shall mean any person engaged in
114 or employed as a telecommunications operator by any public safety,
115 fire or emergency medical agency whose primary responsibility is
116 the receipt or processing of calls for emergency services provided
117 by public safety, fire or emergency medical agencies or the
118 dispatching of emergency services provided by public safety, fire
119 or emergency medical agencies and who receives or disseminates



120 information relative to emergency assistance by telephone or
121 radio.

122 (n) "Public safety answering point (PSAP)" shall mean
123 any designated point of contact between the public and the
124 emergency services such as a 911 answering point or, in the
125 absence of 911 emergency telephone service, any other designated
126 point of contact where emergency telephone calls are routinely
127 answered and dispatched or transferred to another agency.

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

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

134 (q) "Voice over Internet Protocol service" means any
135 technology that permits a voice conversation using a voice
136 connection to a computer, whether through a microphone, a
137 telephone or other device, which sends a digital signal over the
138 Internet through a broadband connection to be converted back to
139 the human voice at a distant terminal and that delivers or is
140 required by law to deliver a call to a public safety answering
141 point. Voice over Internet Protocol service shall also include
142 interconnected Voice over Internet Protocol service, which is
143 service that enables real-time, two-way voice communications,
144 requires a broadband connection from the user's location, requires



145 Internet protocol compatible customer premises equipment, and
146 allows users to receive calls that originate on the public service
147 telephone network and to terminate calls to the public switched
148 telephone network.

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

152 **SECTION 3.** Section 19-5-305, Mississippi Code of 1972, is
153 brought forward as follows:

154 19-5-305. The board of supervisors of each county may
155 create, by order duly adopted and entered on its minutes, an
156 emergency communications district composed of all of the territory
157 within the county.

158 **SECTION 4.** Section 19-5-307, Mississippi Code of 1972, is
159 brought forward as follows:

160 19-5-307. (1) When any district is created, the board of
161 supervisors of the county creating such district may appoint a
162 board of commissioners composed of seven (7) members to govern its
163 affairs, and shall fix the domicile of the board at any point
164 within the district. The members of the board shall be qualified
165 electors of the district, two (2) of whom shall be appointed for
166 terms of two (2) years, three (3) for terms of three (3) years,
167 and two (2) for terms of four (4) years, dating from the date of
168 the adoption of the ordinance creating the district. Thereafter,



169 all appointments of the members shall be for terms of four (4)
170 years.

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

174 (3) A majority of the board of commissioners membership
175 shall constitute a quorum and all official action of the board of
176 commissioners shall require a quorum.

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

181 (5) In lieu of appointing a board of commissioners, the
182 board of supervisors of the county may serve as the board of
183 commissioners of the district, in which case it shall assume all
184 the powers and duties of the board of commissioners as provided in
185 Section 19-5-301 et seq.

186 (6) All emergency communications districts shall purchase,
187 lease or lease-purchase equipment used to comply with the FCC
188 Order, as defined in Section 19-5-333, from a products and
189 equipment list maintained by the Mississippi Department of
190 Information Technology Services; however, items not available from
191 the list, or items which may be purchased at a lower price, shall
192 be purchased in accordance with the Public Purchasing Law (Section
193 31-7-13).



194 **SECTION 5.** Section 19-5-309, Mississippi Code of 1972, is
195 brought forward as follows:

196 19-5-309. (1) The digits "911" shall be the primary
197 emergency telephone number, but the involved agencies may maintain
198 a separate secondary backup number and shall maintain a separate
199 number for nonemergency telephone calls.

200 (2) The use of the digits "911" shall become the standard
201 telephone number for public access to the various emergency
202 services within the State of Mississippi by the year 1995. The
203 implementation of this service shall be effected in all counties
204 not currently operating a "911" system according to the following
205 guidelines:

206 (a) Those counties not currently in the process of
207 installing "911," or currently using "911" emergency telephone
208 service, which have a population greater than fifteen thousand
209 (15,000) residents shall, when so authorized by a vote of a
210 majority of the qualified electors of the county voting on the
211 proposal in an election held for that purpose, take the steps
212 necessary to implement Enhanced 911 within such county using the
213 guidelines for implementation set forth in this act;

214 (b) Those counties not currently in the process of
215 installing "911," or currently using "911" emergency telephone
216 service, which have a population less than fifteen thousand
217 (15,000) residents shall, when so authorized by a vote of a
218 majority of the qualified electors of the county voting on the



219 proposal in an election held for that purpose, install either
220 "Basic 911" or "Enhanced 911" using the guidelines for
221 implementation set forth in House Bill No. 901, 1993 Regular
222 Session [Laws, 1993, Ch. 536].

223 **SECTION 6.** Section 19-5-311, Mississippi Code of 1972, is
224 brought forward as follows:

225 19-5-311. The emergency telephone system shall, when so
226 authorized by a vote of a majority of the qualified electors of
227 the county voting on the proposal in an election held for that
228 purpose, be designed to have the capability of utilizing at least
229 one (1) of the following three (3) methods in response to
230 emergency calls:

231 (a) "District dispatch method," which is a telephone
232 service to a centralized dispatch center providing for the
233 dispatch of an appropriate emergency service unit upon receipt of
234 a telephone request for such services and a decision as to the
235 proper action to be taken, including an E911 system.

236 (b) "Relay method," which is a telephone service
237 whereby pertinent information is noted by the recipient of a
238 telephone request for emergency services and is relayed to
239 appropriate public safety agencies or other providers of emergency
240 services for dispatch of an emergency service unit.

241 (c) "Transfer method," which is a telephone service
242 which receives telephone requests for emergency services and



243 directly transfers such requests to an appropriate public safety
244 agency or other provider of emergency services.

245 The board of commissioners shall select the method which it
246 determines to be the most feasible for the county.

247 **SECTION 7.** Section 19-5-313, Mississippi Code of 1972, is
248 brought forward as follows:

249 19-5-313. (1) The board of supervisors may levy an
250 emergency telephone service charge in an amount not to exceed One
251 Dollar (\$1.00) per residential telephone subscriber line per
252 month, One Dollar (\$1.00) per Voice over Internet Protocol
253 subscriber account per month, and Two Dollars (\$2.00) per
254 commercial telephone subscriber line per month for exchange
255 telephone service. Any emergency telephone service charge shall
256 have uniform application and shall be imposed throughout the
257 entirety of the district to the greatest extent possible in
258 conformity with availability of such service in any area of the
259 district. Those districts which exist on the date of enactment of
260 Chapter 539, Laws of 1993, shall convert to the following
261 structure for service charge levy: If the current charge is five
262 percent (5%) of the basic tariff service rate, the new collection
263 shall be Eighty Cents (80¢) per month per residential subscriber
264 line and One Dollar and Sixty Cents (\$1.60) per month per
265 commercial subscriber line. The collections may be adjusted as
266 outlined in Chapter 539, Laws of 1993, and within the limits set
267 forth herein.



268 (2) If the proceeds generated by the emergency telephone
269 service charge exceed the amount of monies necessary to fund the
270 service, the board of supervisors may authorize such excess funds
271 to be expended by the county and the municipalities in the
272 counties to perform the duties and pay the costs relating to
273 identifying roads, highways and streets, as provided by Section
274 65-7-143. The board of supervisors shall determine how the funds
275 are to be distributed in the county and among municipalities in
276 the county for paying the costs relating to identifying roads,
277 highways and streets. The board of supervisors may temporarily
278 reduce the service charge rate or temporarily suspend the service
279 charge if the proceeds generated exceed the amount that is
280 necessary to fund the service and/or to pay costs relating to
281 identifying roads, highways and streets. Such excess funds may
282 also be used in the development of county or district
283 communications and paging systems when used primarily for the
284 alerting and dispatching of public safety entities and for other
285 administrative costs such as management personnel, maintenance
286 personnel and related building and operational requirements. Such
287 excess funds may be placed in a depreciation fund for emergency
288 and obsolescence replacement of equipment necessary for the
289 operation of the overall 911 emergency telephone and alerting
290 systems.

291 (3) No such service charge shall be imposed upon more than
292 twenty-five (25) exchange access facilities or Voice over Internet



293 Protocol lines per person per location. Trunks or service lines
294 used to supply service to CMRS providers shall not have a service
295 charge levied against them. Every billed service user shall be
296 liable for any service charge imposed under this section until it
297 has been paid to the service supplier. The duty of the service
298 supplier to collect any such service charge shall commence upon
299 the date of its implementation, which shall be specified in the
300 resolution for the installation of such service. Any such
301 emergency telephone service charge shall be added to and may be
302 stated separately in the billing by the service supplier to the
303 service user.

304 (4) The service supplier shall have no obligation to take
305 any legal action to enforce the collection of any emergency
306 telephone service charge. However, the service supplier shall
307 annually provide the board of supervisors and board of
308 commissioners with a list of the amount uncollected, together with
309 the names and addresses of those service users who carry a balance
310 that can be determined by the service supplier to be nonpayment of
311 such service charge. The service charge shall be collected at the
312 same time as the tariff rate or, for nontariff services, at the
313 time of payment, in accordance with the regular billing practice
314 of the service supplier. Good faith compliance by the service
315 supplier with this provision shall constitute a complete defense
316 to any legal action or claim which may result from the service



317 supplier's determination of nonpayment and/or the identification
318 of service users in connection therewith.

319 (5) The amounts collected by the service supplier
320 attributable to any emergency telephone service charge shall be
321 due the county treasury monthly. The amount of service charge
322 collected each month by the service supplier shall be remitted to
323 the county no later than sixty (60) days after the close of the
324 month. A return, in such form as the board of supervisors and the
325 service supplier agree upon, shall be filed with the county,
326 together with a remittance of the amount of service charge
327 collected payable to the county. The service supplier shall
328 maintain records of the amount of service charge collected for a
329 period of at least two (2) years from date of collection. The
330 board of supervisors and board of commissioners shall receive an
331 annual audit of the service supplier's books and records with
332 respect to the collection and remittance of the service charge.
333 From the gross receipts to be remitted to the county, the service
334 supplier shall be entitled to retain as an administrative fee, an
335 amount equal to one percent (1%) thereof. From and after March
336 10, 1987, the service charge is a county fee and is not subject to
337 any sales, use, franchise, income, excise or any other tax, fee or
338 assessment and shall not be considered revenue of the service
339 supplier for any purpose.

340 (6) In order to provide additional funding for the district,
341 the board of commissioners may receive federal, state, county or



342 municipal funds, as well as funds from private sources, and may
343 expend such funds for the purposes of Section 19-5-301 et seq.

344 **SECTION 8.** Section 19-5-315, Mississippi Code of 1972, is
345 brought forward as follows:

346 19-5-315. (1) All provisions of Section 19-5-301 et seq.,
347 with the exception of Section 19-5-307, shall be construed to
348 amend, repeal or supersede any local and private act under which a
349 county or municipality has, prior to the effective date of Section
350 19-5-301 et seq., established an emergency communications
351 district.

352 (2) The governing authorities of any municipality which has
353 established an emergency communications district under the
354 provisions of a local and private act enacted prior to the
355 effective date of Section 19-5-301 et seq., may merge such
356 district with the district established by the county in which the
357 municipality is located, by order duly adopted and entered on the
358 minutes of the governing authority and after the board of
359 supervisors has duly adopted and entered on its minutes a similar
360 order. After the county and the municipal districts have been
361 merged, the local and private act for such municipality shall be
362 of no force or effect.

363 (3) Two (2) or more counties may, by order duly adopted and
364 entered on their minutes, establish a single emergency
365 communications district to be composed of all of the territory
366 within such counties provided that before the establishment



367 thereof the board of supervisors of each of such counties has
368 established an emergency communications district for its county in
369 accordance with Section 19-5-305. When two (2) or more counties
370 have established a single emergency communications district for
371 the counties as provided under this subsection, the board of
372 commissioners of the district shall consist of the members of the
373 board of supervisors of each of such counties or seven (7) members
374 from each county to be appointed as provided in Section 19-5-307.

375 **SECTION 9.** Section 19-5-317, Mississippi Code of 1972, is
376 brought forward as follows:

377 19-5-317. (1) When there is not an emergency, no person
378 shall make a telephone call to an emergency telephone service and
379 knowingly or intentionally:

380 (a) Remain silent;

381 (b) Make abusive or harassing statements to an
382 emergency telephone service employee;

383 (c) Report the existence of an emergency; or

384 (d) Falsely report a crime.

385 (2) No person shall knowingly permit a telephone under his
386 control to be used by another person in a manner described in
387 subsection (1) of this section.

388 (3) Conviction of a first offense under this section is
389 punishable by a fine not to exceed Five Thousand Dollars
390 (\$5,000.00) or by imprisonment for a period of time not to exceed
391 one (1) year, or by both such fine and imprisonment. Conviction



392 of any subsequent offense under this section is punishable by a
393 fine not to exceed Ten Thousand Dollars (\$10,000.00) or by
394 imprisonment for a period of time not to exceed three (3) years,
395 or by both such fine and imprisonment.

396 (4) For the purpose of this section, "emergency telephone
397 service" shall mean a service established under Section 19-5-301
398 et seq., Mississippi Code of 1972, or established under the
399 provisions of a local and private act enacted prior to October 20,
400 1987.

401 **SECTION 10.** Section 19-5-331, Mississippi Code of 1972, is
402 brought forward as follows:

403 19-5-331. As used in Sections 19-5-331 through 19-5-341, the
404 following words and phrases have the meanings ascribed in this
405 section unless the context clearly indicates otherwise:

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

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



417 (c) The term "commercial mobile radio service" or
418 "CMRS" means commercial mobile radio service under Sections 3(27)
419 and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS
420 Section 151 et seq., and the Omnibus Budget Reconciliation Act of
421 1993, Public Law 103-66. The term includes the term "wireless"
422 and service provided by any wireless real time two-way voice
423 communication device, including radio-telephone communications
424 used in cellular telephone service, personal communication
425 service, or the functional or competitive equivalent of a
426 radio-telephone communications line used in cellular telephone
427 service, a personal communication service, specialized mobile
428 radio service, or a network radio access line. The term does not
429 include service whose customers do not have access to 911 or to a
430 911-like service, to a communication channel suitable only for
431 data transmission, to a wireless roaming service or other nonlocal
432 radio access line service, or to a private telecommunications
433 system.

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

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



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

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

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

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

453 (j) The term "Enhanced 911," "E911," "Enhanced E911
454 system" or "E911 system" means an emergency telephone system that
455 provides the caller with emergency 911 system service, that
456 directs 911 calls to appropriate public safety answering points by
457 selective routing based on the geographical location from which
458 the call originated, and that provides the capability for
459 automatic number identification and other features that the
460 Federal Communications Commission (FCC) may require in the future.

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

463 (l) The term "FCC Order" means Federal Communications
464 Commission orders, rules and regulations issued with respect to



465 implementation of Basic 911 or Enhanced 911 and other emergency
466 communication services.

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

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

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

479 **SECTION 11.** Section 19-5-333, Mississippi Code of 1972, is
480 brought forward as follows:

481 19-5-333. (1) There is created a Commercial Mobile Radio
482 Service (CMRS) Board, consisting of eight (8) members to be
483 appointed by the Governor with the advice and consent of the
484 Senate. The members of the board shall be appointed as follows:

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

488 (b) One (1) member from the Central Public Service
489 Commission District selected from two (2) nominees submitted to



490 the Governor by the Mississippi Chapter of the Association of
491 Public Safety Communication Officers;

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

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

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

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

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

506 The initial terms of the board members, as appointed after
507 July 1, 2002, shall be staggered as follows: The members
508 appointed under paragraph (d) shall serve a term of two (2) years;
509 the member appointed under paragraph (e) shall serve a term of one
510 (1) year. After the expiration of the initial terms, the term for
511 all members shall be four (4) years.

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

513 (a) To collect and distribute a CMRS emergency
514 telephone service charge on each CMRS customer whose place of



515 primary use is within the state. The rate of such CMRS service
516 charge shall be One Dollar (\$1.00) per month per CMRS connection.
517 In the case of prepaid wireless service, the rate and methodology
518 for collecting and remitting the 911 charge is governed by Section
519 19-5-343. The CMRS service charge shall have uniform application
520 and shall be imposed throughout the state. The board is
521 authorized to receive all revenues derived from the CMRS service
522 charge levied on CMRS connections in the state and collected
523 pursuant to Section 19-5-335.

524 (b) To establish and maintain the CMRS Fund as an
525 insured, interest-bearing account into which the board shall
526 deposit all revenues derived from the CMRS service charge levied
527 on CMRS connections in the state and collected pursuant to Section
528 19-5-335. The revenues which are deposited into the CMRS Fund
529 shall not be monies or property of the state and shall not be
530 subject to appropriation by the Legislature. Interest derived
531 from the CMRS Fund shall be divided equally to pay reasonable
532 costs incurred by providers in compliance with the requirements of
533 Sections 19-5-331 through 19-5-341 and to compensate those
534 persons, parties or firms employed by the CMRS Board as
535 contemplated in paragraph (d) of this subsection. The interest
536 income is not subject to the two percent (2%) cap on
537 administrative spending established in Section 19-5-335(3).



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

541 (i) Out of the funds collected by the board,
542 thirty percent (30%) shall be deposited into the CMRS Fund, and
543 shall be used to defray the administrative expenses of the board
544 in accordance with Section 19-5-335(3) and to pay the actual costs
545 incurred by such CMRS providers in complying with the wireless
546 E911 service requirements established by the FCC Order and any
547 rules and regulations which are or may be adopted by the FCC
548 pursuant to the FCC Order, including, but not limited to, costs
549 and expenses incurred for designing, upgrading, purchasing,
550 leasing, programming, installing, testing or maintaining all
551 necessary data, hardware and software required in order to provide
552 such service as well as the incremental costs of operating such
553 service. Sworn invoices must be presented to the board in
554 connection with any request for payment and approved by a majority
555 vote of the board prior to any such disbursement, which approval
556 shall not be withheld or delayed unreasonably. In no event shall
557 any invoice for payment be approved for the payment of costs that
558 are not related to compliance with the wireless E911 service
559 requirements established by the FCC Order and any rules and
560 regulations which are or may be adopted by the FCC pursuant to the
561 FCC Order, and any rules and regulations which may be adopted by
562 the FCC with respect to implementation of wireless E911 services.



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

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

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

581 (e) To obtain from an independent, third-party auditor
582 retained by the board annual reports to the board no later than
583 sixty (60) days after the close of each fiscal year, which shall
584 provide an accounting for all CMRS service charges deposited into
585 the CMRS Fund during the preceding fiscal year and all
586 disbursements to ECDs during the preceding fiscal year. The board
587 shall provide a copy of the annual reports to the Chairmen of the



588 Public Utilities Committees of the House of Representatives and
589 Senate.

590 (f) To retain an independent, third-party accountant
591 who shall audit CMRS providers at the discretion of the CMRS Board
592 to verify the accuracy of each CMRS providers' service charge
593 collection. The information obtained by the audits shall be used
594 solely for the purpose of verifying that CMRS providers accurately
595 are collecting and remitting the CMRS service charge and may be
596 used for any legal action initiated by the board against CMRS
597 providers.

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

602 (h) To promulgate such rules and regulations as may be
603 necessary to effect the provisions of Sections 19-5-331 through
604 19-5-341.

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

607 (j) To maintain a registration database of all CMRS
608 providers and to impose an administrative fine on any provider
609 that fails to comply with the registration requirements in Section
610 19-5-335.

611 (3) The CMRS service charge provided in subsection (2) (a) of
612 this section and the service charge provided in Section 19-5-357



613 to fund the training of public safety telecommunicators shall be
614 the only charges assessed to CMRS customers relating to emergency
615 telephone services.

616 (4) The board shall serve without compensation; however,
617 members of the board shall be entitled to be reimbursed for actual
618 expenses and travel costs associated with their service in an
619 amount not to exceed the reimbursement authorized for state
620 officers and employees in Section 25-3-41, Mississippi Code of
621 1972.

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

628 **SECTION 12.** Section 19-5-335, Mississippi Code of 1972, is
629 brought forward as follows:

630 19-5-335. (1) Each CMRS provider shall act as a collection
631 agent for the CMRS Fund and shall, as part of the provider's
632 normal monthly billing process, collect the CMRS service charges
633 levied upon CMRS connections pursuant to Section 19-5-333(2)(a)
634 from each CMRS connection to whom the billing provider provides
635 CMRS service and shall, not later than thirty (30) days after the
636 end of the calendar month in which such CMRS service charges are
637 collected, remit to the board the net CMRS service charges so



638 collected after deducting the fee authorized by subsection (2) of
639 this section. Each billing provider shall list the CMRS service
640 charge as a separate entry on each bill which includes a CMRS
641 service charge.

642 (2) Each CMRS provider shall be entitled to deduct and
643 retain from the CMRS service charges collected by such provider
644 during each calendar month an amount not to exceed one percent
645 (1%) of the gross aggregate amount of such CMRS service charges so
646 collected as reimbursement for the costs incurred by such provider
647 in collecting, handling and processing such CMRS service charges.

648 (3) The board shall be entitled to retain from the CMRS
649 service charges collected during each calendar month an amount not
650 to exceed two percent (2%) of the money allocated to the CMRS Fund
651 as reimbursement for the costs incurred by the board in
652 administering Sections 19-5-331 through 19-5-341 including, but
653 not limited to, retaining and paying the independent, third-party
654 auditor to review and disburse the cost recovery funds and to
655 prepare the reports contemplated by Sections 19-5-331 through
656 19-5-341.

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

- 659 (a) The company name of the provider;
660 (b) The marketing name of the provider;
661 (c) The publicly traded name of the provider;



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

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

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

672 **SECTION 13.** Section 19-5-337, Mississippi Code of 1972, is
673 brought forward as follows:

674 19-5-337. All technical proprietary information submitted to
675 the board or to the independent, third-party auditor as provided
676 by Section 19-5-333(2) (d) shall be retained by the board and such
677 auditor in confidence and shall be subject to review only by the
678 board. Further, notwithstanding any other provision of the law,
679 no technical proprietary information so submitted shall be subject
680 to subpoena or otherwise released to any person other than to the
681 submitting CMRS provider, the board and the aforesaid independent,
682 third-party auditor without the express permission of the
683 administrator and the submitting CMRS provider. General
684 information collected by the aforesaid independent, third-party
685 auditor shall only be released or published in aggregate amounts
686 which do not identify or allow identification of numbers of



687 subscribers of revenues attributable to an individual CMRS
688 provider.

689 **SECTION 14.** Section 19-5-339, Mississippi Code of 1972, is
690 brought forward as follows:

691 19-5-339. In accordance with the Federal Communication
692 Commission Order, no CMRS provider shall be required to provide
693 wireless Enhanced 911 Service until such time as (a) the provider
694 receives a request for such service from the administrator of a
695 Public Safety Answering Point (PSAP) that is capable of receiving
696 and utilizing the data elements associated with the service; (b)
697 funds are available pursuant to Section 19-5-333; and (c) the
698 local exchange carrier is able to support the wireless Enhanced
699 911 system.

700 **SECTION 15.** Section 19-5-341, Mississippi Code of 1972, is
701 brought forward as follows:

702 19-5-341. Wireless emergency telephone service shall not be
703 used for personal use and shall be used solely for the use of
704 communications by the public. Any person who knowingly uses or
705 attempts to use wireless emergency telephone service for a purpose
706 other than obtaining public safety assistance, or who knowingly
707 uses or attempts to use wireless emergency telephone service in an
708 effort to avoid any CMRS charges, is guilty of a misdemeanor and
709 shall be subject to a fine of not more than Five Hundred Dollars
710 (\$500.00) or imprisonment of not more than thirty (30) days in the
711 county jail, or both such fine and imprisonment. If the value of



712 the CMRS charge or service obtained in a manner prohibited by this
713 section exceeds One Hundred Dollars (\$100.00), the offense may be
714 prosecuted as a felony and punishable by a fine of not more than
715 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
716 than three (3) years, or both such fine and imprisonment.

717 **SECTION 16.** Section 19-5-343, Mississippi Code of 1972, is
718 brought forward as follows:

719 19-5-343. (1) **Definitions.** For purposes of this section,
720 the following terms shall have the following meanings:

721 (a) "Consumer" means a person who purchases prepaid
722 wireless telecommunications service in a retail transaction.

723 (b) "Department" means the Mississippi Department of
724 Revenue.

725 (c) "Prepaid wireless E911 charge" means the charge
726 that is required to be collected by a seller from a consumer in
727 the amount established under subsection (2).

728 (d) "Prepaid wireless telecommunications service" means
729 a wireless telecommunications service that allows a caller to dial
730 911 to access the 911 system, which service must be paid for in
731 advance and is sold in predetermined units or dollars of which the
732 number declines with use in a known amount.

733 (e) "Provider" means a person who provides prepaid
734 wireless telecommunications service pursuant to a license issued
735 by the Federal Communications Commission.



736 (f) "Retail transaction" means the purchase of prepaid
737 wireless telecommunications service from a seller for any purpose
738 other than resale.

739 (g) "Seller" means a person who sells prepaid wireless
740 telecommunications service to another person.

741 (h) "Wireless telecommunications service" means
742 commercial mobile radio service as defined by Section 20.3 of
743 Title 47 of the Code of Federal Regulations, as amended.

744 (2) **Collection and remittance of E911 charge.** (a) Amount
745 of Charge. The prepaid wireless E911 charge shall be One Dollar
746 (\$1.00) per retail transaction.

747 (b) Collection of charge. The prepaid wireless E911
748 charge shall be collected by the seller from the consumer with
749 respect to each retail transaction occurring in this state. The
750 amount of the prepaid wireless E911 charge shall be either
751 separately stated on an invoice, receipt or other similar document
752 that is provided to the consumer by the seller, or otherwise
753 disclosed to the consumer.

754 (c) Application of charge. For purposes of paragraph
755 (b) of this subsection, a retail transaction that is effected in
756 person by a consumer at a business location of the seller shall be
757 treated as occurring in this state if that business location is in
758 this state, and any other retail transaction shall be treated as
759 occurring in this state if the retail transaction is treated as



760 occurring in this state for purposes of Section

761 27-65-19(1) (d) (v) 3.c.

762 (d) Liability for charge. The prepaid wireless E911
763 charge is the liability of the consumer and not of the seller or
764 of any provider, except that the seller shall be liable to remit
765 all prepaid wireless E911 charges that the seller collects from
766 consumers as provided in subsection (3), including all such
767 charges that the seller is deemed to have collected where the
768 amount of the charge has not been separately stated on an invoice,
769 receipt, or other similar document provided to the consumer by the
770 seller.

771 (e) Exclusion of E911 charge from base of other taxes
772 and fees. The amount of the prepaid wireless E911 charge that is
773 collected by a seller from a consumer, whether or not such amount
774 is separately stated on an invoice, receipt or other similar
775 document provided to the consumer by the seller, shall not be
776 included in the base for measuring any tax, fee, surcharge or
777 other charge that is imposed by this state, any political
778 subdivision of this state or any intergovernmental agency.

779 (f) Resetting of charge. The prepaid wireless E911
780 charge shall be increased or reduced, as applicable, upon any
781 change to the state E911 charge on postpaid wireless
782 telecommunications service under Section 19-5-333. Such increase
783 or reduction shall be effective on the effective date of the
784 change to the postpaid charge or, if later, the first day of the



785 first calendar month to occur at least sixty (60) days after the
786 enactment of the change to the postpaid charge. The department
787 shall provide not less than thirty (30) days of advance notice of
788 such increase or reduction on the commission's website.

789 (3) **Administration of E911 charge.** (a) Time and manner of
790 payment. Prepaid wireless E911 charges collected by sellers shall
791 be remitted to the department at the times and in the manner
792 provided by Chapter 65 of Title 27 with respect to sales and use
793 taxes. The department shall establish registration and payment
794 procedures that substantially coincide with the registration and
795 payment procedures that apply to Chapter 65 of Title 27.

796 (b) Seller administrative deduction. A seller shall be
797 permitted to deduct and retain two percent (2%) of prepaid
798 wireless E911 charges that are collected by the seller from
799 consumers.

800 (c) Audit and appeal procedures. The audit and appeal
801 procedures applicable to Chapter 65 of Title 27 shall apply to
802 prepaid wireless E911 charges.

803 (d) Exemption documentation. The department shall
804 establish procedures by which a seller of prepaid wireless
805 telecommunications service may document that a sale is not a
806 retail transaction, which procedures shall substantially coincide
807 with the procedures for documenting sale for resale transactions
808 for sales and use tax purposes under Chapter 65 of Title 27.



809 (e) Disposition of remitted charges. The department
810 shall pay all remitted prepaid wireless E911 charges over to the
811 Commercial Mobile Radio Service Emergency Telephone Services Board
812 within thirty (30) days of receipt, for use by the board in
813 accordance with the purposes permitted by Section 19-5-333, after
814 deducting an amount, not to exceed two percent (2%) of collected
815 charges, that shall be retained by the department to reimburse its
816 direct costs of administering the collection and remittance of
817 prepaid wireless E911 charges. The amount of the distribution
818 shall be determined by dividing the population of the
819 communications district by the state population, and then
820 multiplying that quotient times the total revenues remitted to the
821 department after deducting the amount authorized in this
822 subsection.

823 (4) **No Liability.** (a) No liability regarding 911 service.
824 No provider or seller of prepaid wireless telecommunications
825 service shall be liable for damages to any person resulting from
826 or incurred in connection with the provision of, or failure to
827 provide, 911 or E911 service, or for identifying, or failing to
828 identify, the telephone number, address, location or name
829 associated with any person or device that is accessing or
830 attempting to access 911 or E911 service.

831 (b) No provider of prepaid wireless service shall be
832 liable for damages to any person or entity resulting from or
833 incurred in connection with the provider's provision of assistance



834 to any investigative or law enforcement officer of the United
835 States, this or any other state, or any political subdivision of
836 this or any other state, in connection with any investigation or
837 other law enforcement activity by such law enforcement officer
838 that the provider believes in good faith to be lawful.

839 (c) Incorporation of postpaid 911 liability protection.
840 In addition to the protection from liability provided by
841 paragraphs (a) and (b) of this subsection, each provider and
842 seller shall be entitled to the further protection from liability,
843 if any, that is provided to providers and sellers of wireless
844 telecommunications service that is not prepaid wireless
845 telecommunications service pursuant to Section 19-5-361.

846 (5) **Exclusivity of prepaid wireless E911 charge.** The
847 prepaid wireless E911 charge imposed by this section shall be the
848 only E911 governmental funding obligation imposed with respect to
849 prepaid wireless telecommunications service in this state, and no
850 tax, fee, surcharge or other charge shall be imposed by this
851 state, any political subdivision of this state, or any
852 intergovernmental agency, for E911 funding purposes, upon any
853 provider, seller or consumer with respect to the sale, purchase,
854 use or provision of prepaid wireless telecommunications service.

855 (6) Notwithstanding any other method or formula of
856 collection and/or distribution of the emergency telephone service
857 charges as specified in this section and as such collection and/or
858 distribution method or formula is specified in this section, a



859 provider may collect and distribute the said charges in any other
860 manner applicable to satisfy the intent and requirements of this
861 section.

862 **SECTION 17.** Section 19-5-351, Mississippi Code of 1972, is
863 brought forward as follows:

864 19-5-351. (1) There is hereby created the Board of
865 Emergency Telecommunications Standards and Training, which shall
866 consist of twelve (12) members and shall operate with the
867 administrative assistance of the Office of Law Enforcement
868 Planning, Department of Public Safety.

869 (2) The Board of Emergency Telecommunications Standards and
870 Training shall consist of one (1) representative from each of the
871 following: the Law Enforcement Training Academy; the State Fire
872 Academy; the Mississippi Chapter of the Associated Public Safety
873 Communications Officers, Incorporated; the Mississippi Chapter of
874 the National Emergency Number Association; the State Board of
875 Health, Emergency Medical Services Division; the Mississippi
876 Justice Information Center; the Mississippi Sheriff's Association;
877 the Mississippi Law Enforcement Officers' Association; the
878 Mississippi Fire Chief's Association; the Mississippi Association
879 of Chiefs of Police; the Mississippians for Emergency Medical
880 Service Association; and a representative from the county wherein
881 a nuclear facility is located. Each member organization shall
882 have one (1) vote in the selection of training programs, for a



883 total of twelve (12) votes. A majority vote shall decide all
884 matters brought before the board.

885 (a) The initial term limits of the board shall be
886 according to the following:

887 (i) Associated Public Safety Communications
888 Officers' appointee, one (1) year.

889 (ii) Mississippi Law Enforcement Officers'
890 Association appointee, one (1) year.

891 (iii) Mississippi Fire Chief's Association
892 appointee, one (1) year.

893 (iv) National Emergency Number Association
894 appointee, two (2) years.

895 (v) Mississippi Sheriff's Association appointee,
896 two (2) years.

897 (vi) Mississippians for Emergency Medical Service
898 Association appointee, two (2) years.

899 (vii) Mississippi Association of Chiefs of Police
900 appointee, two (2) years.

901 (viii) The county wherein is located a nuclear
902 facility shall have one (1) appointee for two (2) years.

903 (b) After the initial period, each appointee of the
904 associations listed above shall serve for terms of four (4) years
905 each, but may be replaced at any time by the association
906 appointing such representative.



907 (c) The remaining four (4) members of the board shall
908 serve at the discretion of the director of the agency represented.

909 (3) Members of the board shall serve without compensation
910 but shall be entitled to receive reimbursement for any actual and
911 reasonable expenses incurred as a necessary incident to such
912 service, including mileage, as provided in Section 25-3-41,
913 Mississippi Code of 1972.

914 (4) There shall be a chairman and a vice chairman of the
915 board elected by and from the membership of the board. The board
916 shall adopt rules and regulations governing times and places for
917 meetings and governing the manner of conducting its business, but
918 the board shall meet at least every six (6) months.

919 (5) The Director of the Office of the Board on Law
920 Enforcement Standards and Training shall call an organizational
921 meeting of the board not later than thirty (30) days after July 1,
922 1993.

923 (6) The board shall report annually to the Governor and the
924 Legislature on its activities and may make such other reports as
925 it deems desirable.

926 **SECTION 18.** Section 19-5-353, Mississippi Code of 1972, is
927 brought forward as follows:

928 19-5-353. (1) The initial minimum standard of training for
929 local public safety and 911 telecommunicators shall be determined
930 by the Board of Emergency Telecommunications Standards and
931 Training. All courses approved for minimum standards shall be



932 taught by instructors certified by the course originator as
933 instructors for such courses.

934 (2) The minimum standards may be changed at any time by the
935 Board of Emergency Telecommunications Standards and Training, but
936 shall always include at least two (2) hours of training related to
937 handling complaints and/or calls of human trafficking and
938 commercial sexual exploitation of children as defined in Section
939 43-21-105, communicating with such victims and requiring the local
940 public safety and 911 telecommunicators to contact the Department
941 of Child Protection Services when human trafficking or commercial
942 sexual exploitation is suspected.

943 (3) Changes in the minimum standards may be made upon
944 request from any bona fide public safety, emergency medical or
945 fire organization operating within the State of Mississippi.
946 Requests for change shall be in writing submitted to either the
947 State Law Enforcement Training Academy; the State Fire Academy;
948 the Mississippi Chapter of the Associated Public Safety
949 Communications Officers, Incorporated; the Mississippi Chapter of
950 the National Emergency Number Association; the Mississippi State
951 Board of Health, Emergency Medical Services Division; the
952 Mississippi Justice Information Center; the Mississippi Sheriff's
953 Association; the Mississippi Fire Chief's Association; the
954 Mississippi Association of Chiefs of Police; or Mississippians for
955 Emergency Medical Services.



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

960 (5) Persons in the employment of any public safety, fire,
961 911 PSAP or emergency medical agency as a telecommunicator on July
962 1, 1993, shall have three (3) years to be certified in the minimum
963 standards courses provided they have been employed by such agency
964 for a period of more than one (1) year prior to July 1, 1993.

965 (6) Persons having been employed by any public safety, fire,
966 911 PSAP or emergency medical agency as a telecommunicator for
967 less than one (1) year prior to July 1, 1993, shall be required to
968 have completed all the requirements for minimum training
969 standards, as set forth in Sections 19-5-351 through 19-5-361,
970 within one (1) year from July 1, 1993. Persons certified on or
971 before July 1, 1993, in any course or courses chosen shall be
972 given credit for these courses, provided the courses are still
973 current and such persons can provide a course completion
974 certificate.

975 (7) Any person hired to perform the duties of a
976 telecommunicator in any public safety, fire, 911 PSAP or emergency
977 medical agency after July 1, 1993, shall complete the minimum
978 training standards as set forth in Sections 19-5-351 through
979 19-5-361 within twelve (12) months of their employment or within
980 twelve (12) months from the date that the Board of Emergency



981 Telecommunications Standards and Training shall become
982 operational.

983 (8) Professional certificates remain the property of the
984 board, and the board reserves the right to either reprimand the
985 holder of a certificate, suspend a certificate upon conditions
986 imposed by the board, or cancel and recall any certificate when:

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

988 (b) The certificate was obtained through
989 misrepresentation or fraud;

990 (c) The holder has been convicted of any crime
991 involving moral turpitude;

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

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

994 When the board believes there is a reasonable basis for
995 either the reprimand, suspension, cancellation of, or recalling
996 the certification of a telecommunicator, notice and opportunity
997 for a hearing shall be provided. Any telecommunicator aggrieved
998 by the findings and order of the board may file an appeal with the
999 chancery court of the county in which such person is employed from
1000 the final order of the board. Any telecommunicator whose
1001 certification has been cancelled pursuant to Sections 19-5-351
1002 through 19-5-361 may reapply for certification but not sooner than
1003 two (2) years after the date on which the order of the board
1004 canceling such certification became final.



1005 (9) Any state agency, political subdivision or "for-profit"
1006 ambulance, security or fire service company that employs a person
1007 as a telecommunicator who does not meet the requirements of
1008 Sections 19-5-351 through 19-5-361, or that employs a person whose
1009 certificate has been suspended or revoked under provisions of
1010 Sections 19-5-351 through 19-5-361, is prohibited from paying the
1011 salary of such person, and any person violating this subsection
1012 shall be personally liable for making such payment.

1013 (10) These minimum standards and time limitations shall in
1014 no way conflict with other state and federal training as may be
1015 required to comply with established laws or regulations.

1016 **SECTION 19.** Section 19-5-355, Mississippi Code of 1972, is
1017 brought forward as follows:

1018 19-5-355. (1) When it shall be determined that training is
1019 required, a request for training shall be submitted to the Board
1020 of Emergency Telecommunications Standards and Training for
1021 approval of course, course location, estimated cost and base
1022 weekly salary of the telecommunicator to attend the course of
1023 instruction. Upon approval of training and successful completion
1024 of the training course, all expenses associated with the obtaining
1025 of such training shall be reimbursed. The local government entity
1026 or emergency service provider shall be reimbursed for the full
1027 salary and benefits of each telecommunicator completing such
1028 training.



1029 (2) Upon completion of any course required in these minimum
1030 training standards, each telecommunicator shall be issued a
1031 certificate which shall signify successful completion of such
1032 training. When all minimum standards training has been met,
1033 copies of certificates of course completion shall be forwarded to
1034 the Board of Emergency Telecommunications Standards and Training
1035 which will then issue "Certification of Minimum Standards" to such
1036 telecommunicator. Certifications shall be issued separately for
1037 law enforcement, fire and emergency medical service
1038 telecommunicators.

1039 **SECTION 20.** Section 19-5-356, Mississippi Code of 1972, is
1040 brought forward as follows:

1041 19-5-356. (1) After any telecommunicator has received his
1042 or her initial minimum standard of training and has been issued
1043 the "Certification of Minimum Standards," such telecommunicator
1044 shall complete forty-eight (48) hours of continuing education
1045 courses every three (3) years. The continuing education courses,
1046 required pursuant to this subsection, must be approved by the
1047 Board of Emergency Telecommunications Standards and Training.

1048 (2) The Board of Emergency Telecommunications Standards and
1049 Training shall reimburse each agency for the expense incurred by
1050 telecommunicators who attend approved continuing education courses
1051 as required by this section.

1052 (3) For purposes of this section, "telecommunicator" means
1053 any person engaged in or employed as a telecommunications operator



1054 by any public safety, fire or emergency medical agency whose
1055 primary responsibility is the receipt or processing of calls for
1056 emergency services provided by public safety, fire or emergency
1057 medical agencies or the dispatching of emergency services provided
1058 by public safety, fire or emergency medical agencies and who
1059 receives or disseminates information relative to emergency
1060 assistance by telephone or radio.

1061 **SECTION 21.** Section 19-5-357, Mississippi Code of 1972, is
1062 brought forward as follows:

1063 19-5-357. (1) From and after July 1, 1993, a service charge
1064 of Five Cents (5¢) shall be placed on each subscriber service line
1065 within the State of Mississippi. This service charge shall apply
1066 equally to both private and business lines and shall apply to all
1067 service suppliers operating within the State of Mississippi. This
1068 subscriber service charge level shall be reviewed periodically to
1069 determine if the service charge level is adequate or excessive,
1070 and adjustments may be made accordingly.

1071 (2) Every billed service user shall be liable for any
1072 service charge imposed under this section until it has been paid
1073 to the service supplier. The duty of the service supplier to
1074 collect any such service charge shall commence upon the date of
1075 its implementation. Any such minimum standards telephone service
1076 charge shall be added to, and may be stated separately in, the
1077 billing by the service supplier to the service user.



1078 (3) The service supplier shall have no obligation to take
1079 any legal action to enforce the collection of any emergency
1080 telephone service charge. However, the service supplier shall
1081 annually provide the Board of Emergency Telecommunications
1082 Standards and Training with a list of the amount uncollected,
1083 together with the names and addresses of those service users who
1084 carry a balance that can be determined by the service supplier to
1085 be nonpayment of such service charge. The service charge shall be
1086 collected at the same time as the tariff rate in accordance with
1087 the regular billing practice of the service supplier. Good faith
1088 compliance by the service supplier with this provision shall
1089 constitute a complete defense to any legal action which may result
1090 from the service supplier's determination of nonpayment and/or the
1091 identification of service users in connection therewith.

1092 (4) The amounts collected by the service supplier
1093 attributable to the minimum standards telephone service charge
1094 shall be deposited monthly into a special fund hereby created in
1095 the State Treasury. The amount of service charge collected each
1096 month by the service supplier shall be remitted to the special
1097 fund no later than sixty (60) days after the close of the month.
1098 A return, in such form as prescribed by the Department of Revenue,
1099 shall be filed with the Department of Revenue, together with a
1100 remittance of the amount of service charge collected payable to
1101 the special fund. The service supplier shall maintain records of
1102 the amount of service charge collected for a period of at least



1103 three (3) years from date of collection. From the gross receipts
1104 to be remitted to the special fund, the service supplier shall be
1105 entitled to retain as an administrative fee, an amount equal to
1106 one percent (1%) thereof. This service charge is a state fee and
1107 is not subject to any sales, use, franchise, income, excise or any
1108 other tax, fee or assessment, and shall not be considered revenue
1109 of the service supplier for any purpose. All administrative
1110 provisions of the Mississippi Sales Tax Law, including those which
1111 fix damages, penalties and interest for nonpayment of taxes and
1112 for noncompliance with the provisions of such chapter, and all
1113 other duties and requirements imposed upon taxpayers, shall apply
1114 to all persons liable for fees under the provisions of this
1115 chapter, and the Commissioner of Revenue shall exercise all the
1116 power and authority and perform all the duties with respect to
1117 taxpayers under this chapter as are provided in the Mississippi
1118 Sales Tax Law except where there is a conflict, then the
1119 provisions of this chapter shall control.

1120 (5) The proceeds generated by the minimum standards service
1121 charge shall primarily be used by the board pursuant to
1122 legislative appropriation to fund the minimum standards training
1123 program for public safety telecommunicators within the State of
1124 Mississippi. These funds shall be applied on a first-come
1125 first-served basis, which shall be determined by the date of
1126 application. All city, county and state public safety
1127 telecommunicators, including those employed by city and/or county



1128 supported ambulance services and districts, shall be eligible to
1129 receive these funds to meet minimum standards training
1130 requirements. No "for-profit" ambulance, security or fire service
1131 company operating in the private sector shall be qualified to
1132 receive these minimum standards training funds unless the company
1133 is on contract with a local government to provide primary
1134 emergency response. Law enforcement officers, fire and emergency
1135 medical personnel who are used as part-time or "fill-in"
1136 telecommunicators shall also be eligible to receive funding for
1137 this minimum standards training, provided they serve at least
1138 eight (8) hours per month as a telecommunicator. However,
1139 emergency medical personnel who are used as part-time or "fill-in"
1140 telecommunicators and are employed by any for-profit ambulance
1141 company operating in the private sector shall be eligible to
1142 receive funding for the minimum standards training, provided they
1143 serve at least twenty (20) hours per week as a telecommunicator.
1144 These funds may also be expended by the Board of Emergency
1145 Telecommunications Standards and Training to administer the
1146 minimum standards program for such things as personnel, office
1147 equipment, computer software, supplies and other necessary
1148 expenses.

1149 (6) The Board of Emergency Telecommunications Standards and
1150 Training shall be authorized to reimburse any public safety agency
1151 or emergency medical service for meals, lodging, travel, course
1152 fees and salary during the time spent training, upon successful



1153 completion of such course. Funds may also be expended to train
1154 certain individuals to become certified instructors of the various
1155 courses included in these minimum standards in order to conduct
1156 training within the State of Mississippi.

1157 (7) If the proceeds generated by the minimum standards
1158 service charge exceed the amount of monies necessary to fund the
1159 service, the Board of Emergency Telecommunications Standards and
1160 Training may authorize such excess funds to be available for
1161 advanced training, upgraded training and recertification of
1162 instructors. Any funds remaining at the close of any fiscal year
1163 shall not lapse into the State General Fund but shall be carried
1164 over to the next fiscal year to be used as a beginning balance for
1165 the fiscal requirements of such year.

1166 **SECTION 22.** Section 19-5-359, Mississippi Code of 1972, is
1167 brought forward as follows:

1168 19-5-359. (1) Any service supplier operating within the
1169 State of Mississippi shall be required to provide access to the
1170 locally designated PSAP by dialing the three (3) digits "911" from
1171 any telephone subscriber line within such service area. Where
1172 technically available, each service supplier shall, at a county's
1173 request, provide "Enhanced 911" services. Where this capability
1174 does not technically exist, "Basic 911" shall be available as a
1175 minimum.

1176 (2) From and after December 31, 1993, any person,
1177 corporation or entity operating a "shared tenant service" type of



1178 telephone system shall be required to provide as a minimum the
1179 location and telephone number information for each and every
1180 extension or user on such "shared tenant" system to the regulated
1181 local exchange telephone service provider where the service
1182 provider can utilize such information in the delivery of "Enhanced
1183 911" emergency telephone service. This information shall consist
1184 of data in a format that is compatible with the service supplier's
1185 requirements in order to provide such location and telephone
1186 number information automatically in the event a call to 911 is
1187 placed from such a system. It shall be the responsibility of the
1188 operator or provider of "STS" telephone services to maintain the
1189 data pertaining to each extension operating on such system.

1190 (3) Any CMRS providers operating within the State of
1191 Mississippi shall be required to have all trunks or service lines
1192 supplying all cellular sites and personal communications network
1193 sites contain the word "cellular" in the service supplier listing
1194 for each trunk or service line to facilitate operator
1195 identification of cellular and PCN telephone calls placed to 911.

1196 (4) Any service suppliers engaged in the offering or
1197 operating of "Centrex" or "ESSX" telephone service within the
1198 State of Mississippi shall cause the actual location of all
1199 extensions operating in this service to be displayed at the PSAP
1200 whenever a 911 call is placed from said extension. This feature
1201 shall not be required in areas where Enhanced 911 is not in



1202 operation but shall be required should such area upgrade to
1203 Enhanced 911 service.

1204 (5) Any local exchange telephone service suppliers offering
1205 "quick-serve" or "soft" dial tone shall provide address location
1206 information to the PSAP operating in the area where the
1207 "quick-serve" or "soft" dial tone is in operation so that the PSAP
1208 may have this address information displayed should a call to 911
1209 be placed from such location. It shall be the responsibility of
1210 the service supplier to determine in which emergency service
1211 number area the "quick-serve" or "soft" dial tone is located.

1212 (6) Any service suppliers operating within the State of
1213 Mississippi and providing Enhanced 911 telephone service shall
1214 have a reasonable time period, not to exceed five (5) years, to
1215 comply with data and operational standards as they are set forth
1216 by the National Emergency Number Association. This time period
1217 shall apply to data format, equipment supplied for PSAP use and
1218 for the length of time required for data updates relating to
1219 service user address information, emergency service number updates
1220 and other data updates as may be required.

1221 **SECTION 23.** Section 19-5-361, Mississippi Code of 1972, is
1222 brought forward as follows:

1223 19-5-361. Any Emergency 911 service supplier, Emergency 911
1224 Voice over Internet Protocol service supplier, and Emergency 911
1225 CMRS provider operating within the State of Mississippi, its
1226 employees, directors, officers, agents and subcontractors, shall



1227 be entitled to receive the limitations of liability as provided to
1228 the state, or any agency or local government of the state,
1229 pursuant to Section 11-46-15, Mississippi Code of 1972.

1230 **SECTION 24.** Section 19-5-371, Mississippi Code of 1972, is
1231 brought forward as follows:

1232 19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331,
1233 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-353,
1234 19-5-357, 19-5-359 and 19-5-361 shall stand repealed from and
1235 after July 1, 2021.

1236 **SECTION 25.** Section 33-15-14, Mississippi Code of 1972, is
1237 brought forward as follows:

1238 33-15-14. (1) The agency is responsible for maintaining a
1239 comprehensive statewide program of emergency management. The
1240 agency is responsible for coordination with efforts of the federal
1241 government with other departments and agencies of state
1242 government, with county and municipal governments and school
1243 boards and with private agencies that have a role in emergency
1244 management.

1245 (2) In performing its duties under this article, the agency
1246 shall:

1247 (a) Work with the Governor, or his representative, in
1248 preparing a State Comprehensive Emergency Management Plan of this
1249 state, which shall be integrated into and coordinated with the
1250 emergency management plans of the federal government and of other
1251 states to the fullest possible extent, and to coordinate the



1252 preparation of plans and programs for emergency management by the
1253 political subdivisions of the state, such local plans to be
1254 integrated into and coordinated with the emergency plan and
1255 program of this state. The plan must contain provisions to ensure
1256 that the state is prepared for emergencies and minor, major and
1257 catastrophic disasters, and the agency shall work closely with
1258 local governments and agencies and organizations with emergency
1259 management responsibilities in preparing and maintaining the plan.
1260 The State Comprehensive Emergency Management Plan will be
1261 operations oriented and:

1262 (i) Include an evacuation component that includes
1263 specific regional and interregional planning provisions and
1264 promotes intergovernmental coordination of evacuation activities.
1265 This component must, at a minimum: ensure coordination pertaining
1266 to evacuees crossing county lines; set forth procedures for
1267 directing people caught on evacuation routes to safe shelter; and
1268 establish policies and strategies for emergency medical
1269 evacuations.

1270 (ii) Include a shelter component that includes
1271 specific regional and interregional planning provisions and
1272 promotes coordination of shelter activities between the public,
1273 private and nonprofit sectors. This component must, at a minimum:
1274 contain strategies to ensure the availability of adequate public
1275 shelter space in each region of the state; establish strategies
1276 for refuge-of-last-resort programs; provide strategies to assist



1277 local emergency management efforts to ensure that adequate
1278 staffing plans exist for all shelters, including medical and
1279 security personnel; provide for a postdisaster communications
1280 system for public shelters; establish model shelter guidelines for
1281 operations, registration, inventory, power generation capability,
1282 information management and staffing; and set forth policy guidance
1283 for sheltering people with special needs.

1284 (iii) Include a postdisaster response and recovery
1285 component that includes specific regional and interregional
1286 planning provisions and promotes intergovernmental coordination of
1287 postdisaster response and recovery activities. This component
1288 must provide for postdisaster response and recovery strategies
1289 according to whether a disaster is minor, major or catastrophic.
1290 The postdisaster response and recovery component must, at a
1291 minimum: establish the structure of the state's postdisaster
1292 response and recovery organization; establish procedures for
1293 activating the state's plan; set forth policies used to guide
1294 postdisaster response and recovery activities; describe the chain
1295 of command during the postdisaster response and recovery period;
1296 describe initial and continuous postdisaster response and recovery
1297 actions; identify the roles and responsibilities of each involved
1298 agency and organization; provide for a comprehensive
1299 communications plan; establish procedures for monitoring mutual
1300 aid agreements; provide for rapid impact assessment teams; ensure
1301 the availability of an effective statewide urban search and rescue



1302 program coordinated with the fire services; ensure the existence
1303 of a comprehensive statewide medical care and relief plan
1304 administered by the State Department of Health; and establish
1305 systems for coordinating volunteers and accepting and distributing
1306 donated funds and goods.

1307 (iv) Include additional provisions addressing
1308 aspects of preparedness, response and recovery, as determined
1309 necessary by the agency.

1310 (v) Address the need for coordinated and
1311 expeditious deployment of state resources, including the
1312 Mississippi National Guard. In the case of an imminent major
1313 disaster, procedures should address predeployment of the
1314 Mississippi National Guard, and, in the case of an imminent
1315 catastrophic disaster, procedures should address predeployment of
1316 the Mississippi National Guard and the United States Armed Forces.
1317 This subparagraph (v) does not authorize the agency to call out
1318 and deploy the Mississippi National Guard, which authority and
1319 determination rests solely with the Governor.

1320 (vi) Establish a system of communications and
1321 warning to ensure that the state's population and emergency
1322 management agencies are warned of developing emergency situations
1323 and can communicate emergency response decisions.

1324 (vii) Establish guidelines and schedules for
1325 annual exercises that evaluate the ability of the state and its
1326 political subdivisions to respond to minor, major and catastrophic



1327 disasters and support local emergency management agencies. Such
1328 exercises shall be coordinated with local governments and, to the
1329 extent possible, the federal government.

1330 (viii) 1. Assign lead and support
1331 responsibilities to state agencies and personnel for emergency
1332 support functions and other support activities.

1333 2. The agency shall prepare an interim
1334 postdisaster response and recovery component that substantially
1335 complies with the provisions of this paragraph (a). Each state
1336 agency assigned lead responsibility for an emergency support
1337 function by the State Comprehensive Emergency Management Plan
1338 shall also prepare a detailed operational plan needed to implement
1339 its responsibilities. The complete State Comprehensive Emergency
1340 Management Plan shall be submitted to the Governor no later than
1341 January 1, 1996, and on January 1 of every even-numbered year
1342 thereafter.

1343 (b) Adopt standards and requirements for county
1344 emergency management plans. The standards and requirements must
1345 ensure that county plans are coordinated and consistent with the
1346 State Comprehensive Emergency Management Plan. If a municipality
1347 elects to establish an emergency management program, it must adopt
1348 a city emergency management plan that complies with all standards
1349 and requirements applicable to county emergency management plans.

1350 (c) Assist political subdivisions in preparing and
1351 maintaining emergency management plans.



1352 (d) Review periodically political subdivision emergency
1353 management plans for consistency with the State Comprehensive
1354 Emergency Management Plan and standards and requirements adopted
1355 under this section.

1356 (e) Make recommendations to the Legislature, building
1357 code organizations and political subdivisions for zoning, building
1358 and other land use controls, safety measures for securing mobile
1359 homes or other nonpermanent or semipermanent structures; and other
1360 preparedness, prevention and mitigation measures designed to
1361 eliminate emergencies or reduce their impact.

1362 (f) In accordance with the State Comprehensive
1363 Emergency Management Plan and program for emergency management,
1364 ascertain the requirements of the state, its political
1365 subdivisions and the Mississippi Band of Choctaw Indians for
1366 equipment and supplies of all kinds in the event of an emergency;
1367 plan for and either procure supplies, medicines, materials and
1368 equipment or enter into memoranda of agreement or open purchase
1369 orders that will ensure their availability; and use and employ
1370 from time to time any of the property, services and resources
1371 within the state in accordance with this article.

1372 (g) Anticipate trends and promote innovations that will
1373 enhance the emergency management system.

1374 (h) Prepare and distribute to appropriate state and
1375 local officials catalogs of federal, state and private assistance
1376 programs.



1377 (i) Implement training programs to improve the ability
1378 of state and local emergency management personnel to prepare and
1379 implement emergency management plans and programs, and require all
1380 local civil defense directors or emergency management directors to
1381 complete such training as a condition to their authority to
1382 continue service in their emergency management positions.

1383 (j) Review periodically emergency operating procedures
1384 of state agencies and recommend revisions as needed to ensure
1385 consistency with the State Comprehensive Emergency Management Plan
1386 and program.

1387 (k) Prepare, in advance whenever possible, such
1388 executive orders, proclamations and rules for issuance by the
1389 Governor as are necessary or appropriate for coping with
1390 emergencies and disasters.

1391 (l) Cooperate with the federal government and any
1392 public or private agency or entity in achieving any purpose of
1393 this article.

1394 (m) Assist political subdivisions with the creation and
1395 training of urban search and rescue teams and promote the
1396 development and maintenance of a state urban search and rescue
1397 program.

1398 (n) Delegate, as necessary and appropriate, authority
1399 vested in it under this article and provide for the subdelegation
1400 of such authority.



1401 (o) Require each county or municipality to designate an
1402 agent for working with the agency in the event of a natural
1403 disaster. The county or municipality may designate any person as
1404 agent who has completed training programs required of emergency
1405 management directors.

1406 (p) Report biennially to the Governor and the President
1407 of the Senate, and the Speaker of the House of Representatives, no
1408 later than January 1 of every odd-numbered year, the status of the
1409 emergency management capabilities of the state and its political
1410 subdivisions.

1411 (q) In accordance with Section 25-43-1 et seq., create,
1412 implement, administer, promulgate, amend and rescind rules,
1413 programs and plans needed to carry out the provisions of this
1414 article with due consideration for, and in cooperating with, the
1415 plans and programs of the federal government.

1416 (r) Have the sole power and discretion to enter into,
1417 sign, execute and deliver long-term or multiyear leases of real
1418 and personal property with other state and federal agencies.

1419 (s) Do other things necessary, incidental or
1420 appropriate for the implementation of this article.

1421 (t) In accordance with Section 33-15-15, create,
1422 implement, administer, promulgate, amend and rescind rules
1423 regarding the development of the Mississippi Disaster Reservist
1424 Program.



1425 (u) Unless otherwise instructed by the Governor,
1426 sponsor and develop mutual aid plans and agreements between the
1427 political subdivisions of the state and the Mississippi Band of
1428 Choctaw Indians similar to the mutual aid arrangements with other
1429 states referenced in Section 33-15-11(b)(10).

1430 **SECTION 26.** This act shall take effect and be in force from
1431 and after July 1, 2020.

