

By: Representative Ford

To: Public Utilities

HOUSE BILL NO. 843

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, 2004.

204       **SECTION 4.** This act shall take effect and be in force from  
205 and after July 1, 2003.

