COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3209

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

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

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

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

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

(a) "Exchange access facilities" shall mean all lines, provided by the service supplier for the provision of local exchange service, as defined in existing general subscriber services tariffs.
(b) "Tariff rate" shall mean the rate or rates billed by a service supplier as stated in the service supplier's tariffs and approved by the Public Service Commission, which represent the service supplier's recurring charges for exchange access facilities, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

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

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

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

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

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

Section 4. (1) When any such district is created, the affairs of the district shall be governed by a commission composed of the following: (a) the Jackson County Civil Defense Director; (b) the Jackson County Sheriff; (c) the Police Chief of the City of Pascagoula; (d) the Police Chief of the City of Moss Point; (e) the Police Chief of the City of Ocean Springs; (f) the Chief Law
Enforcement Officer of the City of Gautier; (g) the Fire Chief of the City of Pascagoula; (h) the Fire Chief of the City of Moss Point; (i) the Fire Chief of the City of Ocean Springs; (j) the Chief Fire Service Officer of the City of Gautier; (k) a member of the Mississippi Highway Safety Patrol office in Gulfport; (l) a representative of the County Contract Ambulance Provider; and (m) five (5) citizens appointed one (1) each by the Board of Supervisors of Jackson County, the governing authorities of the City of Pascagoula, the governing authorities of the City of Moss Point, the governing authorities of the City of Ocean Springs and the governing authorities of the City of Gautier.

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

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

(4) A majority of the commission membership shall constitute a quorum and all official action of the commission shall require a quorum.
Section 5. The digits 911 shall be the primary emergency telephone number, but the involved agencies may maintain a separate secondary backup number and shall maintain a separate number for nonemergency telephone calls.

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

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

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

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

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

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

Section 7. (1) The board of supervisors when so authorized by a vote of a majority of the qualified electors of the county voting in an election held therefor, in accordance with law, may levy an emergency telephone service charge in an amount not to...
exceed five percent (5%) of the tariff rate. The board of supervisors may, upon its own initiative, call such a special election in the manner provided by law for special elections. Any such 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.

(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 shall reduce the service charge rate to an amount adequate to fund the service. In lieu of reducing the service charge rate, the board of supervisors may temporarily or permanently suspend such service charge, if the revenues generated therefrom exceed the needs. The board of supervisors may thereafter reestablish the original emergency telephone service charge rate, or lift the suspension thereof, if the amount of monies generated is not adequate to fund the service.

(3) An emergency telephone service charge shall be imposed only upon the amount received from the tariff rate exchange access lines. If there is no separate exchange access charge stated in the service supplier's tariffs, the board of supervisors shall determine a uniform percentage not in excess of eighty-five percent (85%) of the tariff rate for basic exchange telephone service that shall be deemed to be the equivalent of tariff rate exchange access lines, until such time as the service supplier establishes such a tariff rate. No such service charge shall be imposed upon more than twenty-five (25) exchange access facilities per person per location. 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 calling the election. 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 governing commission
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 quarterly. The amount of service charge
collected in one (1) calendar quarter by the service supplier
shall be remitted to the county no later than sixty (60) days
after the close of a calendar quarter. 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 the
service charge collected for a period of at least two (2) years
from date of collection. The board of supervisors and commission
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.

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

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