

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1201

By: Representative J. Mayberry
By: Senators K. Hammer, J. English

For An Act To Be Entitled

AN ACT TO MODIFY THE PROCEDURE FOR COLLECTION OF
SURCHARGES TO FUND THE TELECOMMUNICATIONS EQUIPMENT
FUND; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE PROCEDURE FOR COLLECTION OF
SURCHARGES TO FUND THE TELECOMMUNICATIONS
EQUIPMENT FUND.

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

SECTION 1. Arkansas Code § 23-17-119 is amended to read as follows:

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

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

(b)(1) 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~~ telecommunications service.

(c) The surcharges levied under this section shall be collected by the local exchange carriers and commercial mobile radio service providers from their customers and 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 for the equipment distribution program under § 20-79-401 et seq.

~~(d)(1) 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 (1/2) of the surplus has been exhausted~~ At the close of the fiscal year, a determination shall be made as to whether or not the amount of revenues collected under this section is equal to or exceeds three (3) times the annual expenditures of the equipment distribution program.

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

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