

By: Senator(s) Hopson

To: Public Utilities

SENATE BILL NO. 3004

1 AN ACT TO CREATE THE MISSISSIPPI 911 STATE EMERGENCY
 2 TELEPHONE SERVICE BOARD; TO PROVIDE FOR ITS MEMBERSHIP AND ITS
 3 POWERS AND DUTIES; TO AUTHORIZE THE LEVY OF A 911 EMERGENCY
 4 TELEPHONE SERVICE CHARGE ON EACH ACTIVE TELEPHONE NUMBER WHERE THE
 5 PRIMARY PLACE OF USE IS WITHIN THE STATE AS DETERMINED BY THE
 6 BOARD; TO PROHIBIT ABUSIVE CALLS TO AN EMERGENCY TELEPHONE SERVICE
 7 AND TO PROVIDE CRIMINAL PENALTIES; TO CODIFY SECTIONS OF LAW
 8 CREATING EMERGENCY COMMUNICATIONS DISTRICTS AND THE BOARD OF
 9 EMERGENCY TELECOMMUNICATIONS STANDARDS AND TRAINING IN CHAPTER 53,
 10 TITLE 25, MISSISSIPPI CODE OF 1972; TO REPEAL SECTIONS 19-5-301
 11 THROUGH 19-5-371, MISSISSIPPI CODE OF 1972, WHICH REGULATE
 12 EMERGENCY TELEPHONE SERVICE (911) AND ENHANCED WIRELESS EMERGENCY
 13 TELEPHONE SERVICE (E-911); AND FOR RELATED PURPOSES.

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

15 **SECTION 1. Purpose.** The Legislature finds and declares it
 16 to be in the public interest to reduce the time required for a
 17 citizen to request and receive emergency aid through the use of
 18 the three-digit "911" emergency number. Such a simplified means
 19 of procuring emergency services will result in the saving of life
 20 and a reduction in the destruction of property. Establishment of
 21 a uniform statewide emergency number and call system is a matter
 22 of concern and interest to all citizens of the state.

23 It is the intent of the Legislature to bring the state and
 24 local governments into compliance with federal laws, rules and
 25 regulations related to 911 service and to become a part of the
 26 national IP enabled emergency network created under federal law.

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

30 (a) "Exchange access facilities" means all lines
 31 provided by the service supplier for the provision of local



32 exchange service as defined in existing general subscriber
33 services tariffs.

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

40 (c) "District" means any emergency communications
41 district (ECD) created pursuant to Section 3 of this act.

42 (d) "Service supplier" means any company or person
43 supplying any exchange telephone service, wireless,
44 interconnected voice over internet protocol (VOIP), or any other
45 telecommunication service that connects to emergency service
46 assistance by dialing 911. The term does not include service
47 whose customers do not have access to 911 or to a 911-like
48 service.

49 (e) "Service provider" means the same as "service
50 supplier."

51 (f) "Service user" means any person, not otherwise
52 exempt from taxation, who is provided exchange telephone service
53 in and part of the state.

54 (g) "E911" means Enhanced Universal Emergency Number
55 Service or Enhanced 911 Service, which is a telephone exchange
56 communications service whereby a Public Safety Answering Point
57 (PSAP) designated by the county or local communications district
58 may receive calls and transmissions to the telephone number 911.
59 E911 Service includes lines and equipment necessary for the
60 answering, transferring and dispatching of public emergency
61 telephone calls originated by persons within the serving area
62 who dial 911. Enhanced 911 Service includes, at a minimum, the
63 displaying of the name, address and other pertinent caller
64 information as may be supplied by the service supplier. The



65 terms 911 and E911 may be used interchangeably when describing
66 service calls to the 911 number or as they relate to service
67 fees.

68 (h) "Basic 911" means a telephone service terminated in
69 designated Public Safety Answering Points accessible by the
70 public through telephone calls dialed to the telephone number
71 911. Basic 911 is a voice service and does not display address
72 or telephone number information.

73 (i) "Shared tenant services (STS)" means any telephone
74 service operation supplied by a party other than a regulated
75 local exchange telephone service supplier for which a charge is
76 levied. Such services shall include, but not be limited to,
77 apartment building systems, hospital systems, office building
78 systems and other systems where dial tone is derived from
79 connection of tariffed telephone trunks or lines connected to a
80 private branch exchange telephone system.

81 (j) "Private branch exchange (PBX)" means any telephone
82 service operation supplied by a party other than a regulated
83 local exchange telephone service supplier for which a charge is
84 not levied. Such services are those where tariffed telephone
85 trunks or lines are terminated into a central switch which is
86 used to supply dial tone to telephones operating within that
87 system.

88 (k) "Off-premise extension" means any telephone
89 connected to a private branch exchange or a shared tenant
90 service which is in a different building or location from the
91 main switching equipment and, therefore, has a different
92 physical address.

93 (l) "Centrex" or "ESSX" means any variety of services
94 offered in connection with any tariffed telephone service in
95 which switching services and other dialing features are provided
96 by the regulated local exchange telephone service supplier.



97 (m) "Commercial mobile radio service" or "CMRS" means
98 commercial mobile radio service under Sections 3(27) and 332(d)
99 of the Federal Telecommunications Act of 1996, 47 USCS Section
100 151 et seq., the Omnibus Budget Reconciliation Act of 1993,
101 Public Law 103-66, and any other definition for CMRS under
102 federal laws now and in the future. The term shall include the
103 term "wireless" and service provided by any wireless real time
104 two-way voice communication device, including radio-telephone
105 communications used in cellular telephone service, personal
106 communication service, or the functional or competitive
107 equivalent of a radio-telephone communications line used in
108 cellular telephone service, a personal communication service, or
109 a network radio access line. The term does not include service
110 whose customers do not have access to 911 or to a 911-like
111 service.

112 (n) "CMRS provider" means any service carrier or
113 supplier of CMRS.

114 (o) "CMRS connection" means any wireless cellular or
115 any other wireless technology available now or in the future.

116 (p) "Interconnected voice over Internet protocol
117 service," or VOIP, means service that:

118 (i) Enables real-time, two-way voice
119 communications;

120 (ii) Requires a broadband connection from the
121 user's location;

122 (iii) Requires Internet protocol-compatible
123 customer premises equipment; and

124 (iv) Permits users generally to receive calls that
125 originate on the public switched telephone network and to
126 terminate calls to the public switched telephone network;

127 (q) "Telecommunicator" means any person engaged in or
128 employed as a telecommunications operator by any public safety,
129 fire or emergency medical agency whose primary responsibility is



130 the receipt or processing of calls for emergency services provided
131 by public safety, fire or emergency medical agencies or the
132 dispatching of emergency services provided by public safety, fire
133 or emergency medical agencies and who receives or disseminates
134 information relative to emergency assistance by telephone or
135 radio.

136 (r) "Public safety answering point (PSAP)" means any
137 point of contact between the public and the emergency services
138 such as a 911 answering point or, in the absence of 911 emergency
139 telephone service, any other point of contact where emergency
140 telephone calls are routinely answered and dispatched or
141 transferred to another agency.

142 (s) "Local exchange telephone service" means all lines
143 provided by a service supplier as defined in existing general
144 subscriber tariffs.

145 (t) "Telephone" means any existing or future
146 communication technology that can or should be able to contact 911
147 PSAPs.

148 (u) "Board" and "State 911 Board" means the 911 State
149 Emergency Telephone Services Board, unless otherwise specified in
150 this act.

151 (v) "Automatic number identification" or "ANI" means an
152 Enhanced 911 Service capability that enables the automatic display
153 of the ten-digit wireless telephone number used to place a 911
154 call and includes "pseudo-automatic number identification" or
155 "pseudo-ANI," which means an Enhanced 911 Service capability that
156 enables the automatic display of the number of the cell site and
157 an identification of the CMRS provider.

158 (w) "Commercial mobile radio service provider" or "CMRS
159 provider" means a person or entity who provides commercial mobile
160 radio service or CMRS service.

161 (x) "CMRS connection" means each mobile handset or
162 other communication device with a telephone number assigned to a



163 CMRS customer with a place of primary use in the State of
164 Mississippi.

165 (y) "911 Fund" means the 911 Fund required to be
166 established and maintained pursuant to Section 10 by the 911 State
167 Emergency Telephone Services Board.

168 (z) "911 service charge" means the 911 emergency
169 telephone service charge levied, collected, distributed, and
170 maintained pursuant to Section 10 of this act.

171 (aa) "Distribution formula" means the formula set by
172 the 911 State Emergency Telephone Services Board by which monies
173 generated from the 911 service charge are distributed.

174 (bb) "ECD" means an emergency communications district
175 created pursuant to Section 3 of this act.

176 (cc) "Enhanced 911," "E911," "Enhanced E911 system" or
177 "E911 system" means an emergency telephone system that provides
178 the caller with emergency 911 system service, that directs 911
179 calls to appropriate public safety answering points by selective
180 routing based on the geographical location from which the call
181 originated, and that provides the capability for automatic number
182 identification (ANI), automatic location indicator (ALI), and
183 other features that the Federal Communications Commission (FCC)
184 may require in the future.

185 (dd) "FCC Order" means Federal Communications
186 Commission orders, rules and regulations issued with respect to
187 implementation of Basic 911 or Enhanced 911 and other emergency
188 communication services.

189 (ee) "Place of primary use" means the street address
190 representative of where the customer's use of mobile
191 telecommunications or nomadic interconnected voice over Internet
192 protocol services primarily occurs, which must be either the
193 residential street address or the primary business street address
194 of the customer.



195 (ff) "Active telephone number" means a telephone number
196 capable of calling 911. Certain phones may be capable of calling
197 911, but do not have an active number associated with them. These
198 devices shall not be assessed a 911 fee. Further, direct inward
199 dial lines (DID) and other lines incapable of calling 911 shall
200 not be assessed a 911 fee.

201 **SECTION 3. Authorization to create emergency communications**
202 **district.** The board of supervisors of each county shall create,
203 by order duly adopted and entered on its minutes, an emergency
204 communications district (ECD) composed of all of the territory
205 within the county, within two (2) years from the date of passage
206 of this act. This district may be jointly formed with one or more
207 counties to affect efficient and effective use of 911 funds and to
208 achieve Phase II compliance and beyond. The ECD board shall not
209 be the board of supervisors, although supervisors may, in part, be
210 members of the ECD board.

211 **SECTION 4. Board of commissioners; appointment;**
212 **qualifications; terms, quorum; authority.** (1) When any emergency
213 communications district is created, the board of supervisors of
214 the county creating such district shall appoint a board of
215 commissioners composed of not less than seven (7), nor more than
216 eleven (11), members to govern its affairs and shall fix the
217 domicile of the board at any point within the district. The
218 members of the board shall be qualified electors of the district,
219 two (2) of whom shall be appointed for terms of two (2) years,
220 three (3) for terms of three (3) years, and all remaining members
221 for terms of four (4) years, dating from the date of the adoption
222 of the ordinance creating the district. Thereafter, all
223 appointments of the members shall be for terms of four (4) years.
224 In any multi-county ECD, not less than seven (7) nor more than
225 eleven (11) members shall be appointed proportionally from all
226 counties.



227 (2) The board of commissioners shall have complete and sole
228 authority to appoint a chairman and any other officers it may deem
229 necessary from among the membership of the board of commissioners.

230 (3) A majority of the board of commissioners membership
231 shall constitute a quorum and all official action of the board of
232 commissioners shall require a quorum.

233 (4) All official ECD board actions shall be spread upon the
234 minutes of the board after the action has been approved by a
235 quorum of members.

236 (5) The board of commissioners shall have authority to
237 employ such employees, experts and consultants as it may deem
238 necessary to assist the board of commissioners in the discharge of
239 its responsibilities to the extent that funds are made available.

240 (6) All emergency communications districts shall purchase,
241 lease or lease-purchase equipment used to comply with this act,
242 from a products and equipment list maintained by the Mississippi
243 Department of Information Technology Services; however, items not
244 available from the list, or items which may be purchased at a
245 lower price, shall be purchased in accordance with the Public
246 Purchasing Law, Section 31-7-13.

247 (7) All ECD commissioners and any other ECD officers shall,
248 once a year, attend training related to federal and state laws,
249 rules, and regulations and other management related issues
250 concerning 911 operations. Such training shall be approved and
251 provided by the 911 State Emergency Telephone Services Board.

252 (8) Once formed, the ECD commissioners shall submit relevant
253 information as required by the State 911 Board and shall send
254 notice of any changes to the State 911 Board as they occur.

255 (9) Each commissioner and any other ECD employee who
256 regularly handles money/funds shall have a bond in the amount of
257 no less than One Hundred Thousand Dollars (\$100,000.00) unless the
258 total annual amount received is less than One Hundred Thousand



259 Dollars (\$100,000.00) then the bond shall be 1/4 (one quarter) of
260 that total amount.

261 (10) Two (2) or more counties may, by order duly adopted and
262 entered on their minutes, establish a single emergency
263 communications district to be composed of all of the territory
264 within such counties provided that before the establishment
265 thereof the board of supervisors of each of such counties has
266 established an emergency communications district for its county in
267 accordance with Section 3 of this act. When two (2) or more
268 counties have established a single emergency communications
269 district for the counties as provided under this subsection, the
270 board of commissioners of the district shall consist of seven (7)
271 members representing each county to be appointed as provided in
272 this section.

273 **SECTION 5. 911 designated primary emergency telephone**
274 **number; secondary and nonemergency numbers; enhanced 911 service;**
275 **guidelines; referenda by county electors.** (1) The digits "911"
276 shall be the primary emergency telephone number, but the involved
277 agencies may maintain a separate secondary backup number and shall
278 maintain a separate number for nonemergency telephone calls.

279 (2) The use of the digits "911" with Phase II compliance or
280 better shall be the standard number for public access to the
281 various emergency services within the State of Mississippi by the
282 year 2011. The implementation of this service at a level of Phase
283 II compliance shall be effected in all counties according to
284 guidelines set forth by the state board.

285 **SECTION 6. Methods for responding to emergency calls.** The
286 emergency telephone system shall, when so authorized by a vote of
287 a majority of the qualified electors of the county voting on the
288 proposal in an election held for that purpose, be designed to have
289 the capability of utilizing at least one (1) of the following
290 three (3) methods in response to emergency calls:



291 (a) "District dispatch method," which is a telephone
292 service to a centralized dispatch center providing for the
293 dispatch of an appropriate emergency service unit upon receipt of
294 a telephone request for such services and a decision as to the
295 proper action to be taken, including an E911 system.

296 (b) "Relay method," which is a telephone service
297 whereby pertinent information is noted by the recipient of a
298 telephone request for emergency services and is relayed to
299 appropriate public safety agencies or other providers of emergency
300 services for dispatch of an emergency service unit.

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

305 The board of commissioners shall select the method which it
306 determines to be the most feasible for the county and shall
307 transmit to the State 911 Board such information as part of the
308 ECD information.

309 **SECTION 7. Emergency telephone service charges; use of**
310 **excess funds.** (1) If the proceeds generated by the 911 service
311 charge and distributed to the ECD exceed the amount of monies
312 necessary to fund the ECD service, 911 Funds shall not be
313 considered excess unless and until the entire ECD has achieved
314 Phase II compliance. Such excess funds may be placed in a
315 depreciation fund for emergency and obsolescence replacement of
316 equipment necessary for the operation of the overall 911 emergency
317 telephone system, and for implementation and migration to IP
318 enabled 911 infrastructure.

319 (2) Trunks or service lines used to supply service to
320 providers shall not have a service charge levied against them.
321 Every billed service user shall be liable for any 911 service
322 charge imposed under this section until it has been paid to the
323 service supplier. The duty of the service supplier to collect any



324 such service charge shall commence upon the date of its
325 implementation, which shall be specified in the resolution for the
326 installation of such service. Any such emergency telephone
327 service charge shall be added to and may be stated separately in
328 the billing by the service supplier to the service user.

329 (3) The service supplier shall have no obligation to take
330 any legal action to enforce the collection of any emergency
331 telephone service charge. However, the service supplier shall
332 annually provide the State 911 Board with a list of the amount
333 uncollected, together with the names and addresses of those
334 service users who carry a balance that can be determined by the
335 service supplier to be nonpayment of such service charge. The
336 service charge shall be collected at the same time as the service
337 supplier's charges in accordance with the regular billing practice
338 of the service supplier. Good faith compliance by the service
339 supplier with this provision shall constitute a complete defense
340 to any legal action or claim which may result from the service
341 supplier's determination of nonpayment and/or the identification
342 of service users in connection therewith.

343 (4) Expenditure of funds, in general. 911 funds shall only
344 be expended for expenses in support of 911 services, or
345 enhancements of such services as approved/defined by the State 911
346 Board and under rules, regulations, and laws from the state and
347 federal government, including from the Federal Communications
348 Commission (FCC).

349 (5) The amounts collected by the service supplier
350 attributable to any emergency telephone service charge shall be
351 due the State 911 Fund monthly. The amount of service charge
352 collected each month by the service supplier shall be remitted to
353 the State 911 Board no later than sixty (60) days after the close
354 of the month. The service supplier shall maintain records of the
355 amount of service charge collected for a period of at least three
356 (3) years from date of collection. The State 911 Board shall



357 receive an annual audit of the service supplier's books and
358 records with respect to the collection and remittance of the
359 service charge. From the gross receipts to be remitted to the
360 State 911 Board, the service supplier shall be entitled to retain
361 as an administrative fee, an amount equal to one percent (1%)
362 thereof. This administrative fee shall not be subject to any
363 sales, use, franchise, income, excise or any other tax, fee or
364 assessment and shall not be considered revenue of the service
365 supplier for any purpose.

366 (6) In order to provide additional funding for the 911 State
367 system, the board may receive federal or state funds, as well as
368 funds from private sources, and may expend such funds for the
369 purposes of this act.

370 (7) Any ECD may receive additional funds from county,
371 municipal, state, or federal sources for the purpose of
372 maintaining or enhancing its 911 services, but must report these
373 additional funds to the State 911 Board annually.

374 **SECTION 8. Abusive calls prohibited; sanctions.** (1) When
375 there is not an emergency, no person shall make a telephone call
376 to an emergency telephone service and knowingly or intentionally:

- 377 (a) Remain silent;
- 378 (b) Make abusive or harassing statements to an
379 emergency telephone service employee;
- 380 (c) Report the existence of an emergency; or
- 381 (d) Falsely report a crime.

382 (2) No person shall knowingly permit a telephone under his
383 control to be used by another person in a manner described in
384 subsection (1) of this section.

385 (3) Conviction of a first offense under this section is
386 punishable by a fine not to exceed Five Thousand Dollars
387 (\$5,000.00) or by imprisonment for a period of time not to exceed
388 one (1) year, or by both such fine and imprisonment. Conviction
389 of any subsequent offense under this section is punishable by a



390 fine not to exceed Ten Thousand Dollars (\$10,000.00) or by
391 imprisonment for a period of time not to exceed three (3) years,
392 or by both such fine and imprisonment.

393 (4) For the purpose of this section, "emergency telephone
394 service" shall mean a service established under this act.

395 (5) Wireless emergency telephone service shall not be used
396 for personal use and shall be used solely for the use of
397 communications by the public. Any person who knowingly uses or
398 attempts to use wireless emergency telephone service for a purpose
399 other than obtaining public safety assistance, or who knowingly
400 uses or attempts to use wireless emergency telephone service in an
401 effort to avoid any 911 charges, is guilty of a misdemeanor and
402 shall be subject to a fine of not more than Five Hundred Dollars
403 (\$500.00) or imprisonment of not more than thirty (30) days in the
404 county jail, or both such fine and imprisonment. If the value of
405 the 911 charge or service obtained in a manner prohibited by this
406 section exceeds One Hundred Dollars (\$100.00), the offense may be
407 prosecuted as a felony and punishable by a fine of not more than
408 Five Thousand Dollars (\$5,000.00) and imprisonment of not more
409 than three (3) years, or both such fine and imprisonment.

410 **SECTION 9. Automatic number and location database**

411 **information; taped records of calls; confidentiality;**

412 **nonidentifying records to be made available to public. (1)**

413 Automatic number identification (ANI), automatic location
414 identification (ALI) and geographic automatic location
415 identification (GeoALI) information that consist of the name,
416 address and telephone number of telephone or wireless subscribers
417 shall be confidential, and the dissemination of the information
418 contained in the 911 automatic number and location data base is
419 prohibited except for the following purpose: the information will
420 be provided to the Public Safety Answering Point (PSAP) on a
421 call-by-call basis only for the purpose of handling emergency
422 calls or for training, and any permanent record of the information



423 shall be secured by the Public Safety Answering Point (PSAP) and
424 disposed of in a manner which will retain that security, except
425 upon court order or subpoena from a court of competent
426 jurisdiction or as otherwise provided by law.

427 (2) All emergency telephone calls and telephone call
428 transmissions received pursuant to this act, and all recordings of
429 the emergency telephone calls, shall remain confidential and shall
430 be used only for the purposes as may be needed for law
431 enforcement, fire, medical rescue or other emergency services.
432 These recordings shall not be released to any other parties
433 without court order or subpoena from a court of competent
434 jurisdiction.

435 (3) PSAP and emergency response entities shall maintain and,
436 upon request, release a record of the date of call, time of call,
437 the time the emergency response entity was notified, and the
438 identity of the emergency response entity. The emergency response
439 entity shall maintain and, upon request, release a record of the
440 date and time the call was received by the emergency response
441 entity and the time the emergency response entity arrived on the
442 scene. Requests for release of records must be made in writing
443 and must specify the information desired. Requestors shall pay
444 the cost of providing the information requested in accordance with
445 the Mississippi Public Records Act of 1983, Section 25-61-1 et
446 seq. The identity of any caller or person or persons who are the
447 subject of any call, or the address, phone number or other
448 identifying information about any such person, shall not be
449 released except as provided in subsection (2) of this section.

450 **SECTION 10. Mississippi 911 State Emergency Telephone**

451 **Service Board membership; powers and duties; service charges;**

452 **reimbursement of expenses.** (1) There is created a Mississippi
453 911 State Emergency Telephone Service Board, consisting of eleven
454 (11) voting members who are knowledgeable of 911 issues related to
455 their area of appointment. The Governor shall appoint certain of



456 the board members with the advice and consent of the Senate.
457 Others shall be named in this section. The eleven (11) voting
458 members of the board shall be appointed as follows:

459 (a) One (1) member from the Mississippi 911
460 Coordinators Association selected from three (3) nominees
461 submitted to the Governor by the current head of the
462 organization;

463 (b) One (1) member from the Mississippi Chapter of the
464 National Emergency Numbering Association (NENA) and in
465 alternating terms, from the Mississippi Chapter of the
466 Association of Public Safety Communication Officers (APCO),
467 selected from three (3) nominees submitted to the Governor by the
468 current head of the organization;

469 (c) One (1) member who is a Mississippi Emergency
470 Communication District (ECD) Manager/Director or Assistant
471 Manager/Director and who is either a certified Emergency Number
472 Professional or who has at least five (5) years of experience as
473 an ECD manager selected in the manner prescribed in subsection
474 (2);

475 (d) The Executive Director of the Mississippi
476 Association of Supervisors or his designee;

477 (e) Two (2) members who represent Interconnected Voice
478 over Internet Protocol Service (VOIP) providers selected in the
479 manner prescribed in subsection (2);

480 (f) One (1) member who represents a wireline carrier
481 with over one hundred thousand (100,000) customers within
482 Mississippi selected in the manner prescribed in subsection (2);

483 (g) One (1) member who represents either a wireless
484 carrier that does not provide VOIP service or one (1) which is a
485 Mississippi based company, whichever is available each term
486 selected in a manner prescribed in subsection (2);

487 (h) The Commissioner of the Department of Public
488 Safety, or his designee;



489 (i) The Chairman of the Public Service Commission or
490 his designee; and

491 (j) The Executive Director of the Mississippi
492 Department of Information Technology Services or his designee.

493 The member selected under paragraph (c) shall not represent
494 an Emergency Operations Center (EOC) or other Emergency Response
495 Districts, although that member may be associated with or employed
496 by an EOC. The member selected under paragraph (c) shall only be
497 an Emergency Communications District Manager/Director or Assistant
498 Manager/Director who is also a certified Emergency Number
499 Profession (ENP) by the National Emergency Number Association
500 (NENA). No single organization or carrier shall have more than
501 one representative on the board at a time. Until all appointments
502 are made and, in order that the business of the State 911 Board
503 may be swiftly started, the existing Commercial Mobile Radio
504 Service Board members shall continue to serve and provide advice
505 to incoming members for a period of up to twelve (12) months after
506 this act takes effect.

507 The initial terms of board members appointed by the Governor
508 shall be staggered as follows: members appointed under paragraphs
509 (b) and (f) shall serve an initial term of two (2) years; the
510 member initially appointed under paragraph (a) and one (1) of the
511 two (2) members appointed under paragraph (e) shall serve a term
512 of three (3) years, and each member initially appointed under
513 paragraphs (c) and (g), and the second member appointed under
514 paragraph (e) shall serve a term of four (4) years. After the
515 expiration of the initial terms, the term for all members shall be
516 four (4) years.

517 (2) The appointments of certain board members as follows:

518 (a) For members appointed under paragraph (c), the
519 State 911 Board shall request a list from NENA of all ENPs
520 certified in Mississippi, and shall then provide notice of the
521 vacancy on their Web site and send applications to those on the



522 list provided by NENA apprising them of the upcoming board
523 vacancy. The board shall direct the applicants to submit their
524 applications to the Office of the Governor and the Governor shall
525 select a member from amongst the qualified applications received.

526 (b) For each upcoming vacancy in paragraphs (e), (f)
527 and (g), the board shall compile a list by provider class as
528 defined in paragraphs (e), (f) and (g), and when such vacancy
529 shall occur, the board shall provide each registered provider who
530 qualifies with an application which should be returned to the
531 Office of the Governor. The Governor shall select a member from
532 amongst the qualified applicants.

533 (3) The board shall have the following powers, duties, and
534 responsibilities, but only as they relate to 911 and Enhanced 911
535 activities, fees, data and the achievement of Phase I, Phase II,
536 and future E911 services:

537 (a) To create and maintain a unified State 911 Plan,
538 which takes into account local ECD E911 Plans, and which includes
539 rules and regulations for 911 fee collections, disbursements, and
540 uses; timelines and plans to achieve statewide Phase II E911
541 coverage, and IP enabled 911 services as those technologies become
542 available and viable. The state plan should be developed in
543 conjunction with needs and capabilities of local governments and
544 telecommunication providers in order to achieve an orderly and
545 timely transition to a statewide E911 capability. Further it
546 should include definitions, guidelines, and standards for E911
547 services;

548 (b) All official State 911 Board actions shall be
549 spread upon the minutes of the board after the action has been
550 approved by a quorum of members;

551 (c) Board members may not vote to approve payments to
552 themselves or any organization they represent, either public or
553 private;



554 (d) To establish a formula and/or priority funding
555 allocation for the use of 911 fees and which to each ECD at least
556 as much funding as they received in FY 2008 and which takes into
557 account the achievement of Statewide Phase II compliance and IP
558 enabled 911 services as they become available.

559 (e) To levy, collect and distribute a 911 emergency
560 telephone service charge on each active telephone number where the
561 primary place of use is within the state as determined by the
562 State 911 Board. The rate of such service charge shall be
563 predetermined by the board, but shall not exceed One Dollar and
564 Fifty Cents (\$1.50) per active telephone number each month. The
565 911 service charge shall have uniform application and shall be
566 imposed throughout the state on all active telephone numbers.
567 There shall be no difference in the rate charged to a user or
568 provider for wireline, wireless, VOIP or any other
569 telecommunications technology that allows connection for emergency
570 911 call assistance and there shall only be one such charge per
571 active telephone number.

572 (f) To receive all revenues derived from the service
573 charges levied on active telephone numbers in the state and
574 collected pursuant to Section 12 of this act. In setting the 911
575 fee, the board shall consider the needs and costs associated with
576 the entire state having at least Phase II and the goal of
577 achieving Internet Protocol (IP) enabled enhanced 911 services to
578 citizens.

579 (g) To establish and maintain the 911 fund as an
580 insured, interest-bearing account into which the board shall
581 deposit all revenues derived from the 911 service charges levied
582 on active telephone numbers in the state, including those that use
583 VOIP or any other current or future technology that allows the
584 individual user to connect with a 911 operator or telecommunicator
585 and which is collected pursuant to Section 11 of this act. In
586 order to remain in compliance with federal laws and regulations,



587 as well as reach the Phase II compliance requirement, the revenues
588 which are deposited into the 911 fund shall not be subject to
589 appropriation by the Legislature. Interest derived from the 911
590 fund shall remain with the fund and shall be subject to board
591 disbursement for approved purposes.

592 (h) To establish a distribution formula by which the
593 board will make disbursements of the 911 service charges and which
594 shall be reviewed at least once every two (2) years and adjusted
595 based on need no more than once every year. However, no county
596 shall receive less funds than it received in FY 2008. The board
597 should consider the Service Providers as part of the distribution
598 formula methodology in order to speed the process to achieve Phase
599 II compliance. Any provider that is a Mississippi owned and
600 operated provider shall receive no less than they received in FY
601 2008. Any ECD board that has within its jurisdiction zip code
602 designations that do not adhere to county lines shall assist
603 telecommunication service providers in determining the appropriate
604 county to which funds should be distributed unless otherwise
605 determined or set by the board. Such providers shall work with
606 local ECDs and shall submit a final plan to the State 911 Board
607 regarding the distribution plan for such counties and which can be
608 assimilated into the 911 state plan.

609 (i) To receive, review, and approve plans from local
610 governments and service providers for 911 system enhancements;

611 (j) To conduct a state and local E911 needs assessment
612 as necessary and at least once every two (2) years;

613 (k) To collect and verify data and information from
614 local governments and state agencies in order to file appropriate
615 and mandatory reports with the federal government;

616 (l) To at least annually publish by ECD and service
617 provider data related to revenues, expenditures, and uses of 911
618 funds and provide copies of these reports back to the ECD or
619 service provider and post them to the State 911 Board Web site;



620 (m) To apply for, receive, hold, and disburse any
621 federal or other grant funds related to 911 services;

622 (n) To contract for the services of accountants,
623 attorneys, consultants, engineers and any other persons, firms or
624 parties the board deems necessary to effectuate the purposes of
625 this act. The board may request assistance of any board member or
626 their organization to assist in the responsibilities and
627 activities of the board. The board shall reimburse such services
628 at the request of the entity. The Attorney General's office shall
629 serve the board in the same manner and capacity as it did the CMRS
630 Board. The Public Service Commission shall twice a year, after
631 June and December, verify and validate with the FCC, the data
632 provided on FCC Form 477, or any other relevant forms or reports
633 in order to make a determination to the board if the providers are
634 properly registered with the board, their reporting, collecting,
635 and submission the 911 charges. The Public Service Commission
636 shall report to the board about any noncompliance, but shall
637 maintain all federal confidentiality laws.

638 (o) The board should set aside a portion of the funds
639 collected that will cover its costs (auditing, legal assistance,
640 agency staff time etc.), but which does not exceed three percent
641 (3%) of the total funds collected.

642 (p) To allow any state agency or board staff time spent
643 on 911 related activities to be paid from 911 Board funds.
644 Further, the board may, in its discretion, hire a State 911
645 director, from funds set aside for administrative purposes under
646 this act, who will handle the day-to-day coordination and
647 oversight of the state plan and other E911 related activities as
648 designated by the board;

649 (q) To obtain from an independent, third-party auditor
650 retained by the board annual reports to the board no later than
651 sixty (60) days after the close of each fiscal year, which shall
652 provide an accounting for all 911 service charges deposited into



653 the 911 State Fund during the preceding fiscal year and all
654 disbursements to ECDs during the preceding fiscal year. The board
655 shall provide a copy of the annual reports to the Chairmen of the
656 Public Utilities Committees of the House of Representatives and
657 Senate;

658 (r) To retain an independent, third-party accountant
659 who shall audit service providers at the discretion of State 911
660 board to verify the accuracy of each providers' service charge
661 collection. The information obtained by the audits shall be used
662 solely for the purpose of verifying that providers accurately are
663 collecting and remitting the service charges and may be used for
664 any legal action initiated by the board against service providers;

665 (s) To have all funds received, expended and disbursed
666 be subject to audit by the State Auditor;

667 (t) To levy fines, penalties and interest charges on
668 providers who fail to follow state law or regulations related to
669 the remittance and or use of 911 funds. Interest charges shall be
670 at the legal rate of interest established in Section 75-17-1 on
671 any amount due and outstanding from any service provider who fails
672 to remit service charges in accordance with Section 11 of this
673 act. Fines and penalties shall be established by the State 911
674 Board and subject to limitations of state and federal law;

675 (u) To withhold 911 funds from any qualified local
676 government or state agency which fails to follow rules and
677 regulations established for the obligation, use or expenditure of
678 911/E911 fees;

679 (v) To monitor and act on FCC regulations, federal 911
680 related laws and federal court rulings;

681 (w) To disseminate proposed rules for comment by
682 stakeholders and hold regional meetings for stakeholders
683 concerning proposed rules, and to promulgate such rules,
684 regulations, guidelines and best practices as may be necessary to
685 effect the provisions of this act and maintain the state's



686 compliance with federal laws, rules and regulations related to all
687 aspects of 911 service;

688 (x) To make a periodic review of the statewide fee
689 levy, collection, and the distribution formula or priorities based
690 on needs and the goal of achieving Phase II compliance and of
691 providing IP enabled services as they become available;

692 (y) To make the determinations and disbursements as
693 provided by Section 11(c) of this act, including, but not limited
694 to payment of invoices and charges submitted to the board,
695 auditing fee uses and fee collections, formula disbursement
696 payments and any other 911 directly related services;

697 (z) To maintain a registration database of all
698 providers and to impose an administrative fine on any provider
699 that fails to comply with the registration requirements defined by
700 the State 911 Board;

701 (aa) The service charge provided in paragraph (e) of
702 this subsection and the service charge provided in Section 18 to
703 fund the training of public safety telecommunicators shall be the
704 only charges assessed to telephone customers relating to emergency
705 telephone services;

706 (bb) The State 911 Board, which shall be autonomous to
707 act and which shall not be an arm or agent for any state agency,
708 local government, or private carrier, shall serve without
709 compensation; however, members of the board shall be entitled to
710 be reimbursed for actual expenses and travel costs associated with
711 their service in an amount not to exceed the reimbursement
712 authorized for state officers and employees in Section 25-3-41,
713 Mississippi Code of 1972; and

714 (cc) The State 911 Board shall not have the authority
715 to set any regulatory standards regarding training of
716 telecommunicators. That authority remains with the Mississippi
717 Department of Public Safety Standards and Training Board.



718 **SECTION 11. Collection of service charges; remittance to**
719 **board; handling and processing costs; administration costs;**
720 **registration of service providers.** (1) Each service provider
721 shall act as a collection agent for the 911 service charge and
722 shall, as part of the provider's normal monthly billing process,
723 collect the 911 service charge levied upon active telephone
724 numbers pursuant to this act from each connection to whom the
725 billing provider provides service and shall, not later than thirty
726 (30) days after the end of the calendar month in which such
727 service charges are collected, remit to the State 911 Board the
728 net service charges so collected after deducting the fee
729 authorized by Section 7(5) of this act. Each provider shall list
730 the 911 service charge as a separate entry on each bill which
731 includes a 911 service charge.

732 (2) Each service provider shall register with the State 911
733 Board and shall provide, at a minimum, the following information
734 upon registration:

- 735 (a) The company name of the provider;
736 (b) The marketing name of the provider;
737 (c) The publicly traded name of the provider;
738 (d) The physical address of the company headquarters
739 and of the main office located in the State of Mississippi;
740 (e) The names and addresses of the providers' board of
741 directors/owners;
742 (f) The Business ID assigned by the Secretary of State
743 upon proper registration to conduct business in Mississippi; and
744 (g) The FCC business identification number, if one has
745 been assigned.

746 Each service provider shall notify the board of any change in
747 the information prescribed in paragraphs (a) through (e). The
748 board may suspend the disbursement of cost recovery funds to, and
749 may impose an administrative fine in an amount not to exceed Ten



750 Thousand Dollars (\$10,000.00) on any provider, which fails to
751 comply with the provisions of this subsection.

752 **SECTION 12. Requirement to provide enhanced 911 service;**
753 **prerequisites.** No service provider shall be required to provide
754 Enhanced 911 Service until such time as (a) the provider receives
755 a request for such service from the administrator of a Public
756 Safety Answering Point (PSAP) that is capable of receiving and
757 utilizing the data elements associated with the service; and (b)
758 the local exchange carrier is able to support the Enhanced 911
759 system.

760 **SECTION 13. Requirement of service suppliers and other**
761 **parties to provide access to basic or enhanced 911 service; time**
762 **to comply.** (1) Any service supplier operating within the State
763 of Mississippi shall be required to provide access to the locally
764 designated PSAP by dialing the three (3) digits "911" from any
765 telephone subscriber line within such service area. Where
766 technically available, each service supplier shall, at a county's
767 request, provide "Enhanced 911" services. Where this capability
768 does not technically exist, "Basic 911" shall be available as a
769 minimum.

770 (2) From and after December 31, 1993, any person,
771 corporation or entity operating a "shared tenant service" type of
772 telephone system shall be required to provide as a minimum the
773 location and telephone number information for each and every
774 extension or user on such "shared tenant" system to the regulated
775 local exchange telephone service provider where the service
776 provider can utilize such information in the delivery of "Enhanced
777 911" emergency telephone service. This information shall consist
778 of data in a format that is compatible with the service supplier's
779 requirements in order to provide such location and telephone
780 number information automatically in the event a call to 911 is
781 placed from such a system. It shall be the responsibility of the



782 operator or provider of "STS" telephone services to maintain the
783 data pertaining to each extension operating on such system.

784 (3) Any service providers operating within the State of
785 Mississippi shall be required to have all trunks or service lines
786 supplying all cellular sites and personal communications network
787 sites contain the word "cellular" in the service supplier listing
788 for each trunk or service line to facilitate operator
789 identification of cellular and PCN telephone calls placed to 911.

790 (4) Any service suppliers engaged in the offering or
791 operating of "Centrex" or "ESSX" telephone service within the
792 State of Mississippi shall cause the actual location of all
793 extensions operating in this service to be displayed at the PSAP
794 whenever a 911 call is placed from said extension. This feature
795 shall not be required in areas where Enhanced 911 is not in
796 operation, but shall be required should such area upgrade to
797 Enhanced 911 Service.

798 (5) Any local exchange telephone service suppliers offering
799 "quick-serve" or "soft" dial tone shall provide address location
800 information to the PSAP operating in the area where the
801 "quick-serve" or "soft" dial tone is in operation so that the PSAP
802 may have this address information displayed should a call to 911
803 be placed from such location. It shall be the responsibility of
804 the service supplier to determine in which emergency service
805 number area the "quick-serve" or "soft" dial tone is located.

806 (6) Any service suppliers operating within the State of
807 Mississippi and providing Enhanced 911 telephone service shall
808 have a reasonable time period, not to exceed three (3) years or as
809 mandated by the FCC, whichever shorter period is allowed by law,
810 to comply with data and operational standards as they are set
811 forth by the National Emergency Number Association. This time
812 period shall apply to data format, equipment supplied for PSAP use
813 and for the length of time required for data updates relating to



814 service user address information, emergency service number updates
815 and other data updates as may be required.

816 **SECTION 14. 911 service suppliers entitled to same**
817 **limitations of liability as provided to state, state agencies and**
818 **local governments.** Any Emergency 911 telephone service supplier
819 operating within the State of Mississippi, its employees,
820 directors, officers, agents and subcontractors, shall be entitled
821 to receive the limitations of liability as provided to the state,
822 or any agency or local government of the state, pursuant to
823 Section 11-46-15, Mississippi Code of 1972.

824 **SECTION 15. Board of Emergency Telecommunications Standards**
825 **and Training; composition; terms; votes; chairman and vice**
826 **chairman; adoption of rules and regulations; meetings; reports;**
827 **expenses.** (1) There is hereby created the Board of Emergency
828 Telecommunications Standards and Training, which shall consist of
829 twelve (12) members and shall operate with the administrative
830 assistance of the Office of Law Enforcement Planning, Department
831 of Public Safety.

832 (2) The Board of Emergency Telecommunications Standards and
833 Training shall consist of one (1) representative from each of the
834 following: the Law Enforcement Training Academy; the State Fire
835 Academy; the Mississippi Chapter of the Associated Public Safety
836 Communications Officers, Incorporated; the Mississippi Chapter of
837 the National Emergency Number Association; the State Board of
838 Health, Emergency Medical Services Division; the Mississippi
839 Justice Information Center; the Mississippi Sheriff's Association;
840 the Mississippi Law Enforcement Officers' Association; the
841 Mississippi Fire Chief's Association; the Mississippi Association
842 of Chiefs of Police; the Mississippians for Emergency Medical
843 Service Association; and a representative from the county wherein
844 a nuclear facility is located. Each member organization shall
845 have one (1) vote in the selection of training programs, for a



846 total of twelve (12) votes. A majority vote shall decide all
847 matters brought before the board.

848 (a) The initial term limits of the board shall be
849 according to the following:

850 (i) Associated Public Safety Communications
851 Officers' appointee, one (1) year.

852 (ii) Mississippi Law Enforcement Officers'
853 Association appointee, one (1) year.

854 (iii) Mississippi Fire Chief's Association
855 appointee, one (1) year.

856 (iv) National Emergency Number Association
857 appointee, two (2) years.

858 (v) Mississippi Sheriff's Association appointee,
859 two (2) years.

860 (vi) Mississippians for Emergency Medical Service
861 Association appointee, two (2) years.

862 (vii) Mississippi Association of Chiefs of Police
863 appointee, two (2) years.

864 (viii) The county wherein is located a nuclear
865 facility shall have one (1) appointee for two (2) years.

866 (b) After the initial period, each appointee of the
867 associations listed above shall serve for terms of four (4) years
868 each, but may be replaced at any time by the association
869 appointing such representative.

870 (c) The remaining four (4) members of the board shall
871 serve at the discretion of the director of the agency represented.

872 (3) Members of the board shall serve without compensation
873 but shall be entitled to receive reimbursement for any actual and
874 reasonable expenses incurred as a necessary incident to such
875 service, including mileage, as provided in Section 25-3-41,
876 Mississippi Code of 1972.

877 (4) There shall be a chairman and a vice chairman of the
878 board elected by and from the membership of the board. The board



879 shall adopt rules and regulations governing times and places for
880 meetings and governing the manner of conducting its business, but
881 the board shall meet at least every six (6) months.

882 (5) The Director of the Office of the Board on Law
883 Enforcement Standards and Training shall call an organizational
884 meeting of the board not later than thirty (30) days after July 1,
885 1993.

886 (6) The board shall report annually to the Governor and the
887 Legislature on its activities and may make such other reports as
888 it deems desirable.

889 **SECTION 16. Certification requirement for telecommunicators;**
890 **minimum standards of training; suspension, cancellation, or recall**
891 **of certificate; reprimands; notice, hearing and appeal;**
892 **reapplication; penalties for employment of telecommunicator not**
893 **duly qualified; other training not precluded.** (1) The initial
894 minimum standard of training for local public safety and 911
895 telecommunicators shall be determined by the Board of Emergency
896 Telecommunications Standards and Training. All courses approved
897 for minimum standards shall be taught by instructors certified by
898 the course originator as instructors for such courses.

899 (2) The minimum standards may be changed at any time by the
900 Board of Emergency Telecommunications Standards and Training.

901 (3) Changes in the minimum standards may be made upon
902 request from any bona fide public safety, emergency medical or
903 fire organization operating within the State of Mississippi.
904 Requests for change shall be in writing submitted to either the
905 State Law Enforcement Training Academy; the State Fire Academy;
906 the Mississippi Chapter of the Associated Public Safety
907 Communications Officers, Incorporated; the Mississippi Chapter of
908 the National Emergency Number Association; the Mississippi State
909 Board of Health, Emergency Medical Services Division; the
910 Mississippi Justice Information Center; the Mississippi Sheriff's
911 Association; the Mississippi Fire Chief's Association; the



912 Mississippi Association of Chiefs of Police; or Mississippians for
913 Emergency Medical Service.

914 (4) The minimum standards in no way are intended to restrict
915 or limit any additional training which any department or agency
916 may wish to employ, or any state or federal required training, but
917 to serve as a basis or foundation for basic training.

918 (5) Persons in the employment of any public safety, fire,
919 911 PSAP or emergency medical agency as a telecommunicator on July
920 1, 1993, shall have three (3) years to be certified in the minimum
921 standards courses provided they have been employed by such agency
922 for a period of more than one (1) year prior to July 1, 1993.

923 (6) Persons having been employed by any public safety, fire,
924 911 PSAP or emergency medical agency as a telecommunicator for
925 less than one (1) year prior to July 1, 1993, shall be required to
926 have completed all the requirements for minimum training
927 standards, as set forth in Sections 19-5-351 through 19-5-361,
928 within one (1) year from July 1, 1993. Persons certified on or
929 before July 1, 1993, in any course or courses chosen shall be
930 given credit for these courses, provided the courses are still
931 current and such persons can provide a course completion
932 certificate.

933 (7) Any person hired to perform the duties of a
934 telecommunicator in any public safety, fire, 911 PSAP or emergency
935 medical agency after July 1, 1993, shall complete the minimum
936 training standards as set forth in Sections 19-5-351 through
937 19-5-361 within twelve (12) months of their employment or within
938 twelve (12) months from the date that the Board of Emergency
939 Telecommunications Standards and Training shall become
940 operational.

941 (8) Professional certificates remain the property of the
942 board, and the board reserves the right to either reprimand the
943 holder of a certificate, suspend a certificate upon conditions
944 imposed by the board, or cancel and recall any certificate when:



- 945 (a) The certificate was issued by administrative error;
- 946 (b) The certificate was obtained through
- 947 misrepresentation or fraud;
- 948 (c) The holder has been convicted of any crime
- 949 involving moral turpitude;
- 950 (d) The holder has been convicted of a felony; or
- 951 (e) Other due cause as determined by the board.

952 When the board believes there is a reasonable basis for

953 either the reprimand, suspension, cancellation of, or recalling

954 the certification of a telecommunicator, notice and opportunity

955 for a hearing shall be provided. Any telecommunicator aggrieved

956 by the findings and order of the board may file an appeal with the

957 chancery court of the county in which such person is employed from

958 the final order of the board. Any telecommunicator whose

959 certification has been cancelled pursuant to Sections 19-5-351

960 through 19-5-361 may reapply for certification but not sooner than

961 two (2) years after the date on which the order of the board

962 canceling such certification became final.

963 (9) Any state agency, political subdivision or "for-profit"

964 ambulance, security or fire service company, that employs a person

965 as a telecommunicator who does not meet the requirements of

966 Sections 19-5-351 through 19-5-361, or who employs a person whose

967 certificate has been suspended or revoked under provisions of

968 Sections 19-5-351 through 19-5-361, is prohibited from paying the

969 salary of such person, and any person violating this subsection

970 shall be personally liable for making such payment.

971 (10) These minimum standards and time limitations shall in

972 no way conflict with other state and federal training as may be

973 required to comply with established laws or regulations.

974 **SECTION 17. Approval and completion of training; training**

975 **expenses; issuance of certification.** (1) When it shall be

976 determined that training is required, a request for training shall

977 be submitted to the Board of Emergency Telecommunications



978 Standards and Training for approval of course, course location,
979 estimated cost and base weekly salary of the telecommunicator to
980 attend the course of instruction. Upon approval of training and
981 successful completion of the training course, all expenses
982 associated with the obtaining of such training shall be
983 reimbursed. The local government entity or emergency service
984 provider shall be reimbursed for the full salary and benefits of
985 each telecommunicator completing such training.

986 (2) Upon completion of any course required in these minimum
987 training standards, each telecommunicator shall be issued a
988 certificate which shall signify successful completion of such
989 training. When all minimum standards training has been met,
990 copies of certificates of course completion shall be forwarded to
991 the Board of Emergency Telecommunications Standards and Training
992 which will then issue "Certification of Minimum Standards" to such
993 telecommunicator. Certifications shall be issued separately for
994 law enforcement, fire and emergency medical service
995 telecommunicators.

996 **SECTION 18. Telephone subscriber service charge to fund**
997 **training; collection of charge; special fund; use of monies in**
998 **fund; training expenses.** (1) From and after July 1, 1993, a
999 service charge of Five Cents (5¢) shall be placed on each
1000 subscriber service line within the State of Mississippi. This
1001 service charge shall apply equally to both private and business
1002 lines and shall apply to all service suppliers operating within
1003 the State of Mississippi. This subscriber service charge level
1004 shall be reviewed periodically to determine if the service charge
1005 level is adequate or excessive, and adjustments may be made
1006 accordingly.

1007 (2) Every billed service user shall be liable for any
1008 service charge imposed under this section until it has been paid
1009 to the service supplier. The duty of the service supplier to
1010 collect any such service charge shall commence upon the date of



1011 its implementation. Any such minimum standards telephone service
1012 charge shall be added to, and may be stated separately in, the
1013 billing by the service supplier to the service user.

1014 (3) The service supplier shall have no obligation to take
1015 any legal action to enforce the collection of any emergency
1016 telephone service charge. However, the service supplier shall
1017 annually provide the Board of Emergency Telecommunications
1018 Standards and Training with a list of the amount uncollected,
1019 together with the names and addresses of those service users who
1020 carry a balance that can be determined by the service supplier to
1021 be nonpayment of such service charge. The service charge shall be
1022 collected at the same time as the tariff rate in accordance with
1023 the regular billing practice of the service supplier. Good faith
1024 compliance by the service supplier with this provision shall
1025 constitute a complete defense to any legal action which may result
1026 from the service supplier's determination of nonpayment and/or the
1027 identification of service users in connection therewith.

1028 (4) The amounts collected by the service supplier
1029 attributable to the minimum standards telephone service charge
1030 shall be deposited monthly into a special fund hereby created in
1031 the State Treasury. The amount of service charge collected each
1032 month by the service supplier shall be remitted to the special
1033 fund no later than sixty (60) days after the close of the month.
1034 A return, in such form as prescribed by the State Tax Commission,
1035 shall be filed with the Tax Commission, together with a remittance
1036 of the amount of service charge collected payable to the special
1037 fund. The service supplier shall maintain records of the amount
1038 of service charge collected for a period of at least three (3)
1039 years from date of collection. From the gross receipts to be
1040 remitted to the special fund, the service supplier shall be
1041 entitled to retain as an administrative fee, an amount equal to
1042 one percent (1%) thereof. This service charge is a state fee and
1043 is not subject to any sales, use, franchise, income, excise or any



1044 other tax, fee or assessment, and shall not be considered revenue
1045 of the service supplier for any purpose. All administrative
1046 provisions of the Mississippi Sales Tax Law, including those which
1047 fix damages, penalties and interest for nonpayment of taxes and
1048 for noncompliance with the provisions of such chapter, and all
1049 other duties and requirements imposed upon taxpayers, shall apply
1050 to all persons liable for fees under the provisions of this
1051 chapter, and the Tax Commissioner shall exercise all the power and
1052 authority and perform all the duties with respect to taxpayers
1053 under this chapter as are provided in the Mississippi Sales Tax
1054 Law except where there is a conflict, then the provisions of this
1055 chapter shall control.

1056 (5) The proceeds generated by the minimum standards service
1057 charge shall primarily be used by the board pursuant to
1058 legislative appropriation to fund the minimum standards training
1059 program for public safety telecommunicators within the State of
1060 Mississippi. These funds shall be applied on a first-come
1061 first-served basis, which shall be determined by the date of
1062 application. All city, county and state public safety
1063 telecommunicators, including those employed by city and/or county
1064 supported ambulance services and districts, shall be eligible to
1065 receive these funds to meet minimum standards training
1066 requirements. No "for-profit" ambulance, security or fire service
1067 company operating in the private sector shall be qualified to
1068 receive these minimum standards training funds unless the company
1069 is on contract with a local government to provide primary
1070 emergency response. Law enforcement officers, fire and emergency
1071 medical personnel who are used as part-time or "fill-in"
1072 telecommunicators shall also be eligible to receive funding for
1073 this minimum standards training, provided they serve at least
1074 eight (8) hours per month as a telecommunicator. However,
1075 emergency medical personnel who are used as part-time or "fill-in"
1076 telecommunicators and are employed by any for-profit ambulance



1077 company operating in the private sector shall be eligible to
1078 receive funding for the minimum standards training, provided they
1079 serve at least twenty (20) hours per week as a telecommunicator.
1080 These funds may also be expended by the Board of Emergency
1081 Telecommunications Standards and Training to administer the
1082 minimum standards program for such things as personnel, office
1083 equipment, computer software, supplies and other necessary
1084 expenses.

1085 (6) The Board of Emergency Telecommunications Standards and
1086 Training shall be authorized to reimburse any public safety agency
1087 or emergency medical service for meals, lodging, travel, course
1088 fees and salary during the time spent training, upon successful
1089 completion of such course. Funds may also be expended to train
1090 certain individuals to become certified instructors of the various
1091 courses included in these minimum standards in order to conduct
1092 training within the State of Mississippi.

1093 (7) If the proceeds generated by the minimum standards
1094 service charge exceed the amount of monies necessary to fund the
1095 service, the Board of Emergency Telecommunications Standards and
1096 Training may authorize such excess funds to be available for
1097 advanced training, upgraded training and recertification of
1098 instructors. Any funds remaining at the close of any fiscal year
1099 shall not lapse into the State General Fund but shall be carried
1100 over to the next fiscal year to be used as a beginning balance for
1101 the fiscal requirements of such year.

1102 **SECTION 19.** Sections 19-5-301, 19-5-303, 19-5-305, 19-5-307,
1103 19-5-309, 19-5-311, 19-5-313, 19-5-315, 19-5-317 and 19-5-319,
1104 Mississippi Code of 1972, which create emergency communications
1105 districts and authorizes the collection of emergency telephone
1106 service charges, are hereby repealed.

1107 **SECTION 20.** Sections 19-5-331, 19-5-333, 19-5-335, 19-5-337,
1108 19-5-339 and 19-5-341, Mississippi Code of 1972, which regulate



1109 enhanced wireless emergency telephone service (E-911), are hereby
1110 repealed.

1111 **SECTION 21.** Sections 19-5-351, 19-5-353, 19-5-355, 19-5-357,
1112 19-5-359 and 19-5-361, Mississippi Code of 1972, which create the
1113 Board of Emergency Telecommunications Standards and Training and
1114 authorize a telephone subscriber service charge to fund training,
1115 are hereby repealed.

1116 **SECTION 22.** Section 19-5-371, Mississippi Code of 1972,
1117 which repeals certain laws regulating emergency telephone service
1118 and enhanced wireless emergency telephone service, is hereby
1119 repealed.

1120 **SECTION 23.** Sections 1 through 18 of this act shall be
1121 codified within Chapter 53 of Title 25, Mississippi Code of 1972.

1122 **SECTION 24.** This act shall take effect and be in force from
1123 and after July 1, 2009.

