

By: Representative Ellington

To: Public Utilities

HOUSE BILL NO. 819  
(As Sent to Governor)

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. However,  
171 emergency medical personnel who are used as part-time or "fill-in"  
172 telecommunicators and are employed by any for-profit ambulance  
173 company operating in the private sector shall be eligible to  
174 receive funding for the minimum standards training, provided they  
175 serve at least twenty (20) hours per week as a telecommunicator.  
176 These funds may also be expended by the Board of Emergency  
177 Telecommunications Standards and Training to administer the  
178 minimum standards program for such things as personnel, office  
179 equipment, computer software, supplies and other necessary  
180 expenses.

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

189 (7) If the proceeds generated by the minimum standards  
190 service charge exceed the amount of monies necessary to fund the  
191 service, the Board of Emergency Telecommunications Standards and  
192 Training may authorize such excess funds to be available for  
193 advanced training, upgraded training and recertification of

194 instructors. Any funds remaining at the close of any fiscal year  
195 shall not lapse into the State General Fund but shall be carried  
196 over to the next fiscal year to be used as a beginning balance for  
197 the fiscal requirements of such year.

198 SECTION 3. Sections 19-5-353 and 19-5-357, Mississippi Code  
199 of 1972, shall be repealed on July 1, 2003.

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