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4

A Bill

DRAFT KLL/KLL
HOUSE BILL

5 By: Representative Lindsey
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For An Act To Be Entitled

9 AN ACT TO REQUIRE THE ARKANSAS EMERGENCY
10 TELEPHONE SERVICES BOARD TO ESTABLISH MINIMUM
11 TRAINING STANDARDS FOR 911 PUBLIC SAFETY
12 COMMUNICATION CENTER PERSONNEL; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 TO REQUIRE THE ARKANSAS EMERGENCY
16 TELEPHONE SERVICES BOARD TO ESTABLISH
17 MINIMUM TRAINING STANDARDS FOR 911
18 PUBLIC SAFETY COMMUNICATION CENTER
19 PERSONNEL.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 12-10-318 is amended to read as follows:
26 12-10-318. Emergency telephone service charges – Imposition –
27 Liability.

28 (a)(1)(A) When so authorized by a majority of the persons voting
29 within the political subdivision in accordance with the law, the governing
30 authority of each political subdivision may levy an emergency telephone
31 service charge in the amount assessed by the political subdivision on a per-
32 access-line basis as of January 1, 1997, or the amount up to five percent
33 (5%) of the tariff rate, except that any political subdivision with a
34 population of fewer than twenty-seven thousand five hundred (27,500)
35 according to the 1990 Federal Decennial Census may, by a majority vote of the
36 electors voting on the issue, levy an emergency telephone charge in an amount

1 assessed by the political subdivision on a per-access-line basis as of
2 January 1, 1997, or an amount up to twelve percent (12%) of the tariff rate.

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

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

14 (b)(1)(A)(i) There is levied a commercial mobile radio service
15 emergency telephone service charge in an amount of sixty-five cents (65¢) per
16 month per commercial mobile radio service connection that has a place of
17 primary use within the State of Arkansas.

18 (ii)(a) A commercial mobile radio service provider
19 may determine, bill, collect, and retain an additional amount to reimburse
20 the commercial mobile radio service provider for enabling and providing 911
21 and enhanced 911 services and capability in the network and for the
22 facilities and associated equipment.

23 (b) The commercial mobile radio service
24 provider may add any amounts implemented under this subdivision (b)(1)(A)(ii)
25 to the sixty-five cents (65¢) levied in subdivision (b)(1)(A)(i) of this
26 section so that the commercial mobile radio service emergency telephone
27 service charges appear as a single line item on a subscriber's bill.

28 (B)(i) There is levied a service charge of sixty-five
29 cents (65¢) per month on prepaid wireless telephone service subscribers whose
30 mobile set telephone numbers are assigned to the State of Arkansas.

31 (ii) Providers of prepaid wireless telephone service
32 shall collect and remit the service charge under one (1) of the following
33 methods:

34 (a) The CMRS provider shall collect on a
35 monthly basis the sixty-five cents (65¢) service charge from each prepaid
36 wireless telephone service customer whose account balance is equal to or

1 greater than the amount of the service charge; or

2 (b) The CMRS provider shall divide the total
3 earned prepaid wireless telephone service revenue received by the CMRS
4 provider with respect to each prepaid wireless telephone service customer in
5 the state within the monthly 911 reporting period by fifty dollars (\$50.00)
6 and multiply the quotient by the service charge amount.

7 (iii) In the case of prepaid wireless telephone
8 service:

9 (a) The monthly wireless 911 surcharge imposed
10 by this subdivision (b)(1)(B) shall be remitted based upon each prepaid
11 wireless telephone associated with this state for each wireless service
12 customer that has a sufficient positive balance as of the last day of each
13 month;

14 (b) The surcharge shall be remitted in any
15 manner consistent with the wireless provider's existing operating or
16 technological abilities, such as customer address, location associated with
17 the mobile telephone number, or reasonable allocation method based upon other
18 comparable relevant data; and

19 (c)(1) If direct billing is not feasible, the
20 prepaid subscriber's account may be reduced by the surcharge amount or an
21 equivalent number of minutes.

22 (2) However, collection of the wireless
23 911 surcharge under this subdivision (b)(1)(B)(iii)(c) does not reduce the
24 sales price for any tax collected at the point of sale.

25 (C) There is levied a voice over internet protocol
26 emergency telephone service charge in an amount of sixty-five cents (65¢) per
27 month per voice over internet protocol connection that has a place of primary
28 use within the State of Arkansas.

29 (D) There is levied a nontraditional telephone
30 service charge in an amount of sixty-five cents (65¢) per month per
31 nontraditional service connection that has a place of primary use within the
32 State of Arkansas.

33 (E) Except for prepaid wireless telephone service,
34 the service charge levied in subdivision (b)(1)(A) of this section and any
35 additional amounts implemented under subdivision (b)(1)(B) of this section
36 and collected by commercial mobile radio service providers that provide

1 mobile telecommunications services as defined by the Mobile
2 Telecommunications Sourcing Act, Pub. L. No. 106-252, as in effect on January
3 1, 2001, shall be collected pursuant to the Mobile Telecommunications
4 Sourcing Act.

5 (2)(A) The service charges collected under subdivision (b)(1)(A)
6 of this section, less administrative fees under subdivision (c)(3) of this
7 section, shall be remitted to the Arkansas Emergency Telephone Services Board
8 within sixty (60) days after the end of the month in which the fees are
9 collected.

10 (B) The funds collected pursuant to subdivision (b)(1)(A)
11 of this section shall not be deemed revenues of the state and shall not be
12 subject to appropriation by the General Assembly.

13 (c)(1) There is established the Arkansas Emergency Telephone Services
14 Board consisting of the following:

15 (A) The Auditor of State or his or her designated
16 representative;

17 (B) Two (2) representatives selected by a majority of the
18 commercial mobile radio service providers licensed to do business in the
19 state; and

20 (C) Two (2) 911 system employees selected by a majority of
21 the public safety answering point administrators in the state.

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

23 (A) To establish and maintain an interest-bearing account
24 into which will be deposited revenues from the service charges levied under
25 subdivision (b)(1)(A) of this section;

26 (B) To manage and disburse the funds from the account
27 levied under subdivision (b)(1)(A) of this section in the following manner:

28 (i) Not less than ~~eighty three and five tenths~~
29 ~~percent (83.5%)~~ eighty percent (80%) of the total monthly revenues collected
30 and remitted under subdivision (b)(1)(A) of this section shall be distributed
31 on a population basis to each political subdivision operating a 911 public
32 safety communications center that has the capability of receiving commercial
33 mobile radio service 911 calls on dedicated 911 trunk lines for expenses
34 incurred for the answering, routing, and proper disposition of 911 calls,
35 including payroll costs, readiness costs, and training costs associated with
36 wireless, voice over internet protocol, and nontraditional 911 calls;

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

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

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

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

20 (iii) Three and five-tenths percent (3.5%) of the
 21 total monthly revenues collected and remitted under subdivision (b)(1)(A) of
 22 this section shall be used by the board for training and all related costs
 23 under subdivision (c)(2)(F) of this section;

24 ~~(iii)~~(iv) Not more than five-tenths percent (0.5%)
 25 of the fees collected under subdivision (b)(1)(A) of this section may be
 26 utilized by the board to compensate the independent auditor and for
 27 administrative expenses;

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

31 ~~(v)~~(vi)(a) All cities and counties receiving funds
 32 under this section shall submit to the board no later than April 1 of each
 33 year an explanation and accounting of the funds received and expenditures of
 34 those funds for the previous calendar year, along with a copy of the budget
 35 for the previous year and a copy of the year-end appropriation and
 36 expenditure analysis of any participating or supporting counties, cities, or

1 agencies.

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

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

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

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

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

28 (D) To submit annual reports to the office of the Auditor
29 of State outlining fees collected and moneys disbursed to public safety
30 answering points under subdivision (b)(1)(A) of this section; ~~and~~

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

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

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

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

9 (F)(i) To promulgate rules to establish mandatory training
10 standards for 911 public safety communication center personnel operating
11 under this subchapter.

12 (ii) The board shall adopt training standards no
13 less stringent than the Association of Public Safety Communications Officials
14 International, Incorporated ("APCO") Project 33 – Training Standard as it
15 existed on January 1, 2011.

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

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

29
30 SECTION 2. Arkansas Code § 12-10-323 is amended to read as follows:
31 12-10-323. Authorized expenditures of revenues.

32 (a)(1) Any revenue generated pursuant to §§ 12-10-318 – 12-10-321 may
33 be expended only in direct connection with the provision of 911 services and
34 only for the following purposes:

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

1 (B) The costs necessary for forwarding and transfer
2 capabilities of calls from the 911 public safety communication center to
3 dispatch centers or to other 911 public safety communication centers;

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

8 (D) Personnel costs, including salary and benefits, of
9 each position charged with supervision and operation of the 911 public safety
10 communication center and system;

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

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

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; and

28 (H) Training costs and all related costs required under
29 this subchapter.

30 (2) Nothing in this subsection shall be interpreted or construed
31 as authorizing a political subdivision to purchase emergency response
32 vehicles, law enforcement vehicles, or other political subdivision vehicles
33 from such funds.

34 (b) Expenditure of revenue generated by §§ 12-10-318 – 12-10-321 for
35 purposes not identified in this section is prohibited.

36 (c) Appropriations of funds from any source other than §§ 12-10-318 –

1 12-10-321 may be expended for any purpose and may supplement the authorized
2 expenditures of this section and may fund other activities of the 911 public
3 safety communication center not associated with the provision of emergency
4 services.

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