

By: Representatives Malone, Mitchell

To: Public Utilities; County  
Affairs

## HOUSE BILL NO. 1215

1 AN ACT RELATING TO THE PROVISION OF EMERGENCY MEDICAL  
2 SERVICES IN THE COUNTIES; TO AMEND SECTION 19-5-353, MISSISSIPPI  
3 CODE OF 1972, TO INCREASE THE TIME FRAME IN WHICH EMERGENCY  
4 TELECOMMUNICATORS HAVE TO COMPLETE THE MINIMUM TRAINING STANDARDS;  
5 TO BRING FORWARD SECTION 19-5-355, MISSISSIPPI CODE OF 1972, WHICH  
6 REQUIRES REQUESTS FOR EMERGENCY TELECOMMUNICATIONS TRAINING TO BE  
7 SUBMITTED TO THE BOARD OF EMERGENCY TELECOMMUNICATIONS STANDARDS  
8 AND TRAINING; TO AMEND SECTION 19-5-357, MISSISSIPPI CODE OF 1972,  
9 TO DECREASE THE SERVICE CHARGE PLACED ON ALL TELEPHONE LINES TO  
10 FUND THE MINIMUM STANDARDS TRAINING PROGRAM; TO BRING FORWARD  
11 SECTION 19-5-359, MISSISSIPPI CODE OF 1972, WHICH REQUIRES  
12 WIRELESS SERVICE PROVIDERS TO PROVIDE ACCESS TO BASIC OR ENHANCED  
13 911 SERVICES; TO BRING FORWARD SECTION 19-5-351, MISSISSIPPI CODE  
14 OF 1972, WHICH CREATES AND PRESCRIBES THE MEMBERSHIP OF THE BOARD  
15 OF EMERGENCY TELECOMMUNICATIONS STANDARDS AND TRAINING; TO BRING  
16 FORWARD SECTION 19-5-303, MISSISSIPPI CODE OF 1972, WHICH DEFINES,  
17 AMONG OTHERS, THE TERM "TELECOMMUNICATOR" AS USED IN THE LAWS  
18 GOVERNING EMERGENCY TELECOMMUNICATIONS; TO AMEND SECTION 19-5-311,  
19 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE BOARD OF  
20 COMMISSIONERS OF AN EMERGENCY COMMUNICATIONS DISTRICT MAY SELECT  
21 MORE THAN ONE METHOD FOR RESPONDING TO EMERGENCY CALLS; TO AMEND  
22 SECTION 19-5-313, MISSISSIPPI CODE OF 1972, TO DECREASE THE CHARGE  
23 LEVIED AGAINST RESIDENTIAL TELEPHONE LINES AND TO INCREASE THE  
24 CHARGE LEVIED AGAINST COMMERCIAL TELEPHONE LINES FOR THE SUPPORT  
25 OF EMERGENCY TELEPHONE SERVICES; TO BRING FORWARD SECTION  
26 19-5-319, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT  
27 INFORMATION RECEIVED THROUGH EMERGENCY TELEPHONE CALLS IS  
28 CONFIDENTIAL; AND FOR RELATED PURPOSES.

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

30 **SECTION 1.** Section 19-5-353, Mississippi Code of 1972, is  
31 amended as follows:

32 19-5-353. (1) The initial minimum standard of training for  
33 local public safety and 911 telecommunicators shall be determined  
34 by the Board of Emergency Telecommunications Standards and  
35 Training. All courses approved for minimum standards shall be  
36 taught by instructors certified by the course originator as  
37 instructors for such courses.

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



40           (3) Changes in the minimum standards may be made upon  
41 request from any bona fide public safety, emergency medical or  
42 fire organization operating within the State of Mississippi.  
43 Requests for change shall be in writing submitted to either the  
44 State Law Enforcement Training Academy; the State Fire Academy;  
45 the Mississippi Chapter of the Associated Public Safety  
46 Communications Officers, Incorporated; the Mississippi Chapter of  
47 the National Emergency Number Association; the Mississippi State  
48 Board of Health, Emergency Medical Services Division; the  
49 Mississippi Justice Information Center; the Mississippi Sheriff's  
50 Association; the Mississippi Fire Chief's Association; the  
51 Mississippi Association of Chiefs of Police; or Mississippians for  
52 Emergency Medical Service.

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

57           (5) Persons in the employment of any public safety, fire,  
58 911 PSAP or emergency medical agency as a telecommunicator on July  
59 1, 1993, shall have three (3) years to be certified in the minimum  
60 standards courses provided they have been employed by such agency  
61 for a period of more than one (1) year prior to July 1, 1993.

62           (6) Persons having been employed by any public safety, fire,  
63 911 PSAP or emergency medical agency as a telecommunicator for  
64 less than one (1) year prior to July 1, 1993, shall be required to  
65 have completed all the requirements for minimum training  
66 standards, as set forth in Sections 19-5-351 through 19-5-361,  
67 within one (1) year from July 1, 1993. Persons certified on or  
68 before July 1, 1993, in any course or courses chosen shall be  
69 given credit for these courses, provided the courses are still  
70 current and such persons can provide a course completion  
71 certificate.



72           (7) Any person hired to perform the duties of a  
73 telecommunicator in any public safety, fire, 911 PSAP or emergency  
74 medical agency after July 1, 1993, shall complete the minimum  
75 training standards as set forth in Sections 19-5-351 through  
76 19-5-361 within twenty-four (24) months of their employment or  
77 within twenty-four (24) months from the date that the Board of  
78 Emergency elecommunications Standards and Training shall become  
79 operational.

80           (8) Professional certificates remain the property of the  
81 board, and the board reserves the right to either reprimand the  
82 holder of a certificate, suspend a certificate upon conditions  
83 imposed by the board, or cancel and recall any certificate when:

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

85                   (b) The certificate was obtained through  
86 misrepresentation or fraud;

87                   (c) The holder has been convicted of any crime  
88 involving moral turpitude;

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

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

91           When the board believes there is a reasonable basis for  
92 either the reprimand, suspension, cancellation of, or recalling  
93 the certification of a telecommunicator, notice and opportunity  
94 for a hearing shall be provided. Any telecommunicator aggrieved  
95 by the findings and order of the board may file an appeal with the  
96 chancery court of the county in which such person is employed from  
97 the final order of the board. Any telecommunicator whose  
98 certification has been cancelled pursuant to Sections 19-5-351  
99 through 19-5-361 may reapply for certification but not sooner than  
100 two (2) years after the date on which the order of the board  
101 canceling such certification became final.

102           (9) Any state agency, political subdivision or "for-profit"  
103 ambulance, security or fire service company, that employs a person  
104 as a telecommunicator who does not meet the requirements of



105 Sections 19-5-351 through 19-5-361, or who employs a person whose  
106 certificate has been suspended or revoked under provisions of  
107 Sections 19-5-351 through 19-5-361, is prohibited from paying the  
108 salary of such person, and any person violating this subsection  
109 shall be personally liable for making such payment.

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

113 **SECTION 2.** Section 19-5-355, Mississippi Code of 1972, is  
114 brought forward as follows:

115 19-5-355. (1) When it shall be determined that training is  
116 required, a request for training shall be submitted to the Board  
117 of Emergency Telecommunications Standards and Training for  
118 approval of course, course location, estimated cost and base  
119 weekly salary of the telecommunicator to attend the course of  
120 instruction. Upon approval of training and successful completion  
121 of the training course, all expenses associated with the obtaining  
122 of such training shall be reimbursed. The local government entity  
123 or emergency service provider shall be reimbursed for the full  
124 salary and benefits of each telecommunicator completing such  
125 training.

126 (2) Upon completion of any course required in these minimum  
127 training standards, each telecommunicator shall be issued a  
128 certificate which shall signify successful completion of such  
129 training. When all minimum standards training has been met,  
130 copies of certificates of course completion shall be forwarded to  
131 the Board of Emergency Telecommunications Standards and Training  
132 which will then issue "Certification of Minimum Standards" to such  
133 telecommunicator. Certifications shall be issued separately for  
134 law enforcement, fire and emergency medical service  
135 telecommunicators.

136 **SECTION 3.** Section 19-5-357, Mississippi Code of 1972, is  
137 amended as follows:



138           19-5-357. (1) From and after July 1, 1993, a service charge  
139 of Four Cents (4¢) shall be placed on each subscriber service line  
140 within the State of Mississippi. This service charge shall apply  
141 equally to both private and business lines and shall apply to all  
142 service suppliers operating within the State of Mississippi. This  
143 subscriber service charge level shall be reviewed periodically to  
144 determine if the service charge level is adequate or excessive,  
145 and adjustments may be made accordingly.

146           (2) Every billed service user shall be liable for any  
147 service charge imposed under this section until it has been paid  
148 to the service supplier. The duty of the service supplier to  
149 collect any such service charge shall commence upon the date of  
150 its implementation. Any such minimum standards telephone service  
151 charge shall be added to, and may be stated separately in, the  
152 billing by the service supplier to the service user.

153           (3) The service supplier shall have no obligation to take  
154 any legal action to enforce the collection of any emergency  
155 telephone service charge. However, the service supplier shall  
156 annually provide the Board of Emergency Telecommunications  
157 Standards and Training with a list of the amount uncollected,  
158 together with the names and addresses of those service users who  
159 carry a balance that can be determined by the service supplier to  
160 be nonpayment of such service charge. The service charge shall be  
161 collected at the same time as the tariff rate in accordance with  
162 the regular billing practice of the service supplier. Good faith  
163 compliance by the service supplier with this provision shall  
164 constitute a complete defense to any legal action which may result  
165 from the service supplier's determination of nonpayment and/or the  
166 identification of service users in connection therewith.

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



171 month by the service supplier shall be remitted to the special  
172 fund no later than sixty (60) days after the close of the month.  
173 A return, in such form as prescribed by the State Tax Commission,  
174 shall be filed with the Tax Commission, together with a remittance  
175 of the amount of service charge collected payable to the special  
176 fund. The service supplier shall maintain records of the amount  
177 of service charge collected for a period of at least three (3)  
178 years from date of collection. From the gross receipts to be  
179 remitted to the special fund, the service supplier shall be  
180 entitled to retain as an administrative fee, an amount equal to  
181 one percent (1%) thereof. This service charge is a state fee and  
182 is not subject to any sales, use, franchise, income, excise or any  
183 other tax, fee or assessment, and shall not be considered revenue  
184 of the service supplier for any purpose. All administrative  
185 provisions of the Mississippi Sales Tax Law, including those which  
186 fix damages, penalties and interest for nonpayment of taxes and  
187 for noncompliance with the provisions of such chapter, and all  
188 other duties and requirements imposed upon taxpayers, shall apply  
189 to all persons liable for fees under the provisions of this  
190 chapter, and the Tax Commissioner shall exercise all the power and  
191 authority and perform all the duties with respect to taxpayers  
192 under this chapter as are provided in the Mississippi Sales Tax  
193 Law except where there is a conflict, then the provisions of this  
194 chapter shall control.

195 (5) The proceeds generated by the minimum standards service  
196 charge shall primarily be used by the board pursuant to  
197 legislative appropriation to fund the minimum standards training  
198 program for public safety telecommunicators within the State of  
199 Mississippi. These funds shall be applied on a first-come  
200 first-served basis, which shall be determined by the date of  
201 application. All city, county and state public safety  
202 telecommunicators, including those employed by city and/or county  
203 supported ambulance services and districts, shall be eligible to



204 receive these funds to meet minimum standards training  
205 requirements. No "for-profit" ambulance, security or fire service  
206 company operating in the private sector shall be qualified to  
207 receive these minimum standards training funds unless the company  
208 is on contract with a local government to provide primary  
209 emergency response. Law enforcement officers, fire and emergency  
210 medical personnel who are used as part-time or "fill-in"  
211 telecommunicators shall also be eligible to receive funding for  
212 this minimum standards training, provided they serve at least  
213 eight (8) hours per month as a telecommunicator. However,  
214 emergency medical personnel who are used as part-time or "fill-in"  
215 telecommunicators and are employed by any for-profit ambulance  
216 company operating in the private sector shall be eligible to  
217 receive funding for the minimum standards training, provided they  
218 serve at least twenty (20) hours per week as a telecommunicator.  
219 These funds may also be expended by the Board of Emergency  
220 Telecommunications Standards and Training to administer the  
221 minimum standards program for such things as personnel, office  
222 equipment, computer software, supplies and other necessary  
223 expenses.

224 (6) The Board of Emergency Telecommunications Standards and  
225 Training shall be authorized to reimburse any public safety agency  
226 or emergency medical service for meals, lodging, travel, course  
227 fees and salary during the time spent training, upon successful  
228 completion of such course. Funds may also be expended to train  
229 certain individuals to become certified instructors of the various  
230 courses included in these minimum standards in order to conduct  
231 training within the State of Mississippi.

232 (7) If the proceeds generated by the minimum standards  
233 service charge exceed the amount of monies necessary to fund the  
234 service, the Board of Emergency Telecommunications Standards and  
235 Training may authorize such excess funds to be available for  
236 advanced training, upgraded training and recertification of



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

241 **SECTION 4.** Section 19-5-359, Mississippi Code of 1972, is  
242 brought forward as follows:

243 19-5-359. (1) Any service supplier operating within the  
244 State of Mississippi shall be required to provide access to the  
245 locally designated PSAP by dialing the three (3) digits "911" from  
246 any telephone subscriber line within such service area. Where  
247 technically available, each service supplier shall, at a county's  
248 request, provide "Enhanced 911" services. Where this capability  
249 does not technically exist, "Basic 911" shall be available as a  
250 minimum.

251 (2) From and after December 31, 1993, any person,  
252 corporation or entity operating a "shared tenant service" type of  
253 telephone system shall be required to provide as a minimum the  
254 location and telephone number information for each and every  
255 extension or user on such "shared tenant" system to the regulated  
256 local exchange telephone service provider where the service  
257 provider can utilize such information in the delivery of "Enhanced  
258 911" emergency telephone service. This information shall consist  
259 of data in a format that is compatible with the service supplier's  
260 requirements in order to provide such location and telephone  
261 number information automatically in the event a call to 911 is  
262 placed from such a system. It shall be the responsibility of the  
263 operator or provider of "STS" telephone services to maintain the  
264 data pertaining to each extension operating on such system.

265 (3) Any CMRS providers operating within the State of  
266 Mississippi shall be required to have all trunks or service lines  
267 supplying all cellular sites and personal communications network  
268 sites contain the word "cellular" in the service supplier listing





269 for each trunk or service line to facilitate operator  
270 identification of cellular and PCN telephone calls placed to 911.

271 (4) Any service suppliers engaged in the offering or  
272 operating of "Centrex" or "ESSX" telephone service within the  
273 State of Mississippi shall cause the actual location of all  
274 extensions operating in this service to be displayed at the PSAP  
275 whenever a 911 call is placed from said extension. This feature  
276 shall not be required in areas where Enhanced 911 is not in  
277 operation but shall be required should such area upgrade to  
278 Enhanced 911 service.

279 (5) Any local exchange telephone service suppliers offering  
280 "quick-serve" or "soft" dial tone shall provide address location  
281 information to the PSAP operating in the area where the  
282 "quick-serve" or "soft" dial tone is in operation so that the PSAP  
283 may have this address information displayed should a call to 911  
284 be placed from such location. It shall be the responsibility of  
285 the service supplier to determine in which emergency service  
286 number area the "quick-serve" or "soft" dial tone is located.

287 (6) Any service suppliers operating within the State of  
288 Mississippi and providing Enhanced 911 telephone service shall  
289 have a reasonable time period, not to exceed five (5) years, to  
290 comply with data and operational standards as they are set forth  
291 by the National Emergency Number Association. This time period  
292 shall apply to data format, equipment supplied for PSAP use and  
293 for the length of time required for data updates relating to  
294 service user address information, emergency service number updates  
295 and other data updates as may be required.

296 **SECTION 5.** Section 19-5-361, Mississippi Code of 1972, is  
297 brought forward as follows:

298 19-5-361. Any Emergency 911 telephone service supplier and  
299 Emergency 911 CMRS provider operating within the State of  
300 Mississippi, its employees, directors, officers, agents and  
301 subcontractors, shall be entitled to receive the limitations of



302 liability as provided to the state, or any agency or local  
303 government of the state, pursuant to Section 11-46-15, Mississippi  
304 Code of 1972.

305         **SECTION 6.** Section 19-5-351, Mississippi Code of 1972, is  
306 brought forward as follows:

307         19-5-351. (1) There is hereby created the Board of  
308 Emergency Telecommunications Standards and Training, which shall  
309 consist of twelve (12) members and shall operate with the  
310 administrative assistance of the Office of Law Enforcement  
311 Planning, Department of Public Safety.

312         (2) The Board of Emergency Telecommunications Standards and  
313 Training shall consist of one (1) representative from each of the  
314 following: the Law Enforcement Training Academy; the State Fire  
315 Academy; the Mississippi Chapter of the Associated Public Safety  
316 Communications Officers, Incorporated; the Mississippi Chapter of  
317 the National Emergency Number Association; the State Board of  
318 Health, Emergency Medical Services Division; the Mississippi  
319 Justice Information Center; the Mississippi Sheriff's Association;  
320 the Mississippi Law Enforcement Officers' Association; the  
321 Mississippi Fire Chief's Association; the Mississippi Association  
322 of Chiefs of Police; the Mississippians for Emergency Medical  
323 Service Association; and a representative from the county wherein  
324 a nuclear facility is located. Each member organization shall  
325 have one (1) vote in the selection of training programs, for a  
326 total of twelve (12) votes. A majority vote shall decide all  
327 matters brought before the board.

328         (a) The initial term limits of the board shall be  
329 according to the following:

330                 (i) Associated Public Safety Communications  
331 Officers' appointee, one (1) year.

332                 (ii) Mississippi Law Enforcement Officers'  
333 Association appointee, one (1) year.



334 (iii) Mississippi Fire Chief's Association  
335 appointee, one (1) year.

336 (iv) National Emergency Number Association  
337 appointee, two (2) years.

338 (v) Mississippi Sheriff's Association appointee,  
339 two (2) years.

340 (vi) Mississippians for Emergency Medical Service  
341 Association appointee, two (2) years.

342 (vii) Mississippi Association of Chiefs of Police  
343 appointee, two (2) years.

344 (viii) The county wherein is located a nuclear  
345 facility shall have one (1) appointee for two (2) years.

346 (b) After the initial period, each appointee of the  
347 associations listed above shall serve for terms of four (4) years  
348 each, but may be replaced at any time by the association  
349 appointing such representative.

350 (c) The remaining four (4) members of the board shall  
351 serve at the discretion of the director of the agency represented.

352 (3) Members of the board shall serve without compensation  
353 but shall be entitled to receive reimbursement for any actual and  
354 reasonable expenses incurred as a necessary incident to such  
355 service, including mileage, as provided in Section 25-3-41,  
356 Mississippi Code of 1972.

357 (4) There shall be a chairman and a vice chairman of the  
358 board elected by and from the membership of the board. The board  
359 shall adopt rules and regulations governing times and places for  
360 meetings and governing the manner of conducting its business, but  
361 the board shall meet at least every six (6) months.

362 (5) The Director of the Office of the Board on Law  
363 Enforcement Standards and Training shall call an organizational  
364 meeting of the board not later than thirty (30) days after July 1,  
365 1993.



366 (6) The board shall report annually to the Governor and the  
367 Legislature on its activities and may make such other reports as  
368 it deems desirable.

369 **SECTION 7.** Section 19-5-303, Mississippi Code of 1972, is  
370 brought forward as follows:

371 19-5-303. For purposes of Sections 19-5-301 through  
372 19-5-317, the following words and terms shall have the following  
373 meanings, unless the context clearly indicates otherwise:

374 (a) "Exchange access facilities" shall mean all lines  
375 provided by the service supplier for the provision of local  
376 exchange service as defined in existing general subscriber  
377 services tariffs.

378 (b) "Tariff rate" shall mean the rate or rates billed  
379 by a service supplier as stated in the service supplier's tariffs  
380 and approved by the Public Service Commission, which represent the  
381 service supplier's recurring charges for exchange access  
382 facilities, exclusive of all taxes, fees, licenses or similar  
383 charges whatsoever.

384 (c) "District" shall mean any communications district  
385 created pursuant to Sections 19-5-301 et seq., or by local and  
386 private act of the State of Mississippi.

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

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

393 (f) "E911" shall mean Enhanced Universal Emergency  
394 Number Service or Enhanced 911 Service, which is a telephone  
395 exchange communications service whereby a Public Safety Answering  
396 Point (PSAP) designated by the county or local communications  
397 district may receive telephone calls dialed to the telephone  
398 number 911. E911 Service includes lines and equipment necessary



399 for the answering, transferring and dispatching of public  
400 emergency telephone calls originated by persons within the serving  
401 area who dial 911. Enhanced 911 Service includes the displaying  
402 of the name, address and other pertinent caller information as may  
403 be supplied by the service supplier.

404 (g) "Basic 911" shall mean a telephone service  
405 terminated in designated Public Safety Answering Points accessible  
406 by the public through telephone calls dialed to the telephone  
407 number 911. Basic 911 is a voice service and does not display  
408 address or telephone number information.

409 (h) "Shared tenant services (STS)" shall mean any  
410 telephone service operation supplied by a party other than a  
411 regulated local exchange telephone service supplier for which a  
412 charge is levied. Such services shall include, but not be limited  
413 to, apartment building systems, hospital systems, office building  
414 systems and other systems where dial tone is derived from  
415 connection of tariffed telephone trunks or lines connected to a  
416 private branch exchange telephone system.

417 (i) "Private branch exchange (PBX)" shall mean any  
418 telephone service operation supplied by a party other than a  
419 regulated local exchange telephone service supplier for which a  
420 charge is not levied. Such services are those where tariffed  
421 telephone trunks or lines are terminated into a central switch  
422 which is used to supply dial tone to telephones operating within  
423 that system.

424 (j) "Off-premise extension" shall mean any telephone  
425 connected to a private branch exchange or a shared tenant service  
426 which is in a different building or location from the main  
427 switching equipment and, therefore, has a different physical  
428 address.

429 (k) "Centrex" or "ESSX" shall mean any variety of  
430 services offered in connection with any tariffed telephone service  
431 in which switching services and other dialing features are



432 provided by the regulated local exchange telephone service  
433 supplier.

434 (l) "Commercial mobile radio service" or "CMRS" shall  
435 mean commercial mobile radio service under Sections 3(27) and  
436 332(d) of the Federal Telecommunications Act of 1996, 47 USCS  
437 Section 151 et seq., and the Omnibus Budget Reconciliation Act of  
438 1993, Public Law 103-66. The term includes the term "wireless"  
439 and service provided by any wireless real time two-way voice  
440 communication device, including radio-telephone communications  
441 used in cellular telephone service, personal communication  
442 service, or the functional or competitive equivalent of a  
443 radio-telephone communications line used in cellular telephone  
444 service, a personal communication service, or a network radio  
445 access line. The term does not include service whose customers do  
446 not have access to 911 or to a 911-like service, to a  
447 communication channel suitable only for data transmission, to a  
448 wireless roaming service or other nonlocal radio access line  
449 service, or to a private telecommunications system.

450 (m) "Telecommunicator" shall mean any person engaged in  
451 or employed as a telecommunications operator by any public safety,  
452 fire or emergency medical agency whose primary responsibility is  
453 the receipt or processing of calls for emergency services provided  
454 by public safety, fire or emergency medical agencies or the  
455 dispatching of emergency services provided by public safety, fire  
456 or emergency medical agencies and who receives or disseminates  
457 information relative to emergency assistance by telephone or  
458 radio.

459 (n) "Public safety answering point (PSAP)" shall mean  
460 any point of contact between the public and the emergency services  
461 such as a 911 answering point or, in the absence of 911 emergency  
462 telephone service, any other point of contact where emergency  
463 telephone calls are routinely answered and dispatched or  
464 transferred to another agency.



465 (o) "Local exchange telephone service" shall mean all  
466 lines provided by a service supplier as defined in existing  
467 general subscriber tariffs.

468 **SECTION 8.** Section 19-5-311, Mississippi Code of 1972, is  
469 amended as follows:

470 19-5-311. The emergency telephone system shall, when so  
471 authorized by a vote of a majority of the qualified electors of  
472 the county voting on the proposal in an election held for that  
473 purpose, be designed to have the capability of utilizing at least  
474 one (1) of the following three (3) methods in response to  
475 emergency calls:

476 (a) "District dispatch method," which is a telephone  
477 service to a centralized dispatch center providing for the  
478 dispatch of an appropriate emergency service unit upon receipt of  
479 a telephone request for such services and a decision as to the  
480 proper action to be taken, including an E911 system.

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

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

490 The board of commissioners shall select the method or methods  
491 which it determines to be the most feasible for the county.

492 **SECTION 9.** Section 19-5-313, Mississippi Code of 1972, is  
493 amended as follows:

494 19-5-313. (1) The board of supervisors may levy an  
495 emergency telephone service charge in an amount not to exceed  
496 Ninety Cents (90¢) per residential telephone subscriber line per  
497 month and Two Dollars and Ten Cents (\$2.10) per commercial



498 telephone subscriber line per month for exchange telephone  
499 service. Any emergency telephone service charge shall have  
500 uniform application and shall be imposed throughout the entirety  
501 of the district to the greatest extent possible in conformity with  
502 availability of such service in any area of the district. Those  
503 districts which exist on the date of enactment of Chapter 539,  
504 Laws of 1993, shall convert to the following structure for service  
505 charge levy: If the current charge is five percent (5%) of the  
506 basic tariff service rate, the new collection shall be Eighty  
507 Cents (\$.80) per month per residential subscriber line and One  
508 Dollar and Sixty Cents (\$1.60) per month per commercial subscriber  
509 line. The collections may be adjusted as outlined in Chapter 539,  
510 Laws of 1993, and within the limits set forth herein.

511 (2) If the proceeds generated by the emergency telephone  
512 service charge exceed the amount of monies necessary to fund the  
513 service, the board of supervisors may authorize such excess funds  
514 to be expended by the county and the municipalities in the  
515 counties to perform the duties and pay the costs relating to  
516 identifying roads, highways and streets, as provided by Section  
517 65-7-143. The board of supervisors shall determine how the funds  
518 are to be distributed in the county and among municipalities in  
519 the county for paying the costs relating to identifying roads,  
520 highways and streets. The board of supervisors may temporarily  
521 reduce the service charge rate or temporarily suspend the service  
522 charge if the proceeds generated exceed the amount that is  
523 necessary to fund the service and/or to pay costs relating to  
524 identifying roads, highways and streets. Such excess funds may  
525 also be used in the development of county or district  
526 communications and paging systems when used primarily for the  
527 alerting and dispatching of public safety entities and for other  
528 administrative costs such as management personnel, maintenance  
529 personnel and related building and operational requirements. Such  
530 excess funds may be placed in a depreciation fund for emergency





531 and obsolescence replacement of equipment necessary for the  
532 operation of the overall 911 emergency telephone and alerting  
533 systems.

534 (3) No such service charge shall be imposed upon more than  
535 twenty-five (25) exchange access facilities per person per  
536 location. Trunks or service lines used to supply service to CMRS  
537 providers shall not have a service charge levied against them.  
538 Every billed service user shall be liable for any service charge  
539 imposed under this section until it has been paid to the service  
540 supplier. The duty of the service supplier to collect any such  
541 service charge shall commence upon the date of its implementation,  
542 which shall be specified in the resolution for the installation of  
543 such service. Any such emergency telephone service charge shall  
544 be added to and may be stated separately in the billing by the  
545 service supplier to the service user.

546 (4) The service supplier shall have no obligation to take  
547 any legal action to enforce the collection of any emergency  
548 telephone service charge. However, the service supplier shall  
549 annually provide the board of supervisors and board of  
550 commissioners with a list of the amount uncollected, together with  
551 the names and addresses of those service users who carry a balance  
552 that can be determined by the service supplier to be nonpayment of  
553 such service charge. The service charge shall be collected at the  
554 same time as the tariff rate in accordance with the regular  
555 billing practice of the service supplier. Good faith compliance  
556 by the service supplier with this provision shall constitute a  
557 complete defense to any legal action or claim which may result  
558 from the service supplier's determination of nonpayment and/or the  
559 identification of service users in connection therewith.

560 (5) The amounts collected by the service supplier  
561 attributable to any emergency telephone service charge shall be  
562 due the county treasury monthly. The amount of service charge  
563 collected each month by the service supplier shall be remitted to



564 the county no later than sixty (60) days after the close of the  
565 month. A return, in such form as the board of supervisors and the  
566 service supplier agree upon, shall be filed with the county,  
567 together with a remittance of the amount of service charge  
568 collected payable to the county. The service supplier shall  
569 maintain records of the amount of service charge collected for a  
570 period of at least two (2) years from date of collection. The  
571 board of supervisors and board of commissioners shall receive an  
572 annual audit of the service supplier's books and records with  
573 respect to the collection and remittance of the service charge.  
574 From the gross receipts to be remitted to the county, the service  
575 supplier shall be entitled to retain as an administrative fee, an  
576 amount equal to one percent (1%) thereof. From and after March  
577 10, 1987, the service charge is a county fee and is not subject to  
578 any sales, use, franchise, income, excise or any other tax, fee or  
579 assessment and shall not be considered revenue of the service  
580 supplier for any purpose.

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

585 **SECTION 10.** Section 19-5-319, Mississippi Code of 1972, is  
586 brought forward as follows:

587 19-5-319. (1) Automatic number identification (ANI),  
588 automatic location identification (ALI) and geographic automatic  
589 location identification (GeoALI) information that consist of the  
590 name, address and telephone number of telephone or wireless  
591 subscribers shall be confidential, and the dissemination of the  
592 information contained in the 911 automatic number and location  
593 data base is prohibited except for the following purpose: the  
594 information will be provided to the Public Safety Answering Point  
595 (PSAP) on a call-by-call basis only for the purpose of handling  
596 emergency calls or for training, and any permanent record of the



597 information shall be secured by the Public Safety Answering Point  
598 (PSAP) and disposed of in a manner which will retain that  
599 security, except upon court order or subpoena from a court of  
600 competent jurisdiction or as otherwise provided by law.

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

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

624 **SECTION 11.** This act shall take effect and be in force from  
625 and after July 1, 2002.

