HOUSE BILL NO. 672

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

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

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

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

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

(b) Establish, through rules and regulations consistent with other provisions of law, qualifications for the employment of an emergency telecommunications officer, including minimum age, education, mental standards, citizenship, good moral character and experience as relate to the competence and reliability of persons to assume and discharge the responsibilities of emergency telecommunications officers and to prescribe the means for presenting evidence of fulfillment of these requirements.
(c) Certify persons as being qualified under provisions of Sections 19-5-351 through 19-5-361 as an emergency telecommunications officer.

(d) Require emergency telecommunications agencies of the state and its political subdivisions to obtain current criminal history record information and felony conviction record information and to maintain the information in a file for each employee, prospective employee and volunteer or prospective volunteer of the entity who provides services as an emergency telecommunications officer. In order to determine the applicants suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check.

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

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

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

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

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

(j) Adopt and amend regulations consistent with law, for its internal management and control of board programs.
(k) Enter into contract or do such things as may be necessary and incidental to the administration of Sections 19-5-351 through 19-5-361.

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

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

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

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

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

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

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

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

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

(a) The certificate was issued by administrative error;

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

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

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

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

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

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

(10) The owner of any private "for profit" ambulance,
security or fire service company must insure compliance with this
section and the regulations promulgated by the board, and any such
person violating or failing to comply with this section shall be
subject to liability. Any person convicted of a violation of this
subsection shall be guilty of a misdemeanor and may be punished by
a fine of not less than Fifty Dollars ($50.00) and not more than
One Hundred Dollars ($100.00) or by imprisonment for not more than
thirty (30) days, or both such fine and imprisonment. The board
may bring a civil action in the chancery court of the county in
which any alleged offender may reside or have his principal place
of business for injunctive relief to prevent any further violation
of this section or any rules or regulations adopted by the board
pursuant to this act. For each day that there is a failure to
comply with this act, such failure shall constitute a separate and
distinct offense, except that the court, in its discretion, may
stay the cumulation of the penalties.
These minimum standards and time limitations shall in no way conflict with other state and federal training as may be required to comply with established laws or regulations.

SECTION 3. Section 19-5-357, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(5) The proceeds generated by the minimum standards service
charge shall primarily be used by the board pursuant to
legislative appropriation to fund the minimum standards training
program for public safety telecommunicators within the State of Mississippi. These funds shall be applied on a first-come first-served basis, which shall be determined by the date of application. All city, county and state public safety telecommunicators, including those employed by city and/or county supported ambulance services and districts, shall be eligible to receive these funds to meet minimum standards training requirements. No "for-profit" ambulance, security or fire service company operating in the private sector shall be qualified to receive these minimum standards training funds unless the company is on contract with a local government. Law enforcement officers, fire and emergency medical personnel who are used as part-time or "fill-in" telecommunicators shall also be eligible to receive funding for this minimum standards training, provided they serve at least eight (8) hours per month as a telecommunicator. These funds may also be expended by the Board of Emergency Telecommunications Standards and Training to administer the minimum standards program for such things as personnel, office equipment, computer software, supplies and other necessary expenses.

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

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2001.