

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

# A Bill

HOUSE BILL 1201

5 By: Representative J. Mayberry  
6 By: Senators K. Hammer, J. English  
7

## For An Act To Be Entitled

9 AN ACT TO MODIFY THE PROCEDURE FOR COLLECTION OF  
10 SURCHARGES TO FUND THE TELECOMMUNICATIONS EQUIPMENT  
11 FUND; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO MODIFY THE PROCEDURE FOR COLLECTION OF  
16 SURCHARGES TO FUND THE TELECOMMUNICATIONS  
17 EQUIPMENT FUND.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 23-17-119 is amended to read as follows:

23 23-17-119. Surcharges to provide telecommunications for deaf and hard  
24 of hearing impaired – Definitions.

25 (a) As used in this section:

26 (1) “Commercial mobile radio service” means the same as defined  
27 at § 12-10-303; and

28 (2) “Prepaid wireless ~~telephone~~ telecommunications service”  
29 ~~means the same as defined at § 12-10-303~~ a telecommunication service that  
30 provides the right to utilize a mobile wireless service as well as other  
31 nontelecommunications services, including without limitation the download of  
32 a digital product delivered electronically and content and ancillary  
33 services, that is paid for in advance and sold in predetermined units or  
34 dollars of which the number declines with use in a known amount.

35 (b)(1) To fund the equipment distribution program established by § 20-  
36 79-401 et seq., the Arkansas Public Service Commission may impose a surcharge



1 of up to:

2 (A) Two-hundredths of a dollar (\$0.02) per subject access  
3 line per month; and

4 (B) Two-hundredths of a dollar (\$0.02) per working subject  
5 telephone number per month.

6 (2) Surcharges imposed by the commission under subdivisions  
7 (b)(1)(A) and (B) of this section shall:

8 (A) Be identical; and

9 (B) Not apply to prepaid wireless ~~telephone~~  
10 telecommunications service.

11 (c) The surcharges levied under this section shall be collected by the  
12 local exchange carriers and commercial mobile radio service providers from  
13 their customers and remitted to the Department of Finance and Administration  
14 for deposit as special revenues into the State Treasury to the credit of the  
15 Telecommunications Equipment Fund for the equipment distribution program  
16 under § 20-79-401 et seq.

17 ~~(d)(1) If revenues collected under this section exceed the costs of~~  
18 ~~operating the program established by § 20-79-401 et seq., and if the excess~~  
19 ~~at any time equals a three-year average of expenditures under this section~~  
20 ~~and § 20-79-401 et seq., then the collection of the surcharge shall cease~~  
21 ~~until one-half (1/2) of the surplus has been exhausted~~ At the close of the  
22 fiscal year, a determination shall be made as to whether or not the amount of  
23 revenues collected under this section is equal to or exceeds three (3) times  
24 the annual expenditures of the equipment distribution program.

25 (2)(A) If the amount of revenues collected under this section is  
26 determined to be at least three (3) times the annual expenditures of the  
27 equipment distribution program under subdivision (d)(1) of this section, then  
28 a petition to cease collection of the surcharge shall be filed with the  
29 commission.

30 (B) A petition to reinstate collection of the surcharge  
31 shall not be filed until one-half (1/2) of the surplus has been exhausted.

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