

By: Senator(s) King

To: Public Utilities

SENATE BILL NO. 2355

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

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

12 **SECTION 1.** Section 19-5-353, Mississippi Code of 1972, is
 13 reenacted as follows:

14 19-5-353. (1) The initial minimum standard of training for
 15 local public safety and 911 telecommunicators shall be determined
 16 by the Board of Emergency Telecommunications Standards and
 17 Training. All courses approved for minimum standards shall be
 18 taught by instructors certified by the course originator as
 19 instructors for such courses.

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

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

32 Association; the Mississippi Fire Chief's Association; the
33 Mississippi Association of Chiefs of Police; or Mississippians for
34 Emergency Medical Service.

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

39 (5) Persons in the employment of any public safety, fire,
40 911 PSAP or emergency medical agency as a telecommunicator on July
41 1, 1993, shall have three (3) years to be certified in the minimum
42 standards courses provided they have been employed by such agency
43 for a period of more than one (1) year prior to July 1, 1993.

44 (6) Persons having been employed by any public safety, fire,
45 911 PSAP or emergency medical agency as a telecommunicator for
46 less than one (1) year prior to July 1, 1993, shall be required to
47 have completed all the requirements for minimum training
48 standards, as set forth in Sections 19-5-351 through 19-5-361,
49 within one (1) year from July 1, 1993. Persons certified on or
50 before July 1, 1993, in any course or courses chosen shall be
51 given credit for these courses, provided the courses are still
52 current and such persons can provide a course completion
53 certificate.

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

62 (8) Professional certificates remain the property of the
63 board, and the board reserves the right to either reprimand the

64 holder of a certificate, suspend a certificate upon conditions
65 imposed by the board, or cancel and recall any certificate when:

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

67 (b) The certificate was obtained through
68 misrepresentation or fraud;

69 (c) The holder has been convicted of any crime
70 involving moral turpitude;

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

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

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

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

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

95 **SECTION 2.** Section 19-5-357, Mississippi Code of 1972, is
96 reenacted as follows:

97 19-5-357. (1) From and after July 1, 1993, a service charge
98 of Five Cents (5¢) shall be placed on each subscriber service line
99 within the State of Mississippi. This service charge shall apply
100 equally to both private and business lines and shall apply to all
101 service suppliers operating within the State of Mississippi. This
102 subscriber service charge level shall be reviewed periodically to
103 determine if the service charge level is adequate or excessive,
104 and adjustments may be made accordingly.

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

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

126 (4) The amounts collected by the service supplier
127 attributable to the minimum standards telephone service charge
128 shall be deposited monthly into a special fund hereby created in
129 the State Treasury. The amount of service charge collected each

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

154 (5) The proceeds generated by the minimum standards service
155 charge shall primarily be used by the board pursuant to
156 legislative appropriation to fund the minimum standards training
157 program for public safety telecommunicators within the State of
158 Mississippi. These funds shall be applied on a first-come
159 first-served basis, which shall be determined by the date of
160 application. All city, county and state public safety
161 telecommunicators, including those employed by city and/or county
162 supported ambulance services and districts, shall be eligible to

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

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

191 (7) If the proceeds generated by the minimum standards
192 service charge exceed the amount of monies necessary to fund the
193 service, the Board of Emergency Telecommunications Standards and
194 Training may authorize such excess funds to be available for
195 advanced training, upgraded training and recertification of

196 instructors. Any funds remaining at the close of any fiscal year
197 shall not lapse into the State General Fund but shall be carried
198 over to the next fiscal year to be used as a beginning balance for
199 the fiscal requirements of such year.

200 **SECTION 3.** Section 3, Chapter 490, Laws of 2001, is amended
201 as follows:

202 Section 3. Sections 19-5-353 and 19-5-357, Mississippi Code
203 of 1972, shall be repealed on July 1, 2006.

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