

[C O R R E C T E D]

FIRST REGULAR SESSION

SENATE BILL NO. 121

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0312S.02I

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to fiber optic networks.

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

Section A. Chapter 105, RSMo, is amended by adding thereto one new
2 section, to be known as section 105.1225, to read as follows:

**105.1225. 1. For the purpose of this section, the following terms
2 shall mean:**

3 (1) "Convergence", the progressive integration of data, voice and
4 video solutions into a single, Internet protocol based network;

5 (2) "Fiber optic network", any telecommunications system that
6 operates under the medium and technology associated with the
7 transmission of information as light pulses along a glass or plastic wire
8 or fiber;

9 (3) "Public governmental body", the general assembly, the
10 judiciary, the administrative department, or any division or branch
11 thereof, any bureau, board, commission, institution, officer or office,
12 college, or university of the state of Missouri, MOREnet, and any
13 advisory committee or commission appointed by the governor by
14 executive order;

15 (4) "Valid exchange", an agreement between a public
16 governmental body and a private company that allows for a fiber-for-
17 fiber capacity exchange of access to the fiber optic network owned by
18 the department of transportation and a fiber optic network owned or
19 operated by a private company that results in a more accessible
20 utilization of networks by public governmental entities and a more
21 feasible migration for such entities. Any valid exchange use of the

22 department of transportation's fiber optic network shall be considered
23 government use of such network. All such exchanges shall first be
24 approved by the office of administration prior to any access being
25 granted or services rendered.

26 2. On or before January 1, 2010, every public governmental body
27 shall begin a migration strategy that results in the utilization of the
28 fiber optic network currently owned by the department of
29 transportation, either directly or through a valid exchange, for all
30 telecommunications services, as that term is defined in section 386.020,
31 RSMo, video services and data transport services. Any public
32 governmental body may utilize a fiber optic network owned by a
33 company other than that owned by the department of transportation
34 provided the use has first been approved by the office of administration
35 as a valid exchange.

36 3. The office of administration shall promulgate rules governing
37 the process by which all public governmental bodies make the
38 migration to the fiber optic network, including but not limited to, any
39 reasonable reimbursement imposed by and paid to the department of
40 transportation to cover operation and maintenance of the
41 network. Any rule or portion of a rule, as that term is defined in
42 section 536.010, RSMo, that is created under the authority delegated in
43 this section shall become effective only if it complies with and is
44 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
45 section 536.028, RSMo. This section and chapter 536, RSMo, are
46 nonseverable and if any of the powers vested with the general assembly
47 pursuant to chapter 536, RSMo, to review, to delay the effective date,
48 or to disapprove and annul a rule are subsequently held
49 unconstitutional, then the grant of rulemaking authority and any rule
50 proposed or adopted after August 28, 2007, shall be invalid and void.

51 4. After January 1, 2011, the office of administration shall
52 promulgate rules governing the process by which all public
53 governmental bodies integrate their data, voice, and video services into
54 a single, Internet protocol based network, or a core convergence
55 network. Such rules shall be promulgated in three phases to
56 adequately address the convergence implementation.

57 (1) Phase one of the convergence implementation shall establish
58 criteria for and select a single public governmental body to serve as a

59 pilot program for the overall convergence project. The pilot program
60 shall demonstrate a complete integration of all data, voice, and video
61 solutions into the core convergence network;

62 (2) Phase two of the convergence implementation shall begin the
63 deployment of a core convergence network for use in all public
64 governmental bodies;

65 (3) Phase three of the convergence implementation shall
66 continue and conclude the expansion of a core convergence network for
67 use in all public governmental bodies and shall include but not be
68 limited to the deployment of Internet enabled real-time, mission critical
69 and data applications including Voice over IP, video and audio
70 conferencing, consolidated IP call centers, and Internet and intranet
71 applications.

72 5. On or before June 1, 2010, every public governmental body
73 shall submit to the office of administration, a proposal for meeting the
74 convergence implementation described in subsection 4 of this section.
75 If a public governmental body does not submit a proposal by this date,
76 the office of administration shall institute a plan of its own initiative.

77 6. Beginning January 1, 2011, and every year thereafter, the
78 office of administration shall submit a report to the governor and the
79 general assembly detailing the integration of all public governmental
80 bodies into a single, fiber optic network, subsequent progress towards
81 the convergence implementation, and information addressing the cost-
82 savings of the integration. Copies of the report shall be made available
83 to every public governmental body upon request.

Copy ✓