

SENATE BILL NO. 1074

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

5167S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 620, RSMo, by adding thereto one new section relating to broadband internet infrastructure.

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

Section A. Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.2460, to read as follows:

620.2460. 1. No federal funds received by the state, political subdivision, city, town, or village shall be expended for the construction of retail broadband internet infrastructure unless the project to be constructed is located in an unserved area or underserved area and such project will provide broadband internet service to customers at speeds of one hundred megabits per-second download and twenty megabits per-second upload and scalable to higher speeds.

2. Prior to a political subdivision, city, town, or village authorizing an expenditure for the construction of broadband infrastructure, the office of broadband development shall certify the project is located within an unserved area or underserved area.

3. No project area where an internet service provider has been designated to receive federal funding to support the deployment or expansion of broadband networks that will provide speeds of one hundred megabits per-second download

19 and one hundred megabits per-second upload may be classified
20 as an unserved area or underserved area. However, an area
21 shall be considered an unserved area or underserved area if
22 the federal funding award is forfeited or upon
23 disqualification of the recipient entity awarded federal
24 funding for that geographic area.

25 4. When the office of broadband development receives a
26 request from a political subdivision, city, town, or village
27 to certify a project is in an unserved area or underserved
28 area, the office shall notify internet service providers of
29 the proposed project prior to the certification of the
30 project.

31 5. A broadband internet service provider may submit to
32 the department of economic development, within forty-five
33 days of notification by the office of broadband development,
34 a written challenge to an application. Such challenge shall
35 contain information demonstrating that:

36 (1) The provider currently provides broadband internet
37 service to retail customers within the proposed area;

38 (2) The provider has taken affirmative steps to begin
39 the process of construction to provide broadband internet
40 service to retail customers within the proposed area; or

41 (3) The provider has been designated funding through
42 federal programs to support the deployment or expansion of
43 broadband networks in the proposed area that will provide
44 speeds of one hundred megabits per-second download and one
45 hundred megabits per-second upload.

46 6. Within three business days of the submission of a
47 written challenge, the department of economic development
48 shall notify the political subdivision, municipality, town,
49 or village.

50 7. The department of economic development shall
51 evaluate each challenge submitted under this section. If the
52 department determines the challenge to be valid, the project
53 shall not be considered to be in an unserved area or
54 underserved area and the expenditure by the political
55 subdivision, municipality, town, or village shall be
56 prohibited.

57 8. For the purposes of this section, the terms
58 "unserved area" and "underserved area" shall have the same
59 meaning as defined in section 620.2450.

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