

By: Senator(s) Moffatt, Robertson

To: Local and Private

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3209

1 AN ACT TO AMEND CHAPTER 856, LOCAL AND PRIVATE LAWS OF 1986,  
2 AS AMENDED, TO RECONSTITUTE THE MEMBERSHIP OF THE EMERGENCY  
3 COMMUNICATIONS DISTRICT BOARD IN JACKSON COUNTY, MISSISSIPPI; AND  
4 FOR RELATED PURPOSES.

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

6 SECTION 1. Chapter 856, Local and Private Laws of 1986, as  
7 amended by Chapter 828, Laws of 1988, is amended as follows:

8 Section 1. The Legislature finds and declares it to be in  
9 the public interest to shorten the time required for a citizen to  
10 request and receive emergency aid. The provision of a single,  
11 primary three-digit emergency number through which emergency  
12 services can be quickly and efficiently obtained will provide a  
13 significant contribution to law enforcement and other public  
14 service efforts by simplifying the notification of public service  
15 personnel. Such a simplified means of procuring emergency  
16 services will result in the saving of life, a reduction in the  
17 destruction of property, quicker apprehension of criminals, and  
18 ultimately the saving of monies. Establishment of a uniform  
19 emergency number is a matter of concern and interest to all  
20 citizens of Jackson County.

21 Section 2. For purposes of this act, the following words and  
22 terms shall have the following meanings, unless the context  
23 clearly indicates otherwise:

24 (a) "Exchange access facilities" shall mean all lines,  
25 provided by the service supplier for the provision of local  
26 exchange service, as defined in existing general subscriber  
27 services tariffs.

28           (b) "Tariff rate" shall mean the rate or rates billed  
29 by a service supplier as stated in the service supplier's tariffs  
30 and approved by the Public Service Commission, which represent the  
31 service supplier's recurring charges for exchange access  
32 facilities, exclusive of all taxes, fees, licenses, or similar  
33 charges whatsoever.

34           (c) "District" shall mean any communications district  
35 created pursuant to this act.

36           (d) "Service supplier" shall mean any person providing  
37 exchange telephone service to any service user throughout the  
38 county.

39           (e) "Service user" shall mean any person, not otherwise  
40 exempt from taxation, who is provided exchange telephone service  
41 in the county.

42           (f) "E911" shall mean Enhanced Universal Emergency  
43 Number Service or Enhanced 911 Service which is a telephone  
44 exchange communications service whereby a Public Safety Answering  
45 Point (PSAP) designated by the customer may receive telephone  
46 calls dialed to the telephone number 911. E911 Service includes  
47 lines and equipment necessary for the answering, transferring and  
48 dispatching of public emergency telephone calls originated by  
49 persons within the serving area who dial 911.

50           Section 3. The Board of Supervisors of Jackson County is  
51 hereby authorized and empowered, in its discretion, to create, by  
52 order duly adopted and entered on its minutes, an emergency  
53 communications district composed of all of the territory within  
54 the county.

55           Section 4. (1) When any such district is created, the  
56 affairs of the district shall be governed by a commission composed  
57 of the following: (a) the Jackson County Civil Defense Director;  
58 (b) the Jackson County Sheriff; (c) the Police Chief of the City  
59 of Pascagoula; (d) the Police Chief of the City of Moss Point; (e)  
60 the Police Chief of the City of Ocean Springs; (f) the Chief Law

61 Enforcement Officer of the City of Gautier; (g) the Fire Chief of  
62 the City of Pascagoula; (h) the Fire Chief of the City of Moss  
63 Point; (i) the Fire Chief of the City of Ocean Springs; (j) the  
64 Chief Fire Service Officer of the City of Gautier; (k) a member of  
65 the Mississippi Highway Safety Patrol office in Gulfport; (l) a  
66 representative of the County Contract Ambulance Provider; and (m)  
67 five (5) citizens appointed one (1) each by the Board of  
68 Supervisors of Jackson County, the governing authorities of the  
69 City of Pascagoula, the governing authorities of the City of Moss  
70 Point, the governing authorities of the City of Ocean Springs and  
71 the governing authorities of the City of Gautier.

72       (2) From and after the effective date of Senate Bill No.  
73 3209, 2001 Regular Session, the commission created pursuant to  
74 subsection (1) of this section shall be reconstituted as follows:  
75 the Board of Supervisors of Jackson County shall appoint a  
76 commission composed of seven (7) citizens to govern the district.  
77 Initially, two (2) members shall be appointed for a term of two  
78 (2) years, two (2) members shall be appointed for a term of three  
79 (3) years and three (3) members shall be appointed for a term of  
80 four (4) years. Such terms shall begin upon the effective date of  
81 Senate Bill No. 3209, 2001 Regular Session. Thereafter the term  
82 of office of the members of the board shall be four (4) years from  
83 the expiration date of the previous term or until their successors  
84 shall have been appointed and qualified. The members of the board  
85 shall be domiciled in the district and shall be qualified electors  
86 of the district.

87       (3) The commission shall elect officers from among the  
88 membership of the commission and shall keep a full and complete  
89 record of its actions.

90       (4) A majority of the commission membership shall constitute  
91 a quorum and all official action of the commission shall require a  
92 quorum.

93           Section 5. The digits 911 shall be the primary emergency  
94 telephone number, but the involved agencies may maintain a  
95 separate secondary backup number and shall maintain a separate  
96 number for nonemergency telephone calls.

97           Section 6. The emergency telephone system shall be designed  
98 to have the capability of utilizing at least one (1) of the  
99 following four (4) methods in response to emergency calls:

100           (a) "District dispatch method," which is a telephone  
101 service to a centralized dispatch center providing for the  
102 dispatch of an appropriate emergency service unit upon receipt of  
103 a telephone request for such services and a decision as to the  
104 proper action to be taken, including an E911 system as defined in  
105 Section 2 of this act.

106           (b) "Relay method," which is a telephone service  
107 whereby pertinent information is noted by the recipient of a  
108 telephone request for emergency services, and is relayed to  
109 appropriate public safety agencies or other providers of emergency  
110 services for dispatch of an emergency service unit.

111           (c) "Transfer method," which is a telephone service  
112 which receives telephone requests for emergency services and  
113 directly transfers such requests to an appropriate public safety  
114 agency or other provider of emergency services.

115           (d) "Referral method," which is a telephone service  
116 which, upon the receipt of a telephone request for emergency  
117 services, provides the requesting party with the telephone number  
118 of the appropriate public safety agency or other provider of  
119 emergency services.

120           The commission shall select the method which it determines to  
121 be the most feasible for the county.

122           Section 7. (1) The board of supervisors when so authorized  
123 by a vote of a majority of the qualified electors of the county  
124 voting in an election held therefor, in accordance with law, may  
125 levy an emergency telephone service charge in an amount not to

126 exceed five percent (5%) of the tariff rate. The board of  
127 supervisors may, upon its own initiative, call such a special  
128 election in the manner provided by law for special elections. Any  
129 such service charge shall have uniform application and shall be  
130 imposed throughout the entirety of the district to the greatest  
131 extent possible in conformity with availability of such service in  
132 any area of the district.

133 (2) If the proceeds generated by the emergency telephone  
134 service charge exceed the amount of monies necessary to fund the  
135 service, the board of supervisors shall reduce the service charge  
136 rate to an amount adequate to fund the service. In lieu of  
137 reducing the service charge rate, the board of supervisors may  
138 temporarily or permanently suspend such service charge, if the  
139 revenues generated therefrom exceed the needs. The board of  
140 supervisors may thereafter reestablish the original emergency  
141 telephone service charge rate, or lift the suspension thereof, if  
142 the amount of monies generated is not adequate to fund the  
143 service.

144 (3) An emergency telephone service charge shall be imposed  
145 only upon the amount received from the tariff rate exchange access  
146 lines. If there is no separate exchange access charge stated in  
147 the service supplier's tariffs, the board of supervisors shall  
148 determine a uniform percentage not in excess of eighty-five  
149 percent (85%) of the tariff rate for basic exchange telephone  
150 service that shall be deemed to be the equivalent of tariff rate  
151 exchange access lines, until such time as the service supplier  
152 establishes such a tariff rate. No such service charge shall be  
153 imposed upon more than twenty-five (25) exchange access facilities  
154 per person per location. Every billed service user shall be  
155 liable for any service charge imposed under this section until it  
156 has been paid to the service supplier. The duty of the service  
157 supplier to collect any such service charge shall commence upon  
158 the date of its implementation, which shall be specified in the

159 resolution calling the election. Any such emergency telephone  
160 service charge shall be added to and may be stated separately in  
161 the billing by the service supplier to the service user.

162 (4) The service supplier shall have no obligation to take  
163 any legal action to enforce the collection of any emergency  
164 telephone service charge. However, the service supplier shall  
165 annually provide the board of supervisors and governing commission  
166 with a list of the amount uncollected, together with the names and  
167 addresses of those service users who carry a balance that can be  
168 determined by the service supplier to be nonpayment of such  
169 service charge. The service charge shall be collected at the same  
170 time as the tariff rate in accordance with the regular billing  
171 practice of the service supplier. Good faith compliance by the  
172 service supplier with this provision shall constitute a complete  
173 defense to any legal action or claim which may result from the  
174 service supplier's determination of nonpayment and/or the  
175 identification of service users in connection therewith.

176 (5) The amounts collected by the service supplier  
177 attributable to any emergency telephone service charge shall be  
178 due the county treasury quarterly. The amount of service charge  
179 collected in one (1) calendar quarter by the service supplier  
180 shall be remitted to the county no later than sixty (60) days  
181 after the close of a calendar quarter. A return, in such form as  
182 the board of supervisors and the service supplier agree upon,  
183 shall be filed with the county, together with a remittance of the  
184 amount of service charge collected payable to the county. The  
185 service supplier shall maintain records of the amount of the  
186 service charge collected for a period of at least two (2) years  
187 from date of collection. The board of supervisors and commission  
188 shall receive an annual audit of the service supplier's books and  
189 records with respect to the collection and remittance of the  
190 service charge. From the gross receipts to be remitted to the

191 county, the service supplier shall be entitled to retain as an  
192 administrative fee, an amount equal to one percent (1%) thereof.

193 (6) In order to provide additional funding for the district,  
194 the county commission may receive federal, state, county or  
195 municipal funds, as well as funds from private sources, and may  
196 expend such funds for the purposes of this act.

197 SECTION 2. This act shall take effect and be in force from  
198 and after its passage.