

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Senators Hopkins and Moore**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE OF 1987 TITLE 23 CHAPTER
9 17, SUBCHAPTER ONE, TO CLARIFY THE AUTHORITY OF THE
10 ARKANSAS PUBLIC SERVICE COMMISSION TO PROVIDE FUNDING FOR
11 A TELECOMMUNICATIONS RELAY SYSTEM FOR THE HEARING IMPAIRED
12 AND SPEECH-IMPAIRED; AND FOR OTHER PURPOSES."

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Subtitle

15 "TO CLARIFY THE AUTHORITY OF THE ARKANSAS PUBLIC SERVICE
16 COMMISSION."

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

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20 SECTION 1. Subchapter 1 of Chapter 17 of Title 23 of the Arkansas Code
21 is hereby amended by adding Section 23-17-119 to read as follows:

22 "23-17-119. (a) It is the purpose and intent of this section to
23 clarify the authority of the Arkansas Public Service Commission to provide
24 rate recovery of the costs of a telecommunications relay services system for
25 the hearing-impaired and speech-impaired and all other telephone users in
26 Arkansas consistent with the provisions of 47 U.S.C.A. Section 225, THE
27 AMERICANS WITH DISABILITIES ACT. Such a system is essential in order to
28 afford telephone access to and from hearing-impaired and speech-impaired
29 citizens. Without a cost recovery mechanism through telephone rates, a
30 statewide telecommunications relay services system cannot effectively be
31 implemented in Arkansas.

32 (b) The Arkansas Public Service Commission may, upon notice and
33 hearing, approve for telephone public utilities a separate rate additive of up
34 to, but no greater than, twenty (20) cents per month on each telephone access
35 line in this state. The proceeds of this separate rate shall be used

1 exclusively for establishment and operation of a telecommunications relay
2 services system in Arkansas. The Commission shall, at least annually, review
3 the rate to ensure that the funds collected by telephone companies therefrom
4 meet but do not exceed, the cost required for operation of the
5 telecommunications relay service."

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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20 SECTION 5. It is found and determined by the General Assembly that the
21 hearing-impaired and speech-impaired citizens of Arkansas are in dire need of
22 a telecommunications relay service system to enable them to have access to
23 telephone service, and that the authority of the Public Service Commission to
24 order telephone companies to collect a separate rate additive to fund the
25 operation of the telecommunication relay service has been questioned.
26 Accordingly, an emergency is declared to exist and this act being necessary
27 for the immediate preservation of the public peace, health and safety shall
28 take effect and be in full force from and after its passage and approval.

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