

By: Senator(s) Carmichael

To: Local and Private

SENATE BILL NO. 3114

1 AN ACT TO AMEND CHAPTER 936, LOCAL AND PRIVATE LAWS OF 1984,
2 AS LAST AMENDED BY CHAPTER 942, LOCAL AND PRIVATE LAWS OF 1998, TO
3 PROVIDE THAT THE DIRECTOR OF HOMELAND SECURITY OF LAUDERDALE
4 COUNTY SHALL BE A MEMBER OF THE COMMISSION THAT GOVERNS THE
5 LAUDERDALE COUNTY EMERGENCY COMMUNICATIONS DISTRICT; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Chapter 936, Local and Private Laws of 1984, as
9 amended by Chapter 886, Local and Private Laws of 1988, as amended
10 by Chapter 924, Local and Private Laws of 1991, as amended by
11 Chapter 942, Local and Private Laws of 1998, is amended as
12 follows:

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

26 Section 2. For purposes of this act, the following words and
27 terms shall have the following meanings, unless the context
28 clearly indicates otherwise:

29 (a) "Exchange access facilities" shall mean all lines,
30 provided by the service supplier for the provision of local
31 exchange service, as defined in existing general subscriber
32 services tariffs.

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

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

41 (d) "Service supplier" shall mean any person providing
42 exchange telephone service to any service user throughout the
43 county.

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

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

55 Section 3. The Board of Supervisors of Lauderdale County is
56 hereby authorized and empowered, in its discretion, to create, by
57 order duly adopted and entered on its minutes, an emergency
58 communications district composed of all of the territory within
59 the county.

60 Section 4. (1) When any such district is created, the
61 affairs of the district shall be governed by a commission composed

62 of the following: (a) The Lauderdale County Civil Defense
63 Director; (b) the Lauderdale County Sheriff; (c) the Police Chief
64 of the City of Meridian; (d) the Police Chief of the Town of
65 Marion; (e) the Lauderdale County Volunteer Fire Department
66 Coordinator; (f) the Fire Chief of the City of Meridian; (g) the
67 Fire Chief of the Town of Marion; (h) the Director of the
68 Lauderdale County Emergency Medical Services District; (i) a
69 member of the Mississippi Highway Safety Patrol appointed by the
70 officer in charge of the Highway Patrol Office in Meridian; (j) a
71 member of the Board of Supervisors of Lauderdale County; (k) a
72 member of the City Council of the City of Meridian; * * * (l)
73 three (3) citizens appointed one (1) each by the Board of
74 Supervisors of Lauderdale County, the governing authorities of the
75 City of Meridian and the governing authorities of the Town of
76 Marion; and (m) the Director of Homeland Security of Lauderdale
77 County.

78 (2) The members of the commission serving by virtue of their
79 office or employment shall serve a term commensurate therewith.
80 Such persons, in their discretion, may also appoint a designee to
81 serve in their places. The citizen members shall serve a term of
82 four (4) years or until their successors are appointed and
83 qualified.

84 (3) The commission shall have complete and sole authority to
85 appoint a chairman and any other officers it may deem necessary
86 from among the membership of the commission and shall keep a full
87 and complete record of its actions.

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

91 (5) The commission shall have authority to employ such
92 employees, experts and consultants as it may deem necessary to
93 assist the commission in the discharge of its responsibilities to
94 the extent that funds are made available.

95 (6) The district, with the approval of the Board of
96 Supervisors of Lauderdale County, shall have the option to assume
97 the liability, and set the conditions for that assumption, of all
98 or a part of the accrued vacations and the accrued sick leave, and
99 also grant the current date of hire (for seniority purposes) of
100 the current employees of the City of Meridian, Mississippi, and
101 the current employees of the Sheriff's Department of Lauderdale
102 County, Mississippi, who are now working as dispatchers in the
103 current E911 system, if and when such persons transfer to the
104 consolidated dispatch operation of the district.

105 Section 5. The digits 911 shall be the primary emergency
106 telephone number, but the involved agencies may maintain a
107 separate secondary backup number and shall maintain a separate
108 number for nonemergency telephone calls.

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

112 (a) "Direct dispatch method," which is a telephone
113 service to a centralized dispatch center providing for the
114 dispatch of an appropriate emergency service unit upon receipt of
115 a telephone request for such services and a decision as to the
116 proper action to be taken, including an E911 system as defined in
117 Section 2 of this act.

118 (b) "Relay method," which is a telephone service
119 whereby pertinent information is noted by the recipient of a
120 telephone request for emergency services, and is relayed to
121 appropriate public safety agencies or other providers of emergency
122 services for dispatch of an emergency service unit.

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

127 (d) "Referral method," which is a telephone service
128 which, upon the receipt of a telephone request for emergency
129 services, provides the requesting party with the telephone number
130 of the appropriate public safety agency or other provider of
131 emergency services.

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

134 Section 7. (1) The board of supervisors when so authorized
135 by a vote of a majority of the qualified electors of the county
136 voting in an election held therefor, in accordance with law, may
137 levy an emergency telephone service charge in an amount not to
138 exceed five percent (5%) of the tariff rate. At any time after a
139 majority of the qualified electors of the county, voting in an
140 election held therefor, have approved the levy of a service charge
141 not to exceed five percent (5%) of the tariff rate, the board of
142 supervisors, upon the request of the commission, may levy such
143 service charge on a flat rate or fixed rate basis, provided that
144 such flat rate or fixed rate shall not exceed the amount which
145 would be produced by a service charge of five percent (5%) of the
146 tariff rate. The board of supervisors may, upon its own
147 initiative, call such a special election in the manner provided by
148 law for special elections. Any such service charge shall have
149 uniform application and shall be imposed throughout the entirety
150 of the district to the greatest extent possible in conformity with
151 availability of such service in any area of the district.

152 (2) If the proceeds generated by the emergency telephone
153 service charge exceed the amount of monies necessary to fund the
154 service, the board of supervisors shall reduce the service charge
155 rate to an amount adequate to fund the service, unless such excess
156 funds are spent for the purposes authorized by subsection (6) of
157 this section. In lieu of reducing the service charge rate, the
158 board of supervisors may temporarily or permanently suspend such
159 service charge, if the revenues generated therefrom exceed the

160 needs. The board of supervisors may thereafter reestablish the
161 original emergency telephone service charge rate, or lift the
162 suspension thereof, if the amount of monies generated is not
163 adequate to fund the service.

164 (3) An emergency telephone service charge shall be imposed
165 only upon the amount received from the tariff rate exchange access
166 lines or on a flat rate or fixed rate basis, provided that such
167 flat rate or fixed rate shall not exceed the amount which would be
168 produced by a service charge of five percent (5%) of the tariff
169 rate. If there is no separate exchange access charge stated in
170 the service supplier's tariffs, the board of supervisors shall
171 determine a uniform percentage not in excess of eighty-five
172 percent (85%) of the tariff rate for basic exchange telephone
173 service that shall be deemed to be the equivalent of tariff rate
174 exchange access lines, until such time as the service supplier
175 establishes such a tariff rate. No such service charge shall be
176 imposed upon more than twenty-five (25) exchange access facilities
177 per person per location. Every billed service user shall be
178 liable for any service charge imposed under this section until it
179 has been paid to the service supplier. The duty of the service
180 supplier to collect any such service charge shall commence upon
181 the date of its implementation, which shall be specified in the
182 resolution calling the election. Any such emergency telephone
183 service charge shall be added to and may be stated separately in
184 the billing by the service supplier to the service user.

185 (4) The service supplier shall have no obligation to take
186 any legal action to enforce the collection of any emergency
187 telephone service charge. However, the service supplier shall
188 annually provide the board of supervisors and governing commission
189 with a list of the amount uncollected, together with the names and
190 addresses of those service users who carry a balance that can be
191 determined by the service supplier to be nonpayment of such
192 service charge. The service charge shall be collected at the same

193 time as the tariff rate in accordance with the regular billing
194 practice of the service supplier. Good faith compliance by the
195 service supplier with this provision shall constitute a complete
196 defense to any legal action or claim which may result from the
197 service supplier's determination of nonpayment and/or the
198 identification of service users in connection therewith.

199 (5) The amounts collected by the service supplier
200 attributable to any emergency telephone service charge shall be
201 due the county treasury quarterly. The amount of service charge
202 collected in one (1) calendar quarter by the service supplier
203 shall be remitted to the county no later than sixty (60) days
204 after the close of a calendar quarter. On or before the sixtieth
205 day after the close of a calendar quarter, a return, in such form
206 as the board of supervisors and the service supplier agree upon,
207 shall be filed with the county, together with a remittance of the
208 amount of service charge collected payable to the county. The
209 service supplier shall maintain records of the amount of the
210 service charge collected for a period of at least two (2) years
211 from date of collection. The board of supervisors and commission
212 shall receive an annual audit of the service supplier's books and
213 records with respect to the collection and remittance of the
214 service charge. From the gross receipts to be remitted to the
215 county, the service supplier shall be entitled to retain as an
216 administrative fee, an amount equal to one percent (1%) thereof.

217 (6) The board of supervisors, in its discretion, may expend
218 funds generated under the provisions of this act which are in
219 excess of the amount of funds determined by the commission to be
220 needed for the operation and services of the district for the
221 following purposes:

222 (a) The acquisition, construction, installation,
223 operation and maintenance of public emergency telephone stations
224 and equipment in such places as it deems necessary;

225 (b) The acquisition, construction, installation,
226 operation, replacement and maintenance of road, highway and street
227 signs and house numbers as are authorized by Sections 65-7-141
228 through 65-7-145, Mississippi Code of 1972, and for the
229 development and means of determining a system of identifying the
230 same and assigning to the same a name or number identification as
231 is required by Sections 65-7-141 through 65-7-145, Mississippi
232 Code of 1972; and

233 (c) To reimburse the City of Meridian an amount not to
234 exceed Thirty-five Thousand Five Hundred Seventy-nine Dollars
235 (\$35,579.00) for expenses incurred by the city to provide a
236 comprehensive street numbering system within the corporate limits
237 of the city.

238 (7) In order to provide additional funding for the district,
239 the county commission may receive federal, state, county or
240 municipal funds, as well as funds from private sources, and may
241 expend such funds for the purposes of this act.

242 Section 8. This act shall take effect and be in force from
243 and after its passage.

244 **SECTION 2.** This act shall take effect and be in force from
245 and after its passage.