

By: Senator(s) Moffatt

To: Local and Private

SENATE BILL NO. 3204

1 AN ACT TO AMEND CHAPTER 856, LOCAL AND PRIVATE LAWS OF 1986,
2 AS AMENDED, TO REVISE THE MEMBERSHIP OF THE JACKSON COUNTY
3 EMERGENCY COMMUNICATIONS DISTRICT BOARD OF COMMISSIONERS; AND FOR
4 RELATED PURPOSES.

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

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

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

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

25 (a) "Exchange access facilities" shall mean all lines,
26 provided by the service supplier for the provision of local
27 exchange service, as defined in existing general subscriber
28 services tariffs.



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

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

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

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

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

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

56 Section 4. (1) (a) When any such district is created, the
57 affairs of the district shall be governed by a commission composed
58 of the following: (a) the Jackson County Civil Defense Director;
59 (b) the Jackson County Sheriff; (c) the Police Chief of the City
60 of Pascagoula; (d) the Police Chief of the City of Moss Point; (e)
61 the Police Chief of the City of Ocean Springs; (f) the Chief Law



62 Enforcement Officer of the City of Gautier; (g) the Fire Chief of
63 the City of Pascagoula; (h) the Fire Chief of the City of Moss
64 Point; (i) the Fire Chief of the City of Ocean Springs; (j) the
65 Chief Fire Service Officer of the City of Gautier; (k) a member of
66 the Mississippi Highway Safety Patrol office in Gulfport; (l) a
67 representative of the County Contract Ambulance Provider; and (m)
68 five (5) citizens appointed one (1) each by the Board of
69 Supervisors of Jackson County, the governing authorities of the
70 City of Pascagoula, the governing authorities of the City of Moss
71 Point, the governing authorities of the City of Ocean Springs and
72 the governing authorities of the City of Gautier. The board of
73 commissioners appointed under this paragraph shall be abolished
74 upon the appointment of a new board of commissioners under
75 paragraph (b) of this subsection.

76 (b) After the effective date of this act, the Board of
77 Supervisors of Jackson County shall appoint a new board of
78 commissioners to govern the affairs of the district which shall
79 immediately replace the board of commissioners created under
80 paragraph (a) of this subsection. The domicile of the board of
81 commissioner shall be fixed by the board of supervisors at any
82 point within the district. The new board of commissioners shall
83 be composed of seven (7) members who shall be qualified electors
84 of the district. Two (2) of the members first appointed shall
85 serve for a term of two (2) years, three (3) of the members first
86 appointed shall serve for a term of three (3) years and two (2) of
87 the members first appointed shall serve for a term of four (4)
88 years. Such terms shall be deemed to begin upon the effective
89 date of this act. Thereafter members appointed pursuant to this
90 subsection shall serve for terms of four (4) years.

91 (2) The board of commissioners shall have the complete and
92 sole authority to elect a chairman and any other officer it may
93 deem necessary from among the membership of the board of
94 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.

