

By: Senator(s) Jordan

To: Public Health and Welfare

SENATE BILL NO. 2443

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
26 MULTI-COUNTY DISTRICTS, PROHIBIT ABUSIVE CALLS, AND PROVIDE FOR
27 THE 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" shall mean 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" shall mean the rate or rates billed
58 by a service supplier as stated in the service supplier's tariffs
59 and 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" shall mean any communications district
64 created pursuant to Sections 19-5-301 et seq., or by local and
65 private act of the State of Mississippi.

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

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



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

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

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

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

103 (j) "Off-premise extension" shall mean any telephone
104 connected to a private branch exchange or a shared tenant service



105 which is in a different building or location from the main
106 switching equipment and, therefore, has a different physical
107 address.

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

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

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



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

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

147 **SECTION 3.** The following shall be codified as Section
148 17-27-5, Mississippi Code of 1972:

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

164 **SECTION 4.** The following shall be codified as Section
165 17-27-7, Mississippi Code of 1972:

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



171 the district, two (2) of whom shall be appointed for terms of two
172 (2) years, three (3) for terms of three (3) years, and two (2) for
173 terms of four (4) years, dating from the date of the adoption of
174 the ordinance creating the district. Thereafter, all appointments
175 of the members shall be for terms of four (4) years.

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

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

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

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

191 **SECTION 5.** The following shall be codified as Section 17-27-
192 9, Mississippi Code of 1972:

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

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

202 (a) Those counties not currently in the process of
203 installing "911," or currently using "911" emergency telephone



204 service, which have a population greater than fifteen thousand
205 (15,000) residents shall, when so authorized by a vote of a
206 majority of the qualified electors of the county voting on the
207 proposal in an election held for that purpose, take the steps
208 necessary to implement Enhanced 911 within such county using the
209 guidelines for implementation set forth in this act;

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

219 **SECTION 6.** The following shall be codified as Section
220 17-27-11, Mississippi Code of 1972:

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

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

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



237 (c) "Transfer method" which is a telephone service
238 which receives telephone requests for emergency services and
239 directly transfers such requests to an appropriate public safety
240 agency or other provider of emergency services.

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

243 **SECTION 7.** The following shall be codified as Section
244 17-27-13, Mississippi Code of 1972:

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

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



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

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

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



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

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

333 (6) In order to provide additional funding for the district,
334 the board of commissioners may receive federal, state, county or



335 municipal funds, as well as funds from private sources, and may
336 expend such funds for the purposes of Section 19-5-301 et seq.

337 **SECTION 8.** The following shall be codified as Section
338 17-27-15:

339 17-27-15. (1) All provisions of this chapter, with the
340 exception of Section 17-27-7, shall be construed to amend, repeal
341 or supersede any local and private act under which a county or
342 municipality has, prior to July 1, 2003, established an emergency
343 communications district.

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

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



368 **SECTION 9.** The following shall be codified as Section
369 17-27-17, Mississippi Code of 1972:

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

373 (a) Remain silent;

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

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

377 (d) Falsely report a crime.

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

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

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

393 **SECTION 10.** The following shall be codified as Section
394 17-27-19, Mississippi Code of 1972:

395 17-27-19. (1) Automatic number identification (ANI),
396 automatic location identification (ALI) and geographic automatic
397 location identification (GeoALI) information that consist of the
398 name, address and telephone number of telephone or wireless
399 subscribers shall be confidential, and the dissemination of the
400 information contained in the 911 automatic number and location



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

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

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

432 **SECTION 11.** Sections 19-5-301, 19-5-303, 19-5-305, 19-5-307,
433 19-5-309, 19-5-311, 19-5-313, 19-5-315, 19-5-317 and 19-5-319,



434 Mississippi Code of 1972, which authorize the counties to provide
435 emergency 911 service, provide definitions, provide for the
436 appointment of a board of commissioners, designate "911" as a
437 primary telephone number, provide methods for responding to
438 emergency calls, provide for telephone service charges and the use
439 for excess funds, provide for preexisting emergency communications
440 districts and multi-county districts, prohibit abusive calls, and
441 provide for the confidentiality of certain calls, are repealed.

442 **SECTION 12.** This act shall take effect and be in force from
443 and after July 1, 2003.

