MISSISSIPPI LEGISLATURE

By: Representative Denny

To: Public Utilities

HOUSE BILL NO. 1404

AN ACT TO CREATE NEW SECTION 17-27-1, MISSISSIPPI CODE OF 1972, TO ENACT LEGISLATIVE INTENT AND PURPOSE TO FOSTER ESTABLISHMENT OF 911 SERVICE BY COUNTIES OR MUNICIPALITIES; TO CREATE NEW SECTION 17-27-3, MISSISSIPPI CODE OF 1972, TO DEFINE TERMS; TO CREATE NEW SECTION 17-27-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CREATION OF EMERGENCY COMMUNICATION DISTRICTS; TO CREATE NEW SECTION 17-27-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR APPOINTMENT OF A BOARD OF COMMISSIONERS; TO CREATE NEW SECTION 17-27-9, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR LOCAL ELECTIONS; TO CREATE NEW SECTION 17-27-11, MISSISSIPPI CODE OF 1972, TO SPECIFY METHODS OF RESPONDING TO EMERGENCY CALLS; TO CREATE NEW SECTION 17-27-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR EMERGENCY TELEPHONE SERVICE CHARGES; TO CREATE NEW SECTION 17-27-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR MERGER OF DISTRICTS; TO CREATE NEW SECTION 17-27-17, MISSISSIPPI CODE OF 1972, TO PROHIBIT ABUSIVE CALLS AND ENACT SANCTIONS; TO CREATE NEW SECTION 17-27-19, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CONFIDENTIALITY OF CERTAIN INFORMATION; TO REPEAL SECTIONS 19-5-301 THROUGH 19-5-319, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE COUNTIES TO PROVIDE EMERGENCY 911 SERVICE, PROVIDE DEFINITIONS, PROVIDE FOR THE APPOINTMENT OF A BOARD OF COMMISSIONERS, DESIGNATE "911" AS A PRIMARY TELEPHONE NUMBER, PROVIDE METHODS FOR RESPONDING TO EMERGENCY CALLS, PROVIDE FOR TELEPHONE SERVICE CHARGES AND THE USE FOR EXCESS FUNDS, PROVIDE FOR PREEXISTING EMERGENCY COMMUNICATIONS DISTRICTS AND MULTICOUNTY DISTRICTS, PROHIBIT ABUSIVE CALLS AND PROVIDE FOR THE CONFIDENTIALITY OF CERTAIN CALLS; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 17-27-1, Mississippi Code of 1972:

17-27-1. The Legislature finds and declares it to be in the public interest to reduce the time required for a citizen to request and receive emergency aid and to raise the level of competence of local public safety and 911 telecommunicators by establishing a minimum standard of training and certification for personnel involved in the answering and dispatching of calls to law enforcement, fire and emergency medical services. 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 the state.

SECTION 2. The following shall be codified as Section 17-27-3, Mississippi Code of 1972:

17-27-3. For purposes of this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(a) "Exchange access facilities" means 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" means 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" means any communications district created under Section 19-5-301 et seq., or by local and private act of the State of Mississippi.

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

(e) "Service user" means any person, not otherwise exempt from taxation, who is provided exchange telephone service in the county or state.
(f) "E911" means 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 county or local communications district 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. Enhanced 911 Service includes the displaying of the name, address and other pertinent caller information as may be supplied by the service supplier.

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

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

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

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

(k) "Centrex" or "ESSX" means any variety of services offered in connection with any tariffed telephone service in which switching services and other dialing features are provided by the regulated local exchange telephone service supplier.

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

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

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

(o) "Local exchange telephone service" means all lines provided by a service supplier as defined in existing general subscriber tariffs.

SECTION 3. The following shall be codified as Section 17-27-5, Mississippi Code of 1972:

17-27-5. The board of supervisors of each county, and the governing authority of any municipality having a population in excess of Twenty Thousand (20,000), may create, by order duly adopted and entered on its minutes, an emergency communications district composed of all of the territory within the county or within the municipal limits. If a municipality is within an E911 county district at the time it determines to form an emergency communications district composed of all of the territory within the municipal limits, the effective date of the ordinance shall be delayed for a time sufficient for one-year notice in writing to be given to the county that the municipality is establishing its own district. If there lies within the county a municipal E911 district at the time the county determines to form a county-wide emergency communications district, the county district shall exclude the previously formed municipal E911 district.

SECTION 4. The following shall be codified as Section 17-27-7, Mississippi Code of 1972:

17-27-7. (1) When any district is created, the governing authority creating such district may appoint a board of commissioners composed of seven (7) members to govern its affairs, and shall fix the domicile of the board at any point within the district. The members of the board shall be qualified electors of the district, two (2) of whom shall be appointed for terms of two (2) years, three (3) for terms of three (3) years, and two (2) for
terms of four (4) years, dating from the date of the adoption of the ordinance creating the district. Thereafter, all appointments of the members shall be for terms of four (4) years.

(2) The board of commissioners shall have complete and sole authority to appoint a chairman and any other officers it may deem necessary from among the membership of the board of commissioners.

(3) A majority of the board of commissioners membership shall constitute a quorum and all official action of the board of commissioners shall require a quorum.

(4) The board of commissioners shall have authority to employ such employees, experts and consultants as it may deem necessary to assist the board of commissioners in the discharge of its responsibilities to the extent that funds are made available.

(5) In lieu of appointing a board of commissioners, the governing authority creating the district may serve as the board of commissioners of the district, in which case it shall assume all the powers and duties of the board of commissioners as provided in this chapter.

SECTION 5. The following shall be codified as Section 17-27-9, Mississippi Code of 1972:

17-27-9. (1) 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.

(2) The use of the digits "911" shall be the standard telephone number for public access to the various emergency services within the State of Mississippi. The implementation of this service shall be effected in all counties not currently operating a "911" system according to the following guidelines:

(a) Those counties not currently in the process of installing "911," or currently using "911" emergency telephone service, which have a population greater than fifteen thousand (15,000) residents shall, when so authorized by a vote of a
majority of the qualified electors of the county voting on the proposal in an election held for that purpose, take the steps necessary to implement Enhanced 911 within such county using the guidelines for implementation set forth in this act;

(b) Those counties not currently in the process of installing "911," or currently using "911" emergency telephone service, which have a population less than fifteen thousand (15,000) residents shall, when so authorized by a vote of a majority of the qualified electors of the county voting on the proposal in an election held for that purpose, install either "Basic 911" or "Enhanced 911" using the guidelines for implementation set forth in House Bill No. 901, 1993 Regular Session [Laws, 1993, Ch. 536].

SECTION 6. The following shall be codified as Section 17-27-11, Mississippi Code of 1972:

17-27-11. The emergency telephone system shall, when so authorized by a vote of a majority of the qualified electors of the county or municipality voting on the proposal in an election held for that purpose, be designed to have the capability of utilizing at least one (1) of the following three (3) 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.

(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.

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

SECTION 7. The following shall be codified as Section
17-27-13, Mississippi Code of 1972:

17-27-13. (1) The governing authority of the county or
municipality may levy an emergency telephone service charge in an
amount not to exceed One Dollar ($1.00) per residential telephone
subscriber line per month and Two Dollars ($2.00) per commercial
telephone subscriber line per month for exchange telephone
service. Any emergency telephone service charge shall have
uniform application and shall be imposed throughout the entirety
of the district to the greatest extent possible in conformity with
availability of such service in any area of the district. Those
districts which exist on the date of enactment of Chapter 539,
Laws of 1993, shall convert to the following structure for service
charge levy: If the current charge is five percent (5%) of the
basic tariff service rate, the new collection shall be Eighty
Cents ($.80) per month per residential subscriber line and One
Dollar and Sixty Cents ($1.60) per month per commercial subscriber
line. The collections may be adjusted as outlined in Chapter 539,
Laws of 1993, and within the limits set forth herein.

(2) If the proceeds generated by the emergency telephone
service charge exceed the amount of monies necessary to fund the
service, the governing authority of the county or municipality may
authorize such excess funds to be expended by the county and the
municipalities in the counties to perform the duties and pay the
costs relating to identifying roads, highways and streets, as
provided by Section 65-7-143. The governing authority shall
determine how the funds are to be distributed in the county and
among municipalities in the county for paying the costs relating
to identifying roads, highways and streets. The governing
authority may temporarily reduce the service charge rate or temporarily suspend the service charge if the proceeds generated exceed the amount that is necessary to fund the service or to pay costs relating to identifying roads, highways and streets. Such excess funds may also be used in the development of county, municipal or district communications and paging systems when used primarily for the alerting and dispatching of public safety entities and for other administrative costs such as management personnel, maintenance personnel and related building and operational requirements. Such excess funds may be placed in a depreciation fund for emergency and obsolescence replacement of equipment necessary for the operation of the overall 911 emergency telephone and alerting systems.

(3) No such service charge shall be imposed upon more than twenty-five (25) exchange access facilities per person per location. Trunks or service lines used to supply service to CMRS providers shall not have a service charge levied against them. 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 for the installation of such service. 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 governing authority and board of commissioners 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 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 or municipal treasury monthly. The amount of service charge collected each month by the service supplier shall be remitted to the county or municipality no later than sixty (60) days after the close of the month. A return, in such form as the governing authority and the service supplier agree upon, shall be filed with the county or municipality, together with a remittance of the amount of service charge collected payable to the county or municipality. The service supplier shall maintain records of the amount of service charge collected for a period of at least two years from date of collection. The governing authority and board of commissioners 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 or municipality, the service supplier shall be entitled to retain as an administrative fee, an amount equal to one percent (1%) thereof. From and after March 10, 1987, the service charge is a governmental fee and is not subject to any sales, use, franchise, income, excise or any other tax, fee or assessment and shall not be considered revenue of the service supplier for any purpose.

(6) In order to provide additional funding for the district, the board of commissioners may receive federal, state, county or municipal funds, as well as funds from private sources, and may expend such funds for the purposes of Section 19-5-301 et seq.
SECTION 8. The following shall be codified as Section 17-27-15:

17-27-15. (1) All provisions of this chapter, with the exception of Section 17-27-7, shall be construed to amend, repeal or supersede any local and private act under which a county or municipality has, prior to July 1, 2002, established an emergency communications district.

(2) The governing authorities of any municipality which has established an emergency communications district under the provisions of a local and private act enacted prior to October 20, 1987, may merge such district with the district established by the county in which the municipality is located, by order duly adopted and entered on the minutes of the governing authority and after the board of supervisors has duly adopted and entered on its minutes a similar order. After the county and the municipal districts have been merged, the local and private act for such municipality shall be of no force or effect.

(3) Two (2) or more counties, and any combination of counties and municipalities, by order duly adopted and entered on their minutes, may establish a single emergency communications district to be composed of all of the territory within such jurisdictions provided that before the establishment thereof the governing authority of each of such jurisdictions has established an emergency communications district in accordance with this chapter. When two (2) or more local governments have established a single emergency communications district as provided under this subsection, the board of commissioners of the district shall consist of the members of the governing authorities of each of such counties or municipalities or combination thereof or seven (7) members from each jurisdiction to be appointed as provided in this chapter.

SECTION 9. The following shall be codified as Section 17-27-17, Mississippi Code of 1972:
17-27-17. (1) When there is not an emergency, no person shall make a telephone call to an emergency telephone service and knowingly or intentionally:

(a) Remain silent;

(b) Make abusive or harassing statements to an emergency telephone service employee;

(c) Report the existence of an emergency; or

(d) Falsely report a crime.

(2) No person shall knowingly permit a telephone under his control to be used by another person in a manner described in subsection (1) of this section.

(3) Conviction of a first offense under this section is punishable by a fine not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment for a period of time not to exceed one (1) year, or by both such fine and imprisonment. Conviction of any subsequent offense under this section is punishable by a fine not to exceed Ten Thousand Dollars ($10,000.00) or by imprisonment for a period of time not to exceed three (3) years, or by both such fine and imprisonment.

(4) For the purpose of this section, "emergency telephone service" shall mean a service established under this chapter, or established under the provisions of a local and private act enacted prior to October 20, 1987.

SECTION 10. The following shall be codified as Section 17-27-19, Mississippi Code of 1972:

17-27-19. (1) Automatic number identification (ANI), automatic location identification (ALI) and geographic automatic location identification (GeoALI) information that consist of the name, address and telephone number of telephone or wireless subscribers shall be confidential, and the dissemination of the information contained in the 911 automatic number and location data base is prohibited except for the following purpose: The information will be provided to the Public Safety Answering Point...
(PSAP) on a call-by-call basis only for the purpose of handling emergency calls or for training, and any permanent record of the information shall be secured by the Public Safety Answering Point (PSAP) and disposed of in a manner which will retain that security, except upon court order or subpoena from a court of competent jurisdiction or as otherwise provided by law.

(2) All emergency telephone calls and telephone call transmissions received pursuant to this chapter, and all recordings of the emergency telephone calls, shall remain confidential and shall be used only for the purposes as may be needed for law enforcement, fire, medical rescue or other emergency services. These recordings shall not be released to any other parties without court order or subpoena from a court of competent jurisdiction.

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

SECTION 11. Sections 19-5-301, 19-5-303, 19-5-305, 19-5-307, 19-5-309, 19-5-311, 19-5-313, 19-5-315, 19-5-317 and 19-5-319, Mississippi Code Of 1972, which authorize the counties to provide emergency 911 service, provide definitions, provide for the
appointment of a board of commissioners, designate "911" as a primary telephone number, provide methods for responding to emergency calls, provide for telephone service charges and the use for excess funds, provide for preexisting emergency communications districts and multicounty districts, prohibit abusive calls and provide for the confidentiality of certain calls, are repealed.

SECTION 12. This act shall take effect and be in force from and after July 1, 2002.