

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/6/19

# A Bill

SENATE BILL 150

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

## 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; AND FOR OTHER PURPOSES.

### Subtitle

16 TO AMEND THE TELECOMMUNICATIONS  
17 REGULATORY REFORM ACT OF 2013; AND TO  
18 PROVIDE ADDITIONAL ACCESS TO FEDERAL  
19 COMMUNICATIONS COMMISSION-DEFINED  
20 BROADBAND SERVICE.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 (a) The General Assembly finds that:

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

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

34 (b) It is the intent of the General Assembly to provide Arkansans with  
35 access to high quality voice, data, broadband, video, or wireless  
36 telecommunications services, resulting in increased educational



1 opportunities, healthcare opportunities, and economic development  
2 opportunities and ensuring all Arkansans have equal access to the services  
3 they can use to improve their quality of life, their community, and this  
4 state.

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

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

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

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

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

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35 (3) Any restriction contained in this subsection shall not be  
36 applicable to the provision of telecommunications services ~~or facilities~~ to  
the extent the telecommunications services are used solely for 911, E911, or  
other emergency and law enforcement services, or for the provision of data,

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

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

14 (5)(A) A government entity may enter into a public-private  
15 partnership with private providers to make voice, data, broadband, video, or  
16 wireless telecommunications services available to the public.

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

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27 /s/B. Davis  
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