MISSISSIPPI LEGISLATURE

To: Public Health and Welfare

By: Senator(s) Jordan

MISSISSIPPI LEGISLATURE REGULAR SESSION 2003

SENATE BILL NO. 2443

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 EMERGENCY TELEPHONE SERVICE CHARGES AND THE USE FOR EXCESS FUNDS, PROVIDE FOR PREEXISTING EMERGENCY COMMUNICATIONS DISTRICTS AND MULTI-COUNTY 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" shall mean 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" shall mean 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" shall mean any communications district created pursuant to Sections 19-5-301 et seq., or by local and private act of the State of Mississippi.

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

(e) "Service user" shall mean any person, not otherwise exempt from taxation, who is provided exchange telephone service in the county or state.
(f) "E911" shall mean 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" shall mean 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)" shall mean 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)" shall mean 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" shall mean 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" shall mean 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" shall
mean 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" shall mean 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)" shall mean 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" shall mean 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, 2003, 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
tility 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 multi-county 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, 2003.