SECOND REGULAR SESSION

HOUSE BILL NO. 1813

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

4242H.01I   DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the broadband development council, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be
2 known as section 1.512, to read as follows:

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

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

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

7 **(b) Has the capacity to always be on;**

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

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

13

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

17 **(2) "Council", the broadband development council;**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18   **(3) "Digital navigation service", a person or entity that helps or teaches people**
19 **to safely and effectively use the internet;**
20   **(4) "Downstream data rate", the transmission speed from the service provider**
21 **source to the end user;**
22   **(5) "Internet protocol address" or "IP address", a unique string of numbers**
23 **separated by periods that identifies each computer using the internet protocol to**
24 **communicate over a network;**
25   **(6) "Unserved area", a community that has no access to broadband service;**
26   **(7) "Upstream data rate", the transmission speed from the end user to the**
27 **service provider source.**
28   **2. There is hereby established the "Broadband Development Council". The**
29 **broadband development office of the department of economic development shall**
30 **provide administrative, personnel, and technical support to the council as necessary.**
31   **3. The council shall consist of:**
32   **(1) The director of the department of economic development or his or her**
33 **designee;**
34   **(2) The chief information officer within the office of administration or his or her**
35 **designee;**
36   **(3) The commissioner of higher education or his or her designee;**
37   **(4) The commissioner of education or his or her designee;**
38   **(5) The director of the state broadband office or his or her designee;**
39   **(6) The following members of the public, appointed by the speaker of the house**
40 **of representatives:**
41   **(a) Two members representing users of large amounts of broadband service in**
42 **this state; and**
43   **(b) One member from each congressional district representing broadband**
44 **service users of this state.**
45
46 **Members appointed under this subdivision shall serve no more than two three-year**
47 **terms. However, the terms shall be staggered with one-third of the inaugural members,**
48 **chosen by lot, serving one additional year and another one-third of the inaugural**
49 **members, chosen by lot, to serve an additional two years. Members appointed under**
50 **this subdivision shall be deemed part-time public officials and may have other**
51 **employment;**
52   **(7) Two senators appointed by the president pro tempore of the senate and one**
53 **senator appointed by the minority floor leader of the senate; and**

54   **(8) Two members of the house of representatives appointed by the speaker of the**
55 **house of representatives and one member of the house of representatives appointed by**
56 **the minority floor leader of the house of representatives.**
57   **4. (1) The council shall select a chair and vice chair from among its members.**
58 **The director of the department of economic development shall chair the first meeting of**
59 **the council until a chair is selected. Terms of the chair and vice chair shall be two years,**
60 **and no member may serve more than two consecutive terms in either position. The**
61 **council shall appoint a secretary-treasurer, who need not be a member of the council**
62 **and who, among other tasks or functions designated by the council, shall keep records of**
63 **its proceedings.**
64   **(2) Eleven voting members of the council shall constitute a quorum, and a simple**
65 **majority of the members present shall be sufficient for any action taken by vote of the**
66 **council.**
67   **(3) The council may appoint committees or subcommittees for the purposes of**
68 **investigations and recommendations. Members of these committees or subcommittees**
69 **need not be members of the council.**
70   **(4) No member of the council who serves by virtue of his or her office shall**
71 **receive compensation or reimbursement of expenses for serving as a member. Members**
72 **appointed under subdivision (6) of subsection 3 of this section and the members of any**
73 **committee or subcommittee are entitled to be reimbursed for actual and necessary**
74 **expenses.**
75   **(5) No member shall be subject to antitrust or unfair competition liability based**
76 **on membership or participation in the council. The council shall be deemed to provide**
77 **an essential governmental function and shall have state-action immunity.**
78   **5. (1) The council shall:**
79   **(a) Explore any and all ways to expand access to broadband services including,**
80 **but not limited to, middle mile, last mile, and wireless applications;**
81   **(b)   Gather data regarding the various speeds provided to consumers and**
82 **compare that data to the speeds the internet service provider advertises;**
83   **(c) Explore the potential for increased use of broadband service for the purposes**
84 **of education, career readiness, workforce preparation, and alternative career training;**
85   **(d)   Explore ways to encourage state and municipal agencies to expand the**
86 **development and use of broadband services to better serve the public through the use of**
87 **audio and video streaming, voice over internet protocol, teleconferencing, and wireless**
88 **networking;**
89   **(e) Assist in expanding electronic instruction and distance education services,**
90 **including digital navigation services;**

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

 92   **a. Strategies to make broadband service available to unserved and underserved**

 93   **areas;**

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

 95   **c. Strategies to increase adoption of the emergency broadband benefit program**

 96   **or any successor program; and**

 97   **(g) Submit a report to the general assembly and governor on or before January**

 98   **first each year. The report shall include a summary of the actions taken by the council**

 99   **during the previous year.**

100   **(2) In addition to other powers, the council is hereby granted the powers**

101   **necessary and appropriate to carry out and effectuate the duties described under**

102   **subdivision (1) of this subsection. The council shall have the power to:**

103   **(a) Promote awareness of public facilities that have community broadband**

104   **access that can be used for distance education and workforce development;**

105   **(b) Advise on the deployment of online government portals so that all public**

106   **bodies and political subdivisions have websites, one-stop government access, and the**

107   **ability to stream audio and video of public meetings; and**

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

109   **(3) The council may:**

110   **(a) Retain outside expert consultants to assist in the purposes of this section.**

111   **Any retention and contracting of expert consultants shall be transparent, and the**

112   **council shall make publicly available any contracts, retention agreements, payments,**

113   **and invoicing for services;**

114   **(b) Take action to increase awareness of issues concerning broadband services**

115   **and to educate and inform the public; and**

116   **(c) Seek nonstate funding and grants, which the council may use itself or**

117   **disburse to fund projects and initiatives.**

118   **6. The council shall establish a university-based research organization, or**

119   **contract with an organization, that shall annually survey each county and school district**

120   **in the state to assess available internet speed and identify areas with challenges to high-**

121   **speed internet access.**

122   **7. (1) Notwithstanding the provisions of chapter 610, information provided to**

123   **the council, its consultants, or its other agents that is identified as confidential**

124   **information when submitted shall be exempt from disclosure and shall be secured and**

125   **safeguarded. Such information may include, but shall not be limited to, physical plant**

126   **locations, subscriber levels, market penetration data, and any other proprietary**

127   **business information or any other information that constitutes a trade secret.**

128   **(2) Any person who makes any unauthorized disclosure of such confidential**
129 **information or data shall be guilty of a class A misdemeanor.**
130   **8. The council may promulgate all necessary rules and regulations for the**
131 **administration of this section. Any rule or portion of a rule, as that term is defined in**
132 **section 536.010, that is created under the authority delegated in this section shall**
133 **become effective only if it complies with and is subject to all of the provisions of chapter**
134 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
135 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
136 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
137 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
138 **adopted after August 28, 2024, shall be invalid and void.**

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