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	A Bill	
2	85th General Assembly		
3	Regular Session, 2005		SENATE BILL 1014
4	Deve Constant Madiana		
5	By: Senator Madison		
6 7			
7 8		For An Act To Be Entitled	
9	AN ACT TO AMEND THE ARKANSAS PUBLIC SAFETY		
10	COMMUNICATIONS ACT OF 1985 CONCERNING THE		
11	IMPOSITION OF 911 CHARGES; AND FOR OTHER		
12	PURPOSES.		
13			
14		Subtitle	
15	TO AMEND THE ARKANSAS PUBLIC SAFETY		
16	COMMUNICATIONS ACT OF 1985 CONCERNING		
17	THE IMPOS	SITION OF 911 CHARGES.	
18			
19			
20	BE IT ENACTED BY THE GENER	AL ASSEMBLY OF THE STATE OF	ARKANSAS:
21			
22	SECTION 1. Arkansas	Code § 12-10-318(a) and (b), concerning the
23	imposition of 911 charges are amended to read as follows:		
24	(a)(l)(A) When so authorized by a majority of the persons voting		
25	within the political subdi	vision in accordance with t	he law, the governing
26	authority of each politica	l subdivision may levy an e	mergency telephone
27	service charge in the amount assessed by the political subdivision on a per		
28	access line basis as of Ja	nuary 1, 1997, or the amoun	t up to five percent
29	(5%) of the tariff rate, except that any political subdivision with a		
30	population of fewer than twenty-seven thousand five hundred (27,500)		
31	according to the 1990 Federal Decennial Census may, by a majority vote of the		
32	electors voting on the issue, levy an emergency telephone charge in an amount		
33	assessed by the political subdivision on a per access line basis as of		
34	January 1, 1997, or an amount up to twelve percent (12%) of the tariff rate.		
35		governing authority of a p	
36	that has been authorized u	nder subdivision (a)(l)(A)	of this section to levy



1 an emergency telephone service charge in an amount up to twelve percent (12%) 2 of the tariff rate may decrease the percentage rate to not less than four 3 percent (4%) of the tariff rate for those telephone service users that are 4 served by a telephone company with fewer than two hundred (200) access lines 5 in this state as of the date of the election conducted under subdivision 6 (a)(1)(A) of this section.

7 (2) The governing authority of the political subdivision may,8 upon its own initiative, call such a special election.

9 (b)(1)(A) There is hereby levied a commercial mobile radio service 10 emergency telephone service charge in an amount of fifty cents (50¢) forty 11 cents (40¢) per month per commercial mobile radio service connection that has 12 a billing address place of primary use within the State of Arkansas or with 13 respect to which the mobile identification number for the commercial mobile 14 radio service connection contains an area code assigned to Arkansas by the 15 North American Numbering Plan Administrator.

16 (B)(i) After September 1, 2003, when authorized by a 17 majority of persons voting within a political subdivision in accordance with the law, the governing authority of that political subdivision may levy an 18 19 additional commercial mobile radio service emergency telephone service charge 20 in an amount up to thirty cents (30¢) per month per commercial mobile radio 21 service connection that has a billing address within the political 22 subdivision. A commercial mobile radio service provider may determine, bill, 23 collect, and retain an additional amount to reimburse the commercial mobile radio service provider for enabling and providing 911 and enhanced 911 24 services and capability in the network and for the facilities and associated 25 26 equipment. 27 (ii) The commercial mobile radio service provider 28 may add any amounts approved by the voters and implemented under this 29 subdivision (b)(1)(B) to the fifty cents (50c) forty cents (40c) levied in 30 subdivision (b)(1)(A) of this section so that the commercial mobile radio 31 service emergency telephone service charges appear as a single line item on a 32 subscriber's bill.

33 (C) The fees collected by commercial mobile radio service
34 providers under subdivisions (b)(1)(A) and (B) of this section, less
35 administrative fees under subdivision (b)(3) of this section, shall be
36 remitted to the CMRS Emergency Telephone Services Board within sixty (60)

days after the end of the month in which the fees are collected. 1 2 (D) The funds collected pursuant to this subdivision 3 (b)(1) shall not be deemed revenues of the state and shall not be subject to 4 appropriation by the General Assembly. 5 The fee levied in subdivision (b)(1)(A) of this (E) 6 section and any additional amounts approved by the voters and implemented 7 under subdivision (b)(1)(B) of this section and collected by commercial 8 mobile radio service providers who provide mobile telecommunications services 9 as defined by the Mobile Telecommunications Sourcing Act, Pub. L. No. 106-10 252, as in effect on January 1, 2001, shall be collected pursuant to the 11 Mobile Telecommunications Sourcing Act. 12 (2)(A) There is hereby established the CMRS Emergency Telephone Services Board consisting of the following: 13 14 (i) The Auditor of State or his or her designated 15 representative; 16 (ii) Two (2) representatives selected by a majority 17 of the commercial mobile radio service providers licensed to do business in 18 the state; and 19 (iii) Two (2) 911 system employees selected by a majority of the public safety answering point administrators in the state. 20 21 The responsibilities of the board shall be as follows: (B) 22 (i) To establish and maintain an interest-bearing 23 account in which will be deposited revenues from the service charges levied 24 on commercial mobile radio service connections under subdivision (b)(1)(A) of 25 this section: 26 (ii) To manage and disburse any commercial mobile 27 radio service emergency telephone service charge approved by the voters and 28 implemented under subdivision (b)(1)(B) of this section to the political 29 subdivision having levied the emergency telephone service charge for its use 30 in operating a 911 public safety communications center consistent with the authorized expenditures of revenues for the provision of 911 services under § 31 32 12-10-323; 33 (iii) To manage and disburse the funds from the 34 account levied under subdivision (b)(1)(A) of this section in the following 35 manner: 36 (a) Not more than thirty-eight percent (38%)

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1 <u>forty five percent (45%)</u> of the total monthly revenues collected <u>and remitted</u> 2 under subdivision (b)(1)(A) of this section shall be distributed on a 3 population basis to each political subdivision operating a 911 public safety 4 communications center which has the capability of receiving commercial mobile 5 radio service 911 calls on dedicated 911 trunk lines for expenses incurred 6 for the answering, routing, and proper disposition of commercial mobile radio 7 service 911 calls;

8 (b) Not less than fifty-eight percent (58%) 9 fifty-three percent (53%) of the total monthly revenues collected and 10 remitted under subdivision (b)(1)(A) of this section shall be held in the 11 interest-bearing account solely for the purposes of complying with applicable 12 requirements of Federal Communications Commission docket # 94-102. These funds may be utilized by the public safety answering points and the 13 14 commercial mobile radio service providers licensed to do business in Arkansas 15 for the following purposes in connection with compliance with the Federal 16 Communications Commission requirements: upgrading, purchasing, programming, 17 and installing necessary data, basic 911 mapping, hardware, and software, including any network elements required to supply enhanced 911 phase II. 18 19 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 20 21 reimbursement. Any invoices presented to the board for reimbursements of 22 costs not described by this section may be approved only by a unanimous vote 23 of the board. In no event shall any invoice be reimbursed for costs not 24 related to compliance with applicable requirements of Federal Communications 25 Commission docket # 94-102;

26 (c) Up to three percent (3%) two percent (2%) 27 of the fees collected under subdivision (b)(1)(A) of this section may be 28 utilized by the board to compensate the independent auditor and for 29 administrative expenses; and 30 (d) All interest received on funds in the

31 interest-bearing account shall be disbursed as prescribed in subdivision 32 (b)(2)(C)(i) of this section; and 33 (e)(1) All cities and counties receiving funds 34 under this section, shall submit to the board no later than March 1 of each 35 year an explanation and accounting of the funds received and expenditures of

36 those funds for the previous calendar year.

1	(2) The board may require any other		
2	information necessary to ensure the funds have been properly utilized		
3	according to this section.		
4	(3) Failure to submit the proper		
5	accounting information and failure to utilize the funds in a proper manner		
6	may result in the suspension or reduction of funding until corrected.		
7	(iv)<u>(</u>iii) (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)<u>(</u>ii) (a) of this		
11	section, the board shall determine, based on the latest federal decennial		
12	census, the population of all unincorporated areas of counties operating a		
13	911 public safety communications center which has the capacity of receiving		
14	commercial mobile radio service 911 calls on dedicated 911 trunk lines and		
15	the 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)<u>(</u>iv) To submit annual reports to the office of		
20	the Auditor of State outlining fees collected and moneys disbursed to public		
21	safety answering points and commercial mobile radio service providers under		
22	subdivisionssubdivision (b)(l)(A) and (B) of this section; and		
23	(vi)(v)(a) To retain an independent third-party		
24	auditor for the purposes of receiving, maintaining, and verifying the		
25	accuracy of any proprietary information submitted to the board by commercial		
26	mobile radio 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.		

(3) Commercial mobile radio service providers shall be entitled to retain one percent (1%) of the fees collected under subdivision (b)(1)(A)of this section as reimbursement for collection and handling of the charges. (4)(A) Notwithstanding any other provision of the law, in no event shall any commercial mobile radio service provider, its officers, employees, assigns, or agents be liable for civil damages or criminal liability in connection with the development, design, installation, operation, maintenance, performance, or provision of 911 service. (B) Nor shall any commercial mobile radio service provider, its officers, employees, assigns, or agents be liable for civil damages or be criminally liable in connection with the release of subscriber information to any governmental entity as required under the provisions of this subchapter.