

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Cmte Sub for House Bill No. 1029**

**BY: Representative Bounds**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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 and upgrade  
20        broadband Internet across the state and to ensure the State of



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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

