For An Act To Be Entitled

AN ACT TO AMEND THE TELECOMMUNICATIONS REGULATORY REFORM ACT OF 2013; TO PROVIDE ADDITIONAL ACCESS TO FEDERAL COMMUNICATIONS COMMISSION-DEFINED BROADBAND SERVICE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE TELECOMMUNICATIONS REGULATORY REFORM ACT OF 2013; AND TO PROVIDE ADDITIONAL ACCESS TO FEDERAL COMMUNICATIONS COMMISSION-DEFINED BROADBAND SERVICE.

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

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

(a) The General Assembly finds that:

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

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

(b) It is the intent of the General Assembly to provide Arkansans with access to high quality voice, data, broadband, video, or wireless telecommunications services, resulting in increased educational
opportunities, healthcare opportunities, and economic development
opportunities and ensuring all Arkansans have equal access to the services
they can use to improve their quality of life, their community, and this
state.

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

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

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

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

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

(3) Any restriction contained in this subsection shall not be
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,
broadband, or non-entertainment video telecommunications services or facilities by or to a medical institution or an institution of higher education to its students, faculty, staff, or patients, as the provision of the telecommunications services or facilities relates to academic, research, and healthcare information technology applications under the Arkansas Information Systems Act of 1997, § 25-4-101 et seq.

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

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

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

/s/B. Davis