

By: Representatives Johnson, Mims

To: Local and Private
Legislation

HOUSE BILL NO. 1747

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF ADAMS COUNTY
2 TO LEVY EMERGENCY TELEPHONE SERVICE CHARGES WHICH HAVE BEEN
3 AUTHORIZED BY A VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF
4 THE COUNTY ON A FLAT RATE OR FIXED RATE BASIS; TO PROVIDE THAT
5 CERTAIN FUNDS DERIVED UNDER THIS CHAPTER MAY BE EXPENDED BY THE
6 BOARD OF SUPERVISORS FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT
7 FOR EMERGENCY MANAGEMENT OR CIVIL DEFENSE; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** The Legislature finds and declares it to be in
11 the public interest to warn the general public of an actual or
12 impending emergency. Warning the public of violent weather or
13 other emergencies can be effectively achieved through the
14 utilization of communications equipment for emergency management
15 or civil defense. This equipment will alert citizens of impending
16 danger and thus enable such citizens to take necessary
17 precautions.

18 **SECTION 2.** For purposes of this act, the following words and
19 terms shall have the following meanings, unless the context
20 clearly indicates otherwise:

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

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

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

33 (d) "Service supplier" shall mean any person providing
34 exchange telephone service to any service user throughout the
35 county.

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

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

47 **SECTION 3.** (1) The Board of Supervisors of Adams County,
48 when so authorized by a vote of a majority of the qualified
49 electors of the county voting in an election held therefor, in
50 accordance with law, may levy an emergency telephone service
51 charge in an amount not to exceed five percent (5%) of the tariff
52 rate. At any time after a majority of the qualified electors of
53 the county, voting in an election held therefor, have approved the
54 levy of a service charge not to exceed five percent (5%) of the
55 tariff rate, the board of supervisors, upon the request of the
56 E-911 commission or board, may levy such service charge on a flat
57 rate or fixed rate basis, provided that such flat rate or fixed
58 rate shall not exceed the amount which would be produced by a
59 service charge of five percent (5%) of the tariff rate. The board
60 of supervisors may, upon its own initiative, call such a special
61 election in the manner provided by law for special elections. Any
62 such service charge shall have uniform application and shall be
63 imposed throughout the entirety of the district to the greatest

64 extent possible in conformity with availability of such service in
65 any area of the district.

66 (2) If the proceeds generated by the emergency telephone
67 service charge exceed the amount of monies necessary to fund the
68 service, the board of supervisors shall reduce the service charge
69 rate to an amount adequate to fund the service, unless such excess
70 funds are spent for the purposes authorized by subsection (6) of
71 this section. In lieu of reducing the service charge rate, the
72 board of supervisors may temporarily or permanently suspend such
73 service charge, if the revenues generated therefrom exceed the
74 needs. The board of supervisors may thereafter reestablish the
75 original emergency telephone service charge rate, or lift the
76 suspension thereof, if the amount of monies generated is not
77 adequate to fund the service.

78 (3) An emergency telephone service charge shall be imposed
79 only upon the amount received from the tariff rate exchange access
80 lines or on a flat rate or fixed rate basis, provided that such
81 flat rate or fixed rate shall not exceed the amount which would be
82 produced by a service charge of five percent (5%) of the tariff
83 rate. If there is no separate exchange access charge stated in
84 the service supplier's tariffs, the board of supervisors shall
85 determine a uniform percentage not in excess of eighty-five
86 percent (85%) of the tariff rate for basic exchange telephone
87 service that shall be deemed to be the equivalent of tariff rate
88 exchange access lines, until such time as the service supplier
89 establishes such a tariff rate. No such service charge shall be
90 imposed upon more than twenty-five (25) exchange access facilities
91 per person per location. Every billed service user shall be
92 liable for any service charge imposed under this section until it
93 has been paid to the service supplier. The duty of the service
94 supplier to collect any such service charge shall commence upon
95 the date of its implementation, which shall be specified in the
96 resolution calling the election. Any such emergency telephone

97 service charge shall be added to and may be stated separately in
98 the billing by the service supplier to the service user.

99 (4) The service supplier shall have no obligation to take
100 any legal action to enforce the collection of any emergency
101 telephone service charge. However, the service supplier shall
102 annually provide the board of supervisors and governing commission
103 with a list of the amount uncollected, together with the names and
104 addresses of those service users who carry a balance that can be
105 determined by the service supplier to be nonpayment of such
106 service charge. The service charge shall be collected at the same
107 time as the tariff rate in accordance with the regular billing
108 practice of the service supplier. Good faith compliance by the
109 service supplier with this provision shall constitute a complete
110 defense to any legal action or claim which may result from the
111 service supplier's determination of nonpayment and/or the
112 identification of service users in connection therewith.

113 (5) The amounts collected by the service supplier
114 attributable to any emergency telephone service charge shall be
115 due the county treasury quarterly. The amount of service charge
116 collected in one (1) calendar quarter by the service supplier
117 shall be remitted to the county no later than sixty (60) days
118 after the close of a calendar quarter. On or before the sixtieth
119 day after the close of a calendar quarter, a return, in such form
120 as the board of supervisors and the service supplier agree upon,
121 shall be filed with the county, together with a remittance of the
122 amount of service charge collected payable to the county. The
123 service supplier shall maintain records of the amount of the
124 service charge collected for a period of at least two (2) years
125 from date of collection. The board of supervisors and commission
126 shall receive an annual audit of the service supplier's books and
127 records with respect to the collection and remittance of the
128 service charge. From the gross receipts to be remitted to the

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

131 (6) The board of supervisors, in its discretion, may expend
132 funds generated under the provisions of this act which are in
133 excess of the amount of funds determined by the commission to be
134 needed for the operation and services of the district for the
135 purpose of purchasing communications equipment for emergency
136 management or civil defense.

137 **SECTION 4.** This act shall take effect and be in force from
138 and after its passage.