

By: Representatives Hamilton, Read, Maples,
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To: Local and Private
Legislation

HOUSE BILL NO. 1860

1 AN ACT TO AMEND CHAPTER 856, LOCAL AND PRIVATE LAWS OF 1986,
2 AS AMENDED BY CHAPTER 828, LOCAL AND PRIVATE LAWS OF 1988, TO
3 DECREASE THE NUMBER OF MEMBERS ON THE JACKSON COUNTY EMERGENCY
4 COMMUNICATIONS DISTRICT BOARD OF COMMISSIONERS; AND FOR RELATED
5 PURPOSES.

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

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

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

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

26 (a) "Exchange access facilities" shall mean all lines,
27 provided by the service supplier for the provision of local



28 exchange service, as defined in existing general subscriber
29 services tariffs.

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

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

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

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

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

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

57 Section 4. (1) (a) Until the board of supervisors appoints
58 a board of commissioners pursuant to paragraph (b) of this
59 subsection, the affairs of the district shall be governed by a
60 commission composed of the following: (a) the Jackson County



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

76 (b) The board of supervisors shall appoint a board of
77 commissioners comprised of seven (7) members to govern the affairs
78 of the district. All persons appointed to serve on the board of
79 commissioners must be qualified electors of the district. The
80 initial terms of the commissioners must be as follows: two (2)
81 persons will be appointed for initial terms of two (2) years;
82 three (3) persons will be appointed for initial terms of three (3)
83 years; and two (2) persons will be appointed for initial terms of
84 four (4) years. Upon the expiration of the initial terms, all
85 subsequent appointments shall be for a term of four (4) years.
86 Upon the appointment of members of the board of commissioners
87 pursuant to this paragraph, the board of commissioners created
88 under paragraph (a) of this subsection shall be dissolved and
89 replaced by the board of commissioners appointed under this
90 paragraph. The board of supervisors shall fix the domicile of the
91 board of commissioners within the district.



92 (2) The board of commissioners shall appoint, from within
93 its membership, a chairperson and any other officers deemed
94 necessary by the board of commissioners.

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

98 (4) A majority of the commission membership shall constitute
99 a quorum and all official action of the commission shall require a
100 quorum.

101 Section 5. The digits 911 shall be the primary emergency
102 telephone number, but the involved agencies may maintain a
103 separate secondary backup number and shall maintain a separate
104 number for nonemergency telephone calls.

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

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

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

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

123 (d) "Referral method," which is a telephone service
124 which, upon the receipt of a telephone request for emergency



125 services, provides the requesting party with the telephone number
126 of the appropriate public safety agency or other provider of
127 emergency services.

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

130 Section 7. (1) The board of supervisors when so authorized
131 by a vote of a majority of the qualified electors of the county
132 voting in an election held therefor, in accordance with law, may
133 levy an emergency telephone service charge in an amount not to
134 exceed five percent (5%) of the tariff rate. The board of
135 supervisors may, upon its own initiative, call such a special
136 election in the manner provided by law for special elections. Any
137 such service charge shall have uniform application and shall be
138 imposed throughout the entirety of the district to the greatest
139 extent possible in conformity with availability of such service in
140 any area of the district.

141 (2) If the proceeds generated by the emergency telephone
142 service charge exceed the amount of monies necessary to fund the
143 service, the board of supervisors shall reduce the service charge
144 rate to an amount adequate to fund the service. In lieu of
145 reducing the service charge rate, the board of supervisors may
146 temporarily or permanently suspend such service charge, if the
147 revenues generated therefrom exceed the needs. The board of
148 supervisors may thereafter reestablish the original emergency
149 telephone service charge rate, or lift the suspension thereof, if
150 the amount of monies generated is not adequate to fund the
151 service.

152 (3) An emergency telephone service charge shall be imposed
153 only upon the amount received from the tariff rate exchange access
154 lines. If there is no separate exchange access charge stated in
155 the service supplier's tariffs, the board of supervisors shall
156 determine a uniform percentage not in excess of eighty-five
157 percent (85%) of the tariff rate for basic exchange telephone



158 service that shall be deemed to be the equivalent of tariff rate
159 exchange access lines, until such time as the service supplier
160 establishes such a tariff rate. No such service charge shall be
161 imposed upon more than twenty-five (25) exchange access facilities
162 per person per location. Every billed service user shall be
163 liable for any service charge imposed under this section until it
164 has been paid to the service supplier. The duty of the service
165 supplier to collect any such service charge shall commence upon
166 the date of its implementation, which shall be specified in the
167 resolution calling the election. Any such emergency telephone
168 service charge shall be added to and may be stated separately in
169 the billing by the service supplier to the service user.

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

184 (5) The amounts collected by the service supplier
185 attributable to any emergency telephone service charge shall be
186 due the county treasury quarterly. The amount of service charge
187 collected in one (1) calendar quarter by the service supplier
188 shall be remitted to the county no later than sixty (60) days
189 after the close of a calendar quarter. A return, in such form as
190 the board of supervisors and the service supplier agree upon,



191 shall be filed with the county, together with a remittance of the
192 amount of service charge collected payable to the county. The
193 service supplier shall maintain records of the amount of the
194 service charge collected for a period of at least two (2) years
195 from date of collection. The board of supervisors and commission
196 shall receive an annual audit of the service supplier's books and
197 records with respect to the collection and remittance of the
198 service charge. From the gross receipts to be remitted to the
199 county, the service supplier shall be entitled to retain as an
200 administrative fee, an amount equal to one percent (1%) thereof.

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

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

