

Stricken language would be deleted from and underlined language would be added to present law.
Act 660 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/12/19 S3/20/19
A Bill

HOUSE BILL 1564

By: Representatives M. Gray, L. Fite, S. Meeks, Beck, Berry, Blake, Bragg, Breaux, Brown, Burch, Capp, Cavanaugh, Christiansen, Coleman, A. Collins, Cozart, Dalby, M. Davis, D. Douglas, Evans, D. Ferguson, Fielding, C. Fite, V. Flowers, Fortner, Gazaway, Glover, Hawks, Hillman, Holcomb, House, L. Johnson, Kelly, Love, Lynch, Maddox, Magie, McNair, Nicks, Perry, Pilkington, Richardson, Richey, Rushing, Rye, Scott, Slape, B. Smith, S. Smith, Speaks, Vaught, Walker, Wardlaw, Warren, Watson
By: Senators Rapert, B. Sample, Caldwell, E. Cheatham, L. Chesterfield, J. Cooper, Elliott, J. English, S. Flowers, K. Hammer, Hickey, Hill, M. Johnson, G. Leding, J. Sturch, D. Wallace

For An Act To Be Entitled

AN ACT TO ESTABLISH THE PUBLIC SAFETY ACT OF 2019; TO AMEND THE ARKANSAS PUBLIC SAFETY COMMUNICATIONS ACT OF 1985; TO DEVELOP A NEXT GENERATION 911 SYSTEM; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE PUBLIC SAFETY ACT OF 2019; TO AMEND THE ARKANSAS PUBLIC SAFETY COMMUNICATIONS ACT OF 1985; AND TO DEVELOP A NEXT GENERATION 911 SYSTEM.

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

SECTION 1. DO NOT CODIFY. Title.

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

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

(a) The General Assembly finds that:

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



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

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

(A) Developing a next generation 911 system;

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

(C) Providing upgrades and maintenance funding for the Arkansas Wireless Information Network.

(b) It is the intent of the General Assembly to simplify and update charges paid by telecommunication subscribers to provide the best public safety communications and services possible to all Arkansas and first responders by:

(1) Developing a next generation 911 system;

(2) Replacing the Arkansas Emergency Telephone Services Board with the Arkansas 911 Board; and

(3) Providing upgrades and maintenance funding for the Arkansas Wireless Information Network.

SECTION 3. Arkansas Code §§ 12-10-301 to 12-10-317 are amended to read as follows:

12-10-301. Title.

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

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

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

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

and ultimately the saving of moneys.

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

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

(e) It is found and declared necessary to:

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

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

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

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

12-10-303. Definitions.

As used in this subchapter:

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

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

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

~~(3)~~(4) "Basic 911 system" means a system by which the various emergency functions provided by public ~~and private~~ safety agencies within each political subdivision may be accessed utilizing the three-digit number

911, but no available options are included in the system;

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

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

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

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

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

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

(8) “Dispatch center” means a public or private agency that dispatches public or private safety agencies but does not operate a ~~911~~ public safety ~~answer~~ answering point;

(9) “Enhanced 911 network features” means those features of selective routing that have the capability of automatic number and location identification;

(10)(A) “Enhanced 911 system” means enhanced 911 service, which is a telephone exchange communications service consisting of telephone network features and public safety answering points designated by the chief

executive that enables users of the public telephone system to access a ~~911 public safety communications center~~ answering point by dialing the digits "911".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(14)~~(16) “Nontraditional phone service” means any service that:

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

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

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

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

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

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

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

~~(18)~~(20) “Private safety agency” means any entity, except a public safety agency, providing emergency fire, ambulance, or emergency medical services;

~~(19)~~(21) “Public safety agency” means an agency of the State of Arkansas or a functional division of a political subdivision that provides firefighting, rescue, natural, or human-caused disaster or major emergency response, law enforcement, and ambulance or emergency medical services;

~~(20)~~(22) “Public safety answering point” means the location at which all 911 calls communications are initially answered that is operated on

a twenty-four-hour basis by an operating agency and dispatches two (2) or more public safety agencies;

~~(21)~~(23) “Public safety officers” means specified personnel of public safety agencies;

~~(22)~~(24) “Readiness costs” means equipment and payroll costs associated with equipment, call takers, and dispatchers on standby waiting for 911 calls;

~~(23)~~—“Secondary public safety answering point” means the location at which 911 calls are transferred to from a public safety answering point;

~~(24)~~(25) “Selective routing” means the method employed to direct 911 calls to the appropriate public safety answering point based on the geographical location from which the call originated;

~~(25)~~(26) “Service supplier” means any person, company, or corporation, public or private, providing exchange telephone service, nontraditional phone service, voice over internet protocol service, or CMRS service throughout the political subdivision;

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

~~(27)~~(A)(28)(A) *“Tariff rate” means the rate or rates billed by a service supplier as stated in the service supplier’s tariffs, price lists, customer contracts, or other methods of publishing service offerings that represent the service supplier’s recurring charges for exchange access facilities, exclusive of all:*

(i) Taxes;

(ii) Fees;

(iii) Licenses; or

(iv) Similar charges whatsoever.

(B) The tariff rate per county may include extended service area charges only if an emergency telephone service charge has been levied in a county and a resolution of intent has been passed by a county’s quorum court that defines tariff rate as being inclusive of extended service

area charges;

(29) "Short message service" means a service typically provided by mobile carriers that send short messages to an endpoint;

(30) "Telecommunicator" means a person employed by a public safety answering point or an emergency medical dispatcher service provider, or both, who is qualified to answer incoming emergency telephone calls or provide for the appropriate emergency response, or both, either directly or through communication with the appropriate public safety answering point;

~~(28)~~(31) "Voice over internet protocol connection" means each account or number assigned to a voice over internet protocol customer;

~~(29)~~(32) "Voice over internet protocol service" means any service that:

(A) Enables real-time voice communications;

(B) Requires a broadband connection from the user's location;

(C) Requires internet protocol compatible customer premise equipment;

(D) Permits users to receive calls that originate on the public switched telephone network or to terminate calls to the public switched telephone network; and

(E) Has the capability of placing a 911 call; and

~~(30)~~(33) "Wireless telecommunications service provider" means a provider of commercial mobile radio services:

(A) As defined in 47 U.S.C. § 332(b), as it existed on January 1, 2006, including all broadband personal communications services, wireless radio telephone services, geographic-area-specialized and enhanced-specialized mobile radio services, and incumbent, wide area, specialized mobile radio licensees that offer real-time, two-way voice service interconnected with the public switched telephone network; and

(B) That either:

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

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

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

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

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

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

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

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

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

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

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

(A) As authorized in this subchapter;

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

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

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

(b) A public safety answering point established under this subchapter

may serve the jurisdiction of more than one (1) public agency of the political subdivision or, through mutual aid agreements, more than one (1) political subdivision.

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

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

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

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

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

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

~~(4) If such a designation and mutual aid agreement has been made, an additional 911 communications center may not be created without official termination of the mutual aid agreement.~~

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

~~(c) No provision of this subchapter shall be construed to prohibit or discourage in any manner the formation of multiagency or multijurisdictional~~

~~public safety answering points.~~

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

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

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

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

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

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

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

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

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

(I) The following members to be appointed by the Governor:
(i) One (1) Emergency Management Director of a political subdivision;

(ii) One (1) sheriff;

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

(iv) One (1) fire chief.

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

(B) The members under subdivisions (a)(1)(D), (a)(1)(E), (a)(1)(F), (a)(1)(H), and (a)(1)(I)(ii) of this section shall serve a term of four (4) years.

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

(4) The Director of the Arkansas Department of Emergency Management shall serve as the chair and call the first meeting no later than

thirty (30) days after the appointment of the majority of the members of the Arkansas 911 Board.

(5) The Arkansas 911 Board shall establish bylaws.

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

(1)(A) Developing a plan no later than January 1, 2022, to provide funding for no more than seventy-seven (77) public safety answering points to operate in the state.

(B) If the board determines it is necessary, the board may provide funding for more or fewer than seventy-seven (77) public safety answering points with a two-thirds (2/3) vote of the board;

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

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

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

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

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

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

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

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

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

(7) Managing and disbursing the funds from the interest-bearing account described in subdivision (b)(6) of this section. (c) The Arkansas 911 Board shall have all powers necessary to fulfill the duties of the Arkansas 911 Board, including without limitation power to enter, assign, and assume contracts.

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

(1)(A) Not less than eighty-three and seventy-five-hundredths percent (83.75%) of the total monthly revenues shall be distributed on a population basis to each political subdivision operating a public safety answering point that has the capability of receiving 911 calls on dedicated 911 trunk lines for expenses incurred for answering, routing, and proper disposition of 911 calls, including payroll costs, readiness costs, and training costs associated with wireless, voice over internet protocol, and nontraditional 911 calls.

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

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

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

(2)(A) Not more than fifteen percent (15%) of the total monthly revenues may be used:

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

(ii) By public safety answering points for the upgrading, purchasing, programming, installing, and maintaining necessary data, basic 911 geographic information system mapping, hardware, and software, including any network elements required to supply enhanced 911

phase II cellular, voice over internet protocol, and other nontraditional telephone services, in connection with compliance with Federal Communications Commission requirements.

(B)(i) A political subdivision operating a public safety answering point shall present invoices to the Arkansas 911 Board in connection with any request for reimbursement under subdivision (d)(2)(A)(ii) of this section.

(ii) A request for reimbursement shall be approved by a majority vote of the board.

(C) Any invoices presented to the Arkansas 911 Board for reimbursements of costs not described by subdivision (d)(2)(B)(ii) of this section may be approved only by a majority vote of the Arkansas 911 Board;

(3) Not more than one and one-fourth percent (1.25%) of the monthly revenues may be used by the Arkansas 911 Board to compensate the independent auditor and for administrative expenses, staff, and consulting services; and

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

(e) The Arkansas 911 Board may:

(1) Withhold for no less than six (6) months any additional revenue generated by the public safety charge and the prepaid public safety charge under this subchapter; and

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

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

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

(B) Any information requested by the Arkansas 911 Board concerning local public safety answering point operations, facilities, equipment, personnel, network, interoperability, call volume,

telecommunicator training, and supervisor training;

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

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

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

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

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

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

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

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

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

(B) Work with the Arkansas Emergency Telephone Services Board to ensure a smooth transition between the Arkansas Emergency Telephone

Services Board and the Arkansas 911 Board.

(2) The Arkansas Emergency Telephone Services Board shall continue to receive and disburse funds and continue operations up to the last business day of December 2019.

(3) All emergency telephone service charges collected but not yet disbursed, other moneys, and any remaining balance in the interest-bearing account of the Arkansas Emergency Telephone Services Board shall be transferred to the Arkansas 911 Board by the last business day of December 2019.

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

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

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

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

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

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

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

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

~~(b)(1) In order to attract and retain professional communications~~

~~personnel to supervise and operate 911 public safety communications centers and systems, staffing plans are recommended to be based on the level of service, population of the service area, and other duties of the center.~~

~~(2) Compensatory and retirement plans and levels of supervision for 911 public safety communications centers employing personnel who are not sworn law enforcement personnel or firefighters are recommended to be comparable to public safety officers of similar levels of responsibility of the political subdivision.~~

12-10-307. Transmission of requests Communications personnel.

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

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

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

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

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

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

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

(5)(A) Required to immediately release without the consent or

approval of any supervisor or other entity any information in their custody or control to a prosecuting attorney if requested by a subpoena issued by a prosecutor, grand jury, or any court for use in the prosecution or the investigation of any criminal or suspected criminal activity.

(B) The staff or supervisor of a public safety answering point or dispatch center, or both, an operating agency, and the services supplier are not liable in any civil action as a result of complying with a subpoena as required in subdivision (a)(5)(A) of this section.

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

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

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

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

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

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

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

12-10-310. Records of calls.

(a) The 911 public safety ~~communications center~~ answering point shall

develop and maintain a system for recording 911 calls received at the public safety answering point. ~~A magnetic tape will satisfy this requirement.~~

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

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

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

- (1) Date and time the call was received;
- (2) The nature of the problem; and
- (3) Action taken by the ~~911 public safety communications center personnel~~ telecommunicators.

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

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

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

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

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

~~(4) "Referral method", which is a telephone service which, upon the receipt of a 911 telephone request for emergency service, provides the~~

~~requesting party with the telephone number of the appropriate public safety agency or other provider of emergency services.~~

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

~~The telephone number 911 is restricted to emergency calls that may result in dispatch of the appropriate response for fire suppression and rescue, emergency medical services or ambulance, hazardous material incidents, disaster or major emergency occurrences, and law enforcement activities.~~

12-10-313. Nonemergency Restrictions and nonemergency telephone number.

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

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

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

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

~~(c) A call back number should be taken or the caller informed of the proper nonemergency number.~~

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

No person shall connect to a service supplier's network any automatic alarm or other automatic alerting devices which cause the number 911 to be automatically dialed and provides a prerecorded message in order to directly access the services which may be obtained through a 911 public safety

~~communications center answering point.~~

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

~~Any person calling the number 911 for the purpose of making a false alarm or complaint and reporting false information which could result in the emergency dispatch of any public safety or private safety agency as defined in this subchapter shall be guilty of a Class A misdemeanor.~~

12-10-316. ~~911 centers~~ Public safety answering points — Access to information.

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

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

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

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

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

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

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

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

(2) Subscriber information provided in accordance with this

subsection shall be used only for the purpose of responding to requests for emergency service response from public or private safety agencies, for the investigation of false or intentionally misleading reports of incidents requiring emergency service response, or for other lawful purposes.

(3) ~~No~~ A service provider, agents of a service provider, political subdivision, or officials or employees of a political subdivision ~~shall be~~ is not liable to any person who uses the enhanced 911 service established under this subchapter for release of the information specified in this section or for failure of equipment or procedure in connection with enhanced 911 service or basic 911 service.

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

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

SECTION 4. Arkansas Code § 12-10-318 is amended to read as follows:

12-10-318. Emergency telephone service charges – Imposition – Liability.

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

(B) The governing authority of a political subdivision that has been authorized under subdivision (a)(1)(A) of this section to levy an emergency telephone service charge in an amount up to twelve percent (12%) of the tariff rate may decrease the percentage rate to not less than four percent (4%) of the tariff rate for those telephone service users that are

served by a telephone company with fewer than two hundred (200) access lines in this state as of the date of the election conducted under subdivision (a)(1)(A) of this section.

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

~~(b)(1)(A)(i)~~ (b)(1)(A) There is levied a commercial mobile radio service ~~emergency telephone service~~ public safety charge in an amount of ~~sixty five cents (65¢)~~ one dollar and thirty cents (\$1.30) per month per commercial mobile radio service connection that has a place of primary use within the State of Arkansas.

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

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

(B) There is levied a voice over internet protocol ~~emergency telephone service~~ public safety charge in an amount of ~~sixty five cents (65¢)~~ one dollar and thirty cents (\$1.30) per month per voice over internet protocol connection that has a place of primary use within the State of Arkansas.

(C) There is levied a nontraditional telephone ~~service~~ public safety charge in an amount of ~~sixty five cents (65¢)~~ one dollar and thirty cents (\$1.30) per month per nontraditional service connection that has a place of primary use within the State of Arkansas.

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

~~(2)(A) The service charges collected under subdivision (b)(1)(A) subdivisions (b)(1)(A)-(C) of this section, less administrative fees under subdivision (e)(3) of this section, shall be remitted to the Arkansas Emergency Telephone Services Board within ~~sixty (60)~~ thirty (30) days after the end of the month in which the fees are collected.~~

~~(B)(i) The funds collected pursuant to subdivision (b)(1)(A) of this section shall not be deemed revenues of the state and shall not be subject to appropriation by the General Assembly. After September 30, 2019, the public safety charge collected under subdivisions (b)(1)(A)-(C) of this section shall be remitted to the Arkansas Public Safety Trust Fund.~~

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

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

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

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

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

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

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

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

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

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

~~(i)(a) Not less than eighty three and five tenths percent (83.5%) of the total monthly revenues collected and remitted under subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under~~

~~§ 12-10-326 shall be distributed on a population basis to each political subdivision operating a 911 public safety communications center that has the capability of receiving commercial mobile radio service 911 calls on dedicated 911 trunk lines for expenses incurred for the answering, routing, and proper disposition of 911 calls, including payroll costs, readiness costs, and training costs associated with wireless, voice over internet protocol, and nontraditional 911 calls.~~

~~(b) Each state fiscal year, two hundred thousand dollars (\$200,000) of the total monthly revenues collected and remitted under subdivision (c)(2)(B)(i)(a) of this section shall be transferred and deposited to the credit of the books of the Treasurer of State and the Auditor of State for the Miscellaneous Agencies Fund Account for the Arkansas Commission on Law Enforcement Standards and Training, to be used exclusively for training and all related costs under § 12-10-325;~~

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

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

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

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

~~(iii) Not more than five tenths percent (0.5%) of~~

~~the fees collected under subdivision (b)(1)(A) of this section and prepaid wireless E911 charges under § 12-10-326 may be utilized by the board to compensate the independent auditor and for administrative expenses;~~

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

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

~~(A) An explanation and accounting of the funds received and expenditures of those funds for the previous calendar year, along with a copy of the budget for the previous year and a copy of the year-end appropriation and expenditure analysis of any participating or supporting counties, cities, or agencies; and~~

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

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

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

~~(4) Beginning January 1, 2017, the board shall withhold quarterly disbursement from a public safety answering point or a secondary public safety answering point until fifty percent (50%) of the dispatchers for the city or county have completed dispatcher training and~~

~~dispatcher continuing education approved by the Arkansas Commission on Law Enforcement Standards and Training.~~

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

~~(c) Failure to submit a report under subdivision (c)(2)(B)(v)(a)(1) of this section or a certification under (c)(2)(B)(v)(b) of this section shall result in the withholding of quarterly disbursements by the board until the public safety answering point and secondary public safety answering point have submitted the report or certification.~~

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

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

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

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

~~(ii) In determining the population basis for distribution of funds under subdivision (c)(2)(B)(i) of this section, the board shall determine, based on the latest federal decennial census, the population of all unincorporated areas of counties operating a 911 public safety communications center that has the capacity of receiving commercial mobile radio service, voice over internet protocol service, or nontraditional 911 calls on dedicated 911 trunk lines, and the population of all incorporated areas operating a 911 public safety communications center that has the capability of receiving commercial mobile radio service, voice over internet protocol service, or nontraditional 911 calls on dedicated 911 trunk~~

~~lines and compare the population of each of those political subdivisions to the total population;~~

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

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

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

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

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

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

(d) The public safety charge shall:

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

(2) Not be assessed upon more than two hundred (200):

(A) Exchange access facilities per person per location; or

(B) Voice over internet protocol connections per person per location; and

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

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

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

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

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

(ii) The designee of the Arkansas 911 Board.

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

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

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

(2)(A) The assessment of charges before the effective date of this section shall continue through September 30, 2019, and be remitted in the same manner to the same entity as previously prescribed under this section before the effective date of this section.

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

(3) Beginning on October 1, 2019, a service supplier is subject

to the public safety charges assessed as described in this section.

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

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

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

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

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

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

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

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

~~(f)(1) An emergency telephone service charge, except with regard to the commercial mobile radio service emergency telephone service charge, shall be imposed only upon the amount received from the tariff rate exchange access lines.~~

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

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

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

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

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

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

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

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

SECTION 5. Arkansas Code §§ 12-10-319 and 12-10-320 are repealed.

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

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

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

~~(b)(1) By ordinance, the governing authority of the political subdivision may reestablish or raise to a level not to exceed the original emergency telephone service charge rate, or lift the suspension thereof, if~~

~~the amount of moneys generated is less than the amount necessary for adequate funding.~~

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

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

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

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

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

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

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

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

~~(2) A return, in such form as the governing authority of the political subdivision and the service supplier agree upon, shall be filed with the political subdivision, together with a remittance of the amount of~~

~~service collected payable to the political subdivision.~~

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

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

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

SECTION 6. Arkansas Code §§ 12-10-321 through 12-10-323 are amended to read as follows:

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

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

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

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

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

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

(2) The bonds shall be:

(A) Of such series as the ordinance provides;

(B) Mature on such date or dates not exceeding thirty (30) years from date of the bonds as the ordinance provides;

(C) Bear interest at such rate or rates as the ordinance provides;

- (D) Be in such denominations as the ordinance provides;
- (E) Be in such form either coupon or fully registered without coupon as the ordinance provides;
- (F) Carry such registration and exchangeability privileges as the ordinance provides;
- (G) Be payable in such medium of payment and at such place or places within or without the state as the ordinance provides;
- (H) Be subject to such terms of redemption as the ordinance provides;
- (I) Be sold at public or private sale as the ordinance provides; and
- (J) Be entitled to such priorities on the income, revenues, and receipts generated by the emergency telephone service charge as the ordinance provides.

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

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

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

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

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

(a) A covered multiline telephone system shall allow, as a default

setting, any station equipped with dialing facilities to directly initiate a 911 call without requiring a user to dial any other digit, code, prefix, suffix, or trunk access code.

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

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

12-10-323. Authorized expenditures of revenues.

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

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

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

(B) The costs necessary for forwarding and transfer capabilities of calls from the ~~911 public safety communications center~~ answering point to dispatch centers or to other ~~911 public safety communications centers~~ answering points;

(C) Engineering, construction, lease, or purchase costs to lease, purchase, build, remodel, or refurbish a ~~911 public safety communications center~~ answering point and for necessary emergency and

uninterruptable power supplies for the ~~center~~ public safety answering point;

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

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

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

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

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

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

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

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

~~(e)~~(d) Appropriations of funds from any source other than §§ 12-10-

318, - 12-10-321, and 12-10-326 may be expended for any purpose and may supplement the authorized expenditures of this section and may fund other activities of the ~~911 public safety communications center~~ answering point not associated with the provision of emergency services.

SECTION 7. Arkansas Code § 12-10-325 is amended to read as follows:

12-10-325. Training standards.

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

(2) The ~~Arkansas Law Enforcement Training Academy~~ commission shall develop training standards for telecommunicators, dispatchers, supervisors, and instructors in Arkansas in consultation with the Association of ~~Public-Safety-Communications~~ Public-Safety Communications Officials-International, Inc., and the Arkansas 911 Board and submit the training standards to the ~~Arkansas Commission on Law Enforcement Standards and Training~~ commission for approval.

(3)(A) Training for instructors may include without limitation instructor development, course development, leadership development, and other appropriate 911 instructor training.

(B) Training for telecommunicators, dispatchers, and supervisors may include without limitation:

- (i) Call taking;
- (ii) Customer service;
- (iii) Stress management;
- (iv) Mapping;
- (v) Call processing;
- (vi) Telecommunication and radio equipment training;
- (vii) Training with devices for the deaf;
- (viii) Autism;
- (ix) National Incident Management System training;
- (x) Incident Command System training;
- (xi) National Center for Missing and Exploited

Children training;

(xii) National Emergency Number Association

training;

(xiii) Association of ~~Public Safety Communications~~
Public-Safety Communications Officials-International, Inc., training; and

(xiv) Other appropriate 911 dispatcher and supervisor training.

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

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

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

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

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

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

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

SECTION 8. Arkansas Code § 12-10-326 is amended to read as follows:

*12-10-326. Prepaid wireless ~~E911 service charges~~ public safety charge
– Definitions.*

(a) As used in this section:

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

(2) “Occurring in this state” means a retail transaction that is:

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

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

(C) Taxable under § 26-53-106;

(3) “Prepaid wireless ~~E911~~ public safety charge” means the charge for prepaid wireless telecommunications service that is required to be collected by a seller from a consumer under subsection (b) of this section;

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

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

(i) Prepaid wireless cards;

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

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

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

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

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

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

~~(6)(7)~~ “Seller” means a person who sells prepaid wireless telecommunications service to another person; and

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

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

~~cents (65¢).~~

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

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

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

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

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

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

(C)(i) To ensure there is no overlap of the E911 charge previously assessed under this section before the effective date of this section and the new public safety charge assessed under subdivision (b)(1) of this section, a seller shall continue to collect the public safety charge in effect one (1) day before the effective date of this section through September 30, 2019.

(ii) The funds collected through September 30, 2019,

shall be remitted according to the same terms and process as previously remitted under this section before the effective date of this section.

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

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

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

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

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

~~(f)(e)~~ The ~~Department of Finance and Administration~~ department shall pay all remitted prepaid wireless ~~E911 charges~~ public safety funds ~~within thirty (30) days of receipt to the Arkansas Emergency Telephone Services Board for use by the board under § 12-10-318(e)~~ to the Arkansas Public Safety Trust Fund on or before the fifteenth business day of December 2019 and on or before the fifteenth business day of each month thereafter.

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

- (1) Providing or failing to provide 911 ~~or E911~~ service;
- (2) Identifying or failing to identify the telephone number, address, location, or name associated with a person or device that is accessing or attempting to access 911 ~~or E911~~ service; or
- (3) Providing lawful assistance to a federal, state, or local investigator or law enforcement officer conducting a lawful investigation or other law enforcement activity.

~~(h)(g)~~ A provider or seller is not liable for civil damages or

criminal liability in connection with:

- (1) The development, design, installation, operation, maintenance, performance, or provision of 911 service; or
- (2) The release of subscriber information to a governmental entity as required by this subchapter.

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

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

SECTION 9. Arkansas Code § 12-10-327 is amended to read as follows:

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

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

- (1) Consolidation with an existing public safety answering point; or
- (2) Replacement of an existing public safety answering point.

SECTION 10. Arkansas Code Title 19, Chapter 5, Subchapter 11, is amended to add an additional section to read as follows:

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

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

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

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

(e) of this section.

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

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

(2) Any other moneys as authorized by law.

(d) On or before the fifteenth business day of December 2019 and on the fifteenth business day of each month thereafter, up to fourteen thousand dollars (\$14,000) of the moneys in the Arkansas Public Safety Trust Fund shall be distributed to the department to provide administrative support for the Arkansas Public Safety Trust Fund.

(e) On or before the fifteenth business day of July 2020 and on the fifteenth business day of each fiscal quarter thereafter, moneys in the Arkansas Public Safety Trust Fund shall be distributed as follows:

(1) Up to sixty-two thousand five hundred dollars (\$62,500) to the Arkansas Commission on Law Enforcement Standards and Training; and

(2) Up to two million dollars (\$2,000,000) to the department to support upgrades and maintenance for the Arkansas Wireless Information Network.

(f) Between December 2019 and June 2020, the Arkansas Public Safety Trust Fund shall withhold moneys necessary to make the distributions under subsections (d) and (e) of this section.

(g) Each month after the distributions under subsections (d)-(f) are satisfied, all remaining funds in the Arkansas Public Safety Trust Fund shall be transferred to the Arkansas 911 Board.

(h) Subsections (d)-(g) of this section shall be applied for fiscal year 2021 and each successive fiscal year.

SECTION 11. EFFECTIVE DATE.

Sections 4 and 8 of this act are effective on and after October 1, 2019.

/s/M. Gray

APPROVED: 4/2/19