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4

A Bill

HOUSE BILL 1564

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10 By: Senators Rapert, B. Sample, Caldwell, E. Cheatham, L. Chesterfield, J. Cooper, Elliott, J. English, S.
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12

For An Act To Be Entitled

13 AN ACT TO ESTABLISH THE PUBLIC SAFETY ACT OF 2019; TO
14 AMEND THE ARKANSAS PUBLIC SAFETY COMMUNICATIONS ACT
15 OF 1985; TO DEVELOP A NEXT GENERATION 911 SYSTEM; AND
16 FOR OTHER PURPOSES.
17
18
19

Subtitle

20 TO ESTABLISH THE PUBLIC SAFETY ACT OF
21 2019; TO AMEND THE ARKANSAS PUBLIC SAFETY
22 COMMUNICATIONS ACT OF 1985; AND TO
23 DEVELOP A NEXT GENERATION 911 SYSTEM.
24
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26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. DO NOT CODIFY. Title.

30 This act shall be known and may be cited as the "Public Safety Act of
31 2019".
32

33 SECTION 2. DO NOT CODIFY. Legislative findings and intent.

34 (a) The General Assembly finds that:

35 (1) The State of Arkansas recognizes that maintaining the
36 public's safety is a sacred trust of the government;



1 (2) The citizens of Arkansas depend on state government to
 2 provide for public welfare and safety; and

3 (3) To ensure public welfare and safety, it is important and
 4 worthy to achieve the following public safety priorities:

5 (A) Developing a next generation 911 system;

6 (B) Replacing the Arkansas Emergency Telephone Services
 7 Board with the Arkansas 911 Board;

8 (C) Providing upgrades and maintenance funding for the
 9 Arkansas Wireless Information Network;

10 (D) Maintaining certain statewide emergency technologies;
 11 and

12 (E) Providing funding for further deploying rural
 13 broadband as the appropriate platform for emergency networks.

14 (b) It is the intent of the General Assembly to simplify and
 15 consolidate charges currently paid by telecommunication subscribers to
 16 provide services in the most efficient manner possible by:

17 (1) Repealing and replacing the laws that provide for:

18 (A) The state universal service fee levied under § 23-17-
 19 404(b)(2);

20 (B) The local 911 tariff levied under § 12-10-318; and

21 (C) The emergency telephone service charges levied under §
 22 12-10-318; and

23 (2) Replacing the fee, tariff, and charges described in
 24 subdivision (b)(1) of this section with a uniform and consolidated public
 25 safety connectivity charge.

26
 27 SECTION 3. Arkansas Code §§ 12-10-301 to 12-10-323 are amended to read
 28 as follows:

29 12-10-301. Title.

30 This subchapter shall be known and may be cited as the “Arkansas Public
 31 Safety Communications and Next Generation 911 Act of ~~1985~~ 2019”.
 32

33 12-10-302. Legislative findings, policy, and purpose.

34 (a) It has been determined to be in the public interest to shorten the
 35 time and simplify the method required for a citizen to request and receive
 36 emergency aid.

1 (b) The provision of a single, primary three-digit emergency number
 2 through which fire suppression, rescue, disaster and major emergency,
 3 emergency medical, and law enforcement services may be quickly and
 4 efficiently obtained will provide a significant contribution to response by
 5 simplifying notification of these emergency service responders. A simplified
 6 means of procuring these emergency services will result in saving of life, a
 7 reduction in the destruction of property, quicker apprehension of criminals,
 8 and ultimately the saving of moneys.

9 (c) Establishment of a uniform emergency telephone number is a matter
 10 of concern to all citizens.

11 (d) The emergency number 911 has been made available at the national
 12 level for implementation throughout the United States and Canada.

13 (e) It is found and declared necessary to:

14 (1) Establish the National Emergency Number 911 (nine, one, one)
 15 as the primary emergency telephone number for use in participating political
 16 subdivisions of the State of Arkansas;

17 (2) Authorize each chief executive to direct establishment and
 18 operation of ~~911 public safety communications centers~~ answering points in
 19 their political subdivisions and to designate the location of a ~~911 public~~
 20 ~~safety communications center~~ answering point and agency which is to operate
 21 the center. As both are elected positions, a county judge must obtain
 22 concurrence of the county sheriff;

23 (3) Encourage the political subdivisions to implement ~~911 public~~
 24 ~~safety communications centers~~ answering points; and

25 (4) Provide a method of funding for the political subdivisions,
 26 subject to the jurisdiction of the Arkansas 911 Board, which will allow them
 27 to implement, operate, and maintain a ~~911 public safety communications center~~
 28 answering point.

29
 30 12-10-303. Definitions.

31 As used in this subchapter:

32 (1) "Access line" means a communications line or device that has
 33 the capacity to access the public switched network;

34 (2) "Automatic location identification" means an enhanced 911
 35 service capability that enables the automatic display of information defining
 36 the geographical location of the telephone used to place the 911 call;

1 ~~(2)~~(3) “Automatic number identification” means an enhanced 911
2 service capability that enables the automatic display of the ten-digit number
3 used to place a 911 call from a wire line, wireless, voice over internet
4 protocol, or any nontraditional phone service;

5 ~~(3)~~(4) “Basic 911 system” means a system by which the various
6 emergency functions provided by public ~~and private~~ safety agencies within
7 each political subdivision may be accessed utilizing the three-digit number
8 911, but no available options are included in the system;

9 ~~(4)~~ “Board” means the Arkansas Emergency Telephone Services
10 Board created by this subchapter;

11 (5) “Chief executive” means the Governor, county judges, mayors,
12 city managers, or city administrators of incorporated places, and is
13 synonymous with head of government, dependent on the level and form of
14 government;

15 (6) “CMRS connection” means each account or number assigned to a
16 CMRS customer;

17 (7)(A) “Commercial mobile radio service” or “CMRS” means
18 commercial mobile service under §§ 3(27) and 332(d), Federal
19 Telecommunications Act of 1996, 47 U.S.C. § 151 et seq., Federal
20 Communications Commission rules, and the Omnibus Budget Reconciliation Act of
21 1993.

22 (B)~~(i)~~ “Commercial mobile radio service” or “CMRS”
23 includes any wireless, or two-way communication device, ~~including radio-~~
24 ~~telephone communications used in cellular telephone service, personal~~
25 ~~communication service, or the functional and competitive or functional or~~
26 ~~competitive equivalent of a radio telephone communications line used in~~
27 ~~cellular telephone service, a personal communication service, or a network~~
28 ~~radio access line. that has the capability of connecting to a public safety~~
29 answering point;

30 ~~(ii)~~ “Commercial mobile radio service” or “CMRS”
31 ~~does not include services whose customers do not have access to 911 or a 911-~~
32 ~~like service, a communication channel suitable only for data transmission, a~~
33 ~~wireless roaming service or other nonlocal radio access line service, or a~~
34 ~~private telecommunications system;~~

35 (8) “Dispatch center” means a public or private agency that
36 dispatches public or private safety agencies but does not operate a 911

1 public safety ~~answer~~ answering point;

2 (9) "Enhanced 911 network features" means those features of
3 selective routing that have the capability of automatic number and location
4 identification;

5 (10)(A) "Enhanced 911 system" means enhanced 911 service, which
6 is a telephone exchange communications service consisting of telephone
7 network features and public safety answering points designated by the chief
8 executive that enables users of the public telephone system to access a ~~911~~
9 public safety ~~communications center~~ answering point by dialing the digits
10 "911".

11 (B) The ~~service~~ enhanced 911 system directs 911 calls to
12 appropriate public safety answering points by selective routing based on the
13 geographical location from which the call originated and provides the
14 capability for automatic number identification and automatic location
15 identification;

16 (11)(A) "ESINet" means a managed internet protocol network that
17 is used for emergency services communications that can be shared by all
18 public safety agencies and that provides the internet protocol transport
19 infrastructure upon which independent application platforms and core services
20 can be deployed, including without limitation those services necessary for
21 providing next generation 911 services.

22 (B) "ESINet" is the designation for the network, but not
23 the services on the network;

24 (12) "Exchange access facilities" means all lines provided by
25 the service supplier for the provision of local exchange service, ~~as defined~~
26 ~~in existing general subscriber services tariffs;~~

27 (13) "Geographic information system" means a system for
28 capturing, storing, displaying, analyzing, and managing data and associated
29 attributes which are spatially referenced;

30 ~~(12)~~(14) "Governing authority" means county quorum courts and
31 governing bodies of municipalities;

32 ~~(13)~~ "911 public safety communications center" means the
33 ~~communications center operated on a twenty-four-hour basis by one (1) of the~~
34 ~~operating agencies defined by this subchapter and as designated by the chief~~
35 ~~executive of the political subdivision that includes the public safety~~
36 ~~answering point and dispatches one (1) or more public safety agencies;~~

1 (15) "Next generation 911" means a secure, internet protocol
 2 based, open standards system, comprised of hardware, software, data, and
 3 operation policies and procedures, that:

4 (A) Provides standardized interfaces from emergency call
 5 and message services to support emergency communications;

6 (B) Processes all types of emergency calls, including
 7 voice, text, data, and multimedia information;

8 (C) Acquires and integrates additional emergency call data
 9 useful to call routing and handling;

10 (D) Delivers the emergency calls, messages, and data to
 11 the appropriate public safety answering point and other appropriate emergency
 12 entities based on the location of the caller;

13 (E) Supports data, video, and other communications needs
 14 for coordinated incident response and management; and

15 (F) Interoperates with services and networks used by first
 16 responders to facilitate emergency response;

17 ~~(14)~~(16) "Nontraditional phone service" means any service that:

18 (A) Enables real-time voice communications from the user's
 19 location to customer premise equipment;

20 (B) Permits users to receive calls that originate on the
 21 public switched telephone network or to terminate calls to the public
 22 switched telephone network; and

23 (C) Has the capability of placing a 911 call;

24 ~~(15)~~(17) "Nontraditional phone service connection" means each
 25 account or number assigned to a nontraditional phone service customer;

26 ~~(16)~~(A)(18)(A) "Operating agency" means the public safety agency
 27 authorized and designated by the chief executive of the political subdivision
 28 to operate a ~~911 public safety communications center~~ public safety answering
 29 point.

30 (B) Operating agencies are limited to offices of emergency
 31 services, fire departments, and law enforcement agencies of the political
 32 subdivisions;

33 ~~(17)~~(19) "Prepaid wireless telecommunications service" means a
 34 prepaid wireless calling service as defined in § 26-52-314;

35 ~~(18)~~ "Private safety agency" means any entity, except a public
 36 safety agency, providing emergency fire, ambulance, or emergency medical

1 ~~services;~~

2 ~~(19)~~(20) "Public safety agency" means an agency of the State of
 3 Arkansas or a functional division of a political subdivision that provides
 4 firefighting, rescue, natural, or human-caused disaster or major emergency
 5 response, law enforcement, and ambulance or emergency medical services;

6 ~~(20)~~(21) "Public safety answering point" means the location at
 7 which all 911 calls communications are initially answered that is operated on
 8 a twenty-four-hour basis by an operating agency and dispatches two (2) or
 9 more public safety agencies;

10 ~~(21)~~(22) "Public safety officers" means specified personnel of
 11 public safety agencies;

12 ~~(22)~~(23) "Readiness costs" means equipment and payroll costs
 13 associated with equipment, call takers, and dispatchers on standby waiting
 14 for 911 calls;

15 ~~(23)~~ "Secondary public safety answering point" means the
 16 location at which 911 calls are transferred to from a public safety answering
 17 point;

18 (24) "Selective routing" means the method employed to direct 911
 19 calls to the appropriate public safety answering point based on the
 20 geographical location from which the call originated;

21 (25) "Service supplier" means any person, company, or
 22 corporation, public or private, providing exchange telephone service,
 23 nontraditional phone service, voice over internet protocol service, or CMRS
 24 service throughout the political subdivision;

25 (26) "Service user" means any person, company, corporation,
 26 business, association, or party not exempt from county or municipal taxes or
 27 utility franchise assessments who is provided landline telephone service,
 28 CMRS service, voice over internet protocol service, or any ~~non-traditional~~
 29 nontraditional phone service with the capability of placing a 911 call in the
 30 political subdivision;

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

36 (i) Taxes;

1 (B) That either:

2 (i) Is doing business in the State of Arkansas; or

3 (ii) May connect with a public safety ~~communications~~
 4 ~~center~~ answering point.

5
 6 12-10-304. ~~911 communications centers~~—Creation Public safety
 7 answering points.

8 ~~(a) The chief executive of each political subdivision shall determine~~
 9 ~~if a 911 public safety communications center should be created and, if such a~~
 10 ~~center is created, will designate the operating agency for the political~~
 11 ~~subdivision.~~

12 ~~(b) The chief executive of each political subdivision may authorize or~~
 13 ~~direct that a 911 public safety communications center be created or designate~~
 14 ~~an existing dispatch center as the 911 public safety communications center~~
 15 ~~for the political subdivision.~~

16 ~~(c) The 911 public safety communications center shall be the public~~
 17 ~~safety answering point of the political subdivision and may serve as the~~
 18 ~~public safety answering point for other political subdivisions as authorized~~
 19 ~~in § 12-10-305.~~

20 (a)(1) The chief executive of a political subdivision may:

21 (A) Designate the public safety answering point of another
 22 political subdivision to serve his or her political subdivision as a public
 23 safety answering point only; or

24 (B) Retain a dispatch center to serve both public safety
 25 answering point and dispatch functions.

26 (2) A designation under subdivision (a)(1) of this section shall
 27 be in the form of a written mutual aid agreement between the political
 28 subdivisions, with approval from the Arkansas 911 Board, and shall include
 29 that a fair share of funding shall be contributed by the political
 30 subdivision being served to the political subdivision operating the public
 31 safety answering point.

32 (3) Moneys necessary for the fair share of funding may be
 33 generated:

34 (A) As authorized in this subchapter;

35 (B) By funds received by or allocated by the Arkansas 911
 36 Board; and

1 (C) By any other funds available to the political
2 subdivision unless the use of the funds for 911 services is prohibited by
3 law.

4 (4) If a designation under subdivision (a)(1) of this section
5 and a mutual aid agreement are made, an additional public safety answering
6 point shall not be created without termination of the mutual aid agreement.

7 (b) A public safety answering point established under this subchapter
8 may serve the jurisdiction of more than one (1) public agency of the
9 political subdivision or, through mutual aid agreements, more than one (1)
10 political subdivision.

11 (c) This subchapter does not prohibit or discourage in any manner the
12 formation of multiagency or multijurisdictional public safety answering
13 points.

14 (d) The chief executive of a political subdivision may contract with a
15 private entity to operate a public safety answering point under rules
16 established by the Arkansas 911 Board.

17
18 ~~12-10-305. Multiagency and multijurisdictional answering points or~~
19 ~~centers Arkansas 911 Board.~~

20 ~~(a)(1) The chief executive of the political subdivision may designate~~
21 ~~the 911 public safety communications center of another political subdivision~~
22 ~~either to serve his or her political subdivision as public safety answering~~
23 ~~point only and retain one (1) or more dispatch centers or to serve both~~
24 ~~public safety answering point and dispatch functions.~~

25 ~~(2) This designation shall be in the form of a written mutual~~
26 ~~aid agreement between the political subdivisions and will include the~~
27 ~~stipulation of the fair share of funding to be contributed by the political~~
28 ~~subdivision being served to the political subdivision operating the 911~~
29 ~~public safety communications center.~~

30 ~~(3) Part or all of the moneys necessary for the fair share of~~
31 ~~funding may be generated as authorized in §§ 12-10-318, 12-10-319, 12-10-321,~~
32 ~~12-10-322, and by the emergency telephone service charge collected by the~~
33 ~~service supplier and paid by them directly to the political subdivision~~
34 ~~operating the 911 public safety communications center.~~

35 ~~(4) If such a designation and mutual aid agreement has been~~
36 ~~made, an additional 911 communications center may not be created without~~

1 ~~official termination of the mutual aid agreement.~~

2 ~~(b) Any 911 public safety communications center established pursuant~~
 3 ~~to this subchapter may serve the jurisdiction of more than one (1) public~~
 4 ~~agency of the political subdivision or, through proper agreements, more than~~
 5 ~~one (1) political subdivision.~~

6 ~~(c) No provision of this subchapter shall be construed to prohibit or~~
 7 ~~discourage in any manner the formation of multiagency or multijurisdictional~~
 8 ~~public safety answering points.~~

9 (a)(1) There is created the Arkansas 911 Board to consist of the
 10 following members:

11 (A) The Director of the Arkansas Department of Emergency
 12 Management or his or her designee;

13 (B) The Auditor of State or his or her designee;

14 (C) The State Geographic Information Officer of the
 15 Arkansas Geographic Information Systems Office or his or her designee;

16 (D) One (1) county judge appointed by the Association of
 17 Arkansas Counties;

18 (E) One (1) mayor appointed by the Arkansas Municipal
 19 League;

20 (F) One (1) 911 coordinator or director appointed by the
 21 Speaker of the House of Representatives;

22 (G) One (1) 911 coordinator or director appointed by the
 23 President Pro Tempore of the Senate;

24 (H) One (1) police chief appointed by the Arkansas
 25 Association of Chiefs of Police; and

26 (I) The following members to be appointed by the Governor:

27 (i) One (1) Emergency Management Director of a
 28 political subdivision;

29 (ii) One (1) sheriff;

30 (iii) One (1) representative of emergency medical
 31 services; and

32 (iv) One (1) fire chief.

33 (2)(A) The members under subdivisions (a)(1)(G), (a)(1)(I)(i),
 34 (a)(1)(I)(iii), and (a)(1)(I)(iv) of this section shall serve a term of two
 35 (2) years.

36 (B) The members under subdivisions (a)(1)(D), (a)(1)(E),

1 (a)(1)(F), (a)(1)(H), and (a)(1)(I)(ii) of this section shall serve a term of
2 four (4) years.

3 (3) Vacancies shall be filled in the same manner as the original
4 appointment and each member shall serve until a qualified successor is
5 appointed.

6 (4) The Director of the Arkansas Department of Emergency
7 Management shall serve as the chair and call the first meeting no later than
8 thirty (30) days after the appointment of the majority of the members of the
9 Arkansas 911 Board.

10 (5) The Arkansas 911 Board shall establish bylaws.

11 (b) The duties of the Arkansas 911 Board shall include without
12 limitation:

13 (1) Developing a plan no later than January 1, 2022, to provide
14 funding for no more than seventy-seven (77) public safety answering points to
15 operate in the State of Arkansas;

16 (2) Within one (1) year of the effective date of this section,
17 promulgating rules necessary to:

18 (A) Establish guidelines for Arkansas public safety
19 answering points in accordance with the Association of Public-Safety
20 Communications Officials and the National Emergency Number Association;

21 (B) Create standards for public safety answering point
22 interoperability between counties and states; and

23 (C) Assist all public safety answering points in
24 implementing a next generation 911 system in the State of Arkansas;

25 (3) Receiving and reviewing all 911 certifications submitted by
26 public safety answering points in accordance with standards developed by the
27 Arkansas 911 Board;

28 (4) Auditing any money expended by a political subdivision for
29 the operation of a service supplier;

30 (5)(A) Providing an annual report to the Governor and the
31 Legislative Council.

32 (B) The report shall include a review and assessment of
33 sustainability and the feasibility for further reduction of the required
34 number of public safety answering points resulting from the standardization
35 of operational processes and training and the implementation of next
36 generation 911 service;

1 (6) Establishing and maintaining an interest-bearing account
2 into which shall be deposited revenues transferred to the Arkansas 911 Board
3 from the Arkansas Public Safety Trust Fund and the Arkansas Emergency
4 Services Board;

5 (7) Managing and disbursing the funds from the interest-bearing
6 account described in subdivision (b)(6) of this section; and

7 (8) Selecting and contracting for:

8 (A) 911 emergency technologies under § 23-17-404(e)(6);

9 (B) 911 integrated kindergarten through grade twelve (K-
10 12) school alert system; and

11 (C) Other vendors and services as appropriate.

12 (c) The Arkansas 911 Board shall have all powers necessary to fulfill
13 the duties of the Arkansas 911 Board, including without limitation power to
14 enter, assign, and assume contracts.

15 (d) The Arkansas 911 Board shall disburse from the interest-bearing
16 account described in subdivision (b)(6) of this section in the following
17 manner:

18 (1) Each state fiscal year, before distributions as described in
19 subdivision (d)(3) of this section, up to two hundred fifty thousand dollars
20 (\$250,000) of the total monthly revenues in the interest-bearing account
21 shall be transferred and deposited to the books of the Treasurer of State and
22 the Auditor of State for the Miscellaneous Agencies Fund Account for the
23 Arkansas Commission on Law Enforcement Standards and Training to be used
24 exclusively for training and all related costs under § 12-10-325;

25 (2) Each state fiscal year, before distributions as described in
26 subdivision (d)(3) of this section, funds sufficient to support the contracts
27 as described in subdivision (b)(8) of this section shall be transferred from
28 the interest-bearing account and deposited to the books of the Treasurer of
29 State and the Auditor of State for the Miscellaneous Agencies Fund Account
30 for 911 emergency technologies under § 23-17-404(e)(6) and 911 integrated
31 kindergarten through grade twelve (K-12) school alert system as determined by
32 the Arkansas 911 Board; and

33 (3) The remaining revenues shall be allocated as follows:

34 (A)(i) Not less than eighty-three and seventy-five-
35 hundredths percent (83.75%) of the total remaining monthly revenues shall be
36 distributed on a population basis to each political subdivision operating a

1 public safety answering point that has the capability of receiving 911 calls
2 on dedicated 911 trunk lines for expenses incurred for answering, routing,
3 and proper disposition of 911 calls, including payroll costs, readiness
4 costs, and training costs associated with wireless, voice over internet
5 protocol, and nontraditional 911 calls.

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

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

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

17 (B)(i) Not more than fifteen percent (15%) of the total
18 monthly revenues from the funds may be used:

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

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

29 (ii) A political subdivision operating a public
30 safety answering point shall present invoices to the Arkansas 911 Board in
31 connection with any request for reimbursement and approved by a majority vote
32 of the board to receive reimbursement.

33 (iii) Any invoices presented to the Arkansas 911
34 Board for reimbursements of costs not described by subdivision (d)(3)(B) of
35 this section may be approved only by a majority vote of the Arkansas 911
36 Board;

1 (C) Not more than one and one-fourth percent (1.25%) may
2 be used by the Arkansas 911 Board to compensate the independent auditor and
3 for administrative expenses; and

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

6 (e)(1) Each county shall certify on a form provided by the Arkansas
7 911 Board the amount of money that the county received in the previous
8 calendar year from:

9 (A) The Arkansas Rural Enhancement Program Fund; and

10 (B) The local E911 tariff.

11 (2) Each public safety answering point currently receiving
12 funding shall certify on a form provided by the Arkansas 911 Board the amount
13 of money that the county received in the previous calendar year from the
14 Emergency Telephone Services Board.

15 (3) The Arkansas 911 Board shall:

16 (A) Withhold for no less than six (6) months any
17 additional revenue that is not certified in subdivisions (e)(1) or (2) of
18 this section; and

19 (B) Calculate a monthly payment amount based on the prior
20 calendar year certifications and remit that amount to the eligible governing
21 body on a monthly basis.

22 (f)(1) All cities and counties operating a public safety answering
23 point shall submit to the Arkansas 911 Board no later than April 1 of each
24 calendar year the following information in the form of a report:

25 (A) An explanation and accounting of the funds received by
26 the city or county and expenditures of the funds received for the previous
27 calendar year, along with a copy of the budget for the previous calendar year
28 and a copy of the year-end appropriation and expenditure analysis of any
29 participating or supporting counties, cities, or agencies;

30 (B) Any information requested by the Arkansas 911 Board
31 concerning local public safety answering point operations, facilities,
32 equipment, personnel, network, interoperability, call volume, dispatcher
33 training, and supervisor training;

34 (C) A copy of all documents reflecting 911 funds received
35 for the previous calendar year, including without limitation wireless,
36 wireline, general revenues, sales taxes, and other sources used by the city

1 or county for 911 services; and

2 (D) The name of each dispatcher, the dispatcher's date of
3 hire, the dispatcher's date of termination, if applicable, and approved
4 courses by the Arkansas Commission on Law Enforcement Standards and Training
5 completed by the dispatcher, including without limitation "train the trainer"
6 courses.

7 (2) The chief executive for each public safety answering point
8 shall gather the information necessary for the report under subdivision
9 (f)(1) of this section and provide the report and a copy of the certification
10 of the public safety answering point to the Arkansas 911 Board and to the
11 county intergovernmental coordination council for use in conducting the
12 annual review of services under § 14-27-104.

13 (g) The Arkansas 911 Board may withhold all or part of the
14 disbursement to a public safety answering point if the report of an auditor
15 or the Arkansas 911 Board otherwise confirms that the public safety answering
16 point improperly used funds disbursed by the Arkansas 911 Board for purposes
17 other than those authorized by § 12-10-323.

18 (h)(1) Each county shall complete locatable address conversion of 911
19 physical address, assignment, and mapping within the county and certify to
20 the Arkansas 911 Board that the locatable address conversion is completed no
21 later than the last business day of February 2020.

22 (2) Failure to comply with this section may result in the
23 Arkansas 911 Board withholding funds from the public safety answering point.

24 (i) The Arkansas 911 Board may contract for 911 services in the
25 implementation of the next generation 911.

26 (j)(1) The Director of the Arkansas Department of Emergency Management
27 may:

28 (A) Enter, assign, assume, and execute contract extensions
29 that would otherwise lapse during the transition period between the Arkansas
30 Emergency Telephone Services Board and the Arkansas 911 Board; and

31 (B) Work with the Arkansas Emergency Telephone Services
32 Board to ensure a smooth transition between the Arkansas Emergency Telephone
33 Services Board and the Arkansas 911 Board.

34 (2) The Arkansas Emergency Telephone Services Board shall
35 continue to receive and disburse funds and continue operations up to the last
36 business day of February 2020.

1 (3) All emergency telephone service charges collected but not
 2 yet disbursed, other moneys, and any remaining balance in the interest-
 3 bearing account of the Arkansas Emergency Telephone Services Board shall be
 4 transferred to the Arkansas 911 Board by January 31, 2020.

5
 6 ~~12-10-306. Public safety communications personnel.~~

7 ~~(a) The staff and supervisors of the 911 public safety communications~~
 8 ~~center and systems shall be:~~

9 ~~(1) Paid employees, either sworn officers or civilians, of the~~
 10 ~~operating agency designated by the chief executive of the political~~
 11 ~~subdivisions. Personnel other than law enforcement or fire officers will be~~
 12 ~~considered public safety officers for the purposes of public safety~~
 13 ~~communications;~~

14 ~~(2) Required to submit to employment background investigations~~
 15 ~~for security clearances prior to accessing files available through the~~
 16 ~~Arkansas Crime Information Center if the center is charged with information~~
 17 ~~service functions for criminal justice agencies of the political subdivision;~~

18 ~~(3) Trained in operation of 911 system equipment and other~~
 19 ~~training as necessary to operate a 911 public safety communications center;~~

20 ~~(4) Subject to the authority of the chief executive through~~
 21 ~~their agency; and~~

22 ~~(5)(A) Required to immediately release without the consent or~~
 23 ~~approval of any supervisor or other entity any information in their custody~~
 24 ~~or control to a prosecuting attorney if requested by a subpoena issued by a~~
 25 ~~prosecutor, grand jury, or any court for use in the prosecution or the~~
 26 ~~investigation of any criminal or suspected criminal activity.~~

27 ~~(B) The staff or supervisor of a 911 public safety~~
 28 ~~communications center, an operating agency, and the service supplier are not~~
 29 ~~liable in any civil action as a result of complying with a subpoena as~~
 30 ~~required in subdivision (a)(5)(A) of this section.~~

31 ~~(b)(1) In order to attract and retain professional communications~~
 32 ~~personnel to supervise and operate 911 public safety communications centers~~
 33 ~~and systems, staffing plans are recommended to be based on the level of~~
 34 ~~service, population of the service area, and other duties of the center.~~

35 ~~(2) Compensatory and retirement plans and levels of supervision~~
 36 ~~for 911 public safety communications centers employing personnel who are not~~

1 ~~sworn law enforcement personnel or firefighters are recommended to be~~
 2 ~~comparable to public safety officers of similar levels of responsibility of~~
 3 ~~the political subdivision.~~

4
 5 12-10-307. ~~Transmission of requests~~ Communications personnel.

6 ~~Each 911 public safety communications center shall be capable of~~
 7 ~~transmitting requests for law enforcement, firefighting, disaster, or major~~
 8 ~~emergency response, emergency medical or ambulance services, or other~~
 9 ~~emergency services to a public or private safety agency that provides the~~
 10 ~~requested services where such services are available to the political~~
 11 ~~subdivision.~~

12 The staff and supervisors of a public safety answering point or
 13 dispatch center shall be:

14 (1)(A) Paid employees, either sworn officers or civilians, of
 15 the operating agency designated by the chief executive of the political
 16 subdivisions.

17 (B) Personnel other than law enforcement or fire officers
 18 shall be considered public safety officers for the purposes of public safety
 19 communications or engaging by contract with the operating agency;

20 (2) Required to submit to criminal background checks for
 21 security clearances before accessing files available through the Arkansas
 22 Crime Information Center if the public safety answering point or dispatch
 23 center is charged with information service functions for criminal justice
 24 agencies of the political subdivision;

25 (3) Trained in operation of 911 system equipment and other
 26 training as necessary to operate a public safety answering point or dispatch
 27 center, or both;

28 (4) Subject to the authority of the affiliated agency and the
 29 chief executive of the political subdivision through the public safety
 30 answering point or dispatch center; and

31 (5)(A) Required to immediately release without the consent or
 32 approval of any supervisor or other entity any information in their custody
 33 or control to a prosecuting attorney if requested by a subpoena issued by a
 34 prosecutor, grand jury, or any court for use in the prosecution or the
 35 investigation of any criminal or suspected criminal activity.

36 (B) The staff or supervisor of a public safety answering

1 point or dispatch center, or both, an operating agency, and the services
2 supplier are not liable in any civil action as a result of complying with a
3 subpoena as required in subdivision (a)(5)(A) of this section.
4

5 12-10-308. Response to requests for emergency response outside
6 jurisdiction.

7 (a) A public safety answering point shall be capable of transmitting
8 requests for law enforcement, firefighting, disaster, or major emergency
9 response, emergency medical or ambulance services, or other emergency
10 services to a public or private agency where the services are available to
11 the political subdivision in the public safety answering point's
12 jurisdiction.

13 (b) A 911 public safety ~~communications center~~ answering point or
14 dispatch center, or both, which receives a request for emergency response
15 outside its jurisdiction shall promptly forward the request to the public
16 safety answering point or public safety agency responsible for that
17 geographical area.

18 ~~(b)~~(c) Any emergency unit dispatched to a location outside its
19 jurisdiction in response to such a request shall render service to the
20 requesting party until relieved by the public safety agency responsible for
21 that geographical area.

22 ~~(c)~~(d) Political subdivisions may enter into mutual aid agreements to
23 carry out the provisions of this section.
24

25 12-10-309. Requests from the hearing and speech impaired.

26 Each ~~911 public safety communications center~~ answering point or
27 dispatch center shall be equipped with a system for the processing of
28 requests from the hearing and speech impaired for emergency response.
29

30 12-10-310. Records of calls.

31 (a) The ~~911 public safety communications center~~ answering point shall
32 develop and maintain a system for recording 911 calls received at the public
33 safety answering point. ~~A magnetic tape will satisfy this requirement.~~

34 (b) A dispatch center shall develop and maintain a system that has
35 been approved by the Arkansas 911 Board for recording 911 calls transferred
36 from a public safety answering point.

1 (c) All information contained with or attached to a 911 call,
2 including without limitation short message service, text, video, and
3 photographs, shall be retained.

4 (d) The records shall be retained for a period of at least ~~thirty-one~~
5 ~~(31)~~ one hundred eighty (180) days from the date of the call and shall
6 include the following information:

7 (1) Date and time the call was received;

8 (2) The nature of the problem; and

9 (3) Action taken by the ~~911 public safety communications center~~
10 ~~personnel~~ telecommunicators.

11
12 ~~12-10-311. Methods of response.~~

13 ~~The 911 public safety communications center shall operate utilizing at~~
14 ~~least one (1) of the following four (4) methods in response to emergency~~
15 ~~calls:~~

16 ~~(1) "Direct dispatch method", which is a telephone service to a~~
17 ~~911 public safety communications center and, upon receipt of a 911 telephone~~
18 ~~request for service, a decision as to the proper action to be taken shall be~~
19 ~~made and the appropriate emergency responder dispatched;~~

20 ~~(2) "Relay method", which is a telephone service whereby~~
21 ~~pertinent information is noted by the recipient of a 911 telephone request~~
22 ~~for emergency services and is relayed to appropriate public safety agencies~~
23 ~~or other providers of emergency services for dispatch of an emergency service~~
24 ~~unit;~~

25 ~~(3) "Transfer method", which is a telephone service which, upon~~
26 ~~receipt of a 911 telephone request for emergency service, directly transfers~~
27 ~~such requests to an appropriate public safety agency or other provider of~~
28 ~~emergency services for their dispatch center to perform the dispatch~~
29 ~~operation; or~~

30 ~~(4) "Referral method", which is a telephone service which, upon~~
31 ~~the receipt of a 911 telephone request for emergency service, provides the~~
32 ~~requesting party with the telephone number of the appropriate public safety~~
33 ~~agency or other provider of emergency services.~~

34
35 ~~12-10-312. Restricted use of 911.~~

36 ~~The telephone number 911 is restricted to emergency calls that may~~

1 ~~result in dispatch of the appropriate response for fire suppression and~~
2 ~~rescue, emergency medical services or ambulance, hazardous material~~
3 ~~incidents, disaster or major emergency occurrences, and law enforcement~~
4 ~~activities.~~

5
6 12-10-313. Nonemergency Restrictions and nonemergency telephone
7 number.

8 (a) The telephone number 911 is restricted to emergency calls that may
9 result in dispatch of the appropriate response service for fire suppression
10 and rescue, emergency medical services or ambulance, hazardous material
11 incidents, disaster or major emergency occurrences, and law enforcement
12 activities.

13 (b) Any person calling the telephone number 911 for the purpose of
14 making a false alarm or complaint or reporting false information that could
15 result in the emergency dispatch of any public safety agency upon conviction
16 is guilty of a Class A misdemeanor.

17 (c) Each 911 public safety ~~communications center~~ answering point and
18 dispatch center will maintain a published nonemergency telephone number and
19 nonemergency calls should be received on that number.

20 ~~(b)~~(d) Transfers of calls from 911 trunks to nonemergency numbers are
21 discouraged because that ties up 911 trunks and may interfere with true
22 emergency calls.

23 ~~(e) A call-back number should be taken or the caller informed of the~~
24 ~~proper nonemergency number.~~

25
26 12-10-314. Connection of network to automatic alarms, etc.,
27 prohibited.

28 No person shall connect to a service supplier's network any automatic
29 alarm or other automatic alerting devices which cause the number 911 to be
30 automatically dialed and provides a prerecorded message in order to directly
31 access the services which may be obtained through a ~~911~~ public safety
32 ~~communications center~~ answering point.

33
34 ~~12-10-315. False alarm, complaint, or information — Penalty.~~

35 ~~Any person calling the number 911 for the purpose of making a false~~
36 ~~alarm or complaint and reporting false information which could result in the~~

1 ~~emergency dispatch of any public safety or private safety agency as defined~~
 2 ~~in this subchapter shall be guilty of a Class A misdemeanor.~~

3
 4 12-10-316. ~~911 centers~~ Public safety answering points – Access to
 5 information.

6 (a) A ~~911 public safety communications center~~ answering point and
 7 dispatch center designated by the chief executive of the political
 8 subdivision may be considered an element in the communications network
 9 connecting state, county, and local authorities to a centralized state
 10 depository of information in order to serve the public safety and criminal
 11 justice community.

12 (b)~~(1)~~ A ~~911 public safety communications center~~ answering point and
 13 dispatch center is restricted in that it may access files in the centralized
 14 state depository of information only for the purpose of providing information
 15 to:

16 ~~(A)~~(1) An end user as authorized by state law; and

17 ~~(B)~~(2) An authorized recipient of the contents of those
 18 files, in the absence of serving as an information service agency.

19 ~~(2) A 911 public safety communications center shall not have~~
 20 ~~access to files available through the Arkansas Crime Information Center.~~

21 (c) The designation of the public safety answering point as an
 22 information provider to an authorized recipient and an agency of a political
 23 subdivision shall be made by the chief executive of each political
 24 subdivision.

25
 26 12-10-317. ~~911 center~~ Public safety answering point – Operation –
 27 Rights, duties, liabilities, etc., of service providers.

28 (a)(1) Each service provider shall forward to any public safety
 29 answering point equipped for enhanced 911 service the telephone number and
 30 street address of any telephone used to place a 911 call.

31 (2) Subscriber information provided in accordance with this
 32 subsection shall be used only for the purpose of responding to requests for
 33 emergency service response from public or private safety agencies, for the
 34 investigation of false or intentionally misleading reports of incidents
 35 requiring emergency service response, or for other lawful purposes.

36 (3) ~~No~~ A service provider, agents of a service provider,

1 political subdivision, or officials or employees of a political subdivision
 2 ~~shall be~~ is not liable to any person who uses the enhanced 911 service
 3 established under this subchapter for release of the information specified in
 4 this section or for failure of equipment or procedure in connection with
 5 enhanced 911 service or basic 911 service.

6 (b)(1) The 911 public safety ~~communications center~~ answering point and
 7 dispatch center shall be notified in advance by an authorized service
 8 provider representative of any routine maintenance work to be performed ~~which~~
 9 that may affect the 911 ~~system~~ system's reliability or capacity.

10 (2) ~~Any such~~ The work shall be performed during public safety
 11 answering ~~point~~ point's off-peak hours.

12
 13 12-10-318. Emergency telephone service charges - Imposition -
 14 Liability.

15 ~~(a)(1)(A) When so authorized by a majority of the persons voting~~
 16 ~~within the political subdivision in accordance with the law, the governing~~
 17 ~~authority of each political subdivision may levy an emergency telephone~~
 18 ~~service charge in the amount assessed by the political subdivision on a per-~~
 19 ~~access-line basis as of January 1, 1997, or the amount up to five percent~~
 20 ~~(5%) of the tariff rate, except that any political subdivision with a~~
 21 ~~population of fewer than twenty-seven thousand five hundred (27,500)~~
 22 ~~according to the 1990 Federal Decennial Census may, by a majority vote of the~~
 23 ~~electors voting on the issue, levy an emergency telephone charge in an amount~~
 24 ~~assessed by the political subdivision on a per-access-line basis as of~~
 25 ~~January 1, 1997, or an amount up to twelve percent (12%) of the tariff rate.~~

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

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

1 ~~(b)(1)(A)(i) — There is levied a commercial mobile radio service~~
2 ~~emergency telephone service charge in an amount of sixty five cents (65¢) per~~
3 ~~month per commercial mobile radio service connection that has a place of~~
4 ~~primary use within the State of Arkansas.~~

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

10 ~~(b) — The commercial mobile radio service~~
11 ~~provider may add any amounts implemented under this subdivision (b)(1)(A)(ii)~~
12 ~~to the sixty five cents (65¢) levied in subdivision (b)(1)(A)(i) of this~~
13 ~~section so that the commercial mobile radio service emergency telephone~~
14 ~~service charges appear as a single line item on a subscriber's bill.~~

15 ~~(B) — There is levied a voice over internet protocol~~
16 ~~emergency telephone service charge in an amount of sixty five cents (65¢) per~~
17 ~~month per voice over internet protocol connection that has a place of primary~~
18 ~~use within the State of Arkansas.~~

19 ~~(C) — There is levied a nontraditional telephone service~~
20 ~~charge in an amount of sixty five cents (65¢) per month per nontraditional~~
21 ~~service connection that has a place of primary use within the State of~~
22 ~~Arkansas.~~

23 ~~(D) — The service charge levied in subdivision (b)(1)(A) of~~
24 ~~this section and collected by commercial mobile radio service providers that~~
25 ~~provide mobile telecommunications services as defined by the Mobile~~
26 ~~Telecommunications Sourcing Act, Pub. L. No. 106-252, as in effect on January~~
27 ~~1, 2001, shall be collected pursuant to the Mobile Telecommunications~~
28 ~~Sourcing Act, Pub. L. No. 106-252.~~

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

34 ~~(B) — The funds collected pursuant to subdivision (b)(1)(A)~~
35 ~~of this section shall not be deemed revenues of the state and shall not be~~
36 ~~subject to appropriation by the General Assembly.~~

1 ~~(c)(1) There is established the Arkansas Emergency Telephone Services~~
2 ~~Board, consisting of the following:~~

3 ~~(A) The Auditor of State or his or her designated~~
4 ~~representative;~~

5 ~~(B) Two (2) representatives selected by a majority of the~~
6 ~~commercial mobile radio service providers licensed to do business in the~~
7 ~~state;~~

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

10 ~~(D) The Director of the Arkansas Department of Emergency~~
11 ~~Management or the director's designee;~~

12 ~~(E) One (1) consumer member to be appointed by the~~
13 ~~President Pro Tempore of the Senate; and~~

14 ~~(F) One (1) consumer member to be appointed by the Speaker~~
15 ~~of the House of Representatives.~~

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

17 ~~(A) To establish and maintain an interest-bearing account~~
18 ~~into which shall be deposited revenues from the service charges levied under~~
19 ~~subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under~~
20 ~~§ 12-10-326;~~

21 ~~(B) To manage and disburse the funds from the interest-~~
22 ~~bearing account established under subdivision (c)(2)(A) of this section in~~
23 ~~the following manner:~~

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

34 ~~(b) Each state fiscal year, two hundred~~
35 ~~thousand dollars (\$200,000) of the total monthly revenues collected and~~
36 ~~remitted under subdivision (c)(2)(B)(i)(a) of this section shall be~~

1 transferred and deposited to the credit of the books of the Treasurer of
 2 State and the Auditor of State for the Miscellaneous Agencies Fund Account
 3 for the Arkansas Commission on Law Enforcement Standards and Training, to be
 4 used exclusively for training and all related costs under § 12-10-325;

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

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

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

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

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

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

33 (v)(a)(1) All cities and counties operating a public
 34 safety answering point or a secondary public safety answering point shall
 35 submit to the board no later than April 1 of each year:

36 (A) An explanation and accounting

1 of the funds received and expenditures of those funds for the previous
2 ealendar year, along with a copy of the budget for the previous year and a
3 copy of the year-end appropriation and expenditure analysis of any
4 participating or supporting counties, cities, or agencies; and

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

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

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

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

29 (b) The chief executive for each public safety
30 answering point and secondary public safety answering point shall provide a
31 copy of its certification to the county intergovernmental coordination
32 council for use in conducting the annual review of services under § 14-27-
33 104.

34 (c) Failure to submit a report under
35 subdivision (c)(2)(B)(v)(a)(1) of this section or a certification under
36 (c)(2)(B)(v)(b) of this section shall result in the withholding of quarterly

1 ~~disbursements by the board until the public safety answering point and~~
2 ~~secondary public safety answering point have submitted the report or~~
3 ~~certification.~~

4 ~~(d)(1) The board may require any other~~
5 ~~information necessary under this section.~~

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

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

15 ~~(C)(i) To promulgate rules necessary to perform its duties~~
16 ~~prescribed by this subchapter.~~

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

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

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

1 ~~(ii) Due to the confidential and proprietary nature~~
2 ~~of the information submitted by commercial mobile radio service providers,~~
3 ~~the information shall be retained by the independent auditor in confidence,~~
4 ~~shall be subject to review only by the Auditor of State, and shall not be~~
5 ~~subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., nor~~
6 ~~released to any third party.~~

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

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

16 (a)(1) A charge adopted by any county is void on December 1, 2019, and
17 cannot be assessed after November 30, 2019.

18 (2) A charge that is adopted and assessed at least one (1) day
19 before the effective date of this section shall continue to be assessed and
20 collected by the county from service providers in the same manner and by the
21 same process as previously prescribed under this section before the effective
22 date of this section until November 30, 2019.

23 (3) A charge assessed in the period through November 30, 2019
24 remains due and payable directly to the county where the tariff was
25 authorized.

26 (b) In order to provide additional funding for the public safety
27 answering point, the political subdivision may receive and appropriate any
28 federal, state, county, or municipal funds, as well as funds from a private
29 source, and may expend the funds for the purposes of this subchapter.

30 (c)(1) A service supplier shall be assessed a consolidated and uniform
31 public safety connectivity charge of two dollars twenty-five cents (\$2.25)
32 per month per access line that has a primary place of use within the state.

33 (2) A service supplier may surcharge customers to recover the
34 public safety connectivity charges paid by the service supplier.

35 (3) The public safety connectivity charge shall:

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

1 (B) Not be assessed upon more than two hundred (200)
2 access lines per service supplier in a single location; and

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

5 (d)(1) To verify the accuracy of the monthly remittances that a
6 service supplier makes to the Arkansas Public Safety Trust Fund, a service
7 supplier shall provide copies of required federal filings at least biannually
8 to the Arkansas Department of Emergency Management.

9 (2) No later than thirty (30) days following the filing of the
10 required federal telecommunications reports, a service supplier shall provide
11 a copy of the federal filing, and the Federal Communications Commission Form
12 477 or its equivalent, including the number of access lines used by the
13 service supplier in the state.

14 (3)(A) Due to the proprietary nature of the information in the
15 reports required in subdivision (d)(1) of this section which if disclosed,
16 would provide a competitive advantage for other service suppliers, the
17 reports shall be confidential and only subject to review by:

18 (i) The Director of the Arkansas Department of
19 Emergency Management;

20 (ii) The designee of the Arkansas 911 Board; and

21 (iii) The administrator of the Arkansas High Cost
22 Fund.

23 (B) However, audit reports may be released that contain
24 only aggregate numbers and do not disclose proprietary information including
25 numbers or revenue attributable to an individual service supplier.

26 (e) This section does not prohibit a service supplier from billing,
27 collecting, or retaining an additional amount to reimburse the service
28 supplier for enabling and providing 911, enhanced 911, and next generation
29 911 services and capabilities in the network and for the facilities and
30 associated equipment.

31 (f)(1) To avoid an overlap in the assessment of the old and new
32 charges for subscribers for every service supplier obligated to pay the
33 public safety connectivity charge, a transition to the payment of the public
34 safety connectivity charge shall occur.

35 (2)(A) The assessment of charges before the effective date of
36 this section shall continue through November 30, 2019, and be remitted in the

1 same manner to the same entity as previously prescribed under this section
2 before the effective date of this section.

3 (B) Any unpaid assessments for the time period up to and
4 including November 30, 2019, shall remain due and payable under the terms and
5 processes that are or were in place at the time.

6 (3) Beginning on December 1, 2019, a service supplier is subject
7 to the public safety connectivity charge assessed as described in this
8 section.

9 (4)(A) After December 1, 2019, a service supplier shall remit
10 all assessments of the public safety connectivity charge for a calendar month
11 by the fifteenth day of the following month to the Arkansas Public Safety
12 Trust Fund.

13 (B) The Arkansas Public Safety Trust Fund shall provide
14 disbursements as provided by § 19-5-1149.

15 (g) To provide additional funding for the public safety answering
16 point, the political subdivision may:

17 (1) Receive and appropriate any federal, state, county, or
18 municipal funds and funds from a private source; and

19 (2) Expend the funds described in subdivision (g)(1) of this
20 section to operate and maintain a public safety answering point.

21 ~~(d)-(1)(h)(1)~~ (1) Notwithstanding any other provision of the law, in no
22 event shall any commercial mobile radio, voice over internet protocol
23 service, or nontraditional service provider, or its officers, employees,
24 assigns, or agents be liable for civil damages or criminal liability in
25 connection with the development, design, installation, operation,
26 maintenance, performance, or provision of a 911 service.

27 (2) Nor shall any commercial mobile radio, voice over internet
28 protocol, or nontraditional service provider, its officers, employees,
29 assigns, or agents be liable for civil damages or be criminally liable in
30 connection with the release of subscriber information to any governmental
31 entity as required under the provisions of this subchapter.

32 ~~(e) The service charge shall have uniform application and shall be~~
33 ~~imposed throughout the political subdivision to the greatest extent possible~~
34 ~~in conformity with availability of the service in any area of the political~~
35 ~~subdivision.~~

36 ~~(f)(1) An emergency telephone service charge, except with regard to~~

1 ~~the commercial mobile radio service emergency telephone service charge, shall~~
2 ~~be imposed only upon the amount received from the tariff rate exchange access~~
3 ~~lines.~~

4 ~~(2)(A) If there is no separate exchange access charge stated in~~
5 ~~the service supplier's tariffs, the governing authority shall, except with~~
6 ~~regard to the commercial mobile radio service emergency telephone service~~
7 ~~charge, determine a uniform percentage not in excess of eighty-five percent~~
8 ~~(85%) of the tariff rate for basic exchange telephone service.~~

9 ~~(B) This percentage shall be deemed to be the equivalent~~
10 ~~of tariff rate exchange access lines and shall be used until such time as the~~
11 ~~service supplier establishes such a tariff rate.~~

12 ~~(3)(A) No service charge shall be imposed upon more than one~~
13 ~~hundred (100) exchange access facilities per person per location.~~

14 ~~(B) No service charge shall be imposed upon more than one~~
15 ~~hundred (100) voice over internet protocol connections per person per~~
16 ~~location.~~

17 ~~(C) Trunks or service lines used to supply service to~~
18 ~~commercial mobile radio service providers shall not have a service charge~~
19 ~~levied against them.~~

20 ~~(4) Any emergency telephone service charge, including the~~
21 ~~commercial mobile radio service emergency telephone service charge, shall be~~
22 ~~added to and may be stated separately in the billing by the service supplier~~
23 ~~to the service user.~~

24 ~~(5) Every billed service user shall be liable for any service~~
25 ~~charge imposed under this subsection until it has been paid to the service~~
26 ~~supplier.~~

27 ~~(g) The political subdivision may pursue against a delinquent service~~
28 ~~user any remedy available at law or in equity for the collection of a debt.~~

30 ~~12-10-319. Emergency telephone service charges — Reduction,~~
31 ~~suspension, etc.~~

32 ~~(a)(1) If the proceeds generated by an emergency telephone service~~
33 ~~charge exceed the amount of moneys necessary to fund the 911 telephone system~~
34 ~~and 911 public safety communications center, including, without limitation,~~
35 ~~debt service on bonds issued under § 12-10-321, maintenance, operations,~~
36 ~~depreciation, and obsolescence, the governing authority shall, by ordinance,~~

1 ~~reduce the service charge rate to an amount necessary for adequate funding.~~

2 ~~(2) In lieu of reducing the service charge rate, the governing~~
 3 ~~authority of the political subdivision may suspend such service charge if the~~
 4 ~~revenue generated therefrom exceeds the necessary funding level.~~

5 ~~(b)(1) By ordinance, the governing authority of the political~~
 6 ~~subdivision may reestablish or raise to a level not to exceed the original~~
 7 ~~emergency telephone service charge rate, or lift the suspension thereof, if~~
 8 ~~the amount of moneys generated is less than the amount necessary for adequate~~
 9 ~~funding.~~

10 ~~(2) Notwithstanding this section, the political subdivision may,~~
 11 ~~in the ordinance referred to in § 12-10-321 or other ordinance, warrant that,~~
 12 ~~so long as bonds issued pursuant to § 12-10-321 are outstanding, emergency~~
 13 ~~telephone service charges shall be maintained at such levels as may be~~
 14 ~~required by or pursuant to the ordinance authorizing such bonds.~~

15
 16 ~~12-10-320. Emergency telephone service charges—Duties, rights,~~
 17 ~~liability, etc., of service supplier.~~

18 ~~(a) The duty of the service supplier to collect any service charge~~
 19 ~~shall commence upon the date of its implementation, which date shall be~~
 20 ~~specified in the resolution calling the election.~~

21 ~~(b)(1) The service supplier shall have no obligation to take any legal~~
 22 ~~action to enforce the collection of any emergency telephone service charge.~~

23 ~~(2) However, the service supplier shall annually provide the~~
 24 ~~governing authority of the political subdivision with a list of the amount~~
 25 ~~uncollected, together with the names and addresses of those service users who~~
 26 ~~carry a balance that can be determined by the service supplier to be~~
 27 ~~nonpayment of such service charge.~~

28 ~~(3) The service charge shall be collected at the same time as~~
 29 ~~the tariff rate in accordance with the regular billing practice of the~~
 30 ~~service supplier.~~

31 ~~(4) Good faith compliance by the service supplier with this~~
 32 ~~provision shall constitute a complete defense for the service supplier to any~~
 33 ~~legal action or claim which may result from the service supplier's~~
 34 ~~determination of nonpayment and the identification of service users in~~
 35 ~~connection therewith.~~

36 ~~(c)(1) The amounts collected by the service supplier attributable to~~

1 ~~any emergency telephone service charge shall be due quarterly. The amount of~~
 2 ~~service charge collected on one (1) calendar quarter by the service supplier~~
 3 ~~shall be remitted to the political subdivision no later than sixty (60) days~~
 4 ~~after the close of a calendar quarter.~~

5 ~~(2) A return, in such form as the governing authority of the~~
 6 ~~political subdivision and the service supplier agree upon, shall be filed~~
 7 ~~with the political subdivision, together with a remittance of the amount of~~
 8 ~~service collected payable to the political subdivision.~~

9 ~~(3) The service supplier shall be entitled to retain as an~~
 10 ~~administrative fee an amount equal to one percent (1%) from the gross~~
 11 ~~receipts to be remitted to the political subdivision.~~

12 ~~(4) The service supplier shall maintain records of the amount of~~
 13 ~~the service charge collected for a period of at least two (2) years from date~~
 14 ~~of collection.~~

15 ~~(5) The governing authority may, at its expense, require an~~
 16 ~~annual audit of the service supplier's books and records with respect to the~~
 17 ~~collection and remittance of the service charge.~~

18
 19 12-10-321. ~~911 centers~~ Public safety answering points - Bonds.

20 (a) The governing authority of the political subdivision shall have
 21 power to incur debt and issue bonds with approval from the Arkansas 911 Board
 22 for 911 systems and ~~911 public safety communications center~~ answering point
 23 implementation and future major capital items.

24 (b) The bonds shall be negotiable instruments and shall be solely the
 25 obligations of each political subdivision and not of the State of Arkansas.

26 (c) The bonds and income thereof shall be exempt from all taxation in
 27 the State of Arkansas.

28 (d) The bonds shall not be general obligations but shall be special
 29 obligations payable from all or a specified portion of the income revenues
 30 and receipts of the political subdivision ~~derived from the emergency~~
 31 ~~telephone service charge. The substance of the preceding sentence shall be~~
 32 printed on the face of each bond and designated by the political subdivision
 33 to be dedicated for the local 911 system and public safety answering point.

34 (e)(1) The bonds shall be authorized and issued by ordinance of the
 35 governing authority of each political subdivision.

36 (2) The bonds shall be:

- 1 (A) Of such series as the ordinance provides;
- 2 (B) Mature on such date or dates not exceeding thirty (30)
- 3 years from date of the bonds as the ordinance provides;
- 4 (C) Bear interest at such rate or rates as the ordinance
- 5 provides;
- 6 (D) Be in such denominations as the ordinance provides;
- 7 (E) Be in such form either coupon or fully registered
- 8 without coupon as the ordinance provides;
- 9 (F) Carry such registration and exchangeability privileges
- 10 as the ordinance provides;
- 11 (G) Be payable in such medium of payment and at such place
- 12 or places within or without the state as the ordinance provides;
- 13 (H) Be subject to such terms of redemption as the
- 14 ordinance provides;
- 15 (I) Be sold at public or private sale as the ordinance
- 16 provides; and
- 17 (J) Be entitled to such priorities on the income,
- 18 revenues, and receipts generated by the emergency telephone service charge as
- 19 the ordinance provides.

20 (f) The ordinance may provide for the execution of a trust indenture
 21 or other agreement with a bank or trust company located within or without the
 22 state to set forth the undertakings of the political subdivision.

23 (g) The ordinance or such agreement may include provisions for the
 24 custody and investment of the proceeds of the bonds and for the deposits and
 25 handling of income, revenues, and receipts for the purpose of payment and
 26 security of the bonds and for other purposes.

27 (h) The Arkansas 911 Board may cooperate and contract with the
 28 Arkansas Development Finance Authority to provide for the payment of the
 29 principal of, premium if any, interest on, and trustee's and paying agent's
 30 fees in connection with bonds issued to finance the acquisition,
 31 construction, and operation of the next generation 911 infrastructure for the
 32 purposes of establishing a statewide ESINet as required by this subchapter
 33 with the review of the General Assembly.

34

35 12-10-322. ~~911 centers — Federal, state, local, etc., funds~~ Direct
 36 access to 911 services required for multiline telephone systems.

1 ~~In order to provide additional funding for the 911 public safety~~
 2 ~~communications center, the political subdivision may receive and appropriate~~
 3 ~~any federal, state, county, or municipal funds, as well as funds from private~~
 4 ~~sources, and may expend such funds for the purposes of this subchapter.~~

5 (a) A covered multiline telephone system shall allow, as a default
 6 setting, any station equipped with dialing facilities to directly initiate a
 7 911 call without requiring a user to dial any other digit, code, prefix,
 8 suffix, or trunk access code.

9 (b) A business service user that owns or controls a multiline
 10 telephone system or an equivalent system that uses voice over internet
 11 protocol enabled service and provides outbound dialing capacity or access
 12 shall configure the multiline telephone system or equivalent system to allow
 13 a person initiating a 911 call on the multiline telephone system to directly
 14 access 911 service by dialing the digits 911 without an additional digit,
 15 code, prefix, suffix, or trunk access code.

16 (c) A public or private entity that installs or operates a multiline
 17 telephone system shall ensure that the multiline telephone system is
 18 connected to allow a person initiating a 911 call on the multiline telephone
 19 system to directly access 911 service by dialing the digits "911" without an
 20 additional digit, code, prefix, suffix, or trunk access code.

21
 22 12-10-323. Authorized expenditures of revenues.

23 ~~(a)(1) Any revenue~~ Revenue ~~generated under §§ 12-10-318 — 12-10-321~~
 24 ~~may be expended only in direct connection with the provision of 911 services~~
 25 ~~and only for the following purposes § 12-10-318 and § 12-10-326 and~~
 26 transferred from the Arkansas Emergency Telephone Services Board or the
 27 Arkansas Public Safety Trust Fund to the Arkansas 911 Board shall be used
 28 only for reasonably necessary costs that enhance, operate, and maintain 911
 29 service in the State of Arkansas under the direction of the Arkansas 911
 30 Board.

31 (2) Reasonably necessary costs shall be determined by the
 32 Arkansas 911 Board and include the following:

33 (A) The engineering, installation, and recurring costs
 34 necessary to implement, operate, and maintain a 911 telephone system;

35 (B) The costs necessary for forwarding and transfer
 36 capabilities of calls from the ~~911 public safety communications center~~

1 answering point to dispatch centers or to other ~~911~~ public safety
2 ~~communications centers~~ answering points;

3 (C) Engineering, construction, lease, or purchase costs to
4 lease, purchase, build, remodel, or refurbish a ~~911~~ public safety
5 ~~communications center~~ answering point and for necessary emergency and
6 uninterruptable power supplies for the ~~center~~ public safety answering point;

7 (D) Personnel costs, including salary and benefits, of
8 each position charged with supervision and operation of the ~~911~~ public safety
9 ~~communications center~~ answering point and system;

10 (E) Purchase, lease, operation, and maintenance of
11 consoles, telephone and communications equipment owned or operated by the
12 political subdivisions and physically located within and for the use of the
13 ~~911~~ public safety ~~communications center~~ answering point, and radio or
14 microwave towers and equipment with lines that terminate in the ~~911~~ public
15 safety ~~communications center~~ answering point;

16 (F) Purchase, lease, operation, and maintenance of
17 computers, data processing equipment, associated equipment, and leased audio
18 or data lines assigned to and operated by the ~~911~~ public safety
19 ~~communications center~~ answering point for the purposes of coordinating or
20 forwarding calls, dispatch, or recordkeeping of ~~public safety and private~~
21 ~~safety agencies for which the 911 public safety communications center is the~~
22 ~~public safety answering point and to provide information assistance to those~~
23 ~~agencies~~ 911 calls;

24 (G) Supplies, equipment, public safety answering point
25 personnel training, vehicles, and vehicle maintenance, if such items are
26 solely and directly related to and incurred by the political subdivision in
27 mapping, addressing, and readdressing a ~~911 system~~ for the operation of the
28 public safety answering point; and

29 (H) Training costs and all costs related to training under
30 this subchapter.

31 ~~(2)(3) Nothing in this subsection shall be interpreted or~~
32 ~~construed as authorizing~~ This subsection does not authorize a political
33 subdivision to purchase emergency response vehicles, law enforcement
34 vehicles, or other political subdivision vehicles from such funds.

35 (b) Expenditure of revenue ~~generated by §§ 12-10-318 — 12-10-321~~
36 distributed by the Arkansas 911 Board for purposes not identified in this

1 section is prohibited.

2 (c) Failure to comply with this section may result in the Arkansas 911
 3 Board withholding funds from the public safety answering point's quarterly
 4 funding distribution.

5 ~~(e)~~(d) Appropriations of funds from any source other than §§ 12-10-
 6 318, - 12-10-321, and 12-10-326 may be expended for any purpose and may
 7 supplement the authorized expenditures of this section and may fund other
 8 activities of the ~~911 public safety communications center~~ answering point not
 9 associated with the provision of emergency services.

10
 11 SECTION 4. Arkansas Code §§ 12-10-325 through 12-10-327 are amended to
 12 read as follows:

13 12-10-325. Training standards.

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

20 (2) ~~The Arkansas Law Enforcement Training Academy~~ commission
 21 shall develop training standards for telecommunicators, dispatchers,
 22 supervisors, and instructors in Arkansas in consultation with the Association
 23 of ~~Public-Safety-Communications~~ Public-Safety Communications Officials-
 24 International, Inc., and the Arkansas 911 Board and submit the training
 25 standards to the ~~Arkansas Commission on Law Enforcement Standards and~~
 26 ~~Training~~ commission 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 telecommunicators, dispatchers, and
 31 supervisors may include without limitation:

- 32 (i) Call taking;
- 33 (ii) Customer service;
- 34 (iii) Stress management;
- 35 (iv) Mapping;
- 36 (v) Call processing;

- 1 (vi) Telecommunication and radio equipment training;
- 2 (vii) Training with devices for the deaf;
- 3 (viii) Autism;
- 4 (ix) National Incident Management System training;
- 5 (x) Incident Command System training;
- 6 (xi) National Center for Missing and Exploited
- 7 Children training;
- 8 (xii) National Emergency Number Association
- 9 training;
- 10 (xiii) Association of ~~Public-Safety Communications~~
- 11 Public-Safety Communications Officials-International, Inc., training; and
- 12 (xiv) Other appropriate 911 dispatcher and
- 13 supervisor training.

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

16 (A) Retain training records created under this section;
 17 and

18 (B) Deliver an annual report to the ~~Arkansas Emergency~~
 19 ~~Telephone Services Board~~ Arkansas 911 Board of training provided by the
 20 entity to verify the dispatcher and supervisor training reported as completed
 21 by each public safety answering point annually under § 12-10-318.

22 (b)(1) A private safety agency may attend training or receive
 23 instruction at the invitation of the commission.

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

28 (c)(1) All public safety answering points shall have at least sixty
 29 percent (60%) of telecommunicators working in the public safety answering
 30 point trained.

31 (2) All telecommunicators working at a public safety answering
 32 point who have worked as a telecommunicator for one (1) year or longer shall
 33 be trained.

34
 35 12-10-326. Prepaid wireless ~~E911~~ service charges – Definitions.

36 (a) As used in this section:

1 (1) "Consumer" means a person who purchases prepaid wireless
 2 telecommunications service in a retail transaction;

3 (2) "Occurring in this state" means a retail transaction that
 4 is:

5 (A) Conducted in person by a consumer at a business
 6 location of a seller in this state; ~~or~~

7 (B) Treated as occurring in this state for purposes of the
 8 gross receipts tax provided under § 26-52-521(b); or

9 (C) Taxable under § 26-52-106;

10 (3) "Prepaid wireless ~~911~~ public safety connectivity charge"
 11 means the charge for prepaid wireless telecommunications service that is
 12 required to be collected by a seller from a consumer under subsection (b) of
 13 this section;

14 (4)(A) "Prepaid wireless service" means any prepaid wireless
 15 service sold to consumers in the state.

16 (B) "Prepaid wireless service" includes without
 17 limitation:

18 (i) Prepaid wireless cards;

19 (ii) Telephones or other devices that are loaded
 20 with prepaid wireless minutes; and

21 (iii) Any transaction that reloads a prepaid
 22 wireless card or a telephone or other device with prepaid wireless minutes;

23 ~~(4)(5)~~ (5) "Provider" means a person that provides prepaid wireless
 24 telecommunications service under a license issued by the Federal
 25 Communications Commission;

26 ~~(5)(A)~~ (6)(A) "Retail transaction" means each purchase of prepaid
 27 wireless telecommunications service from a seller for any purpose other than
 28 resale.

29 (B)(i) "Retail transaction" includes a separate purchase
 30 of prepaid wireless telecommunications service that is paid contemporaneously
 31 with another purchase of prepaid wireless telecommunications service if
 32 separately stated on an invoice, receipt, or similar document provided by the
 33 seller to the consumer at the time of sale.

34 (ii) "Retail transaction" includes a recharge as
 35 defined in § 26-52-314 of prepaid wireless telecommunications service;

36 ~~(6)(7)~~ (7) "Seller" means a person who sells prepaid wireless

1 telecommunications service to another person; and

2 ~~(7)(8)~~ “Wireless telecommunications service” means a commercial
3 mobile radio service as defined under § 12-10-303.

4 ~~(b)(1) For each retail transaction occurring in this state, the seller~~
5 ~~shall collect from the consumer a prepaid wireless E911 charge of sixty-five~~
6 ~~cents (65¢).~~

7 ~~(2)(A) The amount of the prepaid wireless E911 charge shall be~~
8 ~~stated either separately on an invoice, receipt, or similar document that is~~
9 ~~provided to the consumer at the time of sale by the seller or otherwise~~
10 ~~disclosed to the consumer.~~

11 ~~(B) If the amount of the prepaid wireless E911 charge is~~
12 ~~stated separately on an invoice, receipt, or similar document provided to the~~
13 ~~consumer at the time of sale by the seller, the amount of the prepaid~~
14 ~~wireless E911 charge shall not be included in the base for measuring any tax,~~
15 ~~fee, surcharge, or other charge that is imposed by the state, a political~~
16 ~~subdivision of the state, or an intergovernmental agency.~~

17 ~~(c) If prepaid wireless telecommunications service of ten (10) minutes~~
18 ~~or less or five dollars (\$5.00) or less is sold with a prepaid wireless~~
19 ~~device for a single, nonitemized price, then the seller is not required to~~
20 ~~collect the fee specified in subdivision (b)(1) of this section.~~

21 (b)(1) For each retail transaction occurring in this state, a
22 seller of prepaid wireless services shall collect from the consumer a public
23 safety connectivity charge equal to ten percent (10%) of the value of the
24 prepaid wireless service.

25 (2)(A) The amount of the prepaid wireless public safety
26 connectivity charge shall be stated separately on an invoice, receipt, or
27 similar document that is provided to the consumer at the time of sale by the
28 seller or otherwise disclosed to the consumer.

29 (B) If the amount of the prepaid wireless public safety
30 connectivity charge is stated separately on an invoice, receipt, or similar
31 document provided to the consumer at the time of sale by the seller, the
32 amount of the prepaid wireless public safety connectivity charge shall not be
33 included in the base for measuring any tax, fee, surcharge, or other charge
34 that is imposed by the state, a political subdivision of the state, or an
35 intergovernmental agency.

36 (C)(i) To ensure there is no overlap of the E911 charge

1 previously assessed under this section before the effective date of this
 2 section and the new public safety connectivity charge assessed under
 3 subdivision (b)(1) of this section, a seller shall continue to collect the
 4 E911 charge, in effect one (1) day before the effective date of this section
 5 through November 30, 2019.

6 (ii) The funds collected through November 30, 2019,
 7 shall be remitted according to the same terms and process as previously
 8 remitted under this section before the effective date of this section.

9 (D) On and after December 1, 2019, a seller shall begin
 10 collecting the public safety connectivity charge under subdivision (b)(1) of
 11 this section and shall remit the funds as prescribed in subdivision (c) of
 12 this section.

13 ~~(d)(1)(c)(1)~~ ~~Except as provided in subdivision (d)(2) of this section,~~
 14 ~~a~~ A seller shall electronically report and pay one hundred percent (100%) of
 15 the prepaid wireless E911 public safety connectivity charge plus any
 16 penalties and interest due to the Director of the Department of Finance and
 17 Administration in the same manner and at the same time as the gross receipts
 18 tax under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

19 (2) A seller that meets the prompt payment requirements of § 26-
 20 52-503 may deduct and retain ~~three percent (3%)~~ two percent (2%) of the
 21 prepaid wireless E911 public safety connectivity charge.

22 ~~(e)(d)(1)~~ The Arkansas Tax Procedure Act, § 26-18-101 et seq., applies
 23 to a prepaid wireless E911 public safety connectivity charge.

24 (2) If the Department of Finance and Administration becomes
 25 aware of any seller who is not collecting and remitting the public safety
 26 connectivity charge, the department shall provide notice of the requirements
 27 under this section and the associated penalties for failure to pay the
 28 charge.

29 ~~(f)(e)(1)~~ ~~The Department of Finance and Administration~~ department
 30 shall pay all remitted prepaid wireless E911 charges public safety
 31 connectivity funds within thirty (30) days of receipt to the Arkansas
 32 ~~Emergency Telephone Services Board for use by the board under § 12-10-318(e)~~
 33 to the Arkansas Public Safety Trust Fund on or before the tenth business day
 34 of February 2020 and on or before the tenth business day of each month
 35 thereafter.

36 (2) Any prepaid wireless public safety connectivity charge funds

1 remitted to the department before January 1, 2020, shall be disbursed
 2 directly to the Arkansas Emergency Telephone Services Board or the Arkansas
 3 911 Board.

4 (3) All prepaid wireless public safety connectivity charge funds
 5 remitted to the department on or after January 1, 2020, shall be disbursed to
 6 the Arkansas Public Safety Trust Fund.

7 ~~(g)~~(f) A provider or seller is not liable for damages to a person
 8 resulting from or incurred in connection with:

9 (1) Providing or failing to provide 911 ~~or E911~~ service;

10 (2) Identifying or failing to identify the telephone number,
 11 address, location, or name associated with a person or device that is
 12 accessing or attempting to access 911 ~~or E911~~ service; or

13 (3) Providing lawful assistance to a federal, state, or local
 14 investigator or law enforcement officer conducting a lawful investigation or
 15 other law enforcement activity.

16 ~~(h)~~(g) A provider or seller is not liable for civil damages or
 17 criminal liability in connection with:

18 (1) The development, design, installation, operation,
 19 maintenance, performance, or provision of 911 service; or

20 (2) The release of subscriber information to a governmental
 21 entity as required by this subchapter.

22 ~~(i)-(1)~~(h)(1) The prepaid wireless ~~E911~~ public safety connectivity
 23 charge imposed by this section shall be the only E911 funding obligation
 24 imposed for prepaid wireless telecommunications service in this state.

25 (2) Except for the prepaid wireless ~~E911~~ public safety
 26 connectivity charge imposed under this section, no other tax, fee, surcharge,
 27 or other charge shall be imposed upon prepaid wireless telecommunication
 28 services by the state, a political subdivision of the state, or an
 29 intergovernmental agency for the purpose of implementing and supporting
 30 emergency telephone services.

31
 32 12-10-327. Restriction on creation of public safety answering point.

33 A new public safety answering point shall not be established ~~until July~~
 34 ~~1, 2020,~~ unless the new public safety answering point is established as a
 35 result of:

36 (1) Consolidation with an existing public safety answering

1 point; or

2 (2) Replacement of an existing public safety answering point.

3
4 SECTION 5. Arkansas Code Title 19, Chapter 5, Subchapter 11, is
5 amended to add additional sections to read as follows:

6 19-5-1149. Arkansas Public Safety Trust Fund.

7 (a) There is created on the books of the Treasurer of State, the
8 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
9 be known as the "Arkansas Public Safety Trust Fund".

10 (b)(1) The Arkansas Public Safety Trust Fund shall be an interest-
11 bearing account and may be invested in the manner permitted by law, with the
12 interest income a proper credit to the Arkansas Public Safety Trust Fund and
13 which shall not revert to general revenue.

14 (2) The Arkansas Public Safety Trust Fund shall be overseen by
15 the Arkansas Department of Emergency Management and shall be used to pay all
16 authorized expenditures and proper costs as described in subsections (d) and
17 (e) of this section.

18 (c) The Arkansas Public Safety Trust Fund shall consist of:

19 (1) Public safety connectivity charges assessed and collected
20 under § 12-10-318(c) and § 12-10-326; and

21 (2) Any other moneys as authorized by law.

22 (d) On or before the fifth business day of February 2020 and on the
23 fifth business day of each month thereafter until June 2020, moneys in the
24 Arkansas Public Safety Trust Fund shall be distributed as follows:

25 (1) Up to one-twelfth (1/12) of one hundred seventy-five
26 thousand dollars (\$175,000) to the Arkansas Department of Emergency
27 Management to provide administrative support for the Arkansas Public Safety
28 Trust Fund and related funds;

29 (2) Up to one-twelfth (1/12) of the funding levels in calendar
30 year 2018 that were paid to the Arkansas Emergency Telephone Service Board
31 and directly to counties under § 12-10-318(a)(1)(A), § 12-10-318(b)(1)(B), §
32 12-10-326, and § 23-17-404(e)(6)(iv) to the Arkansas 911 Board to support
33 emergency technologies and statewide public safety answering points as
34 defined under § 12-10-303;

35 (3) Up to one-twelfth (1/12) of the funding levels in calendar
36 year 2018 that were paid to the Arkansas High Cost Fund under § 23-17-404,

1 excluding funding under § 23-17-404(e)(4)(A); and

2 (4) On or before the first business day of May 2020, up to four
3 hundred ninety-five thousand dollars (\$495,000) to cover existing contracts
4 to be transferred to the Arkansas 911 Board.

5 (e) On or before the fifth business day of July 2020 and the fifth
6 business day of each month thereafter, moneys in the Arkansas Public Safety
7 Trust Fund shall be distributed as follows:

8 (1) Up to one-twelfth (1/12) of twelve million dollars
9 (\$12,000,000) to support upgrades and maintenance for the Arkansas Wireless
10 Information Network;

11 (2) Up to one-twelfth (1/12) of one hundred seventy-five
12 thousand dollars (\$175,000) to the Arkansas Department of Emergency
13 Management to provided administrative support for the Arkansas Public Safety
14 Trust Fund and related funds;

15 (3) Up to one-twelfth (1/12) of three million dollars
16 (\$3,000,000) to the Broadband Trust Fund established under § 19-5-1150;

17 (4) Fifty-two and fifty-hundredths percent (52.50%) of the
18 moneys remaining after the distributions under subdivisions (e)(1)-(3) of
19 this section to the Arkansas 911 Board; and

20 (5) Forty-seven and fifty-hundredths percent (47.50%) of the
21 moneys remaining after the distributions under subdivisions (e)(1)-(3) of
22 this section to the Arkansas High Cost Fund.

23
24 19-5-1150. Broadband Fund.

25 (a) There is created on the books of the Treasurer of State, the
26 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
27 be known as the "Broadband Trust Fund".

28 (b) The Broadband Trust Fund shall consist of moneys as provided in §
29 19-5-1149 and any other moneys as authorized by law.

30 (c) The Broadband Trust Fund shall be used by the Arkansas Economic
31 Development Commission for the purpose of:

32 (1) Supporting a grant program for internet service providers;
33 and

34 (2) Providing support and assistance for development and growth
35 of broadband service in the State of Arkansas in areas that are unserved as
36 defined under the terms of the grant program.

1
2 SECTION 6. Arkansas Code § 23-17-404(b)(2), concerning the
3 preservation and promotion of universal service under the Telecommunications
4 Regulatory Reform Act of 2013, is amended to read as follows:

5 (2)(A)~~(i)~~ This AHCF charge ~~for~~ shall continue to be assessed on
6 all telecommunications providers through November 30, 2019, and shall be
7 proportionate to each provider's Arkansas intrastate retail
8 telecommunications service revenues.

9 ~~(ii) If the AHCF administrator determines or~~
10 ~~receives a petition from two-thirds (2/3) of the AHCF participants stating~~
11 ~~that the Arkansas intrastate retail telecommunications services revenues are~~
12 ~~inadequate to fully fund the AHCF requirements, the AHCF administrator shall~~
13 ~~notify the Arkansas Public Service Commission and the commission shall open a~~
14 ~~docket that will develop and implement a plan to fully fund the AHCF~~
15 ~~requirements.~~

16 (B) Because customers of the telecommunications providers
17 that would pay the AHCF public safety connectivity charge established in §
18 12-10-318 receive the benefits of a universal network, the telecommunications
19 providers may surcharge their customers to recover the AHCF public safety
20 connectivity charges paid by the telecommunications provider. Therefore, the
21 AHCF public safety connectivity charge is not a tax and is not affected by
22 state laws governing taxation.

23 (C) For the purpose of assessing mobile telecommunications
24 services, the AHCF administrator ~~shall continue to assess only Arkansas~~
25 ~~intrastate retail telecommunications service revenues~~ public safety
26 connectivity charge is assessed against access lines and only to the extent
27 such ~~revenues~~ access lines may be considered located in the State of Arkansas
28 in accordance with the Mobile Telecommunications Sourcing Act, Pub. L. No.
29 106-252.

30 (D) For purposes of assessing ~~interconnected VoIP voice~~
31 over internet protocol service, to the extent permitted by federal law the
32 funding from each contributing carrier shall be based on:

33 ~~(i) The total retail-billed Arkansas intrastate~~
34 ~~interconnected VoIP service revenues; or~~

35 ~~(ii) The Federal Communications Commission's~~
36 ~~decision in the Matter of Universal Service Contribution Methodology, FCC 10-~~

1 ~~185, released November 5, 2010, or another assessment methodology as required~~
 2 ~~by federal law~~

3 (i) The contributing carrier's total number of
 4 access lines that have primary use within the State of Arkansas; or

5 (ii) Other assessment methodology as permitted by
 6 federal law.

7
 8 SECTION 7. Arkansas Code § 23-17-404(d), concerning the preservation
 9 and promotion of universal service under the Telecommunications Regulatory
 10 Reform Act of 2013, is amended to read as follows:

11 (d)(1)(A) The AHCF administrator periodically shall ~~establish and~~
 12 notify each telecommunications provider or other service supplier of the ~~AHCF~~
 13 ~~charge levels~~ public safety connectivity charge established in § 12-10-318
 14 required to be paid by the telecommunications provider or other service
 15 supplier to the Arkansas Public Safety Trust Fund.

16 (B)(i) Within thirty (30) days following the effective
 17 date of this section, the AHCF administrator shall review the most recent
 18 publicly available filings of the Federal Communications Commission, filings
 19 available at the Arkansas Public Service Commission, and other available
 20 sources to obtain names of service suppliers with access lines in Arkansas.

21 (ii) The AHCF administrator shall provide notice of
 22 the requirements of this section to every service supplier found as described
 23 in subdivision (d)(1)(B)(i) of this section.

24 (2) Any telecommunications provider that without just cause
 25 fails to pay the ~~AHCF~~ public safety connectivity charge that is due and
 26 payable pursuant to this section after notice and opportunity for hearing
 27 shall have its authority to do business as a telecommunications provider in
 28 the State of Arkansas revoked by the commission.

29 (3) ~~The AHCF charge shall not be subject to any state or local~~
 30 ~~tax or franchise fees~~ The AHCF administrator shall:

31 (A) Receive monthly distributions from the Arkansas Public
 32 Safety Trust Fund and distribute the funds to ETCs as provided; and

33 (B) Provide an annual report to the Joint Committee on
 34 Advanced Communications and Information Technology.

35
 36 SECTION 8. Arkansas Code § 23-17-404(e)(4)(A) and (B), concerning the

1 preservation and promotion of universal services under the Telecommunications
2 Regulatory Reform Act of 2013, are amended to read as follows:

3 (4)(A)(i)(a) There is created an allocation of AHCF funds to be
4 known as the "Extension of Telecommunications Facilities Fund".

5 ~~(b) A maximum of five hundred thousand dollars~~
6 ~~(\$500,000) per year of AHCF funds shall be allocated to fund the Extension of~~
7 ~~Telecommunications Facilities Fund to assist in the extension of~~
8 ~~telecommunications facilities to citizens not served by the wire line~~
9 ~~facilities of an eligible telecommunications carrier.~~

10 (b) On and after December 20, 2019, any
11 balance of funds in the Extension of Telecommunications Facilities Fund shall
12 be transferred to the AHCF to be used to support ETCs during the transition
13 to a new funding mechanism.

14 (ii)(a) There is created an AHCF allocation to be
15 known as the "Arkansas Calling Plan Fund".

16 ~~(b) The Arkansas Calling Plan Fund shall~~
17 ~~receive a maximum of four million five hundred thousand dollars (\$4,500,000)~~
18 ~~per year to assist in funding the provision of calling plans in telephone~~
19 ~~exchanges in the state.~~

20 (b) The Arkansas Calling Plan Fund shall not
21 award any grant funding assistance after September 30, 2019.

22 (c) Companies submitting reports under the
23 Arkansas Calling Plan Fund shall submit final reports on or before October
24 31, 2019.

25 (d) On or after November 15, 2019, and after
26 funding for the final reports has been disbursed, the AHCF administrator
27 shall transfer the remaining funds to the AHCF to be used for support of
28 ETCs.

29 (iii)(a) There is created an AHCF allocation to be
30 known as the "Arkansas 911 Rural Enhancement Program Fund".

31 ~~(b) The Arkansas 911 Rural Enhancement Program~~
32 ~~Fund shall receive a maximum of three million dollars (\$3,000,000) per year~~
33 ~~to~~

34 ~~(1) Advance the goals of universal~~
35 ~~service and help ensure that rural areas within the State of Arkansas have~~
36 ~~access to 911 services that are comparable to 911 services in urban areas~~

1 ~~within the state; and~~

2 ~~(2) Provide funding to:~~

3 ~~(A) The statewide Smart911 system~~

4 ~~established in Acts 2012, No. 213;~~

5 ~~(B) The SmartPrepare System; and~~

6 ~~(C) 911 administrative systems for~~

7 ~~emergency management under the Arkansas Emergency Services Act of 1973, § 12-~~
 8 ~~75-101 et seq.~~

9 (b) The AHCF administrator shall continue to
 10 make the following quarterly payments to the Arkansas Department of Emergency
 11 Management for the Arkansas Rural Enhancement Program:

12 (1) Seven hundred fifty thousand dollars
 13 (\$750,000) for April 2019, May 2019, and June 2019 shall be paid in July
 14 2019;

15 (2) Seven hundred fifty thousand dollars
 16 (\$750,000) for July 2019, August 2019, and September of 2019 shall be paid in
 17 October 2019;

18 (3) The payment for the final quarter of
 19 the calendar year shall be prorated at five hundred thousand dollars
 20 (\$500,000) to include only October 2019 and November 2019 and shall be paid
 21 in December 2019; and

22 (4) In January 2020, following the
 23 receipt of the final funds from the AHCF, the Arkansas Department of
 24 Emergency Management, after having met scheduled obligations in April 2019
 25 and July 2019, shall remit the remaining funds in full to the Arkansas Public
 26 Safety Trust Fund.

27 ~~(B)(i)(a) The Extension of Telecommunications Facilities~~
 28 ~~Fund, the Arkansas Calling Plan Fund, and the Arkansas 911 Rural Enhancement~~
 29 ~~Program Fund shall be paid through the Arkansas High Cost Fund.~~

30 ~~(b) Payments made under subdivision~~

31 ~~(e)(4)(B)(i)(a) of this section may exceed and are in addition to the limit~~
 32 ~~provided by subdivision (e)(4)(E)(ii)(a) of this section.~~

33 ~~(ii)~~ The AICCLP board, with the assistance of the
 34 administrator, shall allow recipients and payors to correct any errors
 35 concerning the AICCLP settlement process for corrections that are for the
 36 time period after December 31, 2003.

1
2 SECTION 9. Arkansas Code § 23-17-404(e)(4)(E), concerning the
3 preservation and promotion of universal service under the Telecommunications
4 Regulatory Reform Act of 2013, is amended to read as follows:

5 (E)(i)(a)(1)(A) The AHCF administrator shall apply ~~the~~ any
6 applicable cap on the total AHCF and upon the specific size groups
7 established within the AHCF annually.

8 (B) If total support due a size
9 group does not exceed that size group's ~~AHCF~~ applicable cap, the AHCF
10 administrator shall pay that size group's full AHCF support amount.

11 (2) If total support, using the AHCF
12 formula for recipients of the specific size group exceeds the applicable cap,
13 the administrator shall determine the amount that the total calculated AHCF
14 support exceeds that size group's applicable cap.

15 (b)(1) To reduce each size group's authorized
16 support to conform to the size group's applicable cap, the AHCF administrator
17 shall determine total calculated AHCF support to each ETC within the size
18 group.

19 (2) The AHCF administrator shall then
20 use the total calculated support due all ETCs within the size group as the
21 denominator and the amount the size group's AHCF calculation exceeds the
22 applicable cap as the numerator.

23 (3) The administrator shall then
24 subtract from each ETC's total calculated support a pro rata portion, using
25 the fraction established herein to reduce AHCF funding to the capped amount,
26 based upon each ETC's total calculated support, to reduce the size group's
27 support level to the capped AHCF amount.

28 (ii)(a) ~~Except as provided in subdivision (e)(4)(B)~~
29 ~~of this section, funds~~ Funds available for distribution under subdivisions
30 (e)(4)(E)(ii)(b)-(d) of this section to ETCs from the AHCF shall not exceed
31 and are capped at ~~thirty-nine million eight hundred thousand dollars~~
32 ~~(\$39,800,000)~~ ten million seven hundred forty-six thousand dollars
33 (\$10,746,000) per year. All other funds available for distribution shall be
34 allocated under subdivision (e)(4)(E)(ii)(e) of this section. Cost of
35 administering the AHCF shall first be deducted from the total ~~capped~~ fund
36 available before allocation of funding to the ETCs. The annual period to be

1 used by the AHCF administrator to adjust support levels and upon which to
 2 apply any cap shall be on the calendar year. In addition to the total fund
 3 ~~cap~~ available, the funds available from the AHCF shall also be capped based
 4 upon size groups using access lines for loop-based ETCs and customers for
 5 customer-based ETCs. Size grouping is used to ensure funds are targeted to
 6 areas most needing high-cost assistance. For the purpose of calculating the
 7 size grouping caps, total customer access base shall be used for loop-based
 8 ETCs and total customers for customer-based ETCs.

9 (b) For all ETCs with a total customer access
 10 base or total customer base of five hundred thousand (500,000) or more access
 11 lines or customers on or after December 31, 2010, the size group cap shall be
 12 ~~twelve and five tenths percent (12.5%)~~ forty-six percent (46%) of the total
 13 capped fund funding.

14 (c) For all ETCs with a total customer access
 15 base or total customer base of one hundred fifty thousand (150,000) or more
 16 access lines or customers and fewer than five hundred thousand (500,000)
 17 access lines or customers on December 31, 2010, the size group cap shall be
 18 ~~twelve and five tenths percent (12.5%)~~ forty-six percent (46%) of the total
 19 capped fund funding.

20 (d) For all ETCs with a total customer access
 21 base or total customer base of fifteen thousand (15,000) or more access lines
 22 or customers and fewer than one hundred fifty thousand (150,000) access lines
 23 or customers on December 31, 2010, the size group cap shall be ~~two percent~~
 24 ~~(2%)~~ eight percent (8%) of the total capped fund.

25 (e)(1) ~~For all~~ All other funds available for
 26 distribution shall be allocated to ETCs with a total customer access base or
 27 total customer base of fewer than fifteen thousand (15,000) access lines or
 28 customers, ~~the size group cap shall be seventy three percent (73%) of the~~
 29 ~~total capped fund.~~

30 (2) For the purposes of calculating
 31 support for the size group established in subdivision (e)(4)(E)(ii)(e)(1) of
 32 this section, the support shall be limited to the amount of funds available
 33 for distribution and shall not exceed the eligible support as established by
 34 the annual determination process;

35
 36 SECTION 10. Arkansas Code § 23-17-404(e)(6), concerning the

1 preservation and promotion of universal services under the Telecommunications
2 Regulatory Reform Act of 2013, is amended to read as follows:

3 (6)~~(A)~~ Three million dollars (\$3,000,000) shall be included in
4 the funds transferred ~~annually from the AHCF to the Arkansas Department of~~
5 ~~Emergency Management on a quarterly basis for the Arkansas 911 Rural~~
6 ~~Enhancement Program Fund to fund~~ from the Arkansas Public Safety Trust Fund
7 to the Arkansas 911 Board to fund the data sources for next generation 911:

8 ~~(i)(A)~~ ~~The statewide Smart911 system in the amount~~
9 ~~of~~ Up to six hundred thousand dollars (\$600,000) annually for a statewide
10 technology solution that:

11 (i) Integrates with the 911 system;

12 (ii) Allows all citizens to provide enhanced 911
13 profile data including without limitation individual and family data, images,
14 health information, rescue requirements, and physical property details;

15 (iii) Allows an automatic display of all available
16 enhanced profile data associated with a mobile, landline, or voice over
17 internet protocol when a call is made to 911;

18 (iv) Aggregates data from multiple sources including
19 without limitation digital floor plans of schools and other public buildings
20 and presents them in a digital format to emergency responders when a 911 call
21 from the corresponding location is initiated;

22 (v) Allows a caller to text, short message service
23 also known as "SMS", or transfer digital images during a 911 call;

24 (vi) Provides first responders with the information
25 described in subdivisions (e)(6)(A)(ii)-(iv) of this section through a secure
26 web-based interface that is available to public safety answering points; and

27 (vii) Provides training courses with certifications
28 for 911 telecommunicators, law enforcement officers, fire personnel, and
29 emergency medical personnel by the Arkansas Commission on Law Enforcement and
30 Training, the Arkansas Fire Training Academy, and the Department of Health;

31 ~~(ii)(B)~~ ~~The SmartPrepare system in the amount of~~ Up
32 to two hundred twenty-five thousand dollars (\$225,000) annually for emergency
33 management technology that:

34 (i) Allows public safety and emergency management
35 officials to collect and use critical information for emergency planning and
36 response;

1 (ii) Allows the collection of customized and locally
 2 relevant information for the purpose of disaster preparedness, response,
 3 recovery, and mitigation;

4 (iii) Allows individuals to provide information in a
 5 profile database including medical conditions, disabilities, service animals,
 6 household information, safe locations, primary language information, and any
 7 other condition or circumstance that may be important to disaster
 8 preparedness, response, mitigation, and recovery;

9 (iv) Provides decision support to authorized
 10 emergency management officials via a hosted, web-based geospatial interface;

11 (v) Allows for profile data to be exported into
 12 public safety applications and provides for local storage of information for
 13 business continuity;

14 (vi) Provides a publicly available web-based
 15 platform for profile creation and management and that allows for the
 16 management of information by an unlimited number of citizens and is
 17 integrated with 911 systems;

18 (vii) Allows for profile data to be shared in a
 19 national database and permits information to be shared across jurisdictional
 20 boundaries as profile-holders travel; and

21 (viii) Provides a profile management platform that
 22 is compliant with all accessibility elements of Section 508 of the
 23 Rehabilitation Act of 1973, 29 U.S.C. § 794d, as existing on January 1, 2019,
 24 and supports multiple languages including American Sign Language;

25 ~~(iii)(C)~~ The 911 administration system for emergency
 26 management under the Arkansas Emergency Services Act of 1973, § 12-75-101 et
 27 seq., in the amount of one hundred seventy-five thousand dollars (\$175,000)
 28 annually; and

29 ~~(iv)(D)~~ Funding for statewide 911 service in the
 30 amount of two million dollars (\$2,000,000); and Arkansas counties for 911
 31 public safety answering points in the amount of two million dollars
 32 (\$2,000,000) annually.

33 ~~(B)(i)~~ Funding for counties under subdivision
 34 ~~(e)(6)(A)(iv)~~ of this section shall be transferred based on county population
 35 and distributed as follows:

36 ~~(a)~~ The twenty five (25) least populated

~~counties shall receive equal portions of fifty percent (50%) of the available funds;~~

~~(b) The next twenty five (25) least-populated counties shall receive equal portions of thirty five percent (35%) of the available funds; and~~

~~(c) The remaining twenty five (25) counties shall receive equal portions of fifteen percent (15%) of the available funds.~~

~~(ii) County population shall be calculated based on current data from the Geography Division of the United States Bureau of the Census; and~~

SECTION 11. Arkansas Code § 23-17-418 is amended to read as follows:

23-17-418. Arkansas High Cost Fund – Programs – Assessments – Funding.

(a) The Arkansas High Cost Fund administrator shall:

~~(1) On March 19, 2013, begin making assessments to ensure proper funding to program participants; and~~

~~(2) Ninety (90) days after March 19, 2013, begin making distributions to eligible participants.~~

(1) Continue to receive funds due from telecommunications providers based on intrastate retail communications service revenue for the period through November 30, 2019;

(2) Begin receiving funds from the Arkansas Public Safety Trust Fund in February 2020;

(3) Continue to make disbursements to participating ETCs based on the current annual determination through calendar year 2019 using all available funding sources;

(4) Hold in reserve all required administrative funding and carryover funding from calendar year 2019; and

(5)(A) Establish the annual base amount for each calendar year.

(B) The annual base amount shall be determined for the purpose of prorating support payments to participating ETCs if insufficient funds are available to pay the total monthly amount of support eligible for distribution by the Arkansas High Cost Fund in any calendar month.

(C) If the funds available for distribution in any one (1) month are less than one-twelfth (1/12) of the amount of total support payable to AHCF participants in calendar year 2018, the support distribution shall be

1 prorated for every category using one twelfth (1/12) of the base amount as
2 the denominator and the funds available for distribution as the numerator.

3 (D) The proration shall be first applied to each size
4 group's total support payable and then to each company's total support
5 payable within that size group.

6 (E) If the funds available for distribution in any one (1)
7 month are greater than one-twelfth (1/12) of the amount of support payable to
8 participating ETCs, the distributions for which each company is eligible
9 shall be paid, and any remaining funds shall first be used to pay any amounts
10 that were not paid to participating ETCs in any previous months of the
11 calendar year because it was necessary to prorate earlier disbursements.

12 (F) To the extent the timing of collections and the
13 transfer between funds would cause the Arkansas High Cost Fund to disburse
14 only eleven (11) of the twelve (12) monthly payments that are due to
15 participating ETCs in a calendar year, the first available payment in a new
16 calendar year shall relate back and be part of the previous calendar years'
17 revenue requirement.

18 (G) If funds are available, the administrator may disburse
19 a final monthly payment in a calendar year if the final monthly payment
20 allows the administrator to include all twelve (12) monthly payments in a
21 calendar year and relieves the need for the first payment in a new calendar
22 year to relate back to the previous calendar year.

23 ~~(b)(1) On the first day of the calendar quarter after March 19, 2013,~~
24 ~~the administrator shall use previous calculations of the annual determination~~
25 ~~and recalculate the support for all participants in the fund based on the~~
26 ~~revised cap.~~

27 ~~(2) The difference between the recalculation and the current~~
28 ~~administrator's determination shall be known as the "transitional funding~~
29 ~~cap".~~

30 ~~(3) The transitional funding cap shall be transitioned from~~
31 ~~being unfunded to funded.~~

32 ~~(4) If the effective date of payment of any part of the~~
33 ~~transitional funding cap occurs on a date that is not the beginning of a~~
34 ~~calendar year, the partial calendar year shall be prorated for the purpose of~~
35 ~~payment of the transitional funding cap for the remainder of the calendar~~
36 ~~year.~~

1 ~~(e)(b)~~ Annually beginning ~~January 1, 2014~~ January 1, 2020, the
2 Arkansas High Cost Fund administrator shall determine the ~~fund~~ Arkansas High
3 Cost Fund support during the annual determination process as described in §
4 23-17-404(e)(4)(C)(ii)(a) and pay the fund's eligible telecommunications
5 carrier participants.

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