



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SS SCS HB 1768 _____ entitled:

AN ACT

To repeal sections 67.453, 67.1461, 67.1846, 67.5122, 392.020, 620.2451, and 620.2459, RSMo, and to enact in lieu thereof seven new sections relating to communications services.

With SA 1, SA 2, SA 3

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse
Secretary of the Senate

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APR 29 2020
CHIEF CLERK

SENATE AMENDMENT NO. 1

Offered by Hegeman of Andrew

Amend SS/SCS/House Bill No. 1768, Page 12, Section 67.1846, Lines 14-19,

2 by striking all of said lines and inserting in lieu thereof the
3 following:

4 "2. A grandfathered political subdivision shall not charge
5 an additional linear foot fee for use of its right-of-way to a
6 qualified small local exchange telecommunications company as of
7 December 31, 2019, as defined in section 386.020; provided that
8 the small local exchange telecommunications company is providing
9 internet access to customers only within the rural areas of the
10 state.".

Offered 4/29/2020
Adopted "

SENATE AMENDMENT NO. 2Offered by Brown of 16thAmend SS/SCS/House Bill No. 1768, Page 14, Section 620.2451, Line 28,

2 of said page, by inserting immediately after said line the
3 following:

4 "620.2456. 1. The department of economic development shall
5 not award any grant to an otherwise eligible grant applicant
6 where funding from the Connect America Fund has been awarded,
7 where high-cost support from the federal Universal Service Fund
8 has been received by rate of return carriers, or where any other
9 federal funding has been awarded which did not require any
10 matching-fund component, for any portion of the proposed project
11 area, nor shall any grant money be used to serve any retail end
12 user that already has access to wireline or fixed wireless
13 broadband internet service of speeds of at least twenty-five
14 megabits per-second download and three megabits per-second
15 upload.

16 2. No grant awarded under sections 620.2450 to 620.2458,
17 when combined with any federal, state, or local funds, shall fund
18 more than fifty percent of the total cost of a project.

19 3. No single project shall be awarded grants under sections
20 620.2450 to 620.2458 whose cumulative total exceeds five million
21 dollars.

22 4. The department of economic development shall endeavor to
23 award grants under sections 620.2450 to 620.2458 to qualified

Offered 4/29/2020
Adopted 11

1 applicants in all regions of the state.

2 5. An award granted under sections 620.2450 to 620.2458
3 shall not:

4 (1) Require an open access network;

5 (2) Impose rates, terms, and conditions that differ from
6 what a provider offers in other areas of its service area;

7 (3) Impose any rate, service, or any other type of
8 regulation beyond speed requirements set forth in section
9 620.2451; or

10 (4) Impose an unreasonable time constraint on the time to
11 build the service.

12 6. If a grant recipient fails to establish the speed
13 requirements set forth in section 620.2451, then the grant
14 recipient shall return all grant moneys to the department."; and

15 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 2

Offered by Sater of Barry

Amend SS/SCS/House Bill No. 1768, Page 13, Section 67.5122, Line 9,

2 by inserting after all of said line the following:

3 "71.1000. 1. Two or more municipalities may elect to form
4 a broadband infrastructure improvement district for the delivery
5 of broadband internet service to the residents of such
6 municipality, which district shall be a body politic and
7 corporate.

8 2. A municipality electing to form a district under this
9 section shall submit to the eligible voters of each such
10 municipality a proposition at an annual or special election of
11 such municipality, in substantially the following form:

12 "Shall the municipality of enter into a
13 broadband infrastructure improvement district to be
14 known as?"

15 3. Additional municipalities may be admitted to the
16 district in the manner provided in subsection 8 of this section.

17 4. A district created under this section shall have the
18 power to contract with a broadband internet service provider to
19 provide broadband internet service to the residents of the
20 district.

21 5. A district may finance the provision or expansion of

Offered 4/29/2020
Adopted "

1 broadband internet service through grants, loans, bonds, or user
2 fees.

3 6. A district shall not have the power to levy, assess,
4 apportion, or collect any tax upon property within the district
5 nor upon any of its members.

6 7. (1) The district governing board shall be composed of
7 at least one representative from each member, but in no case
8 shall there be less than four representatives.

9 (2) Annually, on or before the last Monday in April
10 commencing in the year following the effective date of the
11 district's creation, the local governing body of each member
12 shall appoint a representative to the district governing board
13 for one-year terms. The local governing body of a member, by
14 majority vote, may replace its appointed representative at any
15 time.

16 (3) For the purpose of transacting business, the presence
17 of representatives representing more than fifty percent of
18 district members shall constitute a quorum. Any action adopted
19 by a majority of the votes cast at a meeting of the governing
20 board at which a quorum is present shall be the action of the
21 board.

22 (4) Each district member's representative shall be entitled
23 to cast one vote.

24 (5) Unless replaced as provided in subdivision (2) of this
25 subsection, a representative on the governing board shall hold
26 office until his or her successor is duly appointed. Any
27 representative may be reappointed to successive terms without
28 limit.

29 (6) Any vacancy on the board shall be filled within thirty

1 days after such vacancy occurs by appointment of the local
2 governing body which appointed the representative whose position
3 has become vacant. An appointee to a vacancy shall serve until
4 the expiration of the term of the representative whose position
5 to the appointment was made and may thereafter be reappointed.

6 (7) Each district member may reimburse its representative
7 to the governing board for expenses as it determines reasonable.

8 (8) (a) The officers of the district shall be the chair
9 and the vice chair of the board, the clerk of the district, and
10 the treasurer of the district.

11 (b) The chair shall preside at all meetings of the board
12 and shall make and sign all contracts on behalf of the district
13 upon approval by the board. The chair shall perform all duties
14 incident to the position and office.

15 (c) During the absence of or inability of the chair to
16 render or perform his or her duties or exercise his or her
17 powers, the same shall be performed and exercised by the vice
18 chair and when so acting, the vice chair shall have all the
19 powers and be subject to all the responsibilities hereby given to
20 or imposed upon the chair.

21 (d) During the absence or inability of the vice chair to
22 render or perform his or her duties or exercise his or her
23 powers, the board shall elect from among its membership an acting
24 vice chair who shall have the powers and be subject to all the
25 responsibilities hereby given or imposed upon the vice chair.

26 (e) Upon the death, disability, resignation, or removal of
27 the chair or vice chair, the board shall elect a successor to
28 such vacant office until the next annual meeting.

29 (9) The board shall adopt bylaws for the regulation of its

1 affairs and the conduct of its business.

2 8. The board may authorize the inclusion of additional
3 district members in the broadband infrastructure improvement
4 district upon such terms and conditions as in the board's sole
5 discretion shall deem to be fair, reasonable, and in the best
6 interests of the district. The local governing body of any
7 nonmember municipality which desires to be admitted to the
8 district shall make application for admission to the board. The
9 board shall determine the financial, economic, governance, and
10 operational effects that are likely to occur if such municipality
11 is admitted and thereafter either grant or deny authority for
12 admission of the petitioning municipality. If the board grants
13 such authority, it shall also specify any terms and conditions,
14 including financial obligations, upon which such admission is
15 predicated. Upon resolution of the board, such applicant
16 municipality shall become a district member.

17 9. A district member may withdraw from the district in the
18 same manner as the vote for admission to the district set forth
19 in subsection 8 of this section.

20 10. Dissolution of a broadband infrastructure improvement
21 district created pursuant to this section shall follow the
22 procedures established in sections 67.950 and 67.955."; and

23 Further amend the title and enacting clause accordingly.