

Stricken language would be deleted from and underlined language would be added to present law.
Act 67 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S1/20/21 S1/25/21

A Bill

SENATE BILL 74

By: Senators Hill, B. Davis, *Irvin*

By: Representatives Evans, Vaught

For An Act To Be Entitled

AN ACT TO AMEND THE TELECOMMUNICATIONS REGULATORY REFORM ACT OF 2013; TO ALLOW A GOVERNMENT ENTITY TO PURCHASE FROM A PRIVATE PROVIDER AND PROVIDE VOICE, DATA, BROADBAND, VIDEO, OR WIRELESS TELECOMMUNICATIONS SERVICES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE TELECOMMUNICATIONS REGULATORY REFORM ACT OF 2013; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. 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, consolidated utility districts, and county governments;

SECTION 2. Arkansas Code § 23-17-409(b), concerning the authorization of competing local exchange carriers under the Telecommunications Regulatory



Reform Act of 2013, is amended to read as follows:

(b)(1) Except as otherwise provided in subdivisions (b)(2), ~~and~~ (b)(5), and (b)(6) of this section, a government entity ~~may not~~ shall not provide, directly or indirectly, basic local exchange, voice, data, broadband, video, or wireless telecommunications services.

(2) After reasonable notice to the public and a public hearing, a government entity owning an electric utility system or television signal distribution system may provide, directly or indirectly, voice, data, broadband, video, or wireless telecommunications services and make any telecommunications capacity or associated facilities that the government entity now owns, or may construct or acquire, available to the public upon terms and conditions as may be established by 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 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~~ A government entity ~~from purchasing~~ may purchase voice, data, broadband, video, or wireless telecommunications services, directly or indirectly, from a private provider through a contract administered and services managed by the Division of Information Systems under the Arkansas Information Systems Act of 1997, § 25-4-101 et seq.

(5) ~~After reasonable notice to the public, a~~ 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~~ services 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.

(6)(A) A government entity may acquire, construct, furnish, equip, own, operate, sell, convey, lease, rent, let, assign, dispose of, contract for, or otherwise deal in facilities and apparatus for one (1) or more of the following:

(i) Voice services;

(ii) Data services;

(iii) Broadband services;

(iv) Video services; or

(v) Wireless telecommunications services.

(B) If a government entity, other than a government entity qualified to provide services under subdivision (b)(2), subdivision (b)(3), or subdivision (b)(5) of this section, issues bonds or other indebtedness to acquire, construct, furnish, or equip facilities for the provision of voice services, data services, broadband services, video services, or wireless telecommunications services through a special tax or general obligation bond initiative, then the government entity shall:

(i) Partner, contract, or otherwise affiliate with an entity that is experienced in the operation of the facilities to be acquired or constructed;

(ii) Conduct the due diligence required by the industry for the project and required by law for the bonds or indebtedness utilized for the project;

(iii) Provide notice at least ten (10) days before a public hearing on the project;

(iv) After due notice has been provided as described in subdivision (b)(6)(B)(iii) of this section, conduct a public hearing on the project; and

(v) Cause an election to be held as required by law.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that voice, data, broadband, video, and wireless telecommunications services are necessities; that without access to voice, data, broadband, video, and wireless telecommunications services,

citizens of Arkansas also lack access to healthcare services, education services, and other essential services; and that this act is immediately necessary to allow government entities to provide high quality voice, data, broadband, video, and wireless telecommunications services to their citizens. 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/Hill

APPROVED: 2/4/21