

By: Representative Watson

To: Public Utilities

HOUSE BILL NO. 443

1 AN ACT TO REENACT AND AMEND SECTION 19-5-353, MISSISSIPPI  
 2 CODE OF 1972, WHICH PROHIBITS PRIVATE "FOR PROFIT" AMBULANCE,  
 3 SECURITY OR FIRE SERVICE COMPANIES FROM PAYING A SALARY TO PUBLIC  
 4 SAFETY AND 911 TELECOMMUNICATORS WHO HAVE NOT MET MINIMUM TRAINING  
 5 STANDARDS; TO PROVIDE THAT SUCH SECTION SHALL BE REPEALED ON JULY  
 6 1, 2006; TO REENACT AND AMEND SECTION 19-5-357, MISSISSIPPI CODE  
 7 OF 1972, WHICH AUTHORIZES SUCH COMPANIES THAT ARE UNDER CONTRACT  
 8 WITH A LOCAL GOVERNMENT TO BE REIMBURSED MINIMUM STANDARDS  
 9 TRAINING FUNDS; TO PROVIDE THAT SUCH SECTION SHALL BE REPEALED ON  
 10 JULY 1, 2006; TO REPEAL SECTION 3, CHAPTER 490, LAWS OF 2001, AS  
 11 AMENDED BY SECTION 3, CHAPTER 374, LAWS OF 2003, WHICH PROVIDES  
 12 FOR THE REPEAL OF SECTIONS 19-5-353 AND 19-5-357, MISSISSIPPI CODE  
 13 OF 1972; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 19-5-353, Mississippi Code of 1972, is  
 16 reenacted and amended as follows:

17 19-5-353. (1) The initial minimum standard of training for  
 18 local public safety and 911 telecommunicators shall be determined  
 19 by the Board of Emergency Telecommunications Standards and  
 20 Training. All courses approved for minimum standards shall be  
 21 taught by instructors certified by the course originator as  
 22 instructors for such courses.

23 (2) The minimum standards may be changed at any time by the  
 24 Board of Emergency Telecommunications Standards and Training.

25 (3) Changes in the minimum standards may be made upon  
 26 request from any bona fide public safety, emergency medical or  
 27 fire organization operating within the State of Mississippi.  
 28 Requests for change shall be in writing submitted to either the  
 29 State Law Enforcement Training Academy; the State Fire Academy;  
 30 the Mississippi Chapter of the Associated Public Safety  
 31 Communications Officers, Incorporated; the Mississippi Chapter of  
 32 the National Emergency Number Association; the Mississippi State



33 Board of Health, Emergency Medical Services Division; the  
34 Mississippi Justice Information Center; the Mississippi Sheriff's  
35 Association; the Mississippi Fire Chief's Association; the  
36 Mississippi Association of Chiefs of Police; or Mississippians for  
37 Emergency Medical Service.

38 (4) The minimum standards in no way are intended to restrict  
39 or limit any additional training which any department or agency  
40 may wish to employ, or any state or federal required training, but  
41 to serve as a basis or foundation for basic training.

42 (5) Persons in the employment of any public safety, fire,  
43 911 PSAP or emergency medical agency as a telecommunicator on July  
44 1, 1993, shall have three (3) years to be certified in the minimum  
45 standards courses provided they have been employed by such agency  
46 for a period of more than one (1) year prior to July 1, 1993.

47 (6) Persons having been employed by any public safety, fire,  
48 911 PSAP or emergency medical agency as a telecommunicator for  
49 less than one (1) year prior to July 1, 1993, shall be required to  
50 have completed all the requirements for minimum training  
51 standards, as set forth in Sections 19-5-351 through 19-5-361,  
52 within one (1) year from July 1, 1993. Persons certified on or  
53 before July 1, 1993, in any course or courses chosen shall be  
54 given credit for these courses, provided the courses are still  
55 current and such persons can provide a course completion  
56 certificate.

57 (7) Any person hired to perform the duties of a  
58 telecommunicator in any public safety, fire, 911 PSAP or emergency  
59 medical agency after July 1, 1993, shall complete the minimum  
60 training standards as set forth in Sections 19-5-351 through  
61 19-5-361 within twelve (12) months of their employment or within  
62 twelve (12) months from the date that the Board of Emergency  
63 Telecommunications Standards and Training shall become  
64 operational.



65 (8) Professional certificates remain the property of the  
66 board, and the board reserves the right to either reprimand the  
67 holder of a certificate, suspend a certificate upon conditions  
68 imposed by the board, or cancel and recall any certificate when:

69 (a) The certificate was issued by administrative error;

70 (b) The certificate was obtained through  
71 misrepresentation or fraud;

72 (c) The holder has been convicted of any crime  
73 involving moral turpitude;

74 (d) The holder has been convicted of a felony; or

75 (e) Other due cause as determined by the board.

76 When the board believes there is a reasonable basis for  
77 either the reprimand, suspension, cancellation of, or recalling  
78 the certification of a telecommunicator, notice and opportunity  
79 for a hearing shall be provided. Any telecommunicator aggrieved  
80 by the findings and order of the board may file an appeal with the  
81 chancery court of the county in which such person is employed from  
82 the final order of the board. Any telecommunicator whose  
83 certification has been cancelled pursuant to Sections 19-5-351  
84 through 19-5-361 may reapply for certification but not sooner than  
85 two (2) years after the date on which the order of the board  
86 canceling such certification became final.

87 (9) Any state agency, political subdivision or "for-profit"  
88 ambulance, security or fire service company, that employs a person  
89 as a telecommunicator who does not meet the requirements of  
90 Sections 19-5-351 through 19-5-361, or who employs a person whose  
91 certificate has been suspended or revoked under provisions of  
92 Sections 19-5-351 through 19-5-361, is prohibited from paying the  
93 salary of such person, and any person violating this subsection  
94 shall be personally liable for making such payment.

95 (10) These minimum standards and time limitations shall in  
96 no way conflict with other state and federal training as may be  
97 required to comply with established laws or regulations.



98           (11) This section shall stand repealed on July 1, 2006.

99           **SECTION 2.** Section 19-5-357, Mississippi Code of 1972, is  
100 reenacted and amended as follows:

101           19-5-357. (1) From and after July 1, 1993, a service charge  
102 of Five Cents (5¢) shall be placed on each subscriber service line  
103 within the State of Mississippi. This service charge shall apply  
104 equally to both private and business lines and shall apply to all  
105 service suppliers operating within the State of Mississippi. This  
106 subscriber service charge level shall be reviewed periodically to  
107 determine if the service charge level is adequate or excessive,  
108 and adjustments may be made accordingly.

109           (2) Every billed service user shall be liable for any  
110 service charge imposed under this section until it has been paid  
111 to the service supplier. The duty of the service supplier to  
112 collect any such service charge shall commence upon the date of  
113 its implementation. Any such minimum standards telephone service  
114 charge shall be added to, and may be stated separately in, the  
115 billing by the service supplier to the service user.

116           (3) The service supplier shall have no obligation to take  
117 any legal action to enforce the collection of any emergency  
118 telephone service charge. However, the service supplier shall  
119 annually provide the Board of Emergency Telecommunications  
120 Standards and Training with a list of the amount uncollected,  
121 together with the names and addresses of those service users who  
122 carry a balance that can be determined by the service supplier to  
123 be nonpayment of such service charge. The service charge shall be  
124 collected at the same time as the tariff rate in accordance with  
125 the regular billing practice of the service supplier. Good faith  
126 compliance by the service supplier with this provision shall  
127 constitute a complete defense to any legal action which may result  
128 from the service supplier's determination of nonpayment and/or the  
129 identification of service users in connection therewith.



130           (4) The amounts collected by the service supplier  
131     attributable to the minimum standards telephone service charge  
132     shall be deposited monthly into a special fund hereby created in  
133     the State Treasury. The amount of service charge collected each  
134     month by the service supplier shall be remitted to the special  
135     fund no later than sixty (60) days after the close of the month.  
136     A return, in such form as prescribed by the State Tax Commission,  
137     shall be filed with the Tax Commission, together with a remittance  
138     of the amount of service charge collected payable to the special  
139     fund. The service supplier shall maintain records of the amount  
140     of service charge collected for a period of at least three (3)  
141     years from date of collection. From the gross receipts to be  
142     remitted to the special fund, the service supplier shall be  
143     entitled to retain as an administrative fee, an amount equal to  
144     one percent (1%) thereof. This service charge is a state fee and  
145     is not subject to any sales, use, franchise, income, excise or any  
146     other tax, fee or assessment, and shall not be considered revenue  
147     of the service supplier for any purpose. All administrative  
148     provisions of the Mississippi Sales Tax Law, including those which  
149     fix damages, penalties and interest for nonpayment of taxes and  
150     for noncompliance with the provisions of such chapter, and all  
151     other duties and requirements imposed upon taxpayers, shall apply  
152     to all persons liable for fees under the provisions of this  
153     chapter, and the Tax Commissioner shall exercise all the power and  
154     authority and perform all the duties with respect to taxpayers  
155     under this chapter as are provided in the Mississippi Sales Tax  
156     Law except where there is a conflict, then the provisions of this  
157     chapter shall control.

158           (5) The proceeds generated by the minimum standards service  
159     charge shall primarily be used by the board pursuant to  
160     legislative appropriation to fund the minimum standards training  
161     program for public safety telecommunicators within the State of  
162     Mississippi. These funds shall be applied on a first-come



163 first-served basis, which shall be determined by the date of  
164 application. All city, county and state public safety  
165 telecommunicators, including those employed by city and/or county  
166 supported ambulance services and districts, shall be eligible to  
167 receive these funds to meet minimum standards training  
168 requirements. No "for-profit" ambulance, security or fire service  
169 company operating in the private sector shall be qualified to  
170 receive these minimum standards training funds unless the company  
171 is on contract with a local government to provide primary  
172 emergency response. Law enforcement officers, fire and emergency  
173 medical personnel who are used as part-time or "fill-in"  
174 telecommunicators shall also be eligible to receive funding for  
175 this minimum standards training, provided they serve at least  
176 eight (8) hours per month as a telecommunicator. However,  
177 emergency medical personnel who are used as part-time or "fill-in"  
178 telecommunicators and are employed by any for-profit ambulance  
179 company operating in the private sector shall be eligible to  
180 receive funding for the minimum standards training, provided they  
181 serve at least twenty (20) hours per week as a telecommunicator.  
182 These funds may also be expended by the Board of Emergency  
183 Telecommunications Standards and Training to administer the  
184 minimum standards program for such things as personnel, office  
185 equipment, computer software, supplies and other necessary  
186 expenses.

187 (6) The Board of Emergency Telecommunications Standards and  
188 Training shall be authorized to reimburse any public safety agency  
189 or emergency medical service for meals, lodging, travel, course  
190 fees and salary during the time spent training, upon successful  
191 completion of such course. Funds may also be expended to train  
192 certain individuals to become certified instructors of the various  
193 courses included in these minimum standards in order to conduct  
194 training within the State of Mississippi.



195           (7) If the proceeds generated by the minimum standards  
196 service charge exceed the amount of monies necessary to fund the  
197 service, the Board of Emergency Telecommunications Standards and  
198 Training may authorize such excess funds to be available for  
199 advanced training, upgraded training and recertification of  
200 instructors. Any funds remaining at the close of any fiscal year  
201 shall not lapse into the State General Fund but shall be carried  
202 over to the next fiscal year to be used as a beginning balance for  
203 the fiscal requirements of such year.

204           (8) This section shall stand repealed on July 1, 2006.

205           **SECTION 3.** Section 3, Chapter 490, Laws of 2001, as amended  
206 by Section 3, Chapter 374, Laws of 2003, which provides for the  
207 repeal of Sections 19-5-353 and 19-5-357, Mississippi Code of  
208 1972, is repealed.

209           **SECTION 4.** This act shall take effect and be in force from  
210 and after July 1, 2004.

