

Hall of the House of Representatives
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1564

TO ESTABLISH THE PUBLIC SAFETY ACT OF 2019; TO AMEND THE ARKANSAS PUBLIC SAFETY
COMMUNICATIONS ACT OF 1985; AND TO DEVELOP A NEXT GENERATION 911 SYSTEM.

Amendment No. 1 to House Bill 1564

Amend House Bill No. 1564 as originally introduced:

Page 2, delete lines 7 through 13, and substitute the following:

"Board with the Arkansas 911 Board; and

(C) Providing upgrades and maintenance funding for the
Arkansas Wireless Information Network."

AND

Page 2, line 15, delete "consolidate charges currently" and substitute
"update charges"

AND

Page 2, delete lines 16 through 25, and substitute the following:

"provide the best public safety communications and services possible to all
Arkansas and first responders by:

(1) Developing a next generation 911 system;

(2) Replacing the Arkansas Emergency Telephone Services Board
with the Arkansas 911 Board; and

(3) Providing upgrades and maintenance funding for the Arkansas
Wireless Information Network."

AND

Page 6, delete lines 35 and 36, and substitute the following:

"(18)(20) "Private safety agency" means any entity, except a
public safety agency, providing emergency fire, ambulance, or emergency
medical services;"

AND

Page 7, delete line 1



AND

Page 7, line 2, delete "~~(19)(20)~~" and substitute "~~(19)(21)~~"

AND

Page 7, line 6, delete "~~(20)(21)~~" and substitute "~~(20)(22)~~"

AND

Page 7, line 10, delete "~~(21)(22)~~" and substitute "~~(21)(23)~~"

AND

Page 7, line 12, delete "~~(22)(23)~~" and substitute "~~(22)(24)~~"

AND

Page 7, line 18, delete "(24)" and substitute "~~(24)(25)~~"

AND

Page 7, line 21, delete "(25)" and substitute "~~(25)(26)~~"

AND

Page 7, line 25, delete "(26)" and substitute "~~(26)(27)~~"

AND

Page 7, delete lines 31 through 36, and substitute the following:

"~~(27)(A)(28)(A)~~ "Tariff rate" means the rate or rates billed by a service supplier as stated in the service supplier's tariffs, price lists, customer contracts, or other methods of publishing service offerings that represent the service supplier's recurring charges for exchange access facilities, exclusive of all:

- (i) Taxes;
- (ii) Fees;
- (iii) Licenses; or
- (iv) Similar charges whatsoever.

(B) The tariff rate per county may include extended service area charges only if an emergency telephone service charge has been levied in a county and a resolution of intent has been passed by a county's quorum court that defines tariff rate as being inclusive of extended service area charges;"

AND

Page 8, delete lines 1 through 8

AND

Page 8, line 9, delete "(27)" and substitute "(29)"

AND

Page 8, line 11, delete "(28)" and substitute "(30)"

AND

Page 8, line 16, delete "(28)(29)" and substitute "(28)(31)"

AND

Page 8, line 18, delete "(29)(30)" and substitute "(29)(32)"

AND

Page 8, line 29, delete "(30)(31)" and substitute "(30)(33)"

AND

Page 11, line 20, delete "coordinator or director" and substitute "coordinator, director, or telecommunicator"

AND

Page 11, line 22, delete "coordinator or director" and substitute "coordinator, director, or telecommunicator"

AND

Page 13, delete line 4, and substitute the following:
"Services Board; and"

AND

Page 13, delete lines 6 through 11, and substitute the following:
"account described in subdivision (b)(6) of this section."

AND

Page 13, delete lines 18 through 36, and substitute the following:
"(1)(A) Not less than eighty-three and seventy-five-hundredths percent (83.75%) of the total monthly revenues shall be distributed on a population basis to each political subdivision operating a public safety answering point that has the capability of receiving 911 calls on dedicated 911 trunk lines for expenses incurred for answering, routing, and proper disposition of 911 calls, including payroll costs, readiness costs, and"

training costs associated with wireless, voice over internet protocol, and nontraditional 911 calls.

(B) In determining the population basis for distribution of funds, the Arkansas 911 Board shall determine, based on the latest federal decennial census, the population of:

(i) All unincorporated areas of counties operating a public safety answering point that has the capacity to receive commercial mobile radio service, voice over internet protocol service, or nontraditional 911 calls on dedicated 911 trunk lines; and

(ii) All incorporated areas of counties operating a public safety answering point that has the capacity to receive commercial mobile radio service, voice over protocol service, or nontraditional 911 calls on dedicated 911 trunk lines;

(2)(A) Not more than fifteen percent (15%) of the total monthly revenues may be used:

(i) To purchase a statewide infrastructure for next generation 911, including without limitation ESInet, connectivity costs, and next generation 911 components and equipment; and

(ii) By public safety answering points for the upgrading, purchasing, programming, installing, and maintaining necessary data, basic 911 geographic information system mapping, hardware, and software, including any network elements required to supply enhanced 911 phase II cellular, voice over internet protocol, and other nontraditional telephone services, in connection with compliance with Federal Communications Commission requirements.

(B)(i) A political subdivision operating a public safety answering point shall present invoices to the Arkansas 911 Board in connection with any request for reimbursement under subdivision (d)(2)(A)(ii) of this section.

(ii) A request for reimbursement shall be approved by a majority vote of the board.

(C) Any invoices presented to the Arkansas 911 Board for reimbursements of costs not described by subdivision (d)(2)(B)(ii) of this section may be approved only by a majority vote of the Arkansas 911 Board;

(3) Not more than one and one-fourth percent (1.25%) of the monthly revenues may be used by the Arkansas 911 Board to compensate the independent auditor and for administrative expenses, staff, and consulting services; and

(4) All interest received shall be disbursed as prescribed in subdivision (d) of this section."

AND

Page 14, delete lines 1 through 36

AND

Page 15, delete lines 1 through 19, and substitute the following:

"(e) The Arkansas 911 Board may:

(1) Withhold for no less than six (6) months any additional

revenue generated by the public safety charge and the prepaid public safety charge under this subchapter; and

(2) Calculate a monthly payment amount based on the prior"

AND

Page 15, line 32, delete "volume, dispatcher" and substitute "volume, telecommunicator"

AND

Page 16, delete lines 2 and 3, and substitute the following:

"(D) The name of each telecommunicator, the telecommunicator's date of hire, the telecommunicator's date of termination, if applicable, and approved"

AND

Page 16, line 5, delete "dispatcher" and substitute "telecommunicator"

AND

Page 16, line 36, delete "February 2020." and substitute "December 2019."

AND

Page 17, line 4, delete "January 31, 2020." and substitute "the last business day of December 2019."

AND

Page 23, delete lines 15 through 36, and substitute the following:

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

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

(a)(1)(A) of this section.

(2) Upon its own initiative, the governing authority of the political subdivision may call such a special election to be held in accordance with § 7-11-201 et seq."

AND

Page 24, delete lines 1 through 36, and substitute the following:

~~"(b)(1)(A)(i)(b)(1)(A) There is levied a commercial mobile radio service emergency telephone service public safety charge in an amount of sixty-five cents (65¢) one dollar and thirty cents (\$1.30) per month per commercial mobile radio service connection that has a place of primary use within the State of Arkansas.~~

~~(ii)(a) A commercial mobile radio service provider may determine, bill, collect, and retain an additional amount to reimburse the commercial mobile radio service provider for enabling and providing 911 and enhanced 911 services and capability in the network and for the facilities and associated equipment.~~

~~(b) The commercial mobile radio service provider may add any amounts implemented under this subdivision (b)(1)(A)(ii) to the sixty-five cents (65¢) levied in subdivision (b)(1)(A)(i) 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) There is levied a voice over internet protocol emergency telephone service public safety charge in an amount of sixty-five cents (65¢) one dollar and thirty cents (\$1.30) per month per voice over internet protocol connection that has a place of primary use within the State of Arkansas.

(C) There is levied a nontraditional telephone service public safety charge in an amount of sixty-five cents (65¢) one dollar and thirty cents (\$1.30) per month per nontraditional service connection that has a place of primary use within the State of Arkansas.

(D) The service charge levied in subdivision (b)(1)(A) of this section and collected by commercial mobile radio service providers that 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, Pub. L. No. 106-252.

(2)(A) The service charges collected under subdivision (b)(1)(A) of this section, ~~less administrative fees under subdivision (c)(3) of this section,~~ shall be remitted to the Arkansas Emergency Telephone Services Board within ~~sixty (60)~~ thirty (30) days after the end of the month in which the fees are collected.

~~(B)(i) The funds collected pursuant to subdivision (b)(1)(A) of this section shall not be deemed revenues of the state and shall not be subject to appropriation by the General Assembly After September 30, 2019, the public safety charge collected under subdivision (b)(1)(A) of this section shall be remitted to the Arkansas Public Safety Trust Fund."~~

AND

Page 29, delete lines 1 through 10, and substitute the following:

"(ii) 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 Freedom of Information Act of 1967, § 25-19-101 et seq., nor released to any third party.

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

AND

Page 29, delete lines 16 through 25

AND

Page 29, line 26, delete "(b)" substitute "(c)"

AND

Page 29, delete lines 30 through 36, and substitute the following:

"(d) The public safety charge shall:

(1) Appear as a single line item on a subscriber's bill;

(2) Not be assessed upon more than two hundred (200):

(A) Exchange access facilities per person per location; or

(B) Voice over internet protocol connections per person

per location; and

(3) Not be subject to any state or local tax or franchisee fee."

AND

Page 30, delete lines 1 through 4

AND

Page 30, line 5, delete "(d)(1)" and substitute "(e)(1)"

AND

Page 30, line 15, delete "(d)(1)" and substitute "(e)(1)"

AND

Page 30, delete lines 19 through 22, and substitute the following:

"Emergency Management; and

(ii) The designee of the Arkansas 911 Board."

AND

Page 30, line 26, delete "(e)" and substitute "(f)"

AND

Page 30, line 31, delete "(f)(1)" and substitute "(g)(1)"

AND

Page 30, line 33, delete "connectivity charge" and substitute "charge"

AND

Page 30, line 34, delete "connectivity charge" and substitute "charge"

AND

Page 30, line 36, delete "November 30, 2019," and substitute "September 30, 2019,"

AND

Page 31, line 4, delete "November 30, 2019," and substitute "September 30, 2019,"

AND

Page 31, line 6, delete "December 1, 2019," and substitute "October 1, 2019,"

AND

Page 31, line 7, delete "connectivity charges" and substitute "charges"

AND

Page 31, line 9, delete "December 1, 2019," and substitute "October 1, 2019,"

AND

Page 31, line 10, delete "connectivity charge" and substitute "charge"

AND

Page 31, line 11, delete "fifteenth day" and substitute "fifteenth business day"

AND

Page 31, line 15, delete "(g)" and substitute "(h)"

AND

Page 31, line 19, delete "(g)(1)" and substitute "(h)(1)"

AND

Page 31, line 21, delete "(d)(1)(h)(1)" and substitute "(d)(1)(i)(1)"

AND

Page 39, line 35, delete "E911 service charges" and substitute "E911 service charges public safety charge"

AND

Page 40, line 10, delete "safety connectivity" and substitute "safety"

AND

Page 41, line 23, delete "connectivity charge" and substitute "charge"

AND

Page 41, line 26, delete "connectivity charge" and substitute "charge"

AND

Page 41, line 30, delete "connectivity charge" and substitute "charge"

AND

Page 41, line 32, delete "connectivity charge" and substitute "charge"

AND

Page 42, line 2, delete "connectivity charge" and substitute "charge"

AND

Page 42, line 4, delete "E911 charge" and substitute "public safety charge"

AND

Page 42, line 5, delete "November 30, 2019," and substitute "September 30, 2019,"

AND

Page 42, line 6, delete "November 30, 2019," and substitute "September 30, 2019,"

AND

Page 42, line 9, delete "December 1, 2019," and substitute "October 1, 2019,"

AND

Page 42, line 10, delete "connectivity charge" and substitute "charge"

AND

Page 42, line 15, delete "safety connectivity" and substitute "safety"

AND

Page 42, line 21, delete "safety connectivity" and substitute "safety"

AND

Page 42, line 23, delete "safety connectivity" and substitute "safety"

AND

Page 42, line 26, delete "connectivity charge" and substitute "charge"

AND

Page 42, line 29, delete "(f)(e)(1)" and substitute "(f)(e)"

AND

Page 42, line 31, delete "connectivity funds" and substitute "funds"

AND

Page 42, line 33, delete "tenth business day" and substitute "fifteenth business day"

AND

Page 42, delete line 34, and substitute the following:
"of December 2019 and on or before the fifteenth business day of each month"

AND

Page 42, delete line 36

AND

Page 43, delete lines 1 through 6

AND

Page 43, line 22, delete "safety connectivity" and substitute "safety"

AND

Page 43, line 26, delete "connectivity charge" and substitute "charge"

AND

Page 44, delete line 5, and substitute the following:
"amended to add an additional section to read as follows:"

AND

Page 44, line 19, delete "connectivity charges" and substitute "charges"

AND

Page 44, delete lines 22 through 36, and substitute the following:

"(d) On or before the fifteenth business day of December 2019 and on the fifteenth business day of each month thereafter, up to fourteen thousand dollars (\$14,000) of the moneys in the Arkansas Public Safety Trust Fund shall be distributed to the department to provide administrative support for the Arkansas Public Safety Trust Fund.

(e) On or before the fifteenth business day of July 2020 and on the fifteenth business day of each fiscal quarter thereafter, moneys in the Arkansas Public Safety Trust Fund shall be distributed as follows:

(1) Up to sixty-two thousand five hundred dollars (\$62,500) to the Arkansas Commission on Law Enforcement Standards and Training; and

(2) Up to two million dollars (\$2,000,000) to the department to support upgrades and maintenance for the Arkansas Wireless Information Network.

(f) Between December 2019 and June 2020, the Arkansas Public Safety Trust Fund shall withhold moneys necessary to make the distributions under subsections (d) and (e) of this section.

(g) Each month after the distributions under subsections (d)-(f) are satisfied, all remaining funds in the Arkansas Public Safety Trust Fund shall be transferred to the Arkansas 911 Board.

(h) Subsections (d)-(g) of this section shall be applied for fiscal year 2021 and each successive fiscal year."

AND

Page 45, delete lines 1 through 36

AND

Page 46, delete lines 1 through 36

AND

Page 47, delete lines 1 through 36

AND

Page 48, delete lines 1 through 36

AND

Page 49, delete lines 1 through 36

AND

Page 50, delete lines 1 through 36

AND

Page 51, delete lines 1 through 36

AND

Page 52, delete lines 1 through 36

AND

Page 53, delete lines 1 through 36

AND

Page 54, delete lines 1 through 36

AND

Page 55, delete lines 1 through 36

AND

Page 56, delete lines 1 through 36

The Amendment was read _____

By: Representative M. Gray

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JMB354

Chief Clerk