

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1467

5 By: Representative Wardlaw  
6

## For An Act To Be Entitled

8 AN ACT TO REPEAL THE ARKANSAS LIFELINE INDIVIDUAL  
9 VERIFICATION EFFORT CORPORATION ACT; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

12  
13 TO REPEAL THE ARKANSAS LIFELINE  
14 INDIVIDUAL VERIFICATION EFFORT  
15 CORPORATION ACT.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 23, Chapter 16, Subchapter 4, is  
22 repealed.

23 ~~Subchapter 4 — Arkansas Lifeline Individual Verification Effort Corporation~~  
24 ~~Act~~

25  
26 ~~23-16-401. — Title.~~

27 ~~This subchapter shall be known and may be cited as the “Arkansas~~  
28 ~~Lifeline Individual Verification Effort Corporation Act”.~~  
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30 ~~23-16-402. — Definitions.~~

31 ~~As used in this subchapter:~~

32 ~~(1) “Eligible telecommunications carrier” has the same meaning~~  
33 ~~as provided in § 23-17-403;~~

34 ~~(2) “Lifeline Assistance Program” means the federally mandated~~  
35 ~~Lifeline Assistance Program that provides certain discounts on monthly~~  
36 ~~service for qualified telephone subscribers; and~~



1           ~~(3) "Link Up America" means the federally mandated Link Up~~  
 2 ~~America program through the Federal Communications Commission that helps~~  
 3 ~~qualified low income consumers to connect or hook up to the telephone~~  
 4 ~~network.~~

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 6           ~~23-16-403. Arkansas Lifeline Individual Verification Effort~~  
 7 ~~Corporation—Creation—Board of directors.~~

8           ~~(a) There is created the Arkansas Lifeline Individual Verification~~  
 9 ~~Effort Corporation.~~

10          ~~(b) The corporation shall be governed by a seven member board of~~  
 11 ~~directors appointed by the Governor as follows:~~

12           ~~(1) Three (3) board members shall be consumers; and~~

13           ~~(2) Four (4) board members shall be representatives of eligible~~  
 14 ~~telecommunications carriers.~~

15          ~~(c)(1) The Governor shall appoint representatives of eligible~~  
 16 ~~telecommunications carriers after consulting representatives of eligible~~  
 17 ~~telecommunications carriers.~~

18          ~~(2) The appointments made by the Governor under subdivision~~  
 19 ~~(c)(1) of this section shall be subject to confirmation by the Senate.~~

20          ~~(d) The initial appointments shall be for terms that will result in~~  
 21 ~~two (2) board members serving a one year term, two (2) board members serving~~  
 22 ~~a two year term, and three (3) board members serving a three year term. All~~  
 23 ~~successors shall serve three year terms.~~

24          ~~(e) The Governor shall designate one (1) of the board members to~~  
 25 ~~preside over the initial meeting of the board, at which meeting the board~~  
 26 ~~shall elect a president, a secretary, and such other officers as it deems~~  
 27 ~~appropriate.~~

28          ~~(f) Members of the board shall serve without compensation but may be~~  
 29 ~~reimbursed for reasonable expenses. However, no corporate money shall be used~~  
 30 ~~for out of state travel expenses.~~

31          ~~(g) All vacancies on the board shall be filled in the same manner as~~  
 32 ~~the original appointments.~~

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 34          ~~23-16-404. Board of directors—Attendance at meetings required.~~

35          ~~(a) In order to ensure broad representation and a quorum, all members~~  
 36 ~~of the Board of Directors of the Arkansas Lifeline Individual Verification~~

1 ~~Effort Corporation have a responsibility to attend all regular or special~~  
2 ~~meetings of the board.~~

3 ~~(b)(1) A board member shall be subject to removal from the board if~~  
4 ~~the member fails to present to the Governor a satisfactory excuse for his or~~  
5 ~~her absence.~~

6 ~~(2) Unexcused absences from three (3) successive regular~~  
7 ~~meetings without attending any intermediary called special meetings shall~~  
8 ~~constitute sufficient cause for removal.~~

9 ~~(c) Removal of board members shall be in accordance with the~~  
10 ~~following:~~

11 ~~(1)(A) Within thirty (30) days after each regular board meeting,~~  
12 ~~the secretary of the board shall give written notice to the Governor of any~~  
13 ~~member who has been absent from three (3) successive regular meetings without~~  
14 ~~attending any intermediary called special meetings.~~

15 ~~(B) The secretary's notice to the Governor shall include a~~  
16 ~~copy of all meeting notices and attendance records for the past year.~~

17 ~~(C) Failure by the secretary to submit the notices and~~  
18 ~~documentation required by this subchapter shall be considered cause for~~  
19 ~~removal by the Governor in accordance with the procedures set forth at § 25-~~  
20 ~~17-210;~~

21 ~~(2) Within sixty (60) days after receiving the notice and~~  
22 ~~supporting documentation from the secretary, the Governor shall notify the~~  
23 ~~board member in writing of the Governor's intent to remove the member for~~  
24 ~~cause. This notice shall suffice for the notice required in § 25-17-210(a);~~

25 ~~(3) Within twenty (20) days after the date of the Governor's~~  
26 ~~notice, the board member may request an excused absence as provided by this~~  
27 ~~subchapter or may file notice with the Governor's office that the member~~  
28 ~~disputes the attendance records and the reasons therefor;~~

29 ~~(4) The Governor shall grant an excuse for illness of the member~~  
30 ~~when verified by a written sworn statement by the attending physician or~~  
31 ~~other proper excuse as determined by the Governor; and~~

32 ~~(5) If no rebuttal is received or other adequate documentation~~  
33 ~~submitted within twenty (20) days after the date of the Governor's notice,~~  
34 ~~the board member may be removed in accordance with the provisions set forth~~  
35 ~~in § 25-17-210.~~

36 ~~(d) Any board member referred to the Governor because of excessive~~

1 ~~absences under the provisions of this subchapter shall not be entitled to any~~  
2 ~~expense reimbursement for travel to or attendance at any subsequent meeting~~  
3 ~~until the board receives notification from the Governor that the member has~~  
4 ~~been excused for the absences.~~

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6 ~~23-16-405.—Assessment on eligible telecommunications carriers.~~

7 ~~(a)(1)—The Board of Directors of the Arkansas Lifeline Individual~~  
8 ~~Verification Effort Corporation shall levy assessments on all eligible~~  
9 ~~telecommunications carriers participating in the verification program not to~~  
10 ~~exceed ten cents (10¢) per subject access line per month in order to fund the~~  
11 ~~services provided by the Arkansas Lifeline Individual Verification Effort~~  
12 ~~Corporation.~~

13 ~~(2)—Participation in the verification program shall be available~~  
14 ~~only for eligible telecommunications carriers having a customer access base~~  
15 ~~of fifteen thousand (15,000) or fewer.~~

16 ~~(b)—The board may adjust the assessment in January of each year, but~~  
17 ~~at no time shall the assessment exceed ten cents (10¢) per subject access~~  
18 ~~line per month.~~

19 ~~(c)—The assessment shall not be levied on more than one hundred (100)~~  
20 ~~access lines at any single customer location.~~

21 ~~(d)(1)—The assessment may be collected by an eligible~~  
22 ~~telecommunications carrier from its customers and transmitted monthly to the~~  
23 ~~board, and the board shall deposit the assessment into a financial~~  
24 ~~institution authorized to accept public funds.~~

25 ~~(2)—The assessment shall appear on the bills of customers as a~~  
26 ~~combined total with the assessment by the Arkansas Deaf and Hearing Impaired~~  
27 ~~Telecommunications Services Corporation under § 25-29-103. The item on the~~  
28 ~~bill shall identify both assessments by name.~~

29 ~~(e)—The assessments levied by the corporation shall not be considered~~  
30 ~~a tax and shall not be affected by any laws of this state governing taxation,~~  
31 ~~nor shall the assessments be subject to any state or local tax or franchise~~  
32 ~~fee.~~

33  
34 ~~23-16-406.—Option to participate or cease participation.~~

35 ~~(a)—An eligible telecommunications carrier may elect not to~~  
36 ~~participate under this subchapter without the need for approval by the~~

~~Arkansas Lifeline Individual Verification Effort Corporation if the eligible telecommunications carrier files notice with the corporation within one hundred twenty (120) days after August 12, 2005.~~

~~(b)(1) If approved by the corporation:~~

~~(A) A participating eligible telecommunications carrier may cease participation under this subchapter; and~~

~~(B) A nonparticipating eligible telecommunications carrier may begin participation under this subchapter.~~

~~(2) Applications to participate or cease participation shall be accepted at times approved by the Board of Directors of the Arkansas Lifeline Individual Verification Effort Corporation.~~

~~23-16-407. Powers and duties of corporation.~~

~~(a)(1) The Arkansas Lifeline Individual Verification Effort Corporation shall provide services to verify eligibility under the Lifeline Assistance Program for individuals for whom other governmental entities do not verify the data. If another governmental entity provides verification, the corporation shall not duplicate the verification.~~

~~(2) The corporation may provide services to verify eligibility under the Link Up America program for individuals for whom other governmental entities do not verify the data. If another governmental entity provides verification, the corporation shall not duplicate the verification.~~

~~(b) The corporation shall:~~

~~(1) Have perpetual succession as a body politic and corporate, adopt bylaws for the regulation of the affairs and the conduct of its business, and prescribe rules and policies in connection with the performance of its functions and duties;~~

~~(2) Adopt an official seal and alter it at pleasure;~~

~~(3) Sue and be sued in its own name and plead and be impleaded;~~

~~(4) Make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this subchapter, including contracts with persons, firms, corporations, and others;~~

~~(5) Purchase insurance; and~~

~~(6) Do all other acts and things necessary, convenient, or desirable to carry out the purposes of this subchapter and to exercise the~~

1 ~~powers granted to it by this subchapter.~~

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3 ~~23-16-408. Staff—Real property—Debt.~~

4 ~~(a) The Arkansas Lifeline Individual Verification Effort Corporation~~  
 5 ~~shall not employ any person as a salaried employee but shall rely upon~~  
 6 ~~volunteers and professional services obtained by contract.~~

7 ~~(b) No corporate asset may be used to purchase or lease any real~~  
 8 ~~property, nor is the corporation authorized to incur any indebtedness.~~

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10 ~~23-16-409. Corporate offices.~~

11 ~~The Arkansas Lifeline Individual Verification Effort Corporation may~~  
 12 ~~maintain an office at such location as it deems suitable.~~

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14 ~~23-16-410. Annual audit.~~

15 ~~The Arkansas Lifeline Individual Verification Effort Corporation shall~~  
 16 ~~be audited annually in accordance with accounting principles generally~~  
 17 ~~accepted in the United States and file a copy of the audit with the~~  
 18 ~~Legislative Joint Auditing Committee and the Arkansas Public Service~~  
 19 ~~Commission.~~

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21 ~~23-16-411. Articles of incorporation.~~

22 ~~Within thirty (30) days after the first meeting of the Board of~~  
 23 ~~Directors of the Arkansas Lifeline Individual Verification Effort~~  
 24 ~~Corporation, the board shall cause articles of incorporation to be filed with~~  
 25 ~~the Secretary of State.~~

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27 ~~23-16-412. Purchase of telecommunications services.~~

28 ~~The purchase of verification services by the Arkansas Lifeline~~  
 29 ~~Individual Verification Effort Corporation shall be by competitive bid using~~  
 30 ~~procedures substantially similar to the Arkansas Procurement Law, § 19-11-201~~  
 31 ~~et seq.~~

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33 ~~23-16-413. Annual report.~~

34 ~~The Board of Directors of the Arkansas Lifeline Individual Verification~~  
 35 ~~Effort Corporation shall transmit an annual report of its activities to the~~  
 36 ~~Legislative Council, the Governor, and the Arkansas Public Service~~

1 ~~Commission. The annual report shall be filed by March 31 of each year.~~

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**APPROVED: 4/20/21**