

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: S3/17/15  
**A Bill**

SENATE BILL 977

By: Senator B. Pierce

### **For An Act To Be Entitled**

AN ACT TO AMEND ARKANSAS LAW CONCERNING LOCAL 911 SYSTEMS; AMENDING ARKANSAS LAW PERTAINING TO OVERSIGHT, COORDINATION, REPORTING, AND TRAINING OF LOCAL 911 SYSTEMS AND DISPATCHERS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND ARKANSAS LAW CONCERNING LOCAL 911 SYSTEMS; AMENDING ARKANSAS LAW PERTAINING TO OVERSIGHT, COORDINATION, REPORTING, AND TRAINING OF LOCAL 911 SYSTEMS AND DISPATCHERS.

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

*SECTION 1. Arkansas Code § 12-10-303, concerning definitions, is amended to add an additional subdivision to read as follows:*

*(30) "Secondary public safety answering point" means the location at which 911 calls are transferred to from a public safety answering point.*

*SECTION 2. Arkansas Code § 12-10-318(c), concerning the duties of the Arkansas Emergency Telephone Services Board, is amended to read as follows:*

*(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, ~~one hundred twenty thousand dollars (\$120,000)~~ 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 ~~receiving funds under this section~~ 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~~ 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 which 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.*

~~(b)(1)(d)(1)~~ The board may require any other information necessary ~~to ensure that the funds have been properly utilized according to~~ 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)(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.*

*SECTION 3. 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, a dispatch center, or a 911 public safety communications center may provide training opportunities for 911 public safety ~~communication~~ communications 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 shall develop training standards for dispatchers, supervisors, and instructors in Arkansas in consultation with the Association of Public-Safety-Communications Officials-International, Inc. and submit the training standards to the Arkansas Commission on Law Enforcement Standards and Training 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 dispatchers and supervisors may include without limitation:*

- (i) ~~call~~ Call taking<sub>;</sub>*
- (ii) ~~customer~~ Customer service<sub>;</sub>*
- (iii) ~~stress~~ Stress management<sub>;</sub>*
- (iv) ~~mapping~~ Mapping;*
- (v) ~~call~~ Call processing<sub>;</sub>*

~~(vi) telecommunication~~ Telecommunication and radio equipment training;

~~(vii) training~~ Training with devices for the deaf;

~~(viii) autism,~~ 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~~

Officials International, Inc. training; and

~~(xiv) and other~~ Other appropriate 911 dispatcher and supervisor training.

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

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

~~(B) Deliver an annual report to the Arkansas Emergency Telephone Services 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 that performs dispatch functions is not eligible for training under this section 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.~~

/s/B. Pierce