

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S1/20/21

A Bill

SENATE BILL 74

5 By: Senators Hill, B. Davis, *Irvin*
6 By: Representatives Evans, Vaught
7

For An Act To Be Entitled

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

Subtitle

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18 TO AMEND THE TELECOMMUNICATIONS
19 REGULATORY REFORM ACT OF 2013; AND TO
20 DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 23-17-403(26), concerning the definition of
26 "government entity" under the Telecommunications Regulatory Reform Act of
27 2013, is amended to read as follows:

28 (26) "Government entity" includes without limitation all
29 Arkansas state agencies, commissions, boards, authorities, and all Arkansas
30 public educational entities, including school districts, and political
31 subdivisions, including incorporated and unincorporated cities and towns and
32 all institutions, agencies or instrumentalities of municipalities,
33 consolidated utility districts, and county governments;
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35 SECTION 2. Arkansas Code § 23-17-409(b), concerning the authorization
36 of competing local exchange carriers under the Telecommunications Regulatory



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

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

6 (2)(A) ~~After reasonable notice to the public and a public~~
7 ~~hearing, a government entity owning an electric utility system or television~~
8 ~~signal distribution system may provide, directly or indirectly, voice, data,~~
9 ~~broadband, video, or wireless telecommunications services and make any~~
10 ~~telecommunications capacity or associated facilities that the government~~
11 ~~entity now owns, or may construct or acquire, available to the public upon~~
12 ~~terms and conditions as may be established by the government entity's~~
13 ~~governing authority, except the government entity may not use the~~
14 ~~telecommunications capacity or associated facilities to provide, directly or~~
15 ~~indirectly, basic local exchange service~~ Except as provided in subdivision
16 (b)(2)(B) of this section, a government entity may provide, directly or
17 indirectly, one (1) or more of the following:

18 (i) Voice services;

19 (ii) Data services;

20 (iii) Broadband services;

21 (iv) Video services; or

22 (v) Wireless telecommunications services.

23 (B) This subdivision (b)(2) does not apply to state agencies as
24 defined in § 25-4-103.

25 (3)(A) ~~Any restriction contained in this subsection shall not be~~
26 ~~applicable to the provision of telecommunications services to the extent the~~
27 ~~telecommunications services are used solely for 911, E911, or other emergency~~
28 ~~and law enforcement services, or for the provision of data, broadband, or~~
29 ~~non-entertainment video telecommunications services or facilities by or to a~~
30 ~~medical institution or an institution of higher education to its students,~~
31 ~~faculty, staff, or patients, as the provision of the telecommunications~~
32 ~~services or facilities relates to academic, research, and healthcare~~
33 ~~information technology applications under the Arkansas Information Systems~~
34 ~~Act of 1997, § 25-4-101 et seq~~ Except as provided in subdivision (b)(3)(B) of
35 this section, a government entity may acquire, construct, furnish, equip,
36 own, operate, sell, convey, lease, rent, let, assign, dispose of, contract

1 for, or otherwise deal in facilities and apparatus for one (1) or more of the
2 following:

3 (i) Voice services;

4 (ii) Data services;

5 (iii) Broadband services;

6 (iv) Video services; or

7 (v) Wireless telecommunications services.

8 (B) This subdivision (b)(3) does not apply to state agencies as
9 defined in § 25-4-103

10 ~~(4) This section does not prohibit a~~ A government entity ~~from~~
11 ~~purchasing~~ may purchase voice, data, broadband, video, or wireless
12 telecommunications services, directly or indirectly, from a private provider
13 through a contract administered and services managed by the Division of
14 Information Systems under the Arkansas Information Systems Act of 1997, § 25-
15 4-101 et seq.

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

24 (6)(A)(i) If a government entity chooses to raise funds through
25 a bond initiative, the government entity shall partner with a private entity
26 to provide services.

27 (ii) In order to execute the bond initiative under
28 subdivision (b)(6)(A)(i) of this section, there shall be transparency through
29 due notice of a public hearing, a feasibility study including the financial
30 stability of the project, and a majority vote of the citizens of the area
31 financially responsible for the project.

32 (B) This subdivision (b)(6) does not apply to state
33 agencies as defined in § 25-4-103.

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35 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly of the State of Arkansas that voice, data, broadband, video,

1 and wireless telecommunications services are necessities; that without access
2 to voice, data, broadband, video, and wireless telecommunications services,
3 citizens of Arkansas also lack access to healthcare services, education
4 services, and other essential services; and that this act is immediately
5 necessary to allow government entities to provide high quality voice, data,
6 broadband, video, and wireless telecommunications services to their citizens.
7 Therefore, an emergency is declared to exist, and this act being immediately
8 necessary for the preservation of the public peace, health, and safety shall
9 become effective on:

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

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

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

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18 /s/Hill
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