

By: Representatives Bounds, Stamps

To: Public Utilities;
Appropriations

HOUSE BILL NO. 1029
(As Passed the House)

1 AN ACT TO CREATE THE MISSISSIPPI BROADBAND ACCESSIBILITY ACT;
2 TO PROVIDE FOR LEGISLATIVE FINDINGS; TO PROVIDE DEFINITIONS; TO
3 CREATE THE MISSISSIPPI BROADBAND COMMISSION; TO PROVIDE FOR THE
4 APPOINTMENT AND TERMS OF THE COMMISSIONERS; TO PROVIDE FOR THE
5 COMMISSION TO APPOINT AN EXECUTIVE DIRECTOR; TO PROVIDE FOR THE
6 EXECUTIVE DIRECTOR'S POWERS AND DUTIES; TO CREATE THE MISSISSIPPI
7 BROADBAND ACCESSIBILITY FUND; TO PROVIDE THAT THE COMMISSION SHALL
8 ESTABLISH AND ADMINISTER THE BROADBAND ACCESSIBILITY GRANT
9 PROGRAM; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 SECTION 1. This act shall be known and may be cited as the
12 Mississippi Broadband Accessibility Act.

13 SECTION 2. The Legislature finds that the availability of
14 high-speed broadband Internet access services in the unserved
15 areas in the State of Mississippi is important for economic
16 development, education, health care and emergency services in the
17 state, and that the grants and other incentives set forth in this
18 act will further those objectives by encouraging new investment in
19 broadband infrastructure. Therefore, to expand broadband Internet
20 across the state and to ensure the State of Mississippi maximizes
21 the substantial amount of federal dollars available to the states,



22 the Legislature establishes the Mississippi Broadband Commission.
23 It will be the responsibility of the commission to secure and
24 administer federal grants, promulgate rules and regulations for
25 such grants, and determine the most efficient use of federal and
26 state dollars to maximize the distribution of broadband throughout
27 the State of Mississippi.

28 **SECTION 3.** For the purposes of this act, the following words
29 shall have the following meanings unless the context clearly
30 indicates otherwise:

31 (a) "Broadband Internet access service" means a
32 mass-market retail service by wire or radio provided to customers
33 in the State of Mississippi that provides the capability to
34 transmit data to, and receive data from, all or substantially all
35 Internet endpoints, including, but not limited to, any
36 capabilities that are incidental to and enable the operation of
37 the communications service, but excluding dial-up Internet access
38 service.

39 (b) "Commission" means the Mississippi Broadband
40 Commission created in Section 4 of this act.

41 **SECTION 4.** (1) There is created the Mississippi Broadband
42 Commission. The commission shall be charged with coordinating all
43 broadband expansion efforts on behalf of the state as well as
44 administering all federal broadband expansion programs. The
45 commission shall be funded through state appropriations and use
46 any available federal funds for the administration of broadband



47 grants and planning. The commission shall be composed of seven
48 (7) members with three (3) members appointed by the Governor and
49 four (4) members appointed by the Lieutenant Governor; however,
50 two (2) of the members appointed by the Lieutenant Governor shall
51 be upon recommendation of the Speaker of the House. The Governor
52 shall appoint one (1) member who is a resident from each of the
53 three (3) Supreme Court districts. The Lieutenant Governor shall
54 make one (1) appointment who is a resident from each of the four
55 (4) congressional districts, and the Speaker of the House's
56 recommendations shall be from the Second Congressional District
57 and Third Congressional District with the Lieutenant Governor's
58 other two (2) appointees being residents of the First
59 Congressional District and Fourth Congressional District.

60 (2) Of the initial appointees, the members' terms shall be
61 staggered as follows: one (1) term appointed by the Governor to
62 expire on December 31, 2023; one (1) term appointed by the
63 Governor to expire on December 31, 2024; one (1) term to be
64 appointed by the Governor to expire on December 31, 2025; one (1)
65 term to be appointed by the Lieutenant Governor to expire on
66 December 31, 2024; one (1) term to be appointed by the Lieutenant
67 Governor upon the recommendation of the Speaker of the House to
68 expire on December 31, 2024; one (1) term to be appointed by the
69 Lieutenant Governor to expire on December 31, 2025; and one (1)
70 term to be appointed by the Lieutenant Governor upon the
71 recommendation of the Speaker of the House to expire on December



72 31, 2025. After the expiration of the initial terms, members of
73 the board shall serve terms of five (5) years. No member shall
74 serve more than two (2) consecutive terms. Members may be removed
75 by the appointing public official for neglect of duty, misfeasance
76 or nonfeasance in office. Upon the initial appointment of a
77 majority of the commissioners, the Lieutenant Governor shall call
78 the first meeting of the commission within thirty (30) calendar
79 days, at which time the commission shall elect a chairman. Four
80 (4) members of the commission shall constitute a quorum. The
81 commission shall meet at such times as the chairman shall
82 determine, and shall also meet upon call of three (3) or more of
83 the commissioners. The commission shall annually elect a chairman
84 from among its members. The commission shall keep accurate and
85 complete records of all its meetings.

86 (3) Commissioners shall be entitled to per diem compensation
87 pursuant to Section 25-3-69 paid by the commission and shall be
88 reimbursed by the commission for necessary travel and other
89 reasonable expenses incurred in the performance of their official
90 duties. No commissioner shall be considered a public officer.

91 (4) The Department of Finance and Administration shall
92 provide the commission with conference and office space for
93 operations, initial staffing support and other ancillary costs
94 needed by the commission. Such costs shall be funded through
95 appropriations by the Legislature.



96 (5) The executive director of the commission shall be
97 appointed by the commission and must hold at least a bachelor's
98 degree and shall have a minimum of five (5) years' managerial
99 experience with a thorough knowledge of the
100 telecommunications/utility industry. The executive director shall
101 possess experience in reviewing and administering grant and/or
102 financial applications for the purpose of public projects. The
103 salary of the executive director shall be set by the State
104 Personnel Board and shall be comparable to salaries of those
105 holding similar positions in other state and federal agencies and
106 commensurate with the duties and responsibilities imposed on this
107 official position which affects the broad interests of the State
108 of Mississippi.

109 (6) The executive director shall have general charge of the
110 operations, necessary staffing and administration of the office.
111 It shall be the duty and responsibility of the executive director
112 to supervise and manage the personnel and formulate written
113 policies and procedures for the effective and efficient operation
114 thereof. In addition, the executive director may:

115 (a) Enter into contracts for services of, but not
116 limited to, legal, accounting and engineering; and

117 (b) Enter into agreements with other state agencies to
118 coordinate and share services, to conduct joint projects, and to
119 receive support and information.



120 (7) It shall be the duty and responsibility of the
121 commission and through the executive director to:

122 (a) Receive, administer and oversee all federal and any
123 applicable state grant programs with regard to broadband
124 deployment in and for the State of Mississippi, including, but not
125 limited to, Coronavirus Capitol Projects Fund established by
126 Section 604 of the Social Security Act, as added by Section 9901
127 of the American Rescue Plan Act of 2021, and the Broadband Equity,
128 Access and Deployment Program established by the Infrastructure
129 Investment and Jobs Act;

130 (b) Administer and oversee all federal and any
131 applicable state grant programs in accordance with the guidelines,
132 guidance, rules, regulations and/or other criteria, as may be
133 amended from time to time, by the appropriate federal or state
134 agency responsible for said grant program;

135 (c) If necessary and in accordance with the
136 Administrative Procedures Act develop rules and procedures for
137 federal and any applicable state grant programs and for
138 sub-grantees to receive funds from said grants;

139 (d) Coordinate all broadband expansion efforts on
140 behalf of the state to ensure an effective and efficient use of
141 broadband grants funds;

142 (e) To develop rules and procedures, in accordance with
143 the Administrative Procedures Act, to implement a competitive
144 statewide broadband grant program;



145 (f) Coordinate all information provided by broadband
146 Internet access service providers. All information provided by a
147 broadband Internet access service provider pursuant to this
148 chapter shall be presumed to be confidential, proprietary, and
149 subject to exemption from disclosure under state law and shall not
150 be subject to disclosure except in the form of a map where
151 information that could be used to determine provider-specific
152 information about the network of the broadband Internet access
153 services provider is not disclosed. Such provider-specific
154 information shall not be released to any person without express
155 permission of the submitting broadband Internet access service
156 provider. In no instance shall a broadband Internet access
157 service provider be required to provide any data beyond that which
158 it is required to provide to the Federal Communications Commission
159 pursuant to 47 USC Section 641 et seq.

160 **SECTION 5.** (1) There is created as a special fund in the
161 State Treasury the Mississippi Broadband Accessibility Fund. The
162 fund shall consist of any monies appropriated to the fund by the
163 Legislature for broadband deployment, monies received from the
164 federal government awarded to or allocated by the state for
165 broadband deployment, and any other monies received from any other
166 source, including transfers from other funds or accounts. All
167 unexpended and unencumbered monies in the fund at the end of the
168 fiscal year shall remain in the fund. Monies in the fund shall be
169 invested by the State Treasurer in the same manner as monies in



170 the State General Fund and interest earned on the investment of
171 those monies shall be credited to the fund. The fund shall be
172 audited annually by the State Auditor.

173 (2) The commission shall establish and administer the
174 broadband accessibility grant program for the purpose of promoting
175 the deployment and adoption of broadband Internet access services
176 to unserved areas. By August 1, 2022, the commission shall adopt
177 rules and procedures to administer the program and begin to accept
178 applications for grants, and shall adopt such rules as may be
179 necessary to meet the future needs of the grant program. An award
180 of funds must be issued by a competitive grant process. The grant
181 process shall be technology neutral and shall result in awards to
182 applicants that are eligible broadband Internet access service
183 providers proposing projects based on objective and efficient
184 measures and procedures.

185 **SECTION 6.** This act shall take effect and be in force from
186 and after July 1, 2022, and shall stand repealed from and after
187 June 30, 2022.

