HOUSE BILL NO. 714

AN ACT TO AMEND SECTIONS 19-5-313 AND 19-5-319, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES TO ESTABLISH AND SUPPORT AN EMERGENCY TELEPHONE WARNING SYSTEM WITH EXCESS 911 FUNDS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 19-5-313, Mississippi Code of 1972, is amended as follows:

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

(2) If the proceeds generated by the emergency telephone service charge exceed the amount of monies necessary to fund the service, the board of supervisors may authorize such excess funds to be expended by the county and the municipalities for a
computerized telephone warning system that warns residents of any
emergency situation by placing a telephone call to service users. In addition, the county municipalities may use excess funds to
perform the duties and pay the costs relating to identifying
roads, highways and streets, as provided by Section 65-7-143. The
board of supervisors shall determine how the funds are to be
distributed in the county and among municipalities in the county
for paying the costs relating to identifying roads, highways and
streets. The board of supervisors may temporarily reduce the
service charge rate or temporarily suspend the service charge if
the proceeds generated exceed the amount that is necessary to fund
the service and/or to pay costs relating to identifying roads,
highways and streets. Such excess funds may also be used in the
development of county or district communications and paging
systems when used primarily for the alerting and dispatching of
public safety entities and for other administrative costs such as
management personnel, maintenance personnel and related building
and operational requirements. Such excess funds may be placed in
a depreciation fund for emergency and obsolescence replacement of
equipment necessary for the operation of the overall 911 emergency
telephone and alerting systems.

(3) No such service charge shall be imposed upon more than
twenty-five (25) exchange access facilities per person per
location. Trunks or service lines used to supply service to CMRS
providers shall not have a service charge levied against them.
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,
which shall be specified in the resolution for the installation of
such service. Any such emergency telephone service charge shall
be added to and may be stated separately in the billing by the
service supplier to the service user.
(4) 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 supervisors and board of commissioners 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 or claim which may result from the service supplier's determination of nonpayment and/or the identification of service users in connection therewith.

(5) The amounts collected by the service supplier attributable to any emergency telephone service charge shall be due the county treasury monthly. The amount of service charge collected each month by the service supplier shall be remitted to the county no later than sixty (60) days after the close of the month. A return, in such form as the board of supervisors and the service supplier agree upon, shall be filed with the county, together with a remittance of the amount of service charge collected payable to the county. The service supplier shall maintain records of the amount of service charge collected for a period of at least two (2) years from date of collection. The board of supervisors and board of commissioners shall receive an annual audit of the service supplier's books and records with respect to the collection and remittance of the service charge. From the gross receipts to be remitted to the county, the service supplier shall be entitled to retain as an administrative fee, an amount equal to one percent (1%) thereof. From and after March 10, 1987, the service charge is a county 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.

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

SECTION 2. Section 19-5-319, Mississippi Code of 1972, is
amended as follows:

19-5-319. (1) Automatic number identification (ANI),
automatic location identification (ALI) and geographic automatic
location identification (GeoALI) information that consist of the
name, address and telephone number of telephone or wireless
subscribers shall be confidential, and the dissemination of the
information contained in the 911 automatic number and location
data base is prohibited except for the following purpose: the
information will be provided to the Public Safety Answering Point
(PSAP) on a call-by-call basis only for the purpose of handling
emergency calls or for training, and any permanent record of the
information shall be secured by the Public Safety Answering Point
(PSAP) and disposed of in a manner which will retain that
security, except upon court order or subpoena from a court of
competent jurisdiction or as otherwise provided by law.

Information also may be provided to a county or municipality for
the purpose of implementing or updating an enhanced emergency
telephone warning system; however, such information may be used
only to identify the telephone location or service user and may
not be used or disclosed for any other purpose.

(2) All emergency telephone calls and telephone call
transmissions received pursuant to Section 19-5-301 et seq., and
all recordings of the emergency telephone calls, shall remain
confidential and shall be used only for the purposes as may be
needed for law enforcement, fire, medical rescue or other
emergency services. These recordings shall not be released to any
other parties without court order or subpoena from a court of competent jurisdiction.

(3) PSAP and emergency response entities shall maintain and, upon request, release a record of the date of call, time of call, the time the emergency response entity was notified, and the identity of the emergency response entity. The emergency response entity shall maintain and, upon request, release a record of the date and time the call was received by the emergency response entity and the time the emergency response entity arrived on the scene. Requests for release of records must be made in writing and must specify the information desired. Requestors shall pay the cost of providing the information requested in accordance with the Mississippi Public Records Act of 1983, Section 25-61-1 et seq. The identity of any caller or person or persons who are the subject of any call, or the address, phone number or other identifying information about any such person, shall not be released except as provided in subsection (2) of this section.

(4) Any person who knowingly violates this act is guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars ($500.00) or imprisonment of not more than thirty (30) days in the county jail, or both fine and imprisonment.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.