

By: Representative Moak

To: County Affairs

HOUSE BILL NO. 321

1 AN ACT TO AMEND SECTIONS 19-5-313 AND 19-5-319, MISSISSIPPI  
2 CODE OF 1972, TO AUTHORIZE COUNTIES TO ESTABLISH AND SUPPORT AN  
3 EMERGENCY TELEPHONE WARNING SYSTEM WITH EXCESS 911 FUNDS; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 19-5-313, Mississippi Code of 1972, is  
7 amended as follows:

8 19-5-313. (1) The board of supervisors may levy an  
9 emergency telephone service charge in an amount not to exceed One  
10 Dollar (\$1.00) per residential telephone subscriber line per month  
11 and Two Dollars (\$2.00) per commercial telephone subscriber line  
12 per month for exchange telephone service. Any emergency telephone  
13 service charge shall have uniform application and shall be imposed  
14 throughout the entirety of the district to the greatest extent  
15 possible in conformity with availability of such service in any  
16 area of the district. Those districts which exist on July 1,  
17 1993, shall convert to the following structure for service charge  
18 levy: If the current charge is five percent (5%) of the basic  
19 tariff service rate, the new collection shall be Eighty Cents  
20 (\$.80) per month per residential subscriber line and One Dollar  
21 and Sixty Cents (\$1.60) per month per commercial subscriber line.  
22 The collections may be adjusted as outlined in Section 63-21-13,  
23 and within the limits set forth herein.

24 (2) If the proceeds generated by the emergency telephone  
25 service charge exceed the amount of monies necessary to fund the  
26 service, the board of supervisors may authorize such excess funds  
27 to be expended by the county and the municipalities for a  
28 computerized telephone warning system that warns residents of any

29 emergency situation by placing a telephone call to service users.  
30 In addition, the county municipalities may use excess funds to  
31 perform the duties and pay the costs relating to identifying  
32 roads, highways and streets, as provided by Section 65-7-143. The  
33 board of supervisors shall determine how the funds are to be  
34 distributed in the county and among municipalities in the county  
35 for paying the costs relating to identifying roads, highways and  
36 streets. The board of supervisors may temporarily reduce the  
37 service charge rate or temporarily suspend the service charge if  
38 the proceeds generated exceed the amount that is necessary to fund  
39 the service and \* \* \* to pay costs relating to the computerized  
40 telephone warning system and to identifying roads, highways and  
41 streets. Such excess funds may \* \* \* be used also in the  
42 development of county or district communications and paging  
43 systems when used primarily for the alerting and dispatching of  
44 public safety entities and for other administrative costs such as  
45 management personnel, maintenance personnel and related building  
46 and operational requirements. Such excess funds may be placed in  
47 a depreciation fund for emergency and obsolescence replacement of  
48 equipment necessary for the operation of the overall 911 emergency  
49 telephone and alerting systems.

50 (3) No such service charge shall be imposed upon more than  
51 twenty-five (25) exchange access facilities per person per  
52 location. Trunks or service lines used to supply service to CMRS  
53 providers shall not have a service charge levied against them.  
54 Every billed service user shall be liable for any service charge  
55 imposed under this section until it has been paid to the service  
56 supplier. The duty of the service supplier to collect any such  
57 service charge shall commence upon the date of its implementation,  
58 which shall be specified in the resolution for the installation of  
59 such service. Any such emergency telephone service charge shall  
60 be added to and may be stated separately in the billing by the  
61 service supplier to the service user.

62           (4) The service supplier shall have no obligation to take  
63 any legal action to enforce the collection of any emergency  
64 telephone service charge. However, the service supplier shall  
65 annually provide the board of supervisors and board of  
66 commissioners with a list of the amount uncollected, together with  
67 the names and addresses of those service users who carry a balance  
68 that can be determined by the service supplier to be nonpayment of  
69 such service charge. The service charge shall be collected at the  
70 same time as the tariff rate in accordance with the regular  
71 billing practice of the service supplier. Good faith compliance  
72 by the service supplier with this provision shall constitute a  
73 complete defense to any legal action or claim which may result  
74 from the service supplier's determination of nonpayment \* \* \* or  
75 the identification of service users in connection therewith.

76           (5) The amounts collected by the service supplier  
77 attributable to any emergency telephone service charge shall be  
78 due the county treasury monthly. The amount of service charge  
79 collected each month by the service supplier shall be remitted to  
80 the county no later than sixty (60) days after the close of the  
81 month. A return, in such form as the board of supervisors and the  
82 service supplier agree upon, shall be filed with the county,  
83 together with a remittance of the amount of service charge  
84 collected payable to the county. The service supplier shall  
85 maintain records of the amount of service charge collected for a  
86 period of at least two (2) years from date of collection. The  
87 board of supervisors and board of commissioners shall receive an  
88 annual audit of the service supplier's books and records with  
89 respect to the collection and remittance of the service charge.  
90 From the gross receipts to be remitted to the county, the service  
91 supplier shall be entitled to retain as an administrative fee, an  
92 amount equal to one percent (1%) thereof. \* \* \* The service  
93 charge is a county fee and is not subject to any sales, use,  
94 franchise, income, excise or any other tax, fee or assessment and

95 shall not be considered revenue of the service supplier for any  
96 purpose.

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

101 **SECTION 2.** Section 19-5-319, Mississippi Code of 1972, is  
102 amended as follows:

103 19-5-319. (1) Automatic number identification (ANI),  
104 automatic location identification (ALI) and geographic automatic  
105 location identification (GeoALI) information that consist of the  
106 name, address and telephone number of telephone or wireless  
107 subscribers shall be confidential, and the dissemination of the  
108 information contained in the 911 automatic number and location  
109 data base is prohibited except for the following purpose: the  
110 information will be provided to the Public Safety Answering Point  
111 (PSAP) on a call-by-call basis only for the purpose of handling  
112 emergency calls or for training, and any permanent record of the  
113 information shall be secured by the Public Safety Answering Point  
114 (PSAP) and disposed of in a manner which will retain that  
115 security, except upon court order or subpoena from a court of  
116 competent jurisdiction or as otherwise provided by law.

117 Information also may be provided to a county or municipality for  
118 the purpose of implementing or updating an enhanced emergency  
119 telephone warning system; however, such information may be used  
120 only to identify the telephone location or service user and may  
121 not be used or disclosed for any other purpose.

122 (2) All emergency telephone calls and telephone call  
123 transmissions received pursuant to Section 19-5-301 et seq., and  
124 all recordings of the emergency telephone calls, shall remain  
125 confidential and shall be used only for the purposes as may be  
126 needed for law enforcement, fire, medical rescue or other  
127 emergency services. These recordings shall not be released to any

128 other parties without court order or subpoena from a court of  
129 competent jurisdiction.

130 (3) PSAP and emergency response entities shall maintain and,  
131 upon request, release a record of the date of call, time of call,  
132 the time the emergency response entity was notified, and the  
133 identity of the emergency response entity. The emergency response  
134 entity shall maintain and, upon request, release a record of the  
135 date and time the call was received by the emergency response  
136 entity and the time the emergency response entity arrived on the  
137 scene. Requests for release of records must be made in writing  
138 and must specify the information desired. Requestors shall pay  
139 the cost of providing the information requested in accordance with  
140 the Mississippi Public Records Act of 1983, (Chapter 61, Title 25,  
141 Mississippi Code of 1972). The identity of any caller or person  
142 or persons who are the subject of any call, or the address, phone  
143 number or other identifying information about any such person,  
144 shall not be released except as provided in subsection (2) of this  
145 section.

146 (4) Any person who knowingly violates this act is guilty of  
147 a misdemeanor and shall be subject to a fine of not more than Five  
148 Hundred Dollars (\$500.00) or imprisonment of not more than thirty  
149 (30) days in the county jail, or both fine and imprisonment.

150 **SECTION 3.** This act shall take effect and be in force from  
151 and after July 1, 2004.