

1 State of Arkansas As Engrossed: S1/20/21 S1/25/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 74

4

5 By: Senators Hill, B. Davis, *Irvin*

6 By: Representatives Evans, Vaught

7

8

For An Act To Be Entitled

9

AN ACT TO AMEND THE TELECOMMUNICATIONS REGULATORY

10

REFORM ACT OF 2013; TO ALLOW A GOVERNMENT ENTITY TO

11

PURCHASE FROM A PRIVATE PROVIDER AND PROVIDE VOICE,

12

DATA, BROADBAND, VIDEO, OR WIRELESS

13

TELECOMMUNICATIONS SERVICES; TO DECLARE AN EMERGENCY;

14

AND FOR OTHER PURPOSES.

15

16

17

Subtitle

18

TO AMEND THE TELECOMMUNICATIONS

19

REGULATORY REFORM ACT OF 2013; AND TO

20

DECLARE AN EMERGENCY.

21

22

23

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

24

25

SECTION 1. Arkansas Code § 23-17-403(26), concerning the definition of

26

"government entity" under the Telecommunications Regulatory Reform Act of

27

2013, is amended to read as follows:

28

(26) "Government entity" includes without limitation all

29

Arkansas state agencies, commissions, boards, authorities, and all Arkansas

30

public educational entities, including school districts, and political

31

subdivisions, including incorporated and unincorporated cities and towns and

32

all institutions, agencies or instrumentalities of municipalities,

33

consolidated utility districts, and county governments;

34

35

SECTION 2. Arkansas Code § 23-17-409(b), concerning the authorization

36

of competing local exchange carriers under the Telecommunications Regulatory



1 Reform Act of 2013, is amended to read as follows:

2 (b)(1) Except as otherwise provided in subdivisions (b)(2), ~~and~~
3 (b)(5), and (b)(6) of this section, a government entity ~~may not~~ shall not
4 provide, directly or indirectly, basic local exchange, voice, data,
5 broadband, video, or wireless telecommunications services.

6 (2) After reasonable notice to the public and a public hearing,
7 a government entity owning an electric utility system or television signal
8 distribution system may provide, directly or indirectly, voice, data,
9 broadband, video, or wireless telecommunications services and make any
10 telecommunications capacity or associated facilities that the government
11 entity now owns, or may construct or acquire, available to the public upon
12 terms and conditions as may be established by the government entity's
13 governing authority, except the government entity may not use the
14 telecommunications capacity or associated facilities to provide, directly or
15 indirectly, basic local exchange service.

16 (3) Any restriction contained in this subsection shall not be
17 applicable to the provision of telecommunications services to the extent the
18 telecommunications services are used solely for 911, E911, or other emergency
19 and law enforcement services, or for the provision of data, broadband, or
20 non-entertainment video telecommunications services or facilities by or to a
21 medical institution or an institution of higher education to its students,
22 faculty, staff, or patients, as the provision of the telecommunications
23 services or facilities relates to academic, research, and healthcare
24 information technology applications under the Arkansas Information Systems
25 Act of 1997, § 25-4-101 et seq.

26 (4) ~~This section does not prohibit a~~ A government entity ~~from~~
27 ~~purchasing~~ may purchase voice, data, broadband, video, or wireless
28 telecommunications services, directly or indirectly, from a private provider
29 through a contract administered and services managed by the Division of
30 Information Systems under the Arkansas Information Systems Act of 1997, § 25-
31 4-101 et seq.

32 (5) ~~After reasonable notice to the public, a~~ A government entity
33 may, on its own or in partnership with a private entity, apply for funding
34 under a program for grants or loans to be used for the construction,
35 acquisition, or leasing of facilities, land, or buildings used to deploy
36 broadband ~~service~~ services in unserved areas, as defined under the terms of

1 the granting or lending program, and if the funding is awarded, then provide,
2 directly or indirectly, voice, data, broadband, video, or wireless
3 telecommunications services to the public in the unserved areas.

4 (6)(A) A government entity may acquire, construct, furnish,
5 equip, own, operate, sell, convey, lease, rent, let, assign, dispose of,
6 contract for, or otherwise deal in facilities and apparatus for one (1) or
7 more of the following:

8 (i) Voice services;

9 (ii) Data services;

10 (iii) Broadband services;

11 (iv) Video services; or

12 (v) Wireless telecommunications services.

13 (B) If a government entity, other than a government entity
14 qualified to provide services under subdivision (b)(2), subdivision (b)(3),
15 or subdivision (b)(5) of this section, issues bonds or other indebtedness to
16 acquire, construct, furnish, or equip facilities for the provision of voice
17 services, data services, broadband services, video services, or wireless
18 telecommunications services through a special tax or general obligation bond
19 initiative, then the government entity shall:

20 (i) Partner, contract, or otherwise affiliate with
21 an entity that is experienced in the operation of the facilities to be
22 acquired or constructed;

23 (ii) Conduct the due diligence required by the
24 industry for the project and required by law for the bonds or indebtedness
25 utilized for the project;

26 (iii) Provide notice at least ten (10) days before a
27 public hearing on the project;

28 (iv) After due notice has been provided as described
29 in subdivision (b)(6)(B)(iii) of this section, conduct a public hearing on
30 the project; and

31 (v) Cause an election to be held as required by law.

32
33 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that voice, data, broadband, video,
35 and wireless telecommunications services are necessities; that without access
36 to voice, data, broadband, video, and wireless telecommunications services,

1 citizens of Arkansas also lack access to healthcare services, education
2 services, and other essential services; and that this act is immediately
3 necessary to allow government entities to provide high quality voice, data,
4 broadband, video, and wireless telecommunications services to their citizens.
5 Therefore, an emergency is declared to exist, and this act being immediately
6 necessary for the preservation of the public peace, health, and safety shall
7 become effective on:

- 8 (1) The date of its approval by the Governor;
9 (2) If the bill is neither approved nor vetoed by the Governor,
10 the expiration of the period of time during which the Governor may veto the
11 bill; or
12 (3) If the bill is vetoed by the Governor and the veto is
13 overridden, the date the last house overrides the veto.

14
15
16 /s/Hill
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36