

By: Representative Warren

To: Public Utilities

HOUSE BILL NO. 593

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.