

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.

State of Arkansas

85th General Assembly

Regular Session, 2005

# A Bill

HOUSE BILL 2631

By: Representatives Bond, Stovall

## For An Act To Be Entitled

AN ACT TO REDISTRIBUTE 911 FEES ON CITIZENS  
MOBILE RADIO SERVICE; AND FOR OTHER PURPOSES.

## Subtitle

TO REDISTRIBUTE 911 FEES ON CITIZENS  
MOBILE RADIO SERVICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 12-10-318(b), concerning cellular emergency telephone service charges, 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.

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

(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.

(E) The fee levied in subdivision (b)(1)(A) of this section 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. No. 106-252, as in effect on January 1, 2001, shall be collected pursuant to the Mobile Telecommunications Sourcing Act.

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

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

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

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

(b)(1) One (1) employee shall be a member of the National Emergency Number Association.

(2) One (1) employee shall be a member of the Association of Professional Communications Officials International.

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

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

(ii) To 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;

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

(a) ~~Not more than thirty-eight percent (38%)~~ less than fifty-eight percent (58%) 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;

(b) ~~Not less than fifty-eight percent (58%)~~ more than forty percent (40%) 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;

(c) Up to ~~three percent (3%)~~ two percent (2%)

1 of the fees collected under subdivision (b)(1)(A) of this section may be  
2 utilized by the board to compensate the independent auditor and for  
3 administrative expenses; and

4 (d) All interest received on funds in the  
5 interest-bearing account shall be disbursed as prescribed in subdivision  
6 (b)(2)(C)(i) of this section;

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

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

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

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

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

33 (c) The information collected by the  
34 independent auditor shall be released only in aggregate amounts that do not  
35 identify or allow identification of numbers of subscribers or revenues  
36 attributable to an individual commercial mobile radio service provider.

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2       SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
3 General Assembly of the State of Arkansas that the distribution of the fees  
4 collected from cellular emergency telephone charges is in need of revision to  
5 enhance the provision of emergency services; that this act provides a more  
6 equitable distribution of the fees; and that this act is immediately  
7 necessary to ensure that emergency services continue to be provided promptly  
8 and efficiently. Therefore, an emergency is declared to exist and this act  
9 being immediately necessary for the preservation of the public peace, health,  
10 and safety shall 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,  
13 the expiration of the period of time during which the Governor may veto the  
14 bill; or

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