

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H1/19/11
A Bill

HOUSE BILL 1062

5 By: Representative Lovell
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND ARKANSAS LAW TO IMPOSE SURCHARGES
9 UPON COMMERCIAL MOBILE RADIO SERVICE PROVIDERS TO
10 SUPPORT THE TELECOMMUNICATIONS EQUIPMENT FUND;
11 DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 TO AMEND ARKANSAS LAW TO IMPOSE
16 SURCHARGES UPON COMMERCIAL MOBILE RADIO
17 SERVICE PROVIDERS TO SUPPORT THE
18 TELECOMMUNICATIONS EQUIPMENT FUND AND
19 DECLARING AN EMERGENCY.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 19-6-301(129), concerning special revenues
25 of the state, is amended to read as follows:

26 (129) Local exchange carriers access line surcharges and
27 commercial mobile radio service provider telephone number surcharges, § 23-
28 17-119;
29

30 SECTION 2. Arkansas Code § 23-17-119 is amended to read as follows:
31 23-17-119. Surcharges to provide telecommunications for deaf and
32 hearing impaired.

33 (a) As used in this section, "commercial mobile radio service" means
34 the same as defined at § 12-10-303.

35 ~~(a) (b)(1) The Arkansas Public Service Commission is authorized to~~
36 ~~increase the existing local exchange carrier tariffs or to otherwise proceed~~



1 ~~so that any surcharge or other funding mechanism established by the~~
2 ~~commission to defray the cost of a telecommunications relay program existing~~
3 ~~now or in the future shall also include the equivalent of three hundredths of~~
4 ~~a dollar (\$.03) per subject access line per month for the equipment~~
5 ~~distribution program established by § 20-79-401 et seq. To fund the~~
6 ~~equipment distribution program established by § 20-79-401 et seq., the~~
7 Arkansas Public Service Commission may impose a surcharge of up to:

8 (A) Three-hundredths of a dollar (\$.03) per subject access line
9 per month; and

10 (B) Three-hundredths of a dollar (\$.03) per working subject
11 telephone number per month on all commercial mobile radio service providers.

12 (2) Surcharges imposed by the commission under subdivisions
13 (b)(1)(A) and (B) of this section shall be identical.

14 ~~(b)(c)~~ The ~~access line~~ surcharges levied under this section shall be
15 collected by the local exchange carriers and commercial mobile radio service
16 providers from their customers and deposited as special revenues ~~in~~ into the
17 State Treasury to the credit of the Telecommunications Equipment Fund ~~created~~
18 ~~in § 19-6-482~~ for the equipment distribution program under § 20-79-401 et
19 seq.

20 ~~(e)(d)~~ If revenues collected under this section exceed the costs of
21 operating the program established by § 20-79-401 et seq., and if the excess
22 at any time equals a three-year average of expenditures under this section
23 and § 20-79-401 et seq., then the collection of the surcharge shall cease
24 until one-half ($\frac{1}{2}$) of the surplus has been exhausted.

25
26 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that this act provides for the
28 creation of a surcharge upon commercial mobile radio service providers per
29 subject telephone number per month to support the Telecommunications
30 Equipment Fund, and that the optimal time to implement this surcharge is at
31 the beginning of the state's fiscal year. Therefore, an emergency is
32 declared to exist and this act being necessary for the preservation of the
33 public peace, health, and safety shall become effective on July 1, 2011.

34
35 /s/Lovell