

Stricken language would be deleted from and underlined language would be added to present law.  
Act 198 of the Regular Session

State of Arkansas      *As Engrossed: S2/6/19 S2/11/19*  
92nd General Assembly      **A Bill**  
Regular Session, 2019

SENATE BILL 150

By: Senators B. Davis, Bledsoe, J. English, Irvin

By: Representatives Vaught, Barker, Bentley, Brown, Cavanaugh, Dalby, C. Fite, Lundstrum, Petty,  
Speaks, M. Gray, *Capp*

**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; TO DECLARE AN EMERGENCY; AND FOR OTHER*  
*PURPOSES.*

**Subtitle**

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

*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~~ telecommunications services.

(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 ~~nonentertainment~~ 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 ~~health care~~ 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~~ government 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) 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.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that reliable high speed broadband service is essential to a community's success; that reliable high speed broadband is not available in many rural areas of the state; and that this act is immediately necessary to expand the benefits of reliable high speed broadband to all residents of the state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

*/s/B. Davis*

**APPROVED: 2/26/19**