

*As Engrossed: 3/14/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Bryan**

# A Bill

**HOUSE BILL 2076**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 6-64-104 TO REQUIRE THE  
9 ATHLETIC DEPARTMENT OF THE UNIVERSITY OF ARKANSAS TO MAKE  
10 RADIO BROADCAST OF U OF A FOOTBALL AND BASKETBALL GAMES  
11 AVAILABLE TO EVERY ARKANSAS RADIO BROADCASTING STATION AT  
12 NONDISCRIMINATORY PRICES; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. Arkansas Code 6-64-104 is hereby amended to read as follows:

17 "6-64-104. Radio broadcasts of football and basketball games. (a)

18 Unless otherwise prohibited or limited by Southeast Conference rules, the  
19 Athletic Department of the University of Arkansas shall make available for  
20 radio broadcasts all football and basketball games of the University of  
21 Arkansas under uniform arrangements for the right to radio broadcast such  
22 games as may be provided by the Athletic Department of the University of  
23 Arkansas.

24 (b) However, no discrimination shall be made against any licensed radio  
25 broadcasting station in this state with respect to the access to and the  
26 rights to radio broadcast football or basketball games in accordance with a  
27 schedule of fees, standards, and regulations promulgated by the University of  
28 Arkansas Athletic Department making these broadcasts accessible and available  
29 to each Arkansas radio broadcasting station that desires to broadcast these  
30 games. The schedule of fees shall be based on market size, power output and  
31 coverage of the radio broadcast facilities and all radio broadcast facilities  
32 of similar market size, power output and coverage shall be charged the same  
33 fee regardless of their geographic location within the state.

34 (c) If the University fails to comply with this law, it shall be  
35 prohibited from using any student tuition to support the athletic program of

1 the University until such time as the University comes into compliance with  
2 this law."

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4 SECTION 2. No state-supported college or university shall spend on its  
5 athletic programs during any school year an amount of money, whether public  
6 funds or private funds or both, calculated at five hundred dollars (\$500) per  
7 full-time equivalent student.

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9 SECTION 3. All provisions of this Act of a general and permanent nature  
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 4. If any provision of this Act or the application thereof to  
14 any person or circumstance is held invalid, such invalidity shall not affect  
15 other provisions or applications of the Act which can be given effect without  
16 the invalid provision or application, and to this end the provisions of this  
17 Act are declared to be severable.

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19 SECTION 5. All laws and parts of laws in conflict with this Act are  
20 hereby repealed.

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22 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the  
23 General Assembly that the University of Arkansas is discriminating against  
24 small radio broadcasting stations in this state in its arrangements for  
25 broadcasting University of Arkansas football and basketball games; that this  
26 Act will provide a penalty for such discriminatory treatment; and that this  
27 Act should go into effect immediately in order to remedy as soon as possible  
28 the unfair situation which now exists. Therefore, an emergency is hereby  
29 declared to exist and this Act being immediately necessary for the  
30 preservation of the public peace, health and safety shall be in full force and  
31 effect from and after its passage and approval.

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/s/ L. L. Bryan