

By: Martinson

To: Public Utilities

HOUSE BILL NO. 1278

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
2 19-5-352, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE POWERS AND
3 DUTIES OF THE BOARD OF EMERGENCY TELECOMMUNICATIONS STANDARDS AND
4 TRAINING; TO AMEND SECTION 19-5-353, MISSISSIPPI CODE OF 1972, TO
5 ESTABLISH A PENALTY FOR OWNERS OF PRIVATE "FOR PROFIT" AMBULANCE,
6 SECURITY OR FIRE SERVICE COMPANIES EMPLOYING PUBLIC SAFETY AND 911
7 TELECOMMUNICATORS WHO HAVE NOT MET MINIMUM TRAINING STANDARDS; TO
8 AMEND SECTION 19-5-357, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
9 SUCH COMPANIES THAT ARE UNDER CONTRACT WITH A LOCAL GOVERNMENT TO
10 BE REIMBURSED MINIMUM STANDARDS TRAINING FUNDS; AND FOR RELATED
11 PURPOSES.

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

13 SECTION 1. The following shall be codified as Section
14 19-5-352, Mississippi Code of 1972:

15 19-5-352. The Board of Emergency Telecommunications
16 Standards and Training shall have the following powers and duties:

17 (a) Promulgate rules and regulations for the
18 administration of Sections 19-5-351 through 19-5-361, including
19 the authority to require the submission of reports and information
20 by any emergency telecommunications agencies of the state and its
21 political subdivisions.

22 (b) Establish, through rules and regulations consistent
23 with other provisions of law, qualifications for the employment of
24 an emergency telecommunications officer, including minimum age,
25 education, mental standards, citizenship, good moral character and
26 experience as relate to the competence and reliability of persons
27 to assume and discharge the responsibilities of emergency
28 telecommunications officers and to prescribe the means for
29 presenting evidence of fulfillment of these requirements.

30 (c) Certify persons as being qualified under provisions

31 of Sections 19-5-351 through 19-5-361 as an emergency
32 telecommunications officer.

33 (d) Require emergency telecommunications agencies of
34 the state and its political subdivisions to obtain current
35 criminal history record information and felony conviction record
36 information and to maintain the information in a file for each
37 employee, prospective employee and volunteer or prospective
38 volunteer of the entity who provides services as an emergency
39 telecommunications officer. In order to determine the applicants
40 suitability for employment, the applicant shall be fingerprinted.

41 If no disqualifying record is identified at the state level, the
42 fingerprints shall be forwarded by the Department of Public Safety
43 to the Federal Bureau of Investigation for a national criminal
44 history record check.

45 (e) Revoke certification for cause and in the manner
46 provided in Sections 19-5-351 through 19-5-361.

47 (f) Establish minimum curriculum requirements for basic
48 and advanced courses and programs for the specific purpose of
49 training any emergency telecommunications officers.

50 (g) Consult and cooperate with counties,
51 municipalities, state agencies, other governmental agencies and
52 with universities, colleges, community colleges and other
53 institutions concerning the development of training schools,
54 programs or courses of instruction for personnel defined in
55 Sections 19-5-351 through 19-5-361.

56 (h) Make recommendations concerning any matter within
57 its purview pursuant to Sections 19-5-351 through 19-5-361.

58 (i) Make such inspection and evaluation as may be
59 necessary to determine if governmental units are complying with
60 the provisions of Sections 19-5-351 through 19-5-361.

61 (j) Adopt and amend regulations consistent with law,
62 for its internal management and control of board programs.

63 (k) Enter into contract or do such things as may be

64 necessary and incidental to the administration of Sections
65 19-5-351 through 19-5-361.

66 SECTION 2. Section 19-5-353, Mississippi Code of 1972, is
67 amended as follows:

68 19-5-353. (1) The initial minimum standard of training for
69 local public safety and 911 telecommunicators shall be determined
70 by the Board of Emergency Telecommunications Standards and
71 Training. All courses approved for minimum standards shall be
72 taught by instructors certified by the course originator as
73 instructors for such courses.

74 (2) The minimum standards may be changed at any time by the
75 Board of Emergency Telecommunications Standards and Training.

76 (3) Changes in the minimum standards may be made upon
77 request from any bona fide public safety, emergency medical or
78 fire organization operating within the State of Mississippi.
79 Requests for change shall be in writing submitted to either the
80 State Law Enforcement Training Academy; the State Fire Academy;
81 the Mississippi Chapter of the Associated Public Safety
82 Communications Officers, Incorporated; the Mississippi Chapter of
83 the National Emergency Number Association; the Mississippi State
84 Board of Health, Emergency Medical Services Division; the
85 Mississippi Justice Information Center; the Mississippi Sheriff's
86 Association; the Mississippi Fire Chief's Association; the
87 Mississippi Association of Chiefs of Police; or Mississippians for
88 Emergency Medical Service.

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

93 (5) Persons in the employment of any public safety, fire,
94 911 PSAP or emergency medical agency as a telecommunicator on July
95 1, 1993, shall have three (3) years to be certified in the minimum
96 standards courses provided they have been employed by such agency

97 for a period of more than one (1) year prior to July 1, 1993.

98 (6) Persons having been employed by any public safety, fire,
99 911 PSAP or emergency medical agency as a telecommunicator for
100 less than one (1) year prior to July 1, 1993, shall be required to
101 have completed all the requirements for minimum training
102 standards, as set forth in Sections 19-5-351 through 19-5-361,
103 within one (1) year from July 1, 1993. Persons certified on or
104 before July 1, 1993, in any course or courses chosen shall be
105 given credit for these courses, provided the courses are still
106 current and such persons can provide a course completion
107 certificate.

108 (7) Any person hired to perform the duties of a
109 telecommunicator in any public safety, fire, 911 PSAP or emergency
110 medical agency after July 1, 1993, shall complete the minimum
111 training standards as set forth in Sections 19-5-351 through
112 19-5-361 within twelve (12) months of their employment or within
113 twelve (12) months from the date that the Board of Emergency
114 Telecommunications Standards and Training shall become
115 operational.

116 (8) Professional certificates remain the property of the
117 board, and the board reserves the right to either reprimand the
118 holder of a certificate, suspend a certificate upon conditions
119 imposed by the board, or cancel and recall any certificate when:

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

121 (b) The certificate was obtained through
122 misrepresentation or fraud;

123 (c) The holder has been convicted of any crime
124 involving moral turpitude;

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

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

127 When the board believes there is a reasonable basis for
128 either the reprimand, suspension, cancellation of, or recalling
129 the certification of a telecommunicator, notice and opportunity

130 for a hearing shall be provided. Any telecommunicator aggrieved
131 by the findings and order of the board may file an appeal with the
132 chancery court of the county in which such person is employed from
133 the final order of the board. Any telecommunicator whose
134 certification has been cancelled pursuant to Sections 19-5-351
135 through 19-5-361 may reapply for certification but not sooner than
136 two (2) years after the date on which the order of the board
137 canceling such certification became final.

138 (9) Any state agency or political subdivision that employs a
139 person as a telecommunicator who does not meet the requirements of
140 Sections 19-5-351 through 19-5-361, or who employs a person whose
141 certificate has been suspended or revoked under provisions of
142 Section 19-5-351 through 19-5-361, is prohibited from paying the
143 salary of such person, and any person violating this subsection
144 shall be personally liable for making such payment.

145 (10) The owner of any private "for profit" ambulance,
146 security or fire service company must insure compliance with this
147 section and the regulations promulgated by the board, and any such
148 person violating or failing to comply with this section shall be
149 subject to liability. Any person convicted of a violation of this
150 subsection shall be guilty of a misdemeanor and may be punished by
151 a fine of not less than Fifty Dollars (\$50.00) and not more than
152 One Hundred Dollars (\$100.00) or by imprisonment for not more than
153 thirty (30) days, or both such fine and imprisonment. The board
154 may bring a civil action in the chancery court of the county in
155 which any alleged offender may reside or have his principal place
156 of business for injunctive relief to prevent any further violation
157 of this section or any rules or regulations adopted by the board
158 pursuant to this act. For each day that there is a failure to
159 comply with this act, such failure shall constitute a separate and
160 distinct offense, except that the court, in its discretion, may
161 stay the cumulation of the penalties.

162 (11) These minimum standards and time limitations shall in

163 no way conflict with other state and federal training as may be
164 required to comply with established laws or regulations.

165 SECTION 3. Section 19-5-357, Mississippi Code of 1972, is
166 amended as follows:[BD1]

167 19-5-357. (1) From and after July 1, 1993, a service charge
168 of Five Cents (5¢) shall be placed on each subscriber service line
169 within the State of Mississippi. This service charge shall apply
170 equally to both private and business lines and shall apply to all
171 service suppliers operating within the State of Mississippi. This
172 subscriber service charge level shall be reviewed periodically to
173 determine if the service charge level is adequate or excessive,
174 and adjustments may be made accordingly.

175 (2) Every billed service user shall be liable for any
176 service charge imposed under this section until it has been paid
177 to the service supplier. The duty of the service supplier to
178 collect any such service charge shall commence upon the date of
179 its implementation. Any such minimum standards telephone service
180 charge shall be added to, and may be stated separately in, the
181 billing by the service supplier to the service user.

182 (3) The service supplier shall have no obligation to take
183 any legal action to enforce the collection of any emergency
184 telephone service charge. However, the service supplier shall
185 annually provide the Board of Emergency Telecommunications
186 Standards and Training with a list of the amount uncollected,
187 together with the names and addresses of those service users who
188 carry a balance that can be determined by the service supplier to
189 be nonpayment of such service charge. The service charge shall be
190 collected at the same time as the tariff rate in accordance with
191 the regular billing practice of the service supplier. Good faith
192 compliance by the service supplier with this provision shall
193 constitute a complete defense to any legal action which may result
194 from the service supplier's determination of nonpayment and/or the
195 identification of service users in connection therewith.

196 (4) The amounts collected by the service supplier
197 attributable to the minimum standards telephone service charge
198 shall be deposited monthly into a special fund hereby created in
199 the State Treasury. The amount of service charge collected each
200 month by the service supplier shall be remitted to the special
201 fund no later than sixty (60) days after the close of the month.
202 A return, in such form as prescribed by the State Tax Commission
203 and shall be filed with the Tax Commission, together with a
204 remittance of the amount of service charge collected payable to
205 the special fund. The service supplier shall maintain records of
206 the amount of service charge collected for a period of at least
207 three (3) years from date of collection. From the gross receipts
208 to be remitted to the special fund, the service supplier shall be
209 entitled to retain as an administrative fee, an amount equal to
210 one percent (1%) thereof. This service charge is a state fee and
211 is not subject to any sales, use, franchise, income, excise or any
212 other tax, fee or assessment, and shall not be considered revenue
213 of the service supplier for any purpose. All administrative
214 provisions of the Mississippi Sales Tax Law, including those which
215 fix damages, penalties and interest for nonpayment of taxes and
216 for noncompliance with the provisions of such chapter, and all
217 other duties and requirements imposed upon taxpayers, shall apply
218 to all persons liable for fees under the provisions of this
219 chapter, and the Tax Commissioner shall exercise all the power and
220 authority and perform all the duties with respect to taxpayers
221 under this chapter as are provided in the Mississippi Sales Tax
222 Law except where there is a conflict, then the provisions of this
223 chapter shall control.

224 (5) The proceeds generated by the minimum standards service
225 charge shall primarily be used by the board pursuant to
226 legislative appropriation to fund the minimum standards training
227 program for public safety telecommunicators within the State of
228 Mississippi. These funds shall be applied on a first-come

229 first-served basis, which shall be determined by the date of
230 application. All city, county and state public safety
231 telecommunicators, including those employed by city and/or county
232 supported ambulance services and districts, shall be eligible to
233 receive these funds to meet minimum standards training
234 requirements. No "for-profit" ambulance, security or fire service
235 company operating in the private sector * * * shall be qualified
236 to receive these minimum standards training funds unless the
237 company is on contract with a local government. Law enforcement
238 officers, fire and emergency medical personnel who are used as
239 part-time or "fill-in" telecommunicators shall also be eligible to
240 receive funding for this minimum standards training, provided they
241 serve at least eight (8) hours per month as a telecommunicator.
242 These funds may also be expended by the Board of Emergency
243 Telecommunications Standards and Training to administer the
244 minimum standards program for such things as personnel, office
245 equipment, computer software, supplies and other necessary
246 expenses.

247 (6) The Board of Emergency Telecommunications Standards and
248 Training shall be authorized to reimburse any public safety agency
249 or emergency medical service * * * for meals, lodging, travel,
250 course fees and salary during the time spent training, upon
251 successful completion of such course. Funds may also be expended
252 to train certain individuals to become certified instructors of
253 the various courses included in these minimum standards in order
254 to conduct training within the State of Mississippi.

255 (7) If the proceeds generated by the minimum standards
256 service charge exceed the amount of monies necessary to fund the
257 service, the Board of Emergency Telecommunications Standards and
258 Training may authorize such excess funds to be available for
259 advanced training, upgraded training and recertification of
260 instructors. Any funds remaining at the close of any fiscal year
261 shall not lapse into the State General Fund but shall be carried

262 over to the next fiscal year to be used as a beginning balance for
263 the fiscal requirements of such year.

264 SECTION 4. This act shall take effect and be in force from
265 and after July 1, 2000.