

By: Representative Denny

To: Public Utilities

HOUSE BILL NO. 1404

1 AN ACT TO CREATE NEW SECTION 17-27-1, MISSISSIPPI CODE OF
2 1972, TO ENACT LEGISLATIVE INTENT AND PURPOSE TO FOSTER
3 ESTABLISHMENT OF 911 SERVICE BY COUNTIES OR MUNICIPALITIES; TO
4 CREATE NEW SECTION 17-27-3, MISSISSIPPI CODE OF 1972, TO DEFINE
5 TERMS; TO CREATE NEW SECTION 17-27-5, MISSISSIPPI CODE OF 1972, TO
6 AUTHORIZE CREATION OF EMERGENCY COMMUNICATION DISTRICTS; TO CREATE
7 NEW SECTION 17-27-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
8 APPOINTMENT OF A BOARD OF COMMISSIONERS; TO CREATE NEW SECTION
9 17-27-9, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR LOCAL ELECTIONS;
10 TO CREATE NEW SECTION 17-27-11, MISSISSIPPI CODE OF 1972, TO
11 SPECIFY METHODS OF RESPONDING TO EMERGENCY CALLS; TO CREATE NEW
12 SECTION 17-27-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
13 EMERGENCY TELEPHONE SERVICE CHARGES; TO CREATE NEW SECTION
14 17-27-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR MERGER OF
15 DISTRICTS; TO CREATE NEW SECTION 17-27-17, MISSISSIPPI CODE OF
16 1972, TO PROHIBIT ABUSIVE CALLS AND ENACT SANCTIONS; TO CREATE NEW
17 SECTION 17-27-19, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
18 CONFIDENTIALITY OF CERTAIN INFORMATION; TO REPEAL SECTIONS
19 19-5-301 THROUGH 19-5-319, MISSISSIPPI CODE OF 1972, WHICH
20 AUTHORIZE THE COUNTIES TO PROVIDE EMERGENCY 911 SERVICE, PROVIDE
21 DEFINITIONS, PROVIDE FOR THE APPOINTMENT OF A BOARD OF
22 COMMISSIONERS, DESIGNATE "911" AS A PRIMARY TELEPHONE NUMBER,
23 PROVIDE METHODS FOR RESPONDING TO EMERGENCY CALLS, PROVIDE FOR
24 TELEPHONE SERVICE CHARGES AND THE USE FOR EXCESS FUNDS, PROVIDE
25 FOR PREEXISTING EMERGENCY COMMUNICATIONS DISTRICTS AND MULTICOUNTY
26 DISTRICTS, PROHIBIT ABUSIVE CALLS AND PROVIDE FOR THE
27 CONFIDENTIALITY OF CERTAIN CALLS; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** The following shall be codified as Section
30 17-27-1, Mississippi Code of 1972:

31 17-27-1. The Legislature finds and declares it to be in the
32 public interest to reduce the time required for a citizen to
33 request and receive emergency aid and to raise the level of
34 competence of local public safety and 911 telecommunicators by
35 establishing a minimum standard of training and certification for
36 personnel involved in the answering and dispatching of calls to
37 law enforcement, fire and emergency medical services. The
38 provision of a single, primary three-digit emergency number
39 through which emergency services can be quickly and efficiently



40 obtained will provide a significant contribution to law
41 enforcement and other public service efforts by simplifying the
42 notification of public service personnel. Such a simplified means
43 of procuring emergency services will result in the saving of life,
44 a reduction in the destruction of property, quicker apprehension
45 of criminals and, ultimately, the saving of monies. Establishment
46 of a uniform emergency number is a matter of concern and interest
47 to all citizens of the state.

48 **SECTION 2.** The following shall be codified as Section
49 17-27-3, Mississippi Code of 1972:

50 17-27-3. For purposes of this chapter, the following words
51 and terms shall have the following meanings, unless the context
52 clearly indicates otherwise:

53 (a) "Exchange access facilities" means all lines
54 provided by the service supplier for the provision of local
55 exchange service as defined in existing general subscriber
56 services tariffs.

57 (b) "Tariff rate" means the rate or rates billed by a
58 service supplier as stated in the service supplier's tariffs and
59 approved by the Public Service Commission, which represent the
60 service supplier's recurring charges for exchange access
61 facilities, exclusive of all taxes, fees, licenses or similar
62 charges whatsoever.

63 (c) "District" means any communications district
64 created under Section 19-5-301 et seq., or by local and private
65 act of the State of Mississippi.

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

69 (e) "Service user" means any person, not otherwise
70 exempt from taxation, who is provided exchange telephone service
71 in the county or state.



72 (f) "E911" means Enhanced Universal Emergency Number
73 Service or Enhanced 911 Service, which is a telephone exchange
74 communications service whereby a Public Safety Answering Point
75 (PSAP) designated by the county or local communications district
76 may receive telephone calls dialed to the telephone number 911.
77 E911 Service includes lines and equipment necessary for the
78 answering, transferring and dispatching of public emergency
79 telephone calls originated by persons within the serving area who
80 dial 911. Enhanced 911 Service includes the displaying of the
81 name, address and other pertinent caller information as may be
82 supplied by the service supplier.

83 (g) "Basic 911" means a telephone service terminated in
84 designated Public Safety Answering Points accessible by the public
85 through telephone calls dialed to the telephone number 911. Basic
86 911 is a voice service and does not display address or telephone
87 number information.

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

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

102 (j) "Off-premise extension" means any telephone
103 connected to a private branch exchange or a shared tenant service
104 which is in a different building or location from the main



105 switching equipment and, therefore, has a different physical
106 address.

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

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

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

136 (n) "Public safety answering point (PSAP)" means any
137 point of contact between the public and the emergency services



138 such as a 911 answering point or, in the absence of 911 emergency
139 telephone service, any other point of contact where emergency
140 telephone calls are routinely answered and dispatched or
141 transferred to another agency.

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

145 **SECTION 3.** The following shall be codified as Section
146 17-27-5, Mississippi Code of 1972:

147 17-27-5. The board of supervisors of each county, and the
148 governing authority of any municipality having a population in
149 excess of Twenty Thousand (20,000), may create, by order duly
150 adopted and entered on its minutes, an emergency communications
151 district composed of all of the territory within the county or
152 within the municipal limits. If a municipality is within an E911
153 county district at the time it determines to form an emergency
154 communications district composed of all of the territory within
155 the municipal limits, the effective date of the ordinance shall be
156 delayed for a time sufficient for one-year notice in writing to be
157 given to the county that the municipality is establishing its own
158 district. If there lies within the county a municipal E911
159 district at the time the county determines to form a county-wide
160 emergency communications district, the county district shall
161 exclude the previously formed municipal E911 district.

162 **SECTION 4.** The following shall be codified as Section
163 17-27-7, Mississippi Code of 1972:

164 17-27-7. (1) When any district is created, the governing
165 authority creating such district may appoint a board of
166 commissioners composed of seven (7) members to govern its affairs,
167 and shall fix the domicile of the board at any point within the
168 district. The members of the board shall be qualified electors of
169 the district, two (2) of whom shall be appointed for terms of two
170 (2) years, three (3) for terms of three (3) years, and two (2) for



171 terms of four (4) years, dating from the date of the adoption of
172 the ordinance creating the district. Thereafter, all appointments
173 of the members shall be for terms of four (4) years.

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

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

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

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

189 **SECTION 5.** The following shall be codified as Section
190 17-27-9, Mississippi Code of 1972:

191 17-27-9. (1) The digits "911" shall be the primary
192 emergency telephone number, but the involved agencies may maintain
193 a separate secondary backup number and shall maintain a separate
194 number for nonemergency telephone calls.

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

200 (a) Those counties not currently in the process of
201 installing "911," or currently using "911" emergency telephone
202 service, which have a population greater than fifteen thousand
203 (15,000) residents shall, when so authorized by a vote of a



204 majority of the qualified electors of the county voting on the
205 proposal in an election held for that purpose, take the steps
206 necessary to implement Enhanced 911 within such county using the
207 guidelines for implementation set forth in this act;

208 (b) Those counties not currently in the process of
209 installing "911," or currently using "911" emergency telephone
210 service, which have a population less than fifteen thousand
211 (15,000) residents shall, when so authorized by a vote of a
212 majority of the qualified electors of the county voting on the
213 proposal in an election held for that purpose, install either
214 "Basic 911" or "Enhanced 911" using the guidelines for
215 implementation set forth in House Bill No. 901, 1993 Regular
216 Session [Laws, 1993, Ch. 536].

217 **SECTION 6.** The following shall be codified as Section
218 17-27-11, Mississippi Code of 1972:

219 17-27-11. The emergency telephone system shall, when so
220 authorized by a vote of a majority of the qualified electors of
221 the county or municipality voting on the proposal in an election
222 held for that purpose, be designed to have the capability of
223 utilizing at least one (1) of the following three (3) methods in
224 response to emergency calls:

225 (a) "District dispatch method," which is a telephone
226 service to a centralized dispatch center providing for the
227 dispatch of an appropriate emergency service unit upon receipt of
228 a telephone request for such services and a decision as to the
229 proper action to be taken, including an E911 system.

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

235 (c) "Transfer method," which is a telephone service
236 which receives telephone requests for emergency services and



237 directly transfers such requests to an appropriate public safety
238 agency or other provider of emergency services.

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

241 **SECTION 7.** The following shall be codified as Section
242 17-27-13, Mississippi Code of 1972:

243 17-27-13. (1) The governing authority of the county or
244 municipality may levy an emergency telephone service charge in an
245 amount not to exceed One Dollar (\$1.00) per residential telephone
246 subscriber line per month and Two Dollars (\$2.00) per commercial
247 telephone subscriber line per month for exchange telephone
248 service. Any emergency telephone service charge shall have
249 uniform application and shall be imposed throughout the entirety
250 of the district to the greatest extent possible in conformity with
251 availability of such service in any area of the district. Those
252 districts which exist on the date of enactment of Chapter 539,
253 Laws of 1993, shall convert to the following structure for service
254 charge levy: If the current charge is five percent (5%) of the
255 basic tariff service rate, the new collection shall be Eighty
256 Cents (\$.80) per month per residential subscriber line and One
257 Dollar and Sixty Cents (\$1.60) per month per commercial subscriber
258 line. The collections may be adjusted as outlined in Chapter 539,
259 Laws of 1993, and within the limits set forth herein.

260 (2) If the proceeds generated by the emergency telephone
261 service charge exceed the amount of monies necessary to fund the
262 service, the governing authority of the county or municipality may
263 authorize such excess funds to be expended by the county and the
264 municipalities in the counties to perform the duties and pay the
265 costs relating to identifying roads, highways and streets, as
266 provided by Section 65-7-143. The governing authority shall
267 determine how the funds are to be distributed in the county and
268 among municipalities in the county for paying the costs relating
269 to identifying roads, highways and streets. The governing



270 authority may temporarily reduce the service charge rate or
271 temporarily suspend the service charge if the proceeds generated
272 exceed the amount that is necessary to fund the service or to pay
273 costs relating to identifying roads, highways and streets. Such
274 excess funds may also be used in the development of county,
275 municipal or district communications and paging systems when used
276 primarily for the alerting and dispatching of public safety
277 entities and for other administrative costs such as management
278 personnel, maintenance personnel and related building and
279 operational requirements. Such excess funds may be placed in a
280 depreciation fund for emergency and obsolescence replacement of
281 equipment necessary for the operation of the overall 911 emergency
282 telephone and alerting systems.

283 (3) No such service charge shall be imposed upon more than
284 twenty-five (25) exchange access facilities per person per
285 location. Trunks or service lines used to supply service to CMRS
286 providers shall not have a service charge levied against them.
287 Every billed service user shall be liable for any service charge
288 imposed under this section until it has been paid to the service
289 supplier. The duty of the service supplier to collect any such
290 service charge shall commence upon the date of its implementation,
291 which shall be specified in the resolution for the installation of
292 such service. Any such emergency telephone service charge shall
293 be added to and may be stated separately in the billing by the
294 service supplier to the service user.

295 (4) The service supplier shall have no obligation to take
296 any legal action to enforce the collection of any emergency
297 telephone service charge. However, the service supplier shall
298 annually provide the governing authority and board of
299 commissioners with a list of the amount uncollected, together with
300 the names and addresses of those service users who carry a balance
301 that can be determined by the service supplier to be nonpayment of
302 such service charge. The service charge shall be collected at the



303 same time as the tariff rate in accordance with the regular
304 billing practice of the service supplier. Good faith compliance
305 by the service supplier with this provision shall constitute a
306 complete defense to any legal action or claim which may result
307 from the service supplier's determination of nonpayment or the
308 identification of service users in connection therewith.

309 (5) The amounts collected by the service supplier
310 attributable to any emergency telephone service charge shall be
311 due the county or municipal treasury monthly. The amount of
312 service charge collected each month by the service supplier shall
313 be remitted to the county or municipality no later than sixty (60)
314 days after the close of the month. A return, in such form as the
315 governing authority and the service supplier agree upon, shall be
316 filed with the county or municipality, together with a remittance
317 of the amount of service charge collected payable to the county or
318 municipality. The service supplier shall maintain records of the
319 amount of service charge collected for a period of at least two
320 (2) years from date of collection. The governing authority and
321 board of commissioners shall receive an annual audit of the
322 service supplier's books and records with respect to the
323 collection and remittance of the service charge. From the gross
324 receipts to be remitted to the county or municipality, the service
325 supplier shall be entitled to retain as an administrative fee, an
326 amount equal to one percent (1%) thereof. From and after March
327 10, 1987, the service charge is a governmental fee and is not
328 subject to any sales, use, franchise, income, excise or any other
329 tax, fee or assessment and shall not be considered revenue of the
330 service supplier for any purpose.

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



335 **SECTION 8.** The following shall be codified as Section
336 17-27-15:

337 17-27-15. (1) All provisions of this chapter, with the
338 exception of Section 17-27-7, shall be construed to amend, repeal
339 or supersede any local and private act under which a county or
340 municipality has, prior to July 1, 2002, established an emergency
341 communications district.

342 (2) The governing authorities of any municipality which has
343 established an emergency communications district under the
344 provisions of a local and private act enacted prior to October 20,
345 1987, may merge such district with the district established by the
346 county in which the municipality is located, by order duly adopted
347 and entered on the minutes of the governing authority and after
348 the board of supervisors has duly adopted and entered on its
349 minutes a similar order. After the county and the municipal
350 districts have been merged, the local and private act for such
351 municipality shall be of no force or effect.

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

366 **SECTION 9.** The following shall be codified as Section
367 17-27-17, Mississippi Code of 1972:



368 17-27-17. (1) When there is not an emergency, no person
369 shall make a telephone call to an emergency telephone service and
370 knowingly or intentionally:

371 (a) Remain silent;

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

374 (c) Report the existence of an emergency; or

375 (d) Falsely report a crime.

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

379 (3) Conviction of a first offense under this section is
380 punishable by a fine not to exceed Five Thousand Dollars
381 (\$5,000.00) or by imprisonment for a period of time not to exceed
382 one (1) year, or by both such fine and imprisonment. Conviction
383 of any subsequent offense under this section is punishable by a
384 fine not to exceed Ten Thousand Dollars (\$10,000.00) or by
385 imprisonment for a period of time not to exceed three (3) years,
386 or by both such fine and imprisonment.

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

391 **SECTION 10.** The following shall be codified as Section
392 17-27-19, Mississippi Code of 1972:

393 17-27-19. (1) Automatic number identification (ANI),
394 automatic location identification (ALI) and geographic automatic
395 location identification (GeoALI) information that consist of the
396 name, address and telephone number of telephone or wireless
397 subscribers shall be confidential, and the dissemination of the
398 information contained in the 911 automatic number and location
399 data base is prohibited except for the following purpose: The
400 information will be provided to the Public Safety Answering Point



401 (PSAP) on a call-by-call basis only for the purpose of handling
402 emergency calls or for training, and any permanent record of the
403 information shall be secured by the Public Safety Answering Point
404 (PSAP) and disposed of in a manner which will retain that
405 security, except upon court order or subpoena from a court of
406 competent jurisdiction or as otherwise provided by law.

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

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

430 **SECTION 11.** Sections 19-5-301, 19-5-303, 19-5-305, 19-5-307,
431 19-5-309, 19-5-311, 19-5-313, 19-5-315, 19-5-317 and 19-5-319,
432 Mississippi Code OF 1972, which authorize the counties to provide
433 emergency 911 service, provide definitions, provide for the



434 appointment of a board of commissioners, designate "911" as a
435 primary telephone number, provide methods for responding to
436 emergency calls, provide for telephone service charges and the use
437 for excess funds, provide for preexisting emergency communications
438 districts and multicounty districts, prohibit abusive calls and
439 provide for the confidentiality of certain calls, are repealed.

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

