

# 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

27 burn ban. The county burn ban may prohibit the explosion or  
28 ignition of any missile or skyrocket as the terms "missile"  
29 and "skyrocket" are defined by the 2012 edition of the  
30 American Fireworks Standards Laboratory, but shall not ban  
31 the explosion or ignition of any other consumer fireworks as  
32 the term "consumer fireworks" is defined under section  
33 320.106.

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

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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

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

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

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

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

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

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

207 Further amend the title and enacting clause accordingly.