

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H4/7/03

A Bill

HOUSE BILL 2853

5 By: Representative Martin
6
7

For An Act To Be Entitled

9 AN ACT TO INCREASE FINANCIAL SUPPORT FOR
10 EMERGENCY PUBLIC SAFETY COMMUNICATIONS CENTERS;
11 AND FOR OTHER PURPOSES.
12

Subtitle

14 TO INCREASE FINANCIAL SUPPORT FOR
15 EMERGENCY PUBLIC SAFETY COMMUNICATIONS
16 CENTERS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

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

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



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

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

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

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

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

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

32 (B) Manage and disburse any commercial mobile radio
 33 service emergency telephone service charge approved by the voters and
 34 implemented under subdivision (b)(1)(B) of this section to the political
 35 subdivision having levied the emergency telephone service charge for its use
 36 in operating a 911 public safety communications center consistent with the

1 authorized expenditures of revenues for the provision of 911 services under §
2 12-10-323.

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

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

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

29 ~~(iii) Submit annual reports to the office of the~~
30 ~~Auditor of State outlining fees collected and moneys disbursed to public~~
31 ~~safety answering points and commercial mobile radio service providers;~~

32 ~~(iv) Retain an independent, third party auditor for~~
33 ~~the purposes of receiving, maintaining, and verifying the accuracy of any~~
34 ~~proprietary information submitted to the board by commercial mobile radio~~
35 ~~service providers. Due to the confidential and proprietary nature of the~~
36 ~~information submitted by commercial mobile radio service providers, the~~

1 ~~information shall be retained by the independent auditor in confidence, be~~
 2 ~~subject to review only by the Auditor of State and shall not be subject to~~
 3 ~~the state Freedom of Information Act of 1967, § 25-19-101 et seq., nor~~
 4 ~~released to any third party. The information collected by the auditor shall~~
 5 ~~only be released in aggregate amounts which do not identify or allow~~
 6 ~~identification of numbers of subscribers or revenues attributable to an~~
 7 ~~individual commercial mobile radio service provider; and~~

8 ~~(v) Conduct a cost study on or before August 31,~~
 9 ~~1998, to be submitted to the Legislative Council for the purpose of~~
 10 ~~determining whether legislation should be proposed to adjust the commercial~~
 11 ~~mobile radio service emergency telephone service charge to reflect actual~~
 12 ~~costs to be incurred by public safety answering points and commercial mobile~~
 13 ~~radio service providers for compliance with applicable requirements of~~
 14 ~~Federal Communications Commission docket # 94-102;~~

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

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

22 ~~(viii)(D)~~ The board shall promulgate regulations necessary
 23 to perform its duties prescribed by this subchapter. In determining the
 24 population basis for distribution of funds under subdivision
 25 ~~(b)(2)(B)(i)~~ (b)(2)(C)(i) of this section, the board shall determine, based on
 26 the latest federal census, the population of all unincorporated areas of
 27 counties operating a 911 public safety communications center which has the
 28 capacity of receiving commercial mobile radio service 911 calls on dedicated
 29 911 trunk lines and the population of all incorporated areas operating a 911
 30 public safety communications center which has the capability of receiving
 31 commercial mobile radio service 911 calls on dedicated 911 trunk lines and
 32 compare the population of each of those political subdivisions to the total
 33 population~~;~~;

34 (E) Submit annual reports to the office of the Auditor of
 35 State outlining fees collected and moneys disbursed to public safety
 36 answering points and commercial mobile radio service providers under

1 subdivisions (b)(1)(A) and (b)(1)(B) of this section;

2 (F) Retain an independent, third-party auditor for the
3 purposes of receiving, maintaining, and verifying the accuracy of any
4 proprietary information submitted to the board by commercial mobile radio
5 service providers. Due to the confidential and proprietary nature of the
6 information submitted by commercial mobile radio service providers, the
7 information shall be retained by the independent auditor in confidence, shall
8 be subject to review only by the Auditor of State, and shall not be subject
9 to the state Freedom of Information Act, nor released to any third party.
10 The information collected by the independent auditor shall be released only
11 in aggregate amounts which do not identify or allow identification of numbers
12 of subscribers or revenues attributable to an individual commercial mobile
13 radio service provider; and

14 (G) Conduct a cost study on or before August 31, 2004, to
15 be submitted to the Arkansas Legislative Council for the purpose of
16 determining whether legislation should be proposed to adjust the commercial
17 mobile radio service emergency service charges to reflect the actual and
18 reasonable costs to be appropriately incurred by public safety answering
19 points and commercial mobile radio service providers for compliance with
20 applicable requirements of the Federal Communications Commission docket # 94-
21 102.

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

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

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

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

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

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

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

17 /s/ Martin

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