

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 23, Page 1, Section
2 A, Line 4, by inserting after all of said section and line the following:

3
4 "1.512. 1. As used in this section, the following terms mean:

5 (1) "Broadband" or "broadband service", any service providing advanced
6 telecommunications capability with the same downstream data rate and upstream data rate as
7 required to satisfy the definition of "broadband" by the Federal Communications Commission and
8 that:

9 (a) Does not require the end user to dial up a connection;

10 (b) Has the capacity to always be on;

11 (c) Has transmission speeds that are based on regular available bandwidth rates, not
12 sporadic or burstable rates, with latency suitable for real-time applications and services such as
13 voice over internet protocol and video conferencing; and

14 (d) Has a monthly usage capacity reasonably comparable to that of residential terrestrial
15 fixed broadband offerings in urban areas.

16
17 As the Federal Communications Commission updates the downstream data rate and the upstream
18 data rate, the council shall publish the revised data rates within sixty days of the federal update;

19 (2) "Council", the broadband development council;

20 (3) "Digital navigation service", a person or entity that helps or teaches people to safely and
21 effectively use the internet;

22 (4) "Downstream data rate", the transmission speed from the service provider source to the
23 end user;

24 (5) "Internet protocol address" or "IP address", a unique string of numbers separated by
25 periods that identifies each computer using the internet protocol to communicate over a network;

26 (6) "Unserved area", a community that has no access to broadband service;

27 (7) "Upstream data rate", the transmission speed from the end user to the service provider
28 source.

Action Taken _____ Date _____

1 2. There is hereby established the "Broadband Development Council". The broadband
2 development office of the department of economic development shall provide administrative,
3 personnel, and technical support to the council as necessary.

4 3. The council shall consist of:

5 (1) The director of the department of economic development or his or her designee;

6 (2) The chief information officer within the office of administration or his or her designee;

7 (3) The commissioner of higher education or his or her designee;

8 (4) The commissioner of education or his or her designee;

9 (5) The director of the state broadband office or his or her designee;

10 (6) The following members of the public, appointed by the speaker of the house of
11 representatives:

12 (a) Two members representing users of large amounts of broadband service in this state; and

13 (b) One member from each congressional district representing broadband service users of
14 this state.

15
16 Members appointed under this subdivision shall serve no more than two three-year terms. However,
17 the terms shall be staggered with one-third of the inaugural members, chosen by lot, serving one
18 additional year and another one-third of the inaugural members, chosen by lot, to serve an additional
19 two years. Members appointed under this subdivision shall be deemed part-time public officials and
20 may have other employment;

21 (7) Two senators appointed by the president pro tempore of the senate and one senator
22 appointed by the minority floor leader of the senate; and

23 (8) Two members of the house of representatives appointed by the speaker of the house of
24 representatives and one member of the house of representatives appointed by the minority floor
25 leader of the house of representatives.

26 4. (1) The council shall select a chair and vice chair from among its members. The director
27 of the department of economic development shall chair the first meeting of the council until a chair
28 is selected. Terms of the chair and vice chair shall be two years, and no member may serve more
29 than two consecutive terms in either position. The council shall appoint a secretary-treasurer, who
30 need not be a member of the council and who, among other tasks or functions designated by the
31 council, shall keep records of its proceedings.

32 (2) Eleven voting members of the council shall constitute a quorum, and a simple majority
33 of the members present shall be sufficient for any action taken by vote of the council.

34 (3) The council may appoint committees or subcommittees for the purposes of
35 investigations and recommendations. Members of these committees or subcommittees need not be
36 members of the council.

37 (4) No member of the council who serves by virtue of his or her office shall receive
38 compensation or reimbursement of expenses for serving as a member. Members appointed under

subdivision (6) of subsection 3 of this section and the members of any committee or subcommittee are entitled to be reimbursed for actual and necessary expenses.

(5) No member shall be subject to antitrust or unfair competition liability based on membership or participation in the council. The council shall be deemed to provide an essential governmental function and shall have state-action immunity.

5. (1) The council shall:

(a) Explore any and all ways to expand access to broadband services including, but not limited to, middle mile, last mile, and wireless applications;

(b) Gather data regarding the various speeds provided to consumers and compare that data to the speeds the internet service provider advertises;

(c) Explore the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation, and alternative career training;

(d) Explore ways to encourage state and municipal agencies to expand the development and use of broadband services to better serve the public through the use of audio and video streaming, voice over internet protocol, teleconferencing, and wireless networking;

(e) Assist in expanding electronic instruction and distance education services, including digital navigation services;

(f) Advise and make recommendations to the general assembly regarding:

a. Strategies to make broadband service available to unserved and underserved areas;

b. Statutory changes that may enhance and expand broadband in the state; and

c. Strategies to increase adoption of the emergency broadband benefit program or any successor program; and

(g) Submit a report to the general assembly and governor on or before January first each year. The report shall include a summary of the actions taken by the council during the previous year.

(2) In addition to other powers, the council is hereby granted the powers necessary and appropriate to carry out and effectuate the duties described under subdivision (1) of this subsection. The council shall have the power to:

(a) Promote awareness of public facilities that have community broadband access that can be used for distance education and workforce development;

(b) Advise on the deployment of online government portals so that all public bodies and political subdivisions have websites, one-stop government access, and the ability to stream audio and video of public meetings; and

(c) Perform any other activities to further its purpose.

(3) The council may:

(a) Retain outside expert consultants to assist in the purposes of this section. Any retention and contracting of expert consultants shall be transparent, and the council shall make publicly available any contracts, retention agreements, payments, and invoicing for services;

1 **(b) Take action to increase awareness of issues concerning broadband services and to**
 2 **educate and inform the public; and**

3 **(c) Seek nonstate funding and grants, which the council may use itself or disburse to fund**
 4 **projects and initiatives.**

5 **6. The council shall establish a university-based research organization, or contract with an**
 6 **organization, that shall annually survey each county and school district in the state to assess**
 7 **available internet speed and identify areas with challenges to high-speed internet access.**

8 **7. (1) Notwithstanding the provisions of chapter 610, information provided to the council,**
 9 **its consultants, or its other agents that is identified as confidential information when submitted shall**
 10 **be exempt from disclosure and shall be secured and safeguarded. Such information may include,**
 11 **but not be limited to, physical plant locations, subscriber levels, market penetration data, and any**
 12 **other proprietary business information or any other information that constitutes a trade secret.**

13 **(2) Any person who makes any unauthorized disclosure of such confidential information or**
 14 **data shall be guilty of a class A misdemeanor.**

15 **8. The council may promulgate all necessary rules and regulations for the administration of**
 16 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created**
 17 **under the authority delegated in this section shall become effective only if it complies with and is**
 18 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
 19 **chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to**
 20 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
 21 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after**
 22 **August 28, 2023, shall be invalid and void.";** and

23
 24 Further amend said bill, Page 29, Section 144.070, Line 121, by inserting after all of said section
 25 and line the following:

26
 27 **"227.675. 1. The provisions of this section shall be known and may be cited as the**
 28 **"Department of Transportation Fiber Network Expansion Act".**

29 **2. For purposes of this section, the following terms mean:**

30 **(1) "Commission", the Missouri highways and transportation commission;**

31 **(2) "Department", the Missouri department of transportation.**

32 **3. The commission may enter into public-private partnerships with private broadband**
 33 **internet service providers to expand and further develop the department's fiber network.**

34 **4. The commission shall prioritize expansion and development under this section in**
 35 **unserved areas and underserved areas, as such terms are defined in section 620.2450.**

36 **5. The commission shall use a competitive procurement process to form public-private**
 37 **partnerships under this section. The commission shall publish a public notice of the commission's**
 38 **request for proposals, including any deadline for submission of such proposals, which shall be**
 39 **published once a week for two consecutive weeks in:**

- 1 (1) A newspaper of general circulation in the city where the proposed project is located;
2 (2) At least one technology industry trade publication that is nationally distributed; and
3 (3) Such other publications or manner as the commission may determine.

4 6. As part of a contract award under this section, the private partnering entity may use the
5 excess fiber capacity to provide internet services as long as the services provided meet the state
6 minimum standard for broadband set by the department of economic development.

7 7. The commission may promulgate any rules to implement the provisions of this section.
8 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
9 authority delegated in this section shall become effective only if it complies with and is subject to all
10 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
11 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
12 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
13 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
14 August 28, 2023, shall be invalid and void."; and

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.