

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 501 OF 1995
SENATE BILL 373

4 **By: Senators Keet, Brown, Gwatney, Hardin and Harriman**

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For An Act To Be Entitled

8 "AN ACT TO PROVIDE TELECOMMUNICATIONS DEVICES FOR PERSONS
9 WHO ARE DEAF, HARD OF HEARING, DEAF/BLIND, OR SPEECH
10 IMPAIRED; TO PROVIDE FOR THE OFFICE OF DEAF AND HEARING
11 IMPAIRED OF ARKANSAS REHABILITATION SERVICES TO ESTABLISH
12 AND ADMINISTER A STATEWIDE PROGRAM TO DISTRIBUTE
13 EQUIPMENT; AND TO AUTHORIZE THE PUBLIC SERVICE COMMISSION
14 TO EXPAND THE EXISTING ACCESS LINE SURCHARGE TO FUND THE
15 EQUIPMENT DISTRIBUTION PROGRAM; AND FOR OTHER PURPOSES."

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Subtitle

18 "TO PROVIDE TELECOMMUNICATIONS DEVICES
19 FOR PERSONS WHO ARE DEAF, BLIND, OR
20 SPEECH IMPAIRED AND TO ALLOW THE PSC TO
21 LEVY AN ACCESS LINE CHARGE TO FUND THE
22 PROGRAM."

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

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26 SECTION 1. (a) The Office of the Deaf and Hearing Impaired of Arkansas
27 Rehabilitation Services is hereby directed to establish, administer, staff,
28 and promote a statewide program to provide access to public telecommunications
29 services by residents of Arkansas who are deaf, hard of hearing, deaf/blind,
30 and others such as the severely speech impaired. This program shall include,
31 but is not limited to:

32 (1) The purchase and distribution of telecommunications devices
33 and related devices for the persons who are deaf, hard of hearing, deaf/blind,
34 and for others who are severely speech impaired;

35 (2) The promulgation of procedures, regulations, rules and
36 criteria necessary to implement and administer this program, including

1 accountability measures which utilize consumer participation in the selection
2 and evaluation of equipment and the eligibility of applicants; and

3 (3) Other actions as may be necessary to implement and administer
4 this program, not otherwise prohibited by law.

5 (b) The Office of the Deaf and Hearing Impaired of Arkansas
6 Rehabilitation Services shall employ at least one (1) full-time staff person
7 to administer the equipment distribution program and may employ any
8 additional support personnel for the program from within existing staff
9 resources to assure statewide coverage for the program.

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11 SECTION 2. In order for a person to be eligible for the equipment
12 distribution program, a person shall be certified as deaf, hard of hearing,
13 deaf/blind, or speech-impaired, by a licensed physician, audiologist, speech
14 pathologist, or by any other method recognized by the Office of the Deaf and
15 Hearing Impaired. The Office shall also consider financial need and, in so
16 doing, shall take into account financial need standards or other means tests
17 applicable to other programs administered by the Office when promulgating
18 procedures, regulations, rules and criteria necessary to implement and
19 administer this program. The Office may develop a sliding scale of
20 eligibility to provide equipment to individuals exceeding the baseline needs
21 tests mentioned here.

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23 SECTION 3. Equipment purchased under this act shall remain the property
24 of the State of Arkansas. A person who receives the equipment shall be
25 responsible for the maintenance of the equipment and liable to the Office of
26 the Deaf and Hearing Impaired for the loss or damage to the equipment. In the
27 event of the death of an individual in possession of the equipment or should a
28 person in possession of the equipment leave the state, the equipment shall
29 automatically revert to the possession of the Office. Any money collected by
30 the Office under this section shall be deposited in the Telecommunication
31 Equipment Fund created under this act.

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33 SECTION 4. (a) The Arkansas Public Service Commission is authorized to
34 increase the existing local exchange carrier tariffs or otherwise proceed so
35 that any surcharge or other funding mechanism established by the Commission to

1 defray the cost of a telecommunication relay program now existing or in the
2 future shall also include the equivalent of three-hundredths of a dollar
3 (\$.03) per subject access line per month for the equipment program established
4 by this act.

5 (b) The access line surcharges levied under this act shall be collected
6 by the local exchange carriers *from its customers* and deposited as special
7 revenues in the State Treasury to the credit of the Telecommunication
8 Equipment Fund created here for the equipment distribution program under this
9 act.

10 (c) There is hereby created on the books of the State Treasurer, State
11 Auditor, and the Chief Fiscal Officer of the State a special revenue fund to
12 be known as the Telecommunications Equipment Fund. The Fund shall be used
13 exclusively by the Office of the Deaf and Hearing Impaired to fund an
14 equipment distribution program for persons certified as deaf, hard of hearing,
15 deaf/blind, or speech-impaired as provided otherwise in this act.

16 (d) If revenues collected under this act exceed the costs of operating
17 the program, and if the excess at anytime equals a three-year average of
18 expenditures under this act, then the collection of the surcharge shall cease
19 until one-half (1/2) of the surplus has been exhausted.

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21 SECTION 5. All provisions of this act of general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 6. If any provisions of this act or the application thereof to
26 any person or circumstance is held invalid, the invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provisions or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 7. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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/s/Keet et al

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APPROVED: 3-1-95

