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Chapter No. 950
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HOUSE BILL NO. 1586

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1586

AN ACT TO AMEND CHAPTER 936, LOCAL AND PRIVATE LAWS OF 1984, AS LAST AMENDED BY CHAPTER 915, LOCAL AND PRIVATE LAWS OF 2006, TO REVISE THE MEMBERSHIP OF THE LAUDERDALE COUNTY EMERGENCY COMMUNICATIONS DISTRICT BY REPLACING THE LAUDERDALE COUNTY CIVIL DEFENSE DIRECTOR WITH THE DIRECTOR OF THE LAUDERDALE COUNTY EMERGENCY MANAGEMENT AGENCY AND BY REPLACING THE DIRECTOR OF HOMELAND SECURITY OF LAUDERDALE COUNTY WITH THE DIRECTOR FROM MERIDIAN, MISSISSIPPI; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 936, Local and Private Laws of 1984, as amended by Chapter 886, Local and Private Laws of 1988, as amended by Chapter 924, Local and Private Laws of 1991, as amended by Chapter 942, Local and Private Laws of 1998, as amended by Chapter 915, Local and Private Laws of 2006, is amended as follows:

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

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

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

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

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

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

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

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

Section 3. The Board of Supervisors of Lauderdale County is hereby authorized and empowered, in its discretion, to create, by order duly adopted and entered on its minutes, an emergency

communications district composed of all of the territory within the county.

Section 4. (1) When any such district is created, the affairs of the district shall be governed by a commission composed of the following: (a) The Director of Lauderdale County Emergency Management Agency; (b) the Lauderdale County Sheriff; (c) the Police Chief of the City of Meridian; (d) the Police Chief of the Town of Marion; (e) the Lauderdale County Volunteer Fire Department Coordinator; (f) the Fire Chief of the City of Meridian; (g) the Fire Chief of the Town of Marion; (h) the Director of the Lauderdale County Emergency Medical Services District; (i) a member of the Mississippi Highway Safety Patrol appointed by the officer in charge of the Highway Patrol Office in Meridian; (j) a member of the Board of Supervisors of Lauderdale County; (k) a member of the City Council of the City of Meridian; (l) three (3) citizens appointed one (1) each by the Board of Supervisors of Lauderdale County, the governing authorities of the City of Meridian and the governing authorities of the Town of Marion; and (m) the Director of Homeland Security of Meridian, Mississippi.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) If the proceeds generated by the emergency telephone service charge exceed the amount of monies necessary to fund the service, the board of supervisors shall reduce the service charge rate to an amount adequate to fund the service, unless such excess

funds are spent for the purposes authorized by subsection (6) of this section. In lieu of reducing the service charge rate, the board of supervisors may temporarily or permanently suspend such service charge, if the revenues generated therefrom exceed the needs. The board of supervisors may thereafter reestablish the original emergency telephone service charge rate, or lift the suspension thereof, if the amount of monies generated is not adequate to fund the service.

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

(4) The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge. However, the service supplier shall annually provide the board of supervisors and governing commission

with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected at the same time as the tariff rate in accordance with the regular billing practice of the service supplier. Good faith compliance by the service supplier with this provision shall constitute a complete defense to any legal action or claim which may result from the service supplier's determination of nonpayment and/or the identification of service users in connection therewith.

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

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

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

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

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

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

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

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

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 28, 2011

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

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