

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: S2/6/19 S2/11/19
2 92nd General Assembly **A Bill**
3 Regular Session, 2019

SENATE BILL 150

4
5 By: Senators B. Davis, Bledsoe, J. English, Irvin
6 By: Representatives Vaught, Barker, Bentley, Brown, Cavanaugh, Dalby, C. Fite, Lundstrum, Petty,
7 Speaks, M. Gray, *Capp*

8
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE TELECOMMUNICATIONS REGULATORY
11 REFORM ACT OF 2013; TO PROVIDE ADDITIONAL ACCESS TO
12 FEDERAL COMMUNICATIONS COMMISSION-DEFINED BROADBAND
13 SERVICE; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES.

15
16
17 **Subtitle**

18 TO AMEND THE TELECOMMUNICATIONS
19 REGULATORY REFORM ACT OF 2013; TO PROVIDE
20 ADDITIONAL ACCESS TO FEDERAL
21 COMMUNICATIONS COMMISSION-DEFINED
22 BROADBAND SERVICE; AND TO DECLARE AN
23 EMERGENCY.

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

29 (a) The General Assembly finds that:

30 (1) Arkansas is second-to-last in providing broadband internet
31 to households, businesses, or other locations; and

32 (2) A lack of reliable broadband can impact a community's
33 success, including access to educational opportunities, healthcare
34 opportunities, public safety, agriculture, and economic development
35 opportunities.

36 (b) It is the intent of the General Assembly to provide Arkansans with



1 access to high quality voice, data, broadband, video, or wireless
2 telecommunications services, resulting in increased educational
3 opportunities, healthcare opportunities, and economic development
4 opportunities and ensuring all Arkansans have equal access to the services
5 they can use to improve their quality of life, their community, and this
6 state.

7
8 SECTION 2. Arkansas Code § 23-17-403(26), concerning the definition of
9 "government entity" under the Telecommunications Regulatory Reform Act of
10 2013, is amended to read as follows:

11 (26) "Government entity" includes without limitation all
12 Arkansas state agencies, commissions, boards, authorities, and all Arkansas
13 public educational entities, including school districts, and political
14 subdivisions, including incorporated and unincorporated cities and towns and
15 all institutions, agencies or instrumentalities of municipalities, and county
16 governments;

17
18 SECTION 3. Arkansas Code § 23-17-409(b), concerning the authorization
19 of competing local exchange carriers in the Telecommunications Regulatory
20 Reform Act of 2013, is amended to read as follows:

21 (b)(1) Except as otherwise provided in ~~subdivision (b)(2)~~ subdivisions
22 (b)(2) and (b)(5) of this section, a government entity may not provide,
23 directly or indirectly, basic local exchange, voice, data, broadband, video,
24 or wireless ~~telecommunication service~~ telecommunications services.

25 (2) After reasonable notice to the public and a public hearing,
26 a ~~governmental~~ government entity owning an electric utility system or
27 television signal distribution system may provide, directly or indirectly,
28 voice, data, broadband, video, or wireless telecommunications ~~service~~
29 services and make any telecommunications capacity or associated facilities
30 that ~~it~~ the government entity now owns, or may ~~hereafter~~ construct or
31 acquire, available to the public upon terms and conditions as may be
32 established by ~~its~~ the government entity's governing authority, except the
33 government entity may not use the telecommunications capacity or associated
34 facilities to provide, directly or indirectly, basic local exchange service.

35 (3) Any restriction contained in this subsection shall not be
36 applicable to the provision of telecommunications services ~~or facilities~~ to

1 the extent the telecommunications services are used solely for 911, E911, or
2 other emergency and law enforcement services, or for the provision of data,
3 broadband, or ~~nonentertainment~~ non-entertainment video telecommunications
4 services or *facilities by or to a medical institution or an institution of*
5 higher education to its students, faculty, staff, or patients, as the
6 provision of the telecommunications services or facilities relates to
7 academic, research, and ~~health care~~ healthcare information technology
8 applications under the Arkansas Information Systems Act of 1997, § 25-4-101
9 et seq.

10 (4) *This section does not prohibit a ~~governmental~~ government*
11 *entity from purchasing voice, data, broadband, video, or wireless*
12 *telecommunications services, directly or indirectly, from a private provider*
13 *through a contract administered and services managed by the Department of*
14 *Information Systems under the Arkansas Information Systems Act of 1997, § 25-*
15 *4-101 et seq.*

16 (5) After reasonable notice to the public, a government entity
17 may, on its own or in partnership with a private entity, apply for funding
18 under a program for grants or loans to be used for the construction,
19 acquisition, or leasing of facilities, land, or buildings used to deploy
20 broadband service in unserved areas, as defined under the terms of the
21 granting or lending program, and if the funding is awarded, then provide,
22 directly or indirectly, voice, data, broadband, video, or wireless
23 telecommunications services to the public in the unserved areas.

24
25 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that reliable high speed broadband
27 service is essential to a community's success; that reliable high speed
28 broadband is not available in many rural areas of the state; and that this
29 act is immediately necessary to expand the benefits of reliable high speed
30 broadband to all residents of the state. Therefore, an emergency is declared
31 to exist, and this act being immediately necessary for the preservation of
32 the public peace, health, and safety shall become effective on:

33 (1) The date of its approval by the Governor;

34 (2) If the bill is neither approved nor vetoed by the Governor,
35 the expiration of the period of time during which the Governor may veto the
36 bill; or

1 (3) If the bill is vetoed by the Governor and the veto is
2 overridden, the date the last house overrides the veto.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/B. Davis