

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

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

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

A Bill

HOUSE BILL 2119

5 By: Representatives Woods, Rainey

6 By: Senator Capps
7
8

9 **For An Act To Be Entitled**

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

12 **Subtitle**

13 TO AMEND THE CONNECT ARKANSAS BROADBAND
14 ACT, § 4-113-101 ET SEQ.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

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

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

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

31
32 *SECTION 2. Arkansas Code § 4-113-103 is amended to read as follows:*

33 4-113-103. Connect Arkansas – Nonprofit organization – Purposes –
34 Grants.

35 (a) The Arkansas Capital Corporation may form a nonprofit corporation



1 named "Connect Arkansas" to:

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

5 (2) Facilitate the availability of broadband service to every
6 home and business in Arkansas; ~~;~~

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

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

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

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

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

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

27

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

29 4-113-104. Creation of the Arkansas Broadband ~~Advisory~~ Council.

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

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

33 (2) ~~Advise~~ Receive input from all Arkansas broadband
34 stakeholders and advise the Governor and the General Assembly on policies
35 related to ~~making affordable broadband available to every Arkansas home and~~
36 ~~business~~ broadband in Arkansas;

1 (3) Serve as the broadband advocate to state agencies and other
2 state entities to communicate the broadband needs of the citizens and
3 organizations of the state that do not have access to broadband service or to
4 broadband service adequate for their needs; and

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

8 (b) The council shall include:

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

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

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

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

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

21 (c) The council shall:

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

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

26 (3) Expire on June 30, 2012.

27
28 SECTION 4. Arkansas Code Title 4, Chapter 113, Subchapter 1 is amended
29 to add an additional section to read as follows:

30 4-113-106. Legislative Findings – Critical Infrastructure –Priority of
31 county economic development plans that include regional broadband
32 collaboration.

33 (a) The General Assembly finds that:

34 (1) Broadband is:

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

36 (B) Essential to:

1 (i) The fundamental activities of an advanced
2 society including education, economic development, health, the pursuit of
3 science and technology, and the conduct of government at all levels; and

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

6 (2) As a critical infrastructure:

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

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

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

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

19
20 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly of the State of Arkansas that there is a great need to
22 improve technology in underdeveloped areas of the state; that opportunities
23 for funding and providing technology to these areas should be made available
24 as soon as possible; and that this act improves the ability of the state to
25 improve the technology to rural Arkansas and other underdeveloped areas of
26 the state to address the health, economic, educational, technology and other
27 needs of these areas. Therefore, an emergency is declared to exist and this
28 act being immediately necessary for the preservation of the public peace,
29 health, and safety shall become effective on:

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

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

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

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/s/ Woo

APPROVED: 4/6/2009s