Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 947 of the Regular Session

As Engrossed: H3/13/09 H3/19/09

State of Arkansas
87th General Assembly
Regular Session, 2009

By: Representatives Woods, Rainey

By: Senator Capps

For An Act To Be Entitled

AN ACT TO AMEND THE CONNECT ARKANSAS BROADBAND ACT, § 4-113-101 ET SEQ.; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE CONNECT ARKANSAS BROADBAND ACT, § 4-113-101 ET SEQ.

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

SECTION 1. Arkansas Code § 4-113-102(1), concerning the definition of "broadband" under the Connect Arkansas Broadband Act, is amended to read as follows:

(1) "Broadband" means any service used to provide Internet access at a minimum speed that is the greater of:

(A) of three hundred eighty-four kilobites per second (384 kbps) Seven hundred sixty-eight kilobites per second (768 kbps) in either direction at least one (1) direction; or

(B) The minimum speed for broadband as defined by regulations of the Federal Communications Commission as of January 1, 2009, or as of a later date if adopted by rule of the Arkansas Broadband Advisory Council;

SECTION 2. Arkansas Code § 4-113-103 is amended to read as follows:


(a) The Arkansas Capital Corporation may form a nonprofit corporation
named "Connect Arkansas" to:

(1) Prepare the people and businesses of Arkansas to secure the economic, educational, health, social, and other benefits available via broadband use; and

(2) Facilitate the availability of broadband service to every home and business in Arkansas.

(b) The Arkansas Science and Technology Authority may make grants from funds available for the purpose of establishing Connect Arkansas.

(c)(3) Connect Arkansas will promote broadband-based development in Arkansas, with the goals of facilitating:

{1}(A) Broadband education so that the citizens of every home and business in Arkansas can take full advantage of broadband services; and

{2}(B) The availability of broadband service to broadband-educated citizens in every home and business in Arkansas by the end of the year 2012; and

(d)(4) Recognizing that such services as geographical information system data delivery and high-definition television programs require increasingly huge demands in bandwidth, Connect Arkansas will promote broadband backbone networks that will serve all of Arkansas with the bandwidth to support Arkansas home and business needs into the foreseeable future.

(b) The Governor, and with the consent of the Governor, the Department of Economic Development, the Arkansas Science and Technology Authority, and any other state entity may make grants available for the purpose of supporting Connect Arkansas.

SECTION 3. Arkansas Code § 4-113-104 is amended to read as follows:

4-113-104. Creation of the Arkansas Broadband Advisory Council.

(a) The Arkansas Broadband Advisory Council is created to and shall:

(1) Monitor the broadband-based development efforts of other states and nations in areas such as business, education, and health; and

(2) Advise the Governor and the General Assembly on policies related to making affordable broadband available to every Arkansas home and business.
(3) Serve as the broadband advocate to state agencies and other state entities to communicate the broadband needs of the citizens and organizations of the state that do not have access to broadband service or to broadband service adequate for their needs; and

(4) Have the authority to adopt by rule the minimum speed for the definition of “broadband” under § 4-113-102(1) that is provided by the regulations of the Federal Communications Commission.

(b) The council shall include:

(1) One (1) representative from each broadband provider association that exists in the state on July 31, 2007, including without limitation the Arkansas Cable Telecommunications Association and the Arkansas Telecommunications Association;

(2) Three (3) members to be appointed by the Governor;

(3) Three (3) members to be appointed by the President Pro Tempore of the Senate; and

(4) Three (3) members to be appointed by the Speaker of the House of Representatives; and

(5) The President of the Arkansas Science and Technology Authority or his or her designee who shall serve as an ex-officio member of the Council.

(c) The council shall:

(1) Provide an annual report to the Governor and the General Assembly;

(2) Provide a final report to the Governor and the General Assembly through the year ending December 31, 2011; and

(3) Expire on June 30, 2012.

SECTION 4. Arkansas Code Title 4, Chapter 113, Subchapter 1 is amended to add an additional section to read as follows:

4-113-106. Legislative Findings – Critical Infrastructure – Priority of county economic development plans that include regional broadband collaboration.

(a) The General Assembly finds that:

(1) Broadband is:

(A) Critical infrastructure to the State of Arkansas; and

(B) Essential to:
(i) The fundamental activities of an advanced society including education, economic development, health, the pursuit of science and technology, and the conduct of government at all levels; and

(ii) Obtaining economic and educational equality among the different counties and regions of Arkansas;

(2) As a critical infrastructure:

(A) The first phase of the statewide broadband effort must be to make broadband accessible to every individual and organization in Arkansas; and

(B) The second phase of the statewide broadband effort must be to establish Arkansas as a leader in the leveraging of broadband in support of the activities essential to an advanced society; and

(3) The inclusion of broadband in state and county economic development plans should be encouraged.

(b) State activities in support of county economic development plans shall give priority to county economic development plans that include regional broadband collaborations to assist in situations in which counties can not independently establish broadband.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there is a great need to improve technology in underdeveloped areas of the state; that opportunities for funding and providing technology to these areas should be made available as soon as possible; and that this act improves the ability of the state to improve the technology to rural Arkansas and other underdeveloped areas of the state to address the health, economic, educational, technology and other needs of these areas. 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/ Woo

APPROVED: 4/6/2009