

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 6

A Bill

HOUSE BILL 1184

5 By: Representatives Stovall, Mathis, Adams, Agee, Biggs, Blair, P. Bookout, Boyd, Bradford, Childers,
6 Clemons, Cowling, Dees, Dickinson, Eason, Edwards, L. Evans, Gillespie, Gipson, Goss, Green, Harris,
7 Hickinbotham, Jackson, Jeffrey, J. Johnson, Jones, King, Lewellen, Milligan, Nichols, Norton, Oglesby,
8 Ormond, Parks, Penix, Petrus, S. Prater, Roebuck, Rosenbaum, Scrimshire, Scroggin, R. Smith, Sullivan,
9 C. Taylor, Thyer, Verkamp, Weaver
10 By: Senators T. Smith, Altes, Critcher, J. Jeffress, Whitaker, Wilkinson
11
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For An Act To Be Entitled

13 AN ACT TO PROVIDE ADDITIONAL REVENUE TO FUND
14 PUBLIC SCHOOLS AND TO CREATE THE EDUCATIONAL
15 ADEQUACY TRUST FUND; AND FOR OTHER PURPOSES.
16
17

Subtitle

18 AN ACT TO PROVIDE ADDITIONAL REVENUE TO
19 FUND PUBLIC SCHOOLS AND TO CREATE THE
20 EDUCATIONAL ADEQUACY TRUST FUND.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 4, Chapter 99 is amended to add an
27 additional subchapter to read as follows:

28 4-99-501. Purpose.

29 (a) It is the purpose of this subchapter to provide additional revenue
30 to fund public schools and school districts by collecting a fine for unlawful
31 telephone calls from the general public to the homes and offices of members
32 of the General Assembly regarding matters before, or that may come before the
33 General Assembly, when such telephone calls are the result of transferred
34 outbound telemarketing efforts.

35 (b) It is not the intent of this subchapter to discourage, reduce,
36 curtail, or eliminate any communications between members of the General



1 Assembly and the general public, including telephone calls from members of
 2 the general public that are the result of the public being provided the name
 3 and telephone number of the General Assembly members by a telemarketing
 4 organization.

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 6 4-99-502. Improperly solicited communications.

7 (a) It shall be unlawful for any person to conduct transferred
 8 outbound telemarketing efforts.

9 (b) For the purposes of this subchapter, "transferred outbound
 10 telemarketing efforts" means calls made to a member of the general public by
 11 a telemarketing organization on behalf of any entity having a pecuniary
 12 interest in the outcome of matters before the General Assembly, in which the
 13 telemarketing organization subsequently electronically or mechanically
 14 transfers the call to a member of the General Assembly without the member of
 15 the general public being required to dial the telephone number of the General
 16 Assembly member, unless the person calling on behalf of the telemarketing
 17 organization:

18 (1) Announces his or her identity;

19 (2) Announces the identity of the person or entity on whose
 20 behalf the call was initiated;

21 (3) Announces the location from which the original call was
 22 made;

23 (4) Identifies the person or entity employing the caller's
 24 services;

25 (5) Introduces the constituent to the member of the General
 26 Assembly; and

27 (6) Stays on the telephone line with the constituent and member
 28 of the General Assembly for the duration of the call.

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 30 4-99-503. Penalties.

31 (a) Each violation of this section constitutes a Class C misdemeanor.

32 (b) Any fine or penalty imposed by the court for violations of this
 33 subchapter shall be remitted by the tenth day of each month to the
 34 Administration of Justice Funds Section of the Department of Finance and
 35 Administration on a form provided by that office for deposit in the
 36 Educational Adequacy Trust Fund to be used as appropriated by the General

1 Assembly to provide additional revenue to fund public schools and school
2 districts.

3 (c)(1) Every violation of this subchapter shall be reported to the
4 Consumer Protection Division of the office of the Arkansas Attorney General.

5 (2) The Attorney General shall initiate a civil action for each
6 violation in the Pulaski County Circuit Court against the telemarketing
7 organization and the person or entity on whose behalf the call was initiated.

8 (3) Upon proof of a violation of this subchapter, damages of not
9 less than one hundred dollars (\$100) or more than one thousand dollars
10 (\$1,000) for each unlawful transferred outbound telemarketing effort shall be
11 assessed, jointly and severally, against the telemarketing organization and
12 the person or entity on whose behalf the call was initiated.

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14 SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 1 is amended
15 to add an additional section to read as follows:

16 19-5-1125. Educational Adequacy Trust Fund.

17 (a)(1) There is created on the books of the Treasurer of State,
18 Auditor of State, and Chief Fiscal Officer of the State a trust fund to be
19 known as the "Educational Adequacy Trust Fund".

20 (2) The Treasurer of State shall credit to the Educational
21 Adequacy Trust Fund all moneys earned on the fund balance and the fund shall
22 retain its interest.

23 (b)(1) All moneys collected under §§ 4-99-501 et seq. shall be
24 deposited into the State Treasury to the credit of the fund as special
25 revenue.

26 (2) The fund shall also consist of any other revenues as may be
27 authorized by law.

28 (c) From the moneys accruing to the Educational Adequacy Trust Fund,
29 the Treasurer of State on the last day of the month shall transfer the
30 amounts that are available in the Educational Adequacy Trust Fund to the
31 Department of Education Public School Fund Account established in § 19-5-305,
32 there to be used for the purposes as provided by law.

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