

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 2853**

"TO INCREASE FINANCIAL SUPPORT FOR EMERGENCY PUBLIC SAFETY  
COMMUNICATIONS CENTERS."

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**Amendment No. 1 to House Bill No. 2853.**

Amend House Bill No. 2853 as originally introduced:

Delete Section 1. of the bill and substitute a new section of the bill to read as follows:

“SECTION 1. Arkansas Code § 12-10-318(b), concerning the imposition of service charges for 911 telephone service, is amended to read as follows:

(b)(1)(A) There is hereby levied a commercial mobile radio service emergency telephone service charge in an amount of fifty cents (.50) per month per commercial mobile radio service connection that has a billing address within the State of Arkansas or with respect to which the mobile identification number for the commercial mobile radio service connection contains an area code assigned to Arkansas by the North American Numbering Plan Administrator.

(B)(i) After September 1, 2003, when authorized by a majority of persons voting within a political subdivision in accordance with the law, the governing authority of that political subdivision may levy an additional commercial mobile radio service emergency telephone service charge in an amount up to thirty cents (30¢) per month per commercial mobile radio service connection that has a billing address within the political subdivision.

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

~~(B)(C)~~ The fees collected by commercial mobile radio service providers under subdivisions (b)(1)(A) and (b)(1)(B) shall be remitted to the CMRS Emergency Telephone Services Board ~~described in subdivision (b)(2) of this section~~ within sixty (60) days after the end of the month in which the fees are collected.

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



~~(D)~~(E) The fee levied in subdivision (b)(1)(A) and any additional amounts approved by the voters and implemented under subdivision (b)(1)(B) of this section and collected by commercial mobile radio service providers who provide mobile telecommunications services, as defined by the Mobile Telecommunications Sourcing Act, Pub.L. 106-252, as in effect on January 1, 2001, shall be collected pursuant to the Mobile Telecommunications Sourcing Act.

(2) There is hereby established the CMRS Emergency Telephone Services Board consisting of the following: the Auditor of State or his designated representative, two (2) representatives selected by a majority of the commercial mobile radio service providers licensed to do business in the state, and two (2) 911 system employees selected by a majority of the public safety answering point administrators in the state. The responsibilities of the board shall be as follows:

(A) Establish and maintain an interest-bearing account in which will be deposited revenues from the service ~~charge~~ charges levied on commercial mobile radio service connections under subdivision (b)(1); and

(B) Manage and disburse any commercial mobile radio service emergency telephone service charge approved by the voters and implemented under subdivision (b)(1)(B) of this section to the political subdivision having levied the emergency telephone service charge for its use in operating a 911 public safety communications center consistent with the authorized expenditures of revenues for the provision of 911 services under § 12-10-323.

~~(B)~~(C) Manage and disburse the funds from the account levied under subdivision (b)(1)(A) of this section in the following manner:

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

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

~~(iii) Submit annual reports to the office of the Auditor of State outlining fees collected and moneys disbursed to public~~

~~safety answering points and commercial mobile radio service providers;~~

~~(iv) Retain an independent, third party auditor for the purposes of receiving, maintaining, and verifying the accuracy of any proprietary information submitted to the board by commercial mobile radio service providers. Due to the confidential and proprietary nature of the information submitted by commercial mobile radio service providers, the information shall be retained by the independent auditor in confidence, be subject to review only by the Auditor of State and shall not be subject to the state Freedom of Information Act of 1967, § 25-19-101 et seq., nor released to any third party. The information collected by the auditor shall only be released in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual commercial mobile radio service provider; and~~

~~(v) Conduct a cost study on or before August 31, 1998, to be submitted to the Legislative Council for the purpose of determining whether legislation should be proposed to adjust the commercial mobile radio service emergency telephone service charge to reflect actual costs to be incurred by public safety answering points and commercial mobile radio service providers for compliance with applicable requirements of Federal Communications Commission docket # 94-102;~~

~~(vi)(iii) Up to three percent (3%) of the fees collected under subdivision (b)(1)(A) of this section may be utilized by the board to compensate the independent auditor and for administrative expenses;~~

~~(vii)(iv) All interest received on funds in the interest-bearing account required in subdivision (b)(2)(A) of this section shall be disbursed as prescribed in subdivision (b)(2)(B)(i) (b)(2)(C)(i) of this section.~~

~~(viii)(D) The board shall promulgate regulations necessary to perform its duties prescribed by this subchapter. In determining the population basis for distribution of funds under subdivision (b)(2)(B)(i)(b)(2)(C)(i) of this section, the board shall determine, based on the latest federal census, the population of all unincorporated areas of counties operating a 911 public safety communications center which has the capacity of receiving commercial mobile radio service 911 calls on dedicated 911 trunk lines and the population of all incorporated areas operating a 911 public safety communications center which has the capability of receiving commercial mobile radio service 911 calls on dedicated 911 trunk lines and compare the population of each of those political subdivisions to the total population;~~

~~(E) Submit annual reports to the office of the Auditor of State outlining fees collected and moneys disbursed to public safety answering points and commercial mobile radio service providers under subdivisions (b)(1)(A) and (b)(1)(B) of this section;~~

~~(F) Retain an independent, third-party auditor for the purposes of receiving, maintaining, and verifying the accuracy of any proprietary information submitted to the board by commercial mobile radio service providers. Due to the confidential and proprietary nature of the information submitted by commercial mobile radio service providers, the information shall be retained by the independent auditor in confidence, shall be subject to review only by the Auditor of State, and shall not be subject to the state Freedom of Information Act, nor released to any third party. The information collected by the independent auditor shall be released only~~

in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual commercial mobile radio service provider; and

(G) Conduct a cost study on or before August 31, 2004, to be submitted to the Arkansas Legislative Council for the purpose of determining whether legislation should be proposed to adjust the commercial mobile radio service emergency service charges to reflect the actual and reasonable costs to be appropriately incurred by public safety answering points and commercial mobile radio service providers for compliance with applicable requirements of the Federal Communications Commission docket # 94-102.

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

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

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

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that existing CMRS emergency telephone service charges collected are insufficient to allow some political subdivisions serving as default public safety answering points or experiencing high volumes of commuter traffic to recover their costs incurred in properly answering 911 emergency calls and that this act is immediately necessary to ensure adequate 911 emergency service continues to be provided. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill;  
or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

The Amendment was read \_\_\_\_\_  
By: Representative Martin  
EAN/VJF - 040220031135  
VJF840

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Chief Clerk