

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22 repealed.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”.~~
29

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.~~

33
 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.~~

5
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~~

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

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

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

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

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

12
 13 ~~23-16-407. Powers and duties of corporation.~~

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

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

23 ~~(b) The corporation shall:~~

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

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

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

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

34 ~~(5) Purchase insurance; and~~

35 ~~(6) Do all other acts and things necessary, convenient, or~~
 36 ~~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.~~

13

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.~~

20

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.~~

26

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.~~

32

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~~

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

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