

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: S3/10/97 H3/20/97

## A Bill

ACT 1080 OF 1997  
SENATE BILL 607

4  
5 By: Senator Hopkins  
6  
7

### For An Act To Be Entitled

8  
9 "AN ACT TO CREATE THE ARKANSAS DEAF AND HEARING IMPAIRED  
10 TELECOMMUNICATIONS SERVICES CORPORATION; AND FOR OTHER  
11 PURPOSES."

### Subtitle

12  
13  
14 "AN ACT TO CREATE THE ARKANSAS DEAF AND  
15 HEARING IMPAIRED TELECOMMUNICATIONS  
16 SERVICES CORPORATION."  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. (a) There is hereby created the Arkansas Deaf and Hearing  
21 Impaired Telecommunications Services Corporation.

22 (b) The corporation shall be governed by a seven (7) member board of  
23 directors appointed by the Governor as follows: *three (3) shall be*  
24 *representatives of the deaf and hearing impaired community; and four (4) shall*  
25 *be representatives of Arkansas local exchange carriers.*

26 (c) The Joint Committee on Advanced Communications and Information  
27 Technology shall provide the Governor with a list of two (2) names for each  
28 position and the Governor shall make appointments from the recommendations of  
29 *the committee no later than June 1, 1997.*

30 (d) The initial appointments shall be for such terms as will result in  
31 two (2) serving a one (1) year term, two (2) serving a two (2) year term and  
32 three (3) serving a three (3) year term. All successors shall serve three (3)  
33 year terms.

34 (e) The Governor shall designate one (1) of the board members to  
35 preside over the initial meeting of the board, at which meeting the board  
36 shall elect a president, a secretary, and such other officers as it deems

1 appropriate.

2 (f) Members of the board shall serve without compensation, but may be  
3 reimbursed for reasonable expenses except that no corporate money shall be  
4 used for out-of-state travel expenses.

5 (g) All vacancies on the board shall be filled in the same manner as  
6 the original appointments.

7

8 SECTION 2. (a) In order to ensure broad representation and a quorum,  
9 all board members have a responsibility to attend all regular or special  
10 meetings of the board.

11 (b) A board member shall be subject to removal from the board in the  
12 event the member shall fail to present to the Governor a satisfactory excuse  
13 for his absence. Unexcused absences from three (3) successive regular  
14 meetings, without attending any intermediary called special meetings, shall  
15 constitute sufficient cause for removal.

16 (c) Removal of board members shall be in accordance with the following:

17 (1) Within thirty (30) days after each regular board meeting, the  
18 secretary of the board shall give written notice to the Governor of any member  
19 who has been absent from three (3) successive regular meetings, without  
20 attending any intermediary called special meetings. The secretary's notice to  
21 the Governor shall include a copy of all meeting notices and attendance  
22 records for the past year. Failure by the board secretary to submit the  
23 notices and documentation required by this act shall be considered cause for  
24 removal by the Governor in accordance with the procedures set forth at  
25 Arkansas Code § 25-17-210.

26 (2) Within sixty (60) days after receiving the notice and  
27 supporting documentation from the board secretary, the Governor shall notify,  
28 in writing, the board member of his intent to remove the member for cause.  
29 This notice shall suffice for the notice required in Arkansas Code § 25-17-  
30 210(a).

31 (3) Within twenty (20) days after the date of the Governor's  
32 notice, the board member may request an excused absence as provided by this  
33 act or may file with the Governor's office notice that the member disputes the  
34 attendance records and the reasons therefor.

35 (4) The Governor shall grant an excuse for illness of the member  
36 when verified by a written sworn statement by the attending physician, or

1 other proper excuse as determined by the Governor.

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

6 (d) Any board member referred to the Governor because of excessive  
7 absences under the provisions of this act shall not be entitled to any expense  
8 reimbursement for travel or attendance of any subsequent meeting until the  
9 board receives notification from the Governor that the member has been excused  
10 for the absences.

11

12 SECTION 3. The board shall levy assessments on all providers of local  
13 exchange service not to exceed ten cents (\$0.10) per subject access line per  
14 month in order to fund the services provided by the corporation. The board  
15 may adjust the assessment in January of each year but at no time shall the  
16 assessment exceed ten cents (\$0.10) per subject access line per month. The  
17 assessment shall not be levied on more than one hundred (100) lines at any  
18 single customer location. The assessment may be collected by the providers of  
19 local exchange service from its customers and transmitted monthly to the board  
20 and the board shall deposit the same into a financial institution authorized  
21 to accept public funds. The assessments levied by the corporation shall not  
22 be considered a tax and not affected by any laws of this state governing  
23 taxation, nor shall the assessments be subject to any state or local tax or  
24 franchise fee.

25

26 SECTION 4. The corporation shall:

27 (1) provide telecommunications relay services (including, but not  
28 limited to, services that enable two-way communication between an individual  
29 who uses a TDD or other non-voice terminal device and an individual who does  
30 not use such a device) for persons who are deaf, hearing impaired, deaf/blind,  
31 or severely speech impaired;

32 (2) take other actions necessary and proper to provide  
33 telecommunications services to persons who are deaf, hearing impaired,  
34 deaf/blind, or severely speech impaired;

35 (3) have perpetual succession as a body politic and corporate, and to  
36 adopt bylaws for the regulation of the affairs and the conduct of its

1 business, and to prescribe rules, regulations, and policies in connection with  
2 the performance of its functions and duties;

3 (4) adopt an official seal and alter it at pleasure;

4 (5) sue and be sued in its own name and to plead and be impleaded;

5 (6) make and execute contracts and other instruments necessary or  
6 convenient in the exercise of the powers and functions of the authority under  
7 this act including contracts with persons, firms, corporations, and others;

8 (7) purchase insurance; and

9 (8) do any and all other acts and things necessary, convenient, or  
10 desirable to carry out the purposes of this act and to exercise the powers  
11 granted to it by this act.

12

13 SECTION 5. The corporation shall not employ any person as a salaried  
14 employee but shall rely upon volunteers and professional services obtained by  
15 contract. No corporate asset may be used to purchase or lease any real  
16 property nor is the corporation authorized to incur any indebtedness.

17

18 SECTION 6. The corporation may maintain an office at such location as  
19 it deems suitable.

20

21 SECTION 7. The corporation shall be audited annually in accordance with  
22 generally accepted accounting procedures and file a copy of the audit with the  
23 Legislative Joint Auditing Committee and the Public Service Commission.

24

25 SECTION 8. Within thirty (30) days after the first meeting of the  
26 board, it shall cause articles of incorporation be filed with the Secretary of  
27 State.

28

29 SECTION 9. The purchase of telecommunications services by the  
30 corporation shall be by competitive bid using procedures substantially similar  
31 to the state purchase law.

32

33 SECTION 10. The board shall transmit to the Legislative Council, the  
34 Governor, and the Public Service Commission an annual report of its  
35 activities. The annual report shall be filed by March 31st of each year.

36

1           SECTION 11. (a) The provisions of this section apply only to  
2 telecommunications corporations with fewer than ten thousand (10,000) access  
3 lines which have elected to become a Section 12 company pursuant to Act 77 of  
4 1997.

5           (b) All such telecommunications companies currently making  
6 contributions which affect the Arkansas Intrastate Carrier Common Line Pool  
7 (AICCLP) and/or the Arkansas Intralata Toll Pool due to prior review shall not  
8 be required to continue making such contributions effective upon the company's  
9 election as a Section 12 company, pursuant to Act 77 of 1997. Provided if the  
10 company discontinues making contributions to the Arkansas Intrastate Carrier  
11 Common Line Pool (AICCLP) and/or the Arkansas Intralata Toll Pool, one percent  
12 (1%) of contributions that would have been made to the Arkansas Intrastate  
13 Carrier Common Line Pool (AICCLP) and/or the Arkansas Intralata Toll Pool for  
14 ten (10) months will be paid for start-up costs to the cooperation provided  
15 for in this act.

16

17           SECTION 12. All provisions of this act of a general and permanent  
18 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
19 Code Revision Commission shall incorporate the same in the Code.

20

21           SECTION 13. If any provision of this act or the application thereof to  
22 any person or circumstance is held invalid, such invalidity shall not affect  
23 other provisions or applications of the act which can be given effect without  
24 the invalid provision or application, and to this end the provisions of this  
25 act are declared to be severable.

26

27           SECTION 14. All laws and parts of laws in conflict with this act are  
28 hereby repealed. Provided however, to the extent any provisions of this act  
29 conflict with any provisions of Act 501 of 1995 the provisions of Act 501  
30 shall prevail.

31

32           SECTION 15. EMERGENCY. It is hereby found and determined by the  
33 General Assembly that the deaf and hearing impaired citizens of this state  
34 have inadequate access to telecommunications services; that this act will  
35 enhance the delivery of telecommunications services to the deaf and hearing  
36 impaired citizens of this state, and that this act should go into effect as

1 soon as possible. Therefore, an emergency is declared to exist and this act  
2 being immediately necessary for the preservation of the public peace, health  
3 and safety shall become effective on the date of its approval by the Governor.  
4 If the bill is neither approved nor vetoed by the Governor, it shall become  
5 effective on the expiration of the period of time during which the Governor  
6 may veto the bill. If the bill is vetoed by the Governor and the veto is  
7 overridden, it shall become effective on the date the last house overrides the  
8 veto.

9 /s/Hopkins

10  
11 APPROVED: 4-03-97  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35