

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

# A Bill

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

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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  
27 Arkansas Rehabilitation Services is hereby directed to establish, administer,  
28 staff, and promote a statewide program to provide access to public  
29 telecommunications services by residents of Arkansas who are deaf, hard of  
30 hearing, deaf/blind, and others such as the severely speech impaired. This  
31 program shall include, 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,  
34 deaf/blind, and for others who are severely speech impaired;

35 (2) The promulgation of procedures, regulations, rules and

1 criteria necessary to implement and administer this program, including  
2 accountability measures which utilize consumer participation in the selection  
3 and evaluation of equipment and the eligibility of applicants; and

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

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

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

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

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34           SECTION 4. (a) The Arkansas Public Service Commission is authorized  
35 to increase the existing local exchange carrier tariffs or otherwise proceed

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

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

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

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

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

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

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

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*/s/Keet et al*

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