

By: Representative White

To: Technology

HOUSE BILL NO. 491

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 that 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, * * *
92 2019.

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



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

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

110 (3) The service supplier shall have no obligation to take
111 any legal action to enforce the collection of any emergency
112 telephone service charge. However, the service supplier shall
113 annually provide the Board of Emergency Telecommunications
114 Standards and Training with a list of the amount uncollected,
115 together with the names and addresses of those service users who
116 carry a balance that can be determined by the service supplier to
117 be nonpayment of such service charge. The service charge shall be
118 collected at the same time as the tariff rate in accordance with
119 the regular billing practice of the service supplier. Good faith



120 compliance by the service supplier with this provision shall
121 constitute a complete defense to any legal action which may result
122 from the service supplier's determination of nonpayment and/or the
123 identification of service users in connection therewith.

124 (4) The amounts collected by the service supplier
125 attributable to the minimum standards telephone service charge
126 shall be deposited monthly into a special fund hereby created in
127 the State Treasury. The amount of service charge collected each
128 month by the service supplier shall be remitted to the special
129 fund no later than sixty (60) days after the close of the month.
130 A return, in such form as prescribed by the Department of Revenue,
131 shall be filed with the Department of Revenue, together with a
132 remittance of the amount of service charge collected payable to
133 the special fund. The service supplier shall maintain records of
134 the amount of service charge collected for a period of at least
135 three (3) years from date of collection. From the gross receipts
136 to be remitted to the special fund, the service supplier shall be
137 entitled to retain as an administrative fee, an amount equal to
138 one percent (1%) thereof. This service charge is a state fee and
139 is not subject to any sales, use, franchise, income, excise or any
140 other tax, fee or assessment, and shall not be considered revenue
141 of the service supplier for any purpose. All administrative
142 provisions of the Mississippi Sales Tax Law, including those which
143 fix damages, penalties and interest for nonpayment of taxes and
144 for noncompliance with the provisions of such chapter, and all



145 other duties and requirements imposed upon taxpayers, shall apply
146 to all persons liable for fees under the provisions of this
147 chapter, and the Commissioner of Revenue shall exercise all the
148 power and authority and perform all the duties with respect to
149 taxpayers under this chapter as are provided in the Mississippi
150 Sales Tax Law except where there is a conflict, then the
151 provisions of this chapter shall control.

152 (5) The proceeds generated by the minimum standards service
153 charge shall primarily be used by the board pursuant to
154 legislative appropriation to fund the minimum standards training
155 program for public safety telecommunicators within the State of
156 Mississippi. These funds shall be applied on a first-come
157 first-served basis, which shall be determined by the date of
158 application. All city, county and state public safety
159 telecommunicators, including those employed by city and/or county
160 supported ambulance services and districts, shall be eligible to
161 receive these funds to meet minimum standards training
162 requirements. No "for-profit" ambulance, security or fire service
163 company operating in the private sector shall be qualified to
164 receive these minimum standards training funds unless the company
165 is on contract with a local government to provide primary
166 emergency response. Law enforcement officers, fire and emergency
167 medical personnel who are used as part-time or "fill-in"
168 telecommunicators shall also be eligible to receive funding for
169 this minimum standards training, provided they serve at least



170 eight (8) hours per month as a telecommunicator. However,
171 emergency medical personnel who are used as part-time or "fill-in"
172 telecommunicators and are employed by any for-profit ambulance
173 company operating in the private sector shall be eligible to
174 receive funding for the minimum standards training, provided they
175 serve at least twenty (20) hours per week as a telecommunicator.
176 These funds may also be expended by the Board of Emergency
177 Telecommunications Standards and Training to administer the
178 minimum standards program for such things as personnel, office
179 equipment, computer software, supplies and other necessary
180 expenses.

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

189 (7) If the proceeds generated by the minimum standards
190 service charge exceed the amount of monies necessary to fund the
191 service, the Board of Emergency Telecommunications Standards and
192 Training may authorize such excess funds to be available for
193 advanced training, upgraded training and recertification of
194 instructors. Any funds remaining at the close of any fiscal year



195 shall not lapse into the State General Fund but shall be carried
196 over to the next fiscal year to be used as a beginning balance for
197 the fiscal requirements of such year.

198 (8) This section shall stand repealed on July 1, * * * 2019.

199 **SECTION 3.** This act shall take effect and be in force from
200 and after July 1, 2016.

