

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  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 1014

4  
5 By: Senator Madison  
6  
7

## For An Act To Be Entitled

8  
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

## Subtitle

14  
15 TO AMEND THE ARKANSAS PUBLIC SAFETY  
16 COMMUNICATIONS ACT OF 1985 CONCERNING  
17 THE IMPOSITION OF 911 CHARGES.  
18  
19

20 BE IT ENACTED BY THE GENERAL 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)(1)(A) When so authorized by a majority of the persons voting  
25 within the political subdivision in accordance with the law, the governing  
26 authority of each political subdivision may levy an emergency telephone  
27 service charge in the amount assessed by the political subdivision on a per  
28 access line basis as of January 1, 1997, or the amount 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 (B) The governing authority of a political subdivision  
36 that has been authorized under subdivision (a)(1)(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~~  
18 ~~the law, the governing authority of that political subdivision may levy an~~  
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  
24 radio service provider for enabling and providing 911 and enhanced 911  
25 services and capability in the network and for the facilities and associated  
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 (50¢)~~ forty cents (40¢) 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)

1 days after the end of the month in which the fees are collected.

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 (E) The fee levied in subdivision (b)(1)(A) of this  
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  
13 Services Board consisting of the following:

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  
20 majority of the public safety answering point administrators in the state.

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

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  
31 authorized expenditures of revenues for the provision of 911 services under §  
32 12-10-323;~~

33 ~~(iii)~~(ii) 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%)~~

1 forty five percent (45%) of the total monthly revenues collected and remitted  
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  
13 funds may be utilized by the public safety answering points ~~and the~~  
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,  
18 including any network elements required to supply enhanced 911 phase II.  
19 Invoices must be presented to the board in connection with any request for  
20 reimbursement and be approved by a majority vote of the board to receive  
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.



