

By: Representative Miles

To: Public Utilities

HOUSE BILL NO. 520

1 AN ACT TO AMEND SECTION 19-5-353, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF REPEAL ON THE MINIMUM STANDARDS FOR
3 EMERGENCY TELECOMMUNICATORS; TO AMEND SECTION 19-5-357,
4 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE
5 FUNDING FOR THE TRAINING OF SUCH TELECOMMUNICATORS; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 19-5-353, Mississippi Code of 1972, is
9 amended as follows:

10 19-5-353. (1) The initial minimum standard of training for
11 local public safety and 911 telecommunicators shall be determined
12 by the Board of Emergency Telecommunications Standards and
13 Training. All courses approved for minimum standards shall be
14 taught by instructors certified by the course originator as
15 instructors for such courses.

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

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

29 Mississippi Association of Chiefs of Police; or Mississippians for
30 Emergency Medical Service.

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

35 (5) Persons in the employment of any public safety, fire,
36 911 PSAP or emergency medical agency as a telecommunicator on July
37 1, 1993, shall have three (3) years to be certified in the minimum
38 standards courses provided they have been employed by such agency
39 for a period of more than one (1) year prior to July 1, 1993.

40 (6) Persons having been employed by any public safety, fire,
41 911 PSAP or emergency medical agency as a telecommunicator for
42 less than one (1) year prior to July 1, 1993, shall be required to
43 have completed all the requirements for minimum training
44 standards, as set forth in Sections 19-5-351 through 19-5-361,
45 within one (1) year from July 1, 1993. Persons certified on or
46 before July 1, 1993, in any course or courses chosen shall be
47 given credit for these courses, provided the courses are still
48 current and such persons can provide a course completion
49 certificate.

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

58 (8) Professional certificates remain the property of the
59 board, and the board reserves the right to either reprimand the
60 holder of a certificate, suspend a certificate upon conditions
61 imposed by the board, or cancel and recall any certificate when:

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

63 (b) The certificate was obtained through
64 misrepresentation or fraud;

65 (c) The holder has been convicted of any crime
66 involving moral turpitude;

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

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

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

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

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

91 (11) This section shall stand repealed on July 1, 2008.

92 **SECTION 2.** Section 19-5-357, Mississippi Code of 1972, is
93 amended as follows:

94 19-5-357. (1) From and after July 1, 1993, a service charge
95 of Five Cents (5¢) shall be placed on each subscriber service line
96 within the State of Mississippi. This service charge shall apply
97 equally to both private and business lines and shall apply to all
98 service suppliers operating within the State of Mississippi. This
99 subscriber service charge level shall be reviewed periodically to
100 determine if the service charge level is adequate or excessive,
101 and adjustments may be made accordingly.

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

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

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

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

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

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

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

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

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

197 (8) This section shall stand repealed on July 1, 2008.

198 **SECTION 3.** This act shall take effect and be in force from
199 and after July 1, 2006.