

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5 STANDARDS; TO PROVIDE THAT SUCH SECTION SHALL BE REPEALED ON JULY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9 TRAINING FUNDS; TO PROVIDE THAT SUCH SECTION SHALL BE REPEALED ON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.