

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/28/23
A Bill

SENATE BILL 449

By: Senator J. English
By: Representatives Haak, R. Scott Richardson

For An Act To Be Entitled

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

Subtitle

TO CREATE THE ARKANSAS BROADBAND ADVISORY COUNCIL; AND TO DECLARE AN EMERGENCY.

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

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

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

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

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

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

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

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

(iv) One (1) member who is a representative of the



healthcare industry in the state;

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

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

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

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

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

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

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

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

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

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

(E) The Director of the Division of Workforce Services or his or her designee; and

(F) The Secretary of the Department of Human Services or his or her designee.

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

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

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

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

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

(C) Be employed by an internet service provider.

(c) Members of the council shall serve without compensation but may

receive reimbursement under § 25-16-902, through the Department of Commerce.

(d)(1) The Secretary of the Department of Commerce shall call the first meeting of the council within thirty (30) days of sine die adjournment of the 2023 Regular Session and shall serve as chair at the first meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Advances in technologies used to deploy services;

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the State of Arkansas will likely be the recipient of a large amount of federal funding directly allocated for the provision and installation of reliable and affordable broadband that is predicated on the review of maps and the current status of broadband deployment in the State of Arkansas; that the Federal Communications Commission has authorized a review of mapping of broadband assets for each state and there is a short timeline to be met in the

furtherance of the state's response to the Federal Communications Commission; and that this act is immediately necessary to provide for the research and assessment regarding the state's broadband coverage and needs, which coverage is directly related to the public health, welfare, and safety of the citizens of the State of Arkansas. 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/J. English