

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 449

4
5 By: Senator J. English
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS BROADBAND ADVISORY
9 COUNCIL; TO ADVISE THE DEPARTMENT OF COMMERCE IN
10 DEVELOPMENT AND OVERSIGHT OF THE BROADBAND POLICY FOR
11 THE STATE OF ARKANSAS; TO DECLARE AN EMERGENCY; AND
12 FOR OTHER PURPOSES.

Subtitle

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15 TO CREATE THE ARKANSAS BROADBAND ADVISORY
16 COUNCIL; AND TO DECLARE AN EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Arkansas Broadband
23 Advisory Council – Creation – Membership – Duties.

24 (a) There is created the Arkansas Broadband Advisory Council.

25 (b)(1) The council shall consist of sixteen (16) members as follows:

26 (A) Twelve (12) members appointed by the Governor with
27 advice from the Secretary of the Department of Commerce, and subject to
28 confirmation by the Senate, as follows:

29 (i) One (1) member who is a representative of the
30 Arkansas Farm Bureau Federation;

31 (ii) One (1) member who is a representative of the
32 Arkansas State Chamber of Commerce;

33 (iii) One (1) member who is a representative of the
34 banking community in the state;

35 (iv) One (1) member who is a representative of the
36 healthcare industry in the state;



1 (v) One (1) member who is a representative of the
 2 Arkansas Association of Educational Administrators who has broadband
 3 experience;

4 (vi) One (1) member who is a representative of the
 5 Arkansas State Library who has broadband experience;

6 (vii) One (1) member who is a representative of the
 7 Association of Arkansas Counties;

8 (viii) One (1) member who is a representative of the
 9 Arkansas Municipal League;

10 (ix) One (1) member who is a representative of
 11 either law enforcement or emergency management;

12 (x) One (1) member who is a representative of
 13 Heartland Forward; and

14 (xi) Two (2) private citizens of the State of
 15 Arkansas;

16 (B) The Chief Workforce Officer or his or her designee;

17 (C) The Director of the Division of Higher Education or
 18 his or her designee;

19 (D) The Commissioner of Elementary and Secondary Education
 20 of the Department of Education or his or her designee; and

21 (E) The Director of the Division of Workforce Services or
 22 his or her designee.

23 (2) All members shall serve on the council for a term of five
 24 (5) years.

25 (3) If a vacancy occurs on the council, the vacancy shall be
 26 filled by the same process as the original appointment.

27 (4) An individual appointed to serve as a member of the council
 28 or his or her spouse shall not:

29 (A) Be a representative of an internet service provider;

30 (B) Have a financial interest in an internet service
 31 provider; or

32 (C) Be employed by an internet service provider.

33 (c) Members of the council shall serve without compensation but may
 34 receive reimbursement under § 25-16-902, through the Department of Commerce.

35 (d)(1) The Secretary of the Department of Commerce shall call the
 36 first meeting of the council within thirty (30) days of sine die adjournment

1 of the 2023 Regular Session and shall serve as chair at the first meeting.

2 (2) At the first meeting of the council, the members of the
3 council shall elect from the council's membership a chair or cochaIRS and
4 other officers as needed for the transaction of its business.

5 (3)(A) The council shall meet at the Arkansas State Broadband
6 Office.

7 (B) Meetings of the council shall be held at least one (1)
8 time every three (3) months, but may meet more often at the call of the chair
9 or cochaIRS.

10 (4)(A) The council shall adopt rules and procedures for
11 transacting its business.

12 (B) A majority of the members of the council shall
13 constitute a quorum for transacting business of the council.

14 (e) The council may create subcommittees as needed to complete its
15 work.

16 (f) The Arkansas State Broadband Office shall provide staff, meeting
17 space, and materials for the council.

18 (g) The purpose of the council is to provide stakeholder input to the
19 State Broadband Manager and the Secretary of the Department of Commerce
20 regarding the federal Broadband Equity, Access, and Deployment Program and
21 its applicability to the State of Arkansas, including without limitation the
22 issues of connectivity, affordability, and digital literacy.

23 (h) To achieve this purpose, the council shall research and assess the
24 following:

25 (1) The needs, barriers, issues, and goals for broadband access;

26 (2) The needs and use of broadband in Arkansas's education
27 systems, health care system, agriculture and energy sectors, industries and
28 businesses, libraries, governmental operations, public safety, and other key
29 economic sectors;

30 (3) Digital literacy definitions, along with benefits, needs and
31 strategies for addressing implementation;

32 (4) Broadband availability and accessibility for unserved and
33 underserved populations;

34 (5) Advances in technologies used to deploy services;

35 (6) Opportunities to coordinate with federal, state, and local
36 agencies; and

1 (7) A review of the continued adequacy and appropriateness of
2 existing statutory broadband goals.

3 (i)(1) The council shall also conduct a study to assess the:

4 (A) Use of mobile wireless technology to augment efforts
5 in broadband deployment and adoption; and

6 (B) Existence of geographic gaps in Arkansas for wireless
7 technology.

8 (2) The council shall submit a report concerning the study under
9 this subsection to the Secretary of the Department of Commerce, the Speaker
10 of the House of Representatives, and the President Pro Tempore of the Senate
11 within six (6) months of commencement of the study.

12 (j) The council shall serve in an advisory capacity to the State
13 Broadband Manager, and in this advisory role may:

14 (A) Review broadband grant decisions prior to submission of the
15 broadband grants to the Legislative Council or the Joint Budget Committee for
16 review and approval, in order to ensure transparency, accountability, and
17 geographic diversity in the broadband grants; and

18 (B) Provide guidance on policy and intergovernmental relations
19 and other public relations matters; and

20 (k) On or before December 1 each year, the council shall file with the
21 Governor, the Speaker of the House of Representatives, and the President Pro
22 Tempore of the Senate a report of its activities, findings, and
23 recommendations.

24 (l) The council shall expire on December 31, 2028.

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26 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that the State of Arkansas will
28 likely be the recipient of a large amount of federal funding directly
29 allocated for the provision and installation of reliable and affordable
30 broadband that is predicated on the review of maps and the current status of
31 broadband deployment in the State of Arkansas; that the Federal
32 Communications Commission has authorized a review of mapping of broadband
33 assets for each state and there is a short timeline to be met in the
34 furtherance of the state's response to the Federal Communications Commission;
35 and that this act is immediately necessary to provide for the research and
36 assessment regarding the state's broadband coverage and needs, which coverage

1 is directly related to the public health, welfare, and safety of the citizens
2 of the State of Arkansas. Therefore, an emergency is declared to exist, and
3 this act being immediately necessary for the preservation of the public
4 peace, health, and safety shall become effective on:

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

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

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

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