

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/17/15

A Bill

SENATE BILL 977

5 By: Senator B. Pierce
6

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING LOCAL 911
9 SYSTEMS; AMENDING ARKANSAS LAW PERTAINING TO
10 OVERSIGHT, COORDINATION, REPORTING, AND TRAINING OF
11 LOCAL 911 SYSTEMS AND DISPATCHERS; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO AMEND ARKANSAS LAW CONCERNING LOCAL
16 911 SYSTEMS; AMENDING ARKANSAS LAW
17 PERTAINING TO OVERSIGHT, COORDINATION,
18 REPORTING, AND TRAINING OF LOCAL 911
19 SYSTEMS AND DISPATCHERS.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code § 12-10-303, concerning definitions, is*
26 *amended to add an additional subdivision to read as follows:*

27 *(30) "Secondary public safety answering point" means the location at*
28 *which 911 calls are transferred to from a public safety answering point.*
29

30 *SECTION 2. Arkansas Code § 12-10-318(c), concerning the duties of the*
31 *Arkansas Emergency Telephone Services Board, is amended to read as follows:*

32 *(c)(1) There is established the Arkansas Emergency Telephone Services*
33 *Board, consisting of the following:*

34 *(A) The Auditor of State or his or her designated*
35 *representative;*

36 *(B) Two (2) representatives selected by a majority of the*



1 commercial mobile radio service providers licensed to do business in the
2 state;

3 (C) Two (2) 911 system employees selected by a majority of
4 the public safety answering point administrators in the state;

5 (D) The Director of the Arkansas Department of Emergency
6 Management or the director's designee;

7 (E) One (1) consumer member to be appointed by the
8 President Pro Tempore of the Senate; and

9 (F) One (1) consumer member to be appointed by the Speaker
10 of the House of Representatives.

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

12 (A) To establish and maintain an interest-bearing account
13 into which shall be deposited revenues from the service charges levied under
14 subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under
15 § 12-10-326;

16 (B) To manage and disburse the funds from the interest-
17 bearing account established under subdivision (c)(2)(A) of this section in
18 the following manner:

19 (i)(a) Not less than eighty-three and five-tenths
20 percent (83.5%) of the total monthly revenues collected and remitted under
21 subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under
22 § 12-10-326 shall be distributed on a population basis to each political
23 subdivision operating a 911 public safety communications center that has the
24 capability of receiving commercial mobile radio service 911 calls on
25 dedicated 911 trunk lines for expenses incurred for the answering, routing,
26 and proper disposition of 911 calls, including payroll costs, readiness
27 costs, and training costs associated with wireless, voice over internet
28 protocol, and nontraditional 911 calls.

29 (b) Each state fiscal year, ~~one hundred twenty~~
30 ~~thousand dollars (\$120,000)~~ two hundred thousand dollars (\$200,000) of the
31 total monthly revenues collected and remitted under subdivision
32 (c)(2)(B)(i)(a) of this section shall be transferred and deposited to the
33 credit of the books of the Treasurer of State and the Auditor of State for
34 the Miscellaneous Agencies Fund Account for the Arkansas Commission on Law
35 Enforcement Standards and Training, to be used exclusively for training and
36 all related costs under § 12-10-325;

1 (ii)(a) Not more than fifteen percent (15%) of the
2 total monthly revenues collected and remitted under subdivision (b)(1)(A) of
3 this section and prepaid wireless E911 charges under § 12-10-326 shall be
4 held in the interest-bearing account. The board shall report to the
5 Legislative Council in the event the sum held under this subdivision
6 (c)(2)(B)(ii)(a) becomes less than three million five hundred thousand
7 dollars (\$3,500,000).

8 (b) These funds may be utilized by the public
9 safety answering points for the following purposes in connection with
10 compliance with the Federal Communications Commission requirements:
11 upgrading, purchasing, programming, installing, and maintaining necessary
12 data, basic 911 geographic information system mapping, hardware, and
13 software, including any network elements required to supply enhanced 911
14 phase II cellular, voice over internet protocol, and other nontraditional
15 telephone service.

16 (c) Invoices must be presented to the board in
17 connection with any request for reimbursement and be approved by a majority
18 vote of the board to receive reimbursement.

19 (d) Any invoices presented to the board for
20 reimbursements of costs not described by this section may be approved only by
21 a unanimous vote of the board;

22 (iii) Not more than five-tenths percent (0.5%) of
23 the fees collected under subdivision (b)(1)(A) of this section and prepaid
24 wireless E911 charges under § 12-10-326 may be utilized by the board to
25 compensate the independent auditor and for administrative expenses;

26 (iv) All interest received on funds in the interest-
27 bearing account shall be disbursed as prescribed in subdivision (c)(2)(B)(i)
28 of this section; and

29 (v)(a)(1) All cities and counties ~~receiving funds~~
30 under this section operating a public safety answering point or a secondary
31 public safety answering point shall submit to the board no later than April 1
32 of each year;

33 (A) ~~an~~ An explanation and
34 accounting of the funds received and expenditures of those funds for the
35 previous calendar year, along with a copy of the budget for the previous year
36 and a copy of the year-end appropriation and expenditure analysis of any

1 participating or supporting counties, cities, or agencies; and

2 (B) Any information requested by
3 the board concerning local 911 public safety answering point operations,
4 facilities, equipment, personnel, network, interoperability, call volume,
5 dispatcher training, and supervisor training.

6 (2) The chief executive for each public
7 safety answering point or secondary public safety answering point shall
8 gather the information necessary for the report under subdivision
9 (c)(2)(B)(v)(a)(1) of this section and provide it to the official responsible
10 for the submission of the report to the board and the county
11 intergovernmental coordination council.

12 (3) Beginning January 1, 2016, a public
13 safety answering point or a secondary public safety answering point shall
14 submit within its information under subdivision (c)(2)(B)(v)(a)(1) of this
15 section the name of each dispatcher, the dispatcher's date of hire, the
16 dispatcher's date of termination if applicable, and approved courses by the
17 Arkansas Commission on Law Enforcement Standards and Training which were
18 completed by the dispatcher, including without limitation "train the trainer"
19 courses.

20 (4) Beginning January 1, 2017, the board
21 shall withhold quarterly disbursement from a public safety answering point or
22 a secondary public safety answering point until fifty percent (50%) of the
23 dispatchers for the city or county have completed dispatcher training and
24 dispatcher continuing education approved by the Arkansas Commission on Law
25 Enforcement Standards and Training.

26 (b) The chief executive for each public safety
27 answering point and secondary public safety answering point shall provide a
28 copy of its certification to the county intergovernmental coordination
29 council for use in conducting the annual review of services under § 14-27-
30 104.

31 (c) Failure to submit a report under
32 subdivision (c)(2)(B)(v)(a)(1) of this section or a certification under
33 (c)(2)(B)(v)(b) of this section shall result in the withholding of quarterly
34 disbursements by the board until the public safety answering point and
35 secondary public safety answering point have submitted the report or
36 certification.

1 ~~(b)(1)(d)(1)~~ The board may require any other
2 information necessary ~~to ensure that the funds have been properly utilized~~
3 ~~according to~~ under this section.

4 (2) All cities and counties receiving
5 funds under this section also shall submit to the board no later than April 1
6 of each year a copy of all documents reflecting the 911 funds received for
7 the previous calendar year, including without limitation wireless, wireline,
8 general revenues, sales taxes, and other sources used by the city or county
9 for 911 services.

10 ~~(e)(e)~~ Failure to submit the proper accounting
11 information and failure to utilize the funds in a proper manner may result in
12 the suspension or reduction of funding until corrected;

13 (C)(i) To promulgate rules necessary to perform its duties
14 prescribed by this subchapter.

15 (ii) In determining the population basis for
16 distribution of funds under subdivision (c)(2)(B)(i) of this section, the
17 board shall determine, based on the latest federal decennial census, the
18 population of all unincorporated areas of counties operating a 911 public
19 safety communications center that has the capacity of receiving commercial
20 mobile radio service, voice over internet protocol service, or nontraditional
21 911 calls on dedicated 911 trunk lines, and the population of all
22 incorporated areas operating a 911 public safety communications center that
23 has the capability of receiving commercial mobile radio service, voice over
24 internet protocol service, or nontraditional 911 calls on dedicated 911 trunk
25 lines and compare the population of each of those political subdivisions to
26 the total population;

27 (D) To submit annual reports to the office of the Auditor
28 of State outlining fees collected and moneys disbursed to public safety
29 answering points from service charges under subdivision (b)(1)(A) of this
30 section and prepaid wireless E911 charges under § 12-10-326; and

31 (E)(i) To retain an independent third-party auditor for
32 the purposes of receiving, maintaining, and verifying the accuracy of any
33 proprietary information submitted to the board by commercial mobile radio
34 service providers.

35 (ii) Due to the confidential and proprietary nature
36 of the information submitted by commercial mobile radio service providers,

1 the information shall be retained by the independent auditor in confidence,
 2 shall be subject to review only by the Auditor of State, and shall not be
 3 subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., nor
 4 released to any third party.

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

9 (3) Commercial mobile radio service providers, voice over
 10 internet protocol, or other nontraditional communications providers shall be
 11 entitled to retain one percent (1%) of the fees collected under subdivision
 12 (b)(1)(A) of this section as reimbursement for collection and handling of the
 13 charges.

14

15 SECTION 3. Arkansas Code § 12-10-325 is amended to read as follows:
 16 12-10-325. Training standards.

17 (a)(1) A public safety agency, a public safety answering point, a
 18 dispatch center, or a 911 public safety communications center may provide
 19 training opportunities for 911 public safety ~~communication~~ communications
 20 center personnel through the Arkansas Commission on Law Enforcement Standards
 21 and Training and the Arkansas Law Enforcement Training Academy.

22 (2) The Arkansas Law Enforcement Training Academy shall develop
 23 training standards for dispatchers, supervisors, and instructors in Arkansas
 24 in consultation with the Association of Public-Safety-Communications
 25 Officials-International, Inc. and submit the training standards to the
 26 Arkansas Commission on Law Enforcement Standards and Training for approval.

27 (3)(A) Training for instructors may include without limitation
 28 instructor development, course development, leadership development, and other
 29 appropriate 911 instructor training.

30 (B) Training for dispatchers and supervisors may include
 31 without limitation:

32 (i) ~~call~~ Call taking_;

33 (ii) ~~customer~~ Customer service_;

34 (iii) ~~stress~~ Stress management_;

35 (iv) ~~mapping~~ Mapping;

36 (v) ~~call~~ Call processing_;

1 ~~(vi) telecommunication~~ Telecommunication and radio
2 equipment training;

3 ~~(vii) training~~ Training with devices for the deaf;

4 ~~(viii) autism,~~ Autism;

5 ~~(ix) National Incident Management System training;~~

6 ~~(x) Incident Command System training;~~

7 ~~(xi) National Center for Missing and Exploited~~
8 Children training;

9 ~~(xii) National Emergency Number Association~~
10 training;

11 ~~(xiii) Association of Public Safety Communications~~
12 Officials International, Inc. training; and

13 ~~(xiv) and other~~ Other appropriate 911 dispatcher and
14 supervisor training.

15 (4) An entity that provides training under subdivision (a)(1) of
16 this section shall:

17 ~~(A) may retain~~ Retain training records created under this
18 section; and

19 ~~(B) Deliver an annual report to the Arkansas Emergency~~
20 Telephone Services Board of training provided by the entity to verify the
21 dispatcher and supervisor training reported as completed by each public
22 safety answering point annually under § 12-10-318.

23 ~~(b)(1) A private safety agency that performs dispatch functions is not~~
24 eligible for training under this section may attend training or receive
25 instruction at the invitation of the commission.

26 ~~(2) The commission may assess a fee on a private safety agency~~
27 invited to attend training or receive instruction under this subsection to
28 reimburse the commission for costs associated with the training or
29 instruction.

30
31 /s/B. Pierce

32
33
34 **APPROVED: 04/01/2015**