

State of Arkansas

82nd General Assembly

Regular Session, 1999

A Bill

HOUSE BILL 1258

By: Representatives Madison, Sheppard, Teague

By: Senator Fitch

For An Act To Be Entitled

"AN ACT TO AMEND THE ARKANSAS PUBLIC SAFETY
COMMUNICATIONS ACT OF 1985; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO AMEND THE ARKANSAS PUBLIC
SAFETY COMMUNICATIONS ACT OF 1985."

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

SECTION 1. Arkansas Code 12-10-318(b)(2) is amended to read as follows:

"(2) There is hereby established the CMRS Emergency Telephone Services Board consisting of the following: the State Auditor or his designated representative, two (2) representatives selected by a majority of the CMRS providers licensed to do business in the state, and two 911 system employees selected by a majority of the PSAP 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 levied on CMRS connections;

(B) Manage and disburse the funds from the account in the following manner:

(i) Not more than ~~forty percent (40%)~~ thirty-eight percent (38%) of the total monthly revenues collected shall be distributed on a population basis to PSAP administrators based on CMRS call volume each political subdivision operating a 911 Public Safety Communications Center which has the capability of receiving CMRS 911 calls on dedicated 911 trunk lines for expenses incurred for the answering, routing and proper disposition of CMRS

1 911 calls;

2 (ii) Not less than fifty-eight percent (58%) of the total monthly
3 revenues shall be held in the interest-bearing account solely for the purposes
4 of complying with applicable requirements of FCC docket # 94-102. These funds
5 may be utilized by the PSAPs and the CMRS providers licensed to do business in
6 Arkansas for the following purposes in connection with compliance with the FCC
7 requirements: upgrading, purchasing, programming and installing necessary
8 data, hardware, and software. Invoices must be presented to the board in
9 connection with any request for reimbursement and be approved by a majority
10 vote of the board to receive reimbursement. Any invoices presented to the
11 board for reimbursements of costs not described by this section may be
12 approved only by a unanimous vote of the board. In no event shall any invoice
13 be reimbursed for costs not related to compliance with applicable requirements
14 of FCC docket # 94-102.

15 (iii) Submit annual reports to the State Auditor's office
16 outlining fees collected and moneys disbursed to PSAPs and CMRS providers.

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

27 (v) Conduct a cost study on or before August 31, 1998, to be
28 submitted to the Legislative Council for the purpose of determining whether
29 legislation should be proposed to adjust the CMRS emergency telephone service
30 charge to reflect actual costs to be incurred by PSAPs and CMRS providers for
31 compliance with applicable requirements of FCC docket # 94-102.

32 (vi) ~~One percent (1%)~~ Up to three percent (3%) of the fees
33 collected may be utilized by the board to compensate the independent auditor
34 and for administrative expenses.

35 (vii) All interest received on funds in the interest bearing
36 account required in subdivision (b)(2)(A) shall be disbursed as prescribed in

1 subdivision (b)(2)(B)(i).

2 (viii) The board shall promulgate regulations necessary to perform
3 its duties prescribed by this subchapter. In determining the population basis
4 for distribution of funds under subdivision (b)(2)(B)(i), the Board shall
5 determine, based on the latest federal census, the population of all
6 unincorporated areas of counties operating a 911 Public Safety Communications
7 Center which has the capacity of receiving CMRS 911 calls on dedicated 911
8 trunk lines, and the population of all incorporated areas operating a 911
9 Public Safety Communications Center which has the capability of receiving CMRS
10 911 calls on dedicated 911 trunk lines and comparing the population of each of
11 those political subdivisions to the total population."

12
13 SECTION 2. All provisions of this Act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

16
17 SECTION 3. If any provision of this Act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the Act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 Act are declared to be severable.

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23 SECTION 4. All laws and parts of laws in conflict with this Act are
24 hereby repealed.

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26 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
27 Eighty-second General Assembly that there is an immediate need for the
28 proportionate and speedy disbursement of funds to public safety answering
29 point (PSAP) administrators; that such proportionate disbursement of funds
30 will better enable PSAP administrators to ensure that CMRS calls are properly
31 answered and disposed of; that this act will better enable a prompt response
32 to 911 service calls resulting in the protection of life and property; that
33 until this act goes into effect the citizens of this State will be denied the
34 protection better afforded by it. Therefore, an emergency is declared to
35 exist and this act being immediately necessary for the preservation of the
36 public peace, health and safety shall become effective on the date of its

approval by the Governor. If the bill is neither approved nor vetoed by the
Governor, it shall become effective on the expiration of the period of time
during which the Governor may veto the bill. If the bill is vetoed by the
Governor and the veto is overridden, it shall become effective on the date the
last house overrides the veto.