

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill No. 271, Page 5, Section 37.1098, Line 13,

2 by inserting after all of said line the following:

3 "49.266. 1. The county commission in all [noncharter]
4 counties of the first, second, third, or fourth
5 classification may by order or ordinance promulgate
6 reasonable regulations concerning the use of county
7 property, the hours, conditions, methods and manner of such
8 use and the regulation of pedestrian and vehicular traffic
9 and parking thereon.

10 2. Violation of any regulation so adopted under
11 subsection 1 of this section is an infraction.

12 3. Upon a determination by the state fire marshal that
13 a burn ban order is appropriate for a county because:

14 (1) An actual or impending occurrence of a natural
15 disaster of major proportions within the county jeopardizes
16 the safety and welfare of the inhabitants of such county; and

17 (2) The U.S. Drought Monitor has designated the county
18 as an area of severe, extreme, or exceptional drought, the
19 county commission may adopt an order or ordinance issuing a
20 burn ban, which may carry a penalty of up to a class A
21 misdemeanor. State agencies responsible for fire management
22 or suppression activities and persons conducting
23 agricultural burning using best management practices shall
24 not be subject to the provisions of this subsection. The
25 ability of an individual, organization, or corporation to
26 sell fireworks shall not be affected by the issuance of a

burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

4. The regulations so adopted shall be codified, printed and made available for public use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

[49.266. 1. The county commission in all counties of the first, second or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods and manner of such use and the regulation of pedestrian and vehicular traffic and parking thereon.

2. Violation of any regulation so adopted under subsection 1 of this section is an infraction.

3. Upon a determination by the state fire marshal that a burn ban order is appropriate for a county because:

(1) An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and

(2) The U.S. Drought Monitor has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other

75 consumer fireworks as the term "consumer
76 fireworks" is defined under section 320.106.

77 4. The regulations so adopted shall be
78 codified, printed and made available for public
79 use and adequate signs concerning smoking,
80 traffic and parking regulations shall be
81 posted.]" ; and

82 Further amend said bill, page 10, Section 451.040, line
83 103, by inserting after all of said line the following:

84 "620.2450. 1. A grant program is hereby established
85 under sections 620.2450 to 620.2458 to award grants to
86 applicants who seek to expand access to broadband internet
87 service in unserved and underserved areas of the state. The
88 department of economic development shall administer and act
89 as the fiscal agent for the grant program and shall be
90 responsible for receiving and reviewing grant applications
91 and awarding grants under sections 620.2450 to 620.2458.

92 Funding for the grant program established under this section
93 shall be subject to appropriation by the general assembly.

94 2. Any funds allocated by the state of Missouri for
95 the purposes of the construction of broadband infrastructure
96 shall be distributed by the state subject to the provisions
97 of this grant program unless the provisions of sections
98 620.2450 to 620.2458 would be out of compliance with any
99 regulations placed on the receipt of such funds and would
100 thus prohibit the expenditure of such funds.

101 3. As used in sections 620.2450 to 620.2458, the
102 following terms shall mean:

103 (1) "Underserved area", a project area without access
104 to wireline or fixed wireless broadband internet service of
105 speeds of at least twenty-five megabits per-second download
106 and three megabits per-second upload;

107 (2) "Unserved area", a project area without access to
108 wireline or fixed wireless broadband internet service of
109 speeds of at least ten megabits per-second download and one
110 megabit per-second upload.

111 620.2456. 1. The department of economic development
112 shall not award any grant to an otherwise eligible grant
113 applicant where funding from the Connect America Fund [has]
114 or Rural Digital Opportunity Funds have been awarded, where
115 high-cost support from the federal Universal Service Fund
116 has been received by rate of return carriers, or where any
117 other federal funding has been awarded which did not require
118 any matching-fund component, for any portion of the proposed
119 project area, nor shall any grant money be used to serve any
120 retail end user that already has access to wireline or fixed
121 wireless broadband internet service of speeds of at least
122 twenty-five megabits per-second download and three megabits
123 per-second upload.

124 2. No grant awarded under sections 620.2450 to
125 620.2458, when combined with any federal, state, or local
126 funds, shall fund more than fifty percent of the total cost
127 of a project.

128 3. No single project shall be awarded grants under
129 sections 620.2450 to 620.2458 whose cumulative total exceeds
130 five million dollars.

131 4. The department of economic development shall
132 endeavor to award grants under sections 620.2450 to 620.2458
133 to qualified applicants in all regions of the state.

134 5. An award granted under sections 620.2450 to
135 620.2458 shall not:

- 136 (1) Require an open access network;
137 (2) Impose rates, terms, and conditions that differ
138 from what a provider offers in other areas of its service
139 area;
140 (3) Impose any rate, service, or any other type of
141 regulation beyond speed requirements set forth in section
142 620.2451; or

143 (4) Impose an unreasonable time constraint on the time
144 to build the service.

145 6. If a grant recipient fails to establish the speed
146 requirements set forth in section 620.2451, then the grant
147 recipient shall return all grant moneys to the department.

148 620.2460. 1. No federal funds received by the state,
149 political subdivision, city, town, or village through the
150 American Recovery Plan or any other federally passed COVID-
151 19 Relief legislation shall be expended for the construction
152 of broadband internet infrastructure unless the project to
153 be constructed is located in an "unserved area" or
154 "underserved area" as such terms are described in section
155 620.2450 and such project will provide broadband internet
156 service to customers at speeds of at least twenty-five
157 megabits per-second download and three megabits per-second
158 upload and must be scalable to higher speeds.

159 2. Prior to a political subdivision, city, town, or
160 village authorizing an expenditure for the construction of
161 broadband infrastructure, the office of broadband
162 development shall certify the project is located within an
163 "unserved area" or "underserved area" as such terms are
164 described in section 620.2450.

165 3. When the office of broadband development receives a
166 request from a political subdivision, city, town, or village
167 to certify a project is in an "underserved area" or
168 "unserved area" as such terms are described in section
169 620.2450, the office shall notify each internet service
170 provider that offers service within the census block the
171 project is being constructed prior to the certification of
172 the project.

173 4. A broadband internet service provider that provides
174 existing service within the census block the project is
175 located may submit to the department of economic

development, within forty-five days of notification by the office of broadband development, a written challenge to an application. Such challenge shall contain information demonstrating that:

(1) The provider currently provides broadband internet service to retail customers within the proposed unserved or underserved area;

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

(3) The provider has been designated funding through federal programs to support the deployment or expansion of broadband networks in the proposed unserved or underserved area.

5. Within three business days of the submission of a written challenge, the department of economic development shall notify the political subdivision, municipality, town, or village.

6. The department of economic development shall evaluate each challenge submitted under this section. If the department determines the challenge to be valid, the project shall not be considered to be in an "unserved area" or "underserved area" the expenditure by the political subdivision, municipality, town, or village shall be prohibited. However, an area shall be considered an unserved or underserved area if the federal funding award supporting a challenge under paragraph (3) of subsection 4 is forfeited or upon disqualification of the recipient entity awarded federal funding for that geographic area."; and

Further amend the title and enacting clause accordingly.