State of Arkansas

88th General Assembly

Regular Session, 2011

A Bill

By: Representative Lovell

For An Act To Be Entitled

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

Subtitle

TO AMEND ARKANSAS LAW TO IMPOSE SURCHARGES UPON COMMERCIAL MOBILE RADIO SERVICE PROVIDERS TO SUPPORT THE TELECOMMUNICATIONS EQUIPMENT FUND AND DECLARING AN EMERGENCY.

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

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

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

SECTION 2. Arkansas Code § 23-17-119 is amended to read as follows:

23-17-119. Surcharges to provide telecommunications for deaf and hearing impaired.

(a) As used in this section:

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

(2) "Prepaid wireless telephone service" means the same as
defined at § 12-10-303.

(a) (b)(1) The Arkansas Public Service Commission is authorized to increase the existing local exchange carrier tariffs or to otherwise proceed so that any surcharge or other funding mechanism established by the commission to defray the cost of a telecommunications relay program existing now or in the future shall also include the equivalent of three-hundredths of a dollar ($0.03) per subject access line per month for the equipment distribution program established by § 20-79-401 et seq. To fund the equipment distribution program established by § 20-79-401 et seq., the Arkansas Public Service Commission may impose a surcharge of up to:

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

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

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

(A) Be identical; and

(B) Not apply to prepaid wireless telephone service.

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

(c)(d) If revenues collected under this section exceed the costs of operating the program established by § 20-79-401 et seq., and if the excess at any time equals a three-year average of expenditures under this section and § 20-79-401 et seq., then the collection of the surcharge shall cease until one-half (½) of the surplus has been exhausted.

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

/s/Lovell

APPROVED: 03/04/2011