

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 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

HOUSE BILL 2380

5 By: Representative Lendall  
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7

## For An Act To Be Entitled

9 AN ACT TO EXPAND TELECOMMUNICATION AND COMPUTER  
10 TECHNOLOGY INTO UNDERSERVED RURAL AREAS OF THE  
11 STATE BY REQUIRING THE DEPARTMENT OF INFORMATION  
12 SYSTEMS TO DEVELOP AND MANAGE A STATEWIDE  
13 TELECOMMUNICATION AND COMPUTER NETWORK; TO  
14 ESTABLISH REPORTING REQUIREMENTS BY THE PUBLIC  
15 SERVICE COMMISSION, THE DEPARTMENT OF ECONOMIC  
16 DEVELOPMENT AND THE DEPARTMENT OF FINANCE AND  
17 ADMINISTRATION; AND FOR OTHER PURPOSES.

## Subtitle

19 TO EXPAND TELECOMMUNICATION AND COMPUTER  
20 TECHNOLOGY INTO UNDERSERVED RURAL AREAS  
21 OF THE STATE BY REQUIRING THE DEPARTMENT  
22 OF INFORMATION SYSTEMS TO DEVELOP AND  
23 MANAGE A STATEWIDE TELECOMMUNICATION AND  
24 COMPUTER NETWORK.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 25-4-105, concerning the general powers  
31 and duties of the Department of Information Systems, is amended to add new  
32 subdivisions to read as follows:

33 (10) Coordinating the development, procurement, management, and  
34 operation of telecommunication equipment, systems, and services by state  
35 agencies, local governments, and public and private educational institutions;

36 (11) Acquiring and managing common user telecommunication



1 equipment, systems, or services and charging state agencies, local  
2 governments, and public and private educational institutions for their  
3 proportionate share of the costs of installation, maintenance, and operation  
4 of the common user telecommunication equipment, systems, or services;

5 (12) Promoting compatibility of telecommunication systems by  
6 developing policies, procedures, and standards for the acquisition and use of  
7 telecommunication equipment, systems, and services by state agencies, local  
8 governments, and public and private educational institutions;

9 (13) Coordinating state government telecommunication systems and  
10 services by reviewing requests by state agencies, local governments, and  
11 public and private educational institutions for telecommunication equipment,  
12 systems, or services;

13 (14) Advising state agencies, local governments, and public and  
14 private educational institutions about planning, acquisition, and operation  
15 of telecommunication equipment, systems, or services;

16 (15) Providing radio frequency coordination for state and local  
17 governments in accordance with regulations of the Federal Communications  
18 Commission; and

19 (16) Developing guidelines for allowing for a user other than a  
20 state agency or local government to have access to and use of state  
21 telecommunication equipment, systems, and services and for charging the user  
22 any appropriate amount to cover the cost of installation, maintenance, and  
23 operation of the telecommunication equipment, system, or service provided.

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25 SECTION 2. Arkansas Code Title 25, Chapter 4, Subchapter 1, is amended  
26 to add a new section to read as follows:

27 25-4-125. Statewide telecommunication and computer network.

28 (a) For purposes of this section:

29 (1) "Internet backbone" means the part of the Internet high-  
30 speed data highway that serves as a major access point to which other  
31 networks connect; and

32 (2) "Point of presence" means an actual connection point on the  
33 Internet backbone.

34 (b) The Department of Information Systems shall establish a statewide  
35 telecommunication and computer network in the State of Arkansas.

36 (c) The network shall consist of:

1           (1) One (1) or more connection facilities for telecommunication  
 2 and computer connection in each local access transport area in Arkansas,  
 3 sited to provide suitable access for rural, urban, and suburban areas;

4           (2) A backbone comprising one (1) or more interlocal access  
 5 transport area fiber optic links between each telecommunication facility  
 6 that:

7                   (A) Uses a failure resistant architecture; and

8                   (B) Adheres to the [DS3] OC3 standard or better, to allow  
 9 communication rates of at least forty five (45) megabits per second and  
 10 multiplexing for the transmission of video, voice, and data;

11           (3) Upon request of a county or municipal corporation, points of  
 12 presence in growth areas, as designated in the county or municipal master  
 13 plan, that are adjacent to the backbone; and

14           (4) Any other facility, auxiliary equipment, and service  
 15 required to support the network in a reliable and secure manner.

16           (d) The network shall be accessible through direct connection and  
 17 through local intralocal access transport area telecommunications to state  
 18 agencies, local governments, public and private educational institutions in  
 19 the state, as other persons or entities as determined by the department.

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 21           SECTION 3. Reporting requirements.

22           (a)(1) No later than July 1, 2004, the Department of Economic  
 23 Development shall identify existing and significant potential demand for  
 24 access to high speed telecommunication and data transmission services  
 25 facilities in underserved rural areas of Arkansas, in consultation with local  
 26 government officials, existing businesses, existing regional and local  
 27 consortia, and other groups involved with high technology economic  
 28 development in those areas.

29           (2) No later than July 1, 2004, the Department of Finance and  
 30 Administration shall explore the expansion of fiber optic cable and high  
 31 speed telecommunication and data transmission capacity into underserved rural  
 32 areas that have existing and significant potential demand for fiber optic  
 33 cable and its capacity, associated with state and local economic development,  
 34 by expansion of the state backbone and network, or through other public-  
 35 private cooperation with commercial providers of high speed telecommunication  
 36 and data transmission services.

1           (3) No later than January 1, 2004, the Department of Economic  
 2 Development, in consultation with the Department of Finance and  
 3 Administration, shall facilitate the expansion of high speed  
 4 telecommunication and data transmission services and facilities into  
 5 underserved rural areas of Arkansas by matching existing and significant  
 6 potential demand with private and public providers of these services and  
 7 facilities.

8           (4) No later than January 1, 2004, the Department of Economic  
 9 Development and the Department of Finance and Administration shall report  
 10 jointly to the Governor and the cochairs of the Joint Committee on Advanced  
 11 Communications and Information Technology regarding their progress in  
 12 complying with this act.

13           (b)(1) The Public Service Commission shall develop a plan to  
 14 encourage the statewide availability and use of advanced communications  
 15 infrastructure.

16           (2)(A) The plan shall encourage participation in the  
 17 development and use of a statewide advanced communications infrastructure by:

18                           (i) A broad cross section of the  
 19 communications industries, including those entities that the commission does  
 20 not regulate, as well as users and community representatives; and

21                           (ii) Community based organizations, including  
 22 nonprofit community technology programs and libraries that have demonstrated  
 23 success in assisting low-income residents in bridging the digital divide.

24                           (B) For purposes of this section, "nonprofit  
 25 community technology program" means a community based nonprofit organization  
 26 that:

27                                           (i) Is exempt from taxation under Section  
 28 501(c)(3) of the Internal Revenue Code as in effect on March 1, 2003; and

29                                           (ii) Provides technology or training to local  
 30 communities that have no access to, or have limited access to, the Internet  
 31 and other technologies.

32                           (C) In addition, the plan shall:

33                                           (i) Identify factors preventing the statewide  
 34 availability and use of advanced communications services;

35                                           (ii) Assess the consequences of, and develop  
 36 strategies for, addressing the factors preventing the statewide availability

1 and use of advanced communications service; and

2 (iii) Encourage the deployment of adequate  
3 investment for advanced communications infrastructure that serves the public  
4 good and is consistent with this act.

5 (3) No later than December 31, 2005, the commission shall  
6 submit a report of its findings and recommendations to the Governor and the  
7 cochairs of the Joint Committee on Advanced Communications and Information  
8 Technology.

9 (c) If the General Assembly is in session when a reporting agency  
10 under this section is ready to submit its report, the agency shall submit its  
11 report to the Governor and to the chairperson of the House Committee on  
12 Advanced Communications and Information Technology and the chairperson of the  
13 Senate Committee on Technology and Legislative Affairs.

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