

By: Senator(s) Moffatt, Robertson

To: Local and Private

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3209

1 AN ACT TO AMEND CHAPTER 856, LOCAL AND PRIVATE LAWS OF 1986,
2 AS AMENDED, TO RECONSTITUTE THE MEMBERSHIP OF THE EMERGENCY
3 COMMUNICATIONS DISTRICT BOARD IN JACKSON COUNTY, MISSISSIPPI; AND
4 FOR RELATED PURPOSES.

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

6 SECTION 1. Chapter 856, Local and Private Laws of 1986, as
7 amended by Chapter 828, Laws of 1988, is amended as follows:

8 Section 1. The Legislature finds and declares it to be in
9 the public interest to shorten the time required for a citizen to
10 request and receive emergency aid. The provision of a single,
11 primary three-digit emergency number through which emergency
12 services can be quickly and efficiently obtained will provide a
13 significant contribution to law enforcement and other public
14 service efforts by simplifying the notification of public service
15 personnel. Such a simplified means of procuring emergency
16 services will result in the saving of life, a reduction in the
17 destruction of property, quicker apprehension of criminals, and
18 ultimately the saving of monies. Establishment of a uniform
19 emergency number is a matter of concern and interest to all
20 citizens of Jackson County.

21 Section 2. For purposes of this act, the following words and
22 terms shall have the following meanings, unless the context
23 clearly indicates otherwise:

24 (a) "Exchange access facilities" shall mean all lines,
25 provided by the service supplier for the provision of local
26 exchange service, as defined in existing general subscriber
27 services tariffs.



28 (b) "Tariff rate" shall mean the rate or rates billed
29 by a service supplier as stated in the service supplier's tariffs
30 and approved by the Public Service Commission, which represent the
31 service supplier's recurring charges for exchange access
32 facilities, exclusive of all taxes, fees, licenses, or similar
33 charges whatsoever.

34 (c) "District" shall mean any communications district
35 created pursuant to this act.

36 (d) "Service supplier" shall mean any person providing
37 exchange telephone service to any service user throughout the
38 county.

39 (e) "Service user" shall mean any person, not otherwise
40 exempt from taxation, who is provided exchange telephone service
41 in the county.

42 (f) "E911" shall mean Enhanced Universal Emergency
43 Number Service or Enhanced 911 Service which is a telephone
44 exchange communications service whereby a Public Safety Answering
45 Point (PSAP) designated by the customer may receive telephone
46 calls dialed to the telephone number 911. E911 Service includes
47 lines and equipment necessary for the answering, transferring and
48 dispatching of public emergency telephone calls originated by
49 persons within the serving area who dial 911.

50 Section 3. The Board of Supervisors of Jackson County is
51 hereby authorized and empowered, in its discretion, to create, by
52 order duly adopted and entered on its minutes, an emergency
53 communications district composed of all of the territory within
54 the county.

55 Section 4. (1) When any such district is created, the
56 affairs of the district shall be governed by a commission composed
57 of the following: (a) the Jackson County Civil Defense Director;
58 (b) the Jackson County Sheriff; (c) the Police Chief of the City
59 of Pascagoula; (d) the Police Chief of the City of Moss Point; (e)
60 the Police Chief of the City of Ocean Springs; (f) the Chief Law



61 Enforcement Officer of the City of Gautier; (g) the Fire Chief of
62 the City of Pascagoula; (h) the Fire Chief of the City of Moss
63 Point; (i) the Fire Chief of the City of Ocean Springs; (j) the
64 Chief Fire Service Officer of the City of Gautier; (k) a member of
65 the Mississippi Highway Safety Patrol office in Gulfport; (l) a
66 representative of the County Contract Ambulance Provider; and (m)
67 five (5) citizens appointed one (1) each by the Board of
68 Supervisors of Jackson County, the governing authorities of the
69 City of Pascagoula, the governing authorities of the City of Moss
70 Point, the governing authorities of the City of Ocean Springs and
71 the governing authorities of the City of Gautier.

72 (2) From and after the effective date of Senate Bill No.
73 3209, 2001 Regular Session, the commission created pursuant to
74 subsection (1) of this section shall be reconstituted as follows:
75 the Board of Supervisors of Jackson County shall appoint a
76 commission composed of seven (7) citizens to govern the district.
77 Initially, two (2) members shall be appointed for a term of two
78 (2) years, two (2) members shall be appointed for a term of three
79 (3) years and three (3) members shall be appointed for a term of
80 four (4) years. Such terms shall begin upon the effective date of
81 Senate Bill No. 3209, 2001 Regular Session. Thereafter the term
82 of office of the members of the board shall be four (4) years from
83 the expiration date of the previous term or until their successors
84 shall have been appointed and qualified. The members of the board
85 shall be domiciled in the district and shall be qualified electors
86 of the district.

87 (3) The commission shall elect officers from among the
88 membership of the commission and shall keep a full and complete
89 record of its actions.

90 (4) A majority of the commission membership shall constitute
91 a quorum and all official action of the commission shall require a
92 quorum.



93 Section 5. The digits 911 shall be the primary emergency
94 telephone number, but the involved agencies may maintain a
95 separate secondary backup number and shall maintain a separate
96 number for nonemergency telephone calls.

97 Section 6. The emergency telephone system shall be designed
98 to have the capability of utilizing at least one (1) of the
99 following four (4) methods in response to emergency calls:

100 (a) "District dispatch method," which is a telephone
101 service to a centralized dispatch center providing for the
102 dispatch of an appropriate emergency service unit upon receipt of
103 a telephone request for such services and a decision as to the
104 proper action to be taken, including an E911 system as defined in
105 Section 2 of this act.

106 (b) "Relay method," which is a telephone service
107 whereby pertinent information is noted by the recipient of a
108 telephone request for emergency services, and is relayed to
109 appropriate public safety agencies or other providers of emergency
110 services for dispatch of an emergency service unit.

111 (c) "Transfer method," which is a telephone service
112 which receives telephone requests for emergency services and
113 directly transfers such requests to an appropriate public safety
114 agency or other provider of emergency services.

115 (d) "Referral method," which is a telephone service
116 which, upon the receipt of a telephone request for emergency
117 services, provides the requesting party with the telephone number
118 of the appropriate public safety agency or other provider of
119 emergency services.

120 The commission shall select the method which it determines to
121 be the most feasible for the county.

122 Section 7. (1) The board of supervisors when so authorized
123 by a vote of a majority of the qualified electors of the county
124 voting in an election held therefor, in accordance with law, may
125 levy an emergency telephone service charge in an amount not to



126 exceed five percent (5%) of the tariff rate. The board of
127 supervisors may, upon its own initiative, call such a special
128 election in the manner provided by law for special elections. Any
129 such service charge shall have uniform application and shall be
130 imposed throughout the entirety of the district to the greatest
131 extent possible in conformity with availability of such service in
132 any area of the district.

133 (2) If the proceeds generated by the emergency telephone
134 service charge exceed the amount of monies necessary to fund the
135 service, the board of supervisors shall reduce the service charge
136 rate to an amount adequate to fund the service. In lieu of
137 reducing the service charge rate, the board of supervisors may
138 temporarily or permanently suspend such service charge, if the
139 revenues generated therefrom exceed the needs. The board of
140 supervisors may thereafter reestablish the original emergency
141 telephone service charge rate, or lift the suspension thereof, if
142 the amount of monies generated is not adequate to fund the
143 service.

144 (3) An emergency telephone service charge shall be imposed
145 only upon the amount received from the tariff rate exchange access
146 lines. If there is no separate exchange access charge stated in
147 the service supplier's tariffs, the board of supervisors shall
148 determine a uniform percentage not in excess of eighty-five
149 percent (85%) of the tariff rate for basic exchange telephone
150 service that shall be deemed to be the equivalent of tariff rate
151 exchange access lines, until such time as the service supplier
152 establishes such a tariff rate. No such service charge shall be
153 imposed upon more than twenty-five (25) exchange access facilities
154 per person per location. Every billed service user shall be
155 liable for any service charge imposed under this section until it
156 has been paid to the service supplier. The duty of the service
157 supplier to collect any such service charge shall commence upon
158 the date of its implementation, which shall be specified in the



159 resolution calling the election. Any such emergency telephone
160 service charge shall be added to and may be stated separately in
161 the billing by the service supplier to the service user.

162 (4) The service supplier shall have no obligation to take
163 any legal action to enforce the collection of any emergency
164 telephone service charge. However, the service supplier shall
165 annually provide the board of supervisors and governing commission
166 with a list of the amount uncollected, together with the names and
167 addresses of those service users who carry a balance that can be
168 determined by the service supplier to be nonpayment of such
169 service charge. The service charge shall be collected at the same
170 time as the tariff rate in accordance with the regular billing
171 practice of the service supplier. Good faith compliance by the
172 service supplier with this provision shall constitute a complete
173 defense to any legal action or claim which may result from the
174 service supplier's determination of nonpayment and/or the
175 identification of service users in connection therewith.

176 (5) The amounts collected by the service supplier
177 attributable to any emergency telephone service charge shall be
178 due the county treasury quarterly. The amount of service charge
179 collected in one (1) calendar quarter by the service supplier
180 shall be remitted to the county no later than sixty (60) days
181 after the close of a calendar quarter. A return, in such form as
182 the board of supervisors and the service supplier agree upon,
183 shall be filed with the county, together with a remittance of the
184 amount of service charge collected payable to the county. The
185 service supplier shall maintain records of the amount of the
186 service charge collected for a period of at least two (2) years
187 from date of collection. The board of supervisors and commission
188 shall receive an annual audit of the service supplier's books and
189 records with respect to the collection and remittance of the
190 service charge. From the gross receipts to be remitted to the



191 county, the service supplier shall be entitled to retain as an
192 administrative fee, an amount equal to one percent (1%) thereof.

193 (6) In order to provide additional funding for the district,
194 the county commission may receive federal, state, county or
195 municipal funds, as well as funds from private sources, and may
196 expend such funds for the purposes of this act.

197 SECTION 2. This act shall take effect and be in force from
198 and after its passage.

