

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1997 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/29/05

A Bill

SENATE BILL 1014

5 By: Senator Madison
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS PUBLIC SAFETY
10 COMMUNICATIONS ACT OF 1985 CONCERNING THE
11 IMPOSITION OF 911 CHARGES; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO AMEND THE ARKANSAS PUBLIC SAFETY
15 COMMUNICATIONS ACT OF 1985 CONCERNING
16 THE IMPOSITION OF 911 CHARGES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 12-10-318(a) and (b), concerning the
23 imposition of 911 charges are amended to read as follows:

24 (a)(1)(A) When so authorized by a majority of the persons voting
25 within the political subdivision in accordance with the law, the governing
26 authority of each political subdivision may levy an emergency telephone
27 service charge in the amount assessed by the political subdivision on a per
28 access line basis as of January 1, 1997, or the amount up to five percent
29 (5%) of the tariff rate, except that any political subdivision with a
30 population of fewer than twenty-seven thousand five hundred (27,500)
31 according to the 1990 Federal Decennial Census may, by a majority vote of the
32 electors voting on the issue, levy an emergency telephone charge in an amount
33 assessed by the political subdivision on a per access line basis as of
34 January 1, 1997, or an amount up to twelve percent (12%) of the tariff rate.

35 (B) The governing authority of a political subdivision



1 that has been authorized under subdivision (a)(1)(A) of this section to levy
2 an emergency telephone service charge in an amount up to twelve percent (12%)
3 of the tariff rate may decrease the percentage rate to not less than four
4 percent (4%) of the tariff rate for those telephone service users that are
5 served by a telephone company with fewer than two hundred (200) access lines
6 in this state as of the date of the election conducted under subdivision
7 (a)(1)(A) of this section.

8 (2) The governing authority of the political subdivision may,
9 upon its own initiative, call such a special election.

10 (b)(1)(A) There is ~~hereby~~ levied a commercial mobile radio service
11 emergency telephone service charge in an amount of ~~fifty cents (50¢)~~ forty
12 cents (40¢) per month per commercial mobile radio service connection that has
13 a ~~billing address~~ place of primary use within the State of Arkansas ~~or with~~
14 ~~respect to which the mobile identification number for the commercial mobile~~
15 ~~radio service connection contains an area code assigned to Arkansas by the~~
16 ~~North American Numbering Plan Administrator.~~

17 (B)(i) ~~After September 1, 2003, when authorized by a~~
18 ~~majority of persons voting within a political subdivision in accordance with~~
19 ~~the law, the governing authority of that political subdivision may levy an~~
20 ~~additional commercial mobile radio service emergency telephone service charge~~
21 ~~in an amount up to thirty cents (30¢) per month per commercial mobile radio~~
22 ~~service connection that has a billing address within the political~~
23 ~~subdivision. A commercial mobile radio service provider may determine, bill,~~
24 collect, and retain an additional amount to reimburse the commercial mobile
25 radio service provider for enabling and providing 911 and enhanced 911
26 services and capability in the network and for the facilities and associated
27 equipment.

28 (ii) The commercial mobile radio service provider
29 may add any amounts ~~approved by the voters and~~ implemented under this
30 subdivision (b)(1)(B) to the ~~fifty cents (50¢)~~ forty cents (40¢) levied in
31 subdivision (b)(1)(A) of this section so that the commercial mobile radio
32 service emergency telephone service charges appear as a single line item on a
33 subscriber's bill.

34 (C) The fees collected by commercial mobile radio service
35 providers under subdivisions (b)(1)(A) ~~and (B)~~ of this section, less
36 administrative fees under subdivision (b)(3) of this section, shall be

1 remitted to the CMRS Emergency Telephone Services Board within sixty (60)
2 days after the end of the month in which the fees are collected.

3 (D) The funds collected pursuant to this subdivision
4 (b)(1) shall not be deemed revenues of the state and shall not be subject to
5 appropriation by the General Assembly.

6 (E) The fee levied in subdivision (b)(1)(A) of this
7 section and any additional amounts ~~approved by the voters and~~ implemented
8 under subdivision (b)(1)(B) of this section and collected by commercial
9 mobile radio service providers who provide mobile telecommunications services
10 as defined by the Mobile Telecommunications Sourcing Act, Pub. L. No. 106-
11 252, as in effect on January 1, 2001, shall be collected pursuant to the
12 Mobile Telecommunications Sourcing Act.

13 (2)(A) There is hereby established the CMRS Emergency Telephone
14 Services Board consisting of the following:

15 (i) The Auditor of State or his or her designated
16 representative;

17 (ii) Two (2) representatives selected by a majority
18 of the commercial mobile radio service providers licensed to do business in
19 the state; and

20 (iii) Two (2) 911 system employees selected by a
21 majority of the public safety answering point administrators in the state.

22 (B) The responsibilities of the board shall be as follows:

23 (i) To establish and maintain an interest-bearing
24 account in which will be deposited revenues from the service charges levied
25 on commercial mobile radio service connections under subdivision (b)(1)(A) of
26 this section;

27 ~~(ii) To manage and disburse any commercial mobile~~
28 ~~radio service emergency telephone service charge approved by the voters and~~
29 ~~implemented under subdivision (b)(1)(B) of this section to the political~~
30 ~~subdivision having levied the emergency telephone service charge for its use~~
31 ~~in operating a 911 public safety communications center consistent with the~~
32 ~~authorized expenditures of revenues for the provision of 911 services under §~~
33 ~~12-10-323;~~

34 ~~(iii)~~(ii) To manage and disburse the funds from the
35 account levied under subdivision (b)(1)(A) of this section in the following
36 manner:

1 (a) Not ~~more~~ less than ~~thirty-eight percent~~
2 ~~(38%)~~ forty-nine percent (49%) of the total monthly revenues collected and
3 remitted under subdivision (b)(1)(A) of this section shall be distributed on
4 a population basis to each political subdivision operating a 911 public
5 safety communications center which has the capability of receiving commercial
6 mobile radio service 911 calls on dedicated 911 trunk lines for expenses
7 incurred for the answering, routing, and proper disposition of commercial
8 mobile radio service 911 calls;

9 (b) Not ~~less~~ more than ~~fifty-eight percent~~
10 ~~(58%)~~ forty-nine percent (49%) of the total monthly revenues collected and
11 remitted under subdivision (b)(1)(A) of this section shall be held in the
12 interest-bearing account solely for the purposes of complying with applicable
13 requirements of Federal Communications Commission docket # 94-102. These
14 funds may be utilized by the public safety answering points ~~and the~~
15 ~~commercial mobile radio service providers licensed to do business in Arkansas~~
16 for the following purposes in connection with compliance with the Federal
17 Communications Commission requirements: upgrading, purchasing, programming,
18 and installing necessary data, basic 911 mapping, hardware, and software,
19 including any network elements required to supply enhanced 911 phase II.
20 Invoices must be presented to the board in connection with any request for
21 reimbursement and be approved by a majority vote of the board to receive
22 reimbursement. Any invoices presented to the board for reimbursements of
23 costs not described by this section may be approved only by a unanimous vote
24 of the board. In no event shall any invoice be reimbursed for costs not
25 related to compliance with applicable requirements of Federal Communications
26 Commission docket # 94-102;

27 (c) ~~Up to three percent (3%)~~ Not more than one
28 percent (1%) of the fees collected under subdivision (b)(1)(A) of this
29 section may be utilized by the board to compensate the independent auditor
30 and for administrative expenses; ~~and~~

31 (d) All interest received on funds in the
32 interest-bearing account shall be disbursed as prescribed in subdivision
33 (b)(2)(C)(i) of this section; and

34 (e)(1) All cities and counties receiving funds
35 under this section, shall submit to the board no later than March 1 of each
36 year an explanation and accounting of the funds received and expenditures of

1 those funds for the previous calendar year.

2 (2) The board may require any other
3 information necessary to ensure the funds have been properly utilized
4 according to this section.

5 (3) Failure to submit the proper
6 accounting information and failure to utilize the funds in a proper manner
7 may result in the suspension or reduction of funding until corrected.

8 ~~(iv)~~(iii)(a) To promulgate regulations necessary to
9 perform its duties prescribed by this subchapter.

10 (b) In determining the population basis for
11 distribution of funds under subdivision (b)(2)(B)~~(iii)~~(ii)(a) of this
12 section, the board shall determine, based on the latest federal decennial
13 census, the population of all unincorporated areas of counties operating a
14 911 public safety communications center which has the capacity of receiving
15 commercial mobile radio service 911 calls on dedicated 911 trunk lines and
16 the population of all incorporated areas operating a 911 public safety
17 communications center which has the capability of receiving commercial mobile
18 radio service 911 calls on dedicated 911 trunk lines and compare the
19 population of each of those political subdivisions to the total population;

20 ~~(v)~~(iv) To submit annual reports to the office of
21 the Auditor of State outlining fees collected and moneys disbursed to public
22 safety answering points ~~and commercial mobile radio service providers~~ under
23 ~~subdivisions~~subdivision (b)(1)(A) ~~and (B)~~ of this section; and

24 ~~(vi)~~(v)(a) To retain an independent third-party
25 auditor for the purposes of receiving, maintaining, and verifying the
26 accuracy of any proprietary information submitted to the board by commercial
27 mobile radio service providers.

28 (b) Due to the confidential and proprietary
29 nature of the information submitted by commercial mobile radio service
30 providers, the information shall be retained by the independent auditor in
31 confidence, shall be subject to review only by the Auditor of State, and
32 shall not be subject to the Freedom of Information Act of 1967, § 25-19-101
33 et seq., nor released to any third party.

34 (c) The information collected by the
35 independent auditor shall be released only in aggregate amounts that do not
36 identify or allow identification of numbers of subscribers or revenues

1 attributable to an individual commercial mobile radio service provider.

2 (3) Commercial mobile radio service providers shall be entitled
3 to retain one percent (1%) of the fees collected under subdivision (b)(1)(A)
4 of this section as reimbursement for collection and handling of the charges.

5 (4)(A) Notwithstanding any other provision of the law, in no
6 event shall any commercial mobile radio service provider, its officers,
7 employees, assigns, or agents be liable for civil damages or criminal
8 liability in connection with the development, design, installation,
9 operation, maintenance, performance, or provision of 911 service.

10 (B) Nor shall any commercial mobile radio service
11 provider, its officers, employees, assigns, or agents be liable for civil
12 damages or be criminally liable in connection with the release of subscriber
13 information to any governmental entity as required under the provisions of
14 this subchapter.

15
16 /s/ Madison

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19 APPROVED: 04/11/2005
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