

By: Representative Ellington

To: Public Utilities

HOUSE BILL NO. 819

1 AN ACT TO AMEND SECTION 19-5-353, MISSISSIPPI CODE OF 1972,
 2 TO PROHIBIT PRIVATE "FOR PROFIT" AMBULANCE, SECURITY OR FIRE
 3 SERVICE COMPANIES FROM PAYING A SALARY TO PUBLIC SAFETY AND 911
 4 TELECOMMUNICATORS WHO HAVE NOT MET MINIMUM TRAINING STANDARDS; TO
 5 AMEND SECTION 19-5-357, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
 6 SUCH COMPANIES THAT ARE UNDER CONTRACT WITH A LOCAL GOVERNMENT TO
 7 BE REIMBURSED MINIMUM STANDARDS TRAINING FUNDS; AND FOR RELATED
 8 PURPOSES.

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

10 SECTION 1. Section 19-5-353, Mississippi Code of 1972, is
 11 amended as follows:

12 19-5-353. (1) The initial minimum standard of training for
 13 local public safety and 911 telecommunicators shall be determined
 14 by the Board of Emergency Telecommunications Standards and
 15 Training. All courses approved for minimum standards shall be
 16 taught by instructors certified by the course originator as
 17 instructors for such courses.

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

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

30 Association; the Mississippi Fire Chief's Association; the
31 Mississippi Association of Chiefs of Police; or Mississippians for
32 Emergency Medical Service.

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

37 (5) Persons in the employment of any public safety, fire,
38 911 PSAP or emergency medical agency as a telecommunicator on July
39 1, 1993, shall have three (3) years to be certified in the minimum
40 standards courses provided they have been employed by such agency
41 for a period of more than one (1) year prior to July 1, 1993.

42 (6) Persons having been employed by any public safety, fire,
43 911 PSAP or emergency medical agency as a telecommunicator for
44 less than one (1) year prior to July 1, 1993, shall be required to
45 have completed all the requirements for minimum training
46 standards, as set forth in Sections 19-5-351 through 19-5-361,
47 within one (1) year from July 1, 1993. Persons certified on or
48 before July 1, 1993, in any course or courses chosen shall be
49 given credit for these courses, provided the courses are still
50 current and such persons can provide a course completion
51 certificate.

52 (7) Any person hired to perform the duties of a
53 telecommunicator in any public safety, fire, 911 PSAP or emergency
54 medical agency after July 1, 1993, shall complete the minimum
55 training standards as set forth in Sections 19-5-351 through
56 19-5-361 within twelve (12) months of their employment or within
57 twelve (12) months from the date that the Board of Emergency
58 Telecommunications Standards and Training shall become
59 operational.

60 (8) Professional certificates remain the property of the
61 board, and the board reserves the right to either reprimand the

62 holder of a certificate, suspend a certificate upon conditions
63 imposed by the board, or cancel and recall any certificate when:

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

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

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

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

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

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

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

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

93 SECTION 2. Section 19-5-357, Mississippi Code of 1972, is
94 amended as follows:

95 19-5-357. (1) From and after July 1, 1993, a service charge
96 of Five Cents (5¢) shall be placed on each subscriber service line
97 within the State of Mississippi. This service charge shall apply
98 equally to both private and business lines and shall apply to all
99 service suppliers operating within the State of Mississippi. This
100 subscriber service charge level shall be reviewed periodically to
101 determine if the service charge level is adequate or excessive,
102 and adjustments may be made accordingly.

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

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

124 (4) The amounts collected by the service supplier
125 attributable to the minimum standards telephone service charge
126 shall be deposited monthly into a special fund hereby created in
127 the State Treasury. The amount of service charge collected each

128 month by the service supplier shall be remitted to the special
129 fund no later than sixty (60) days after the close of the month.
130 A return, in such form as prescribed by the State Tax Commission
131 and shall be filed with the Tax Commission, together with a
132 remittance of the amount of service charge collected payable to
133 the special fund. The service supplier shall maintain records of
134 the amount of service charge collected for a period of at least
135 three (3) years from date of collection. From the gross receipts
136 to be remitted to the special fund, the service supplier shall be
137 entitled to retain as an administrative fee, an amount equal to
138 one percent (1%) thereof. This service charge is a state fee and
139 is not subject to any sales, use, franchise, income, excise or any
140 other tax, fee or assessment, and shall not be considered revenue
141 of the service supplier for any purpose. All administrative
142 provisions of the Mississippi Sales Tax Law, including those which
143 fix damages, penalties and interest for nonpayment of taxes and
144 for noncompliance with the provisions of such chapter, and all
145 other duties and requirements imposed upon taxpayers, shall apply
146 to all persons liable for fees under the provisions of this
147 chapter, and the Tax Commissioner shall exercise all the power and
148 authority and perform all the duties with respect to taxpayers
149 under this chapter as are provided in the Mississippi Sales Tax
150 Law except where there is a conflict, then the provisions of this
151 chapter shall control.

152 (5) The proceeds generated by the minimum standards service
153 charge shall primarily be used by the board pursuant to
154 legislative appropriation to fund the minimum standards training
155 program for public safety telecommunicators within the State of
156 Mississippi. These funds shall be applied on a first-come
157 first-served basis, which shall be determined by the date of
158 application. All city, county and state public safety
159 telecommunicators, including those employed by city and/or county
160 supported ambulance services and districts, shall be eligible to

161 receive these funds to meet minimum standards training
162 requirements. No "for-profit" ambulance, security or fire service
163 company operating in the private sector * * * shall be qualified
164 to receive these minimum standards training funds unless the
165 company is on contract with a local government to provide primary
166 emergency response. Law enforcement officers, fire and emergency
167 medical personnel who are used as part-time or "fill-in"
168 telecommunicators shall also be eligible to receive funding for
169 this minimum standards training, provided they serve at least
170 eight (8) hours per month as a telecommunicator. These funds may
171 also be expended by the Board of Emergency Telecommunications
172 Standards and Training to administer the minimum standards program
173 for such things as personnel, office equipment, computer software,
174 supplies and other necessary expenses.

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

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

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