

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1471: BEAM; prohibit from accepting gifts or other benefits from any broadband service provider, vendor, or contractor.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

12 **SECTION 1.** Section 77-19-7, Mississippi Code of 1972, is
13 amended as follows:

14 77-19-7. (1) The Office of Broadband Expansion and
15 Accessibility of Mississippi (BEAM) shall serve as the state
16 broadband office to review applications and make determinations
17 and awards for projects to provide broadband access in unserved or
18 underserved areas using the BEAM Fund created pursuant to this
19 chapter.

20 (2) It shall be the duty and responsibility of BEAM to:

21 (a) Coordinate all broadband expansion and
22 accessibility efforts on behalf of the state to ensure an
23 effective and efficient use of broadband grant funds;

24 (b) Develop the plan and application for federal grant
25 programs and for sub-grantees to receive funds from said federal
26 grants;

27 (c) Develop rules and procedures, if necessary and in
28 accordance with the Administrative Procedures Act, to implement a
29 competitive statewide broadband grant program;

30 (d) Coordinate all information provided by broadband
31 service providers, including all broadband mapping efforts for the
32 state. All information provided by a broadband service provider
33 pursuant to this chapter shall be presumed to be confidential,
34 proprietary, and subject to exemption from disclosure under state
35 and federal law and shall not be subject to disclosure except in
36 the form of a map where information that could be used to
37 determine provider-specific information about the network of the
38 broadband service providers is not disclosed. Such
39 provider-specific information shall not be released to any person
40 without written permission of the submitting broadband service
41 provider. In no instance shall a broadband service provider be
42 required to provide any data beyond that which it is required to
43 provide to the Federal Communications Commission pursuant to 47
44 USC Section 641 et seq.; * * *

45 (e) Apply for and receive federal grants or funds,
46 including, but not limited to, Coronavirus Capital Projects Fund
47 established by Section 604 of the Social Security Act, as added by
48 Section 9901 of the American Rescue Plan Act of 2021, and the

49 Broadband Equity, Access and Deployment Program established by the
50 Infrastructure Investment and Jobs Act of 2021, and all other
51 federal broadband grant programs and any state support grant
52 programs * * *;and

53 (f) Grant final determinations of awards for projects
54 to provide broadband access in unserved or underserved areas, as
55 provided in subsection (1) of this section, no later than sixty
56 (60) days after publishing a preliminary determination of an award
57 on BEAM's website pursuant to this chapter, or thirty (30) days
58 after this law goes into effect, whichever is later, unless BEAM
59 determines that a proposed project includes an area where
60 broadband services currently are deployed, or where construction
61 of a network to deploy broadband service is underway by a provider
62 other than the applicant, or where construction is scheduled to be
63 completed within one (1) year after the date of application.

64 (3) To effectuate the purposes of this chapter, any
65 department, division, board, bureau, committee, institution or
66 agency of the state, or any political subdivision thereof, shall,
67 at the request of the Director of BEAM, provide the assistance,
68 information and data needed to enable BEAM to carry out its
69 duties.

70 (4) An officer or employee of BEAM shall not accept or
71 receive any gratuity, gift, gift in-kind, money, emolument, or any
72 other pecuniary benefit, either directly or indirectly, from any
73 broadband service provider, vendor, contractor, subcontractor,

74 nonprofit organization or association that does business with or
75 contracts with BEAM, or any designee, employee, agent, officer, or
76 representative of such broadband service provider, vendor,
77 contractor, subcontractor, nonprofit organization or association.
78 For purposes of this section, the term "emolument" includes
79 salary, donations, contributions, loans, stock tips, vacations and
80 trips.

81 (* * *5) There is created within the State Treasury the
82 "Broadband Expansion and Accessibility of Mississippi (BEAM) Fund"
83 for the purposes of the expansion and accessibility of broadband
84 in unserved and underserved areas. The fund shall consist of all
85 monies designated, accepted or appropriated by the State of
86 Mississippi for broadband deployment; all monies received from the
87 federal government awarded to or allocated by the state for
88 broadband deployment; and donations, gifts and monies received
89 from any other source, including transfers from other funds or
90 accounts. Disbursements from the fund shall be made by the
91 Department of Finance and Administration upon appropriation by the
92 Legislature in accordance with the provisions of this chapter.
93 All unexpended and unencumbered monies in the fund at the end of
94 the fiscal year shall remain in the fund. Monies in the fund
95 shall be invested by the State Treasurer in the same manner as
96 monies in the State General Fund and interest earned on the
97 investment of these monies shall be credited to the fund.

98 **SECTION 2.** This act shall take effect and be in force from
99 and after its passage.

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

1 AN ACT TO AMEND SECTION 77-19-7, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT ANY OFFICER OR EMPLOYEE OF THE OFFICE OF BROADBAND
3 EXPANSION AND ACCESSIBILITY OF MISSISSIPPI FROM ACCEPTING OR
4 RECEIVING, EITHER DIRECTLY OR INDIRECTLY, ANY GRATUITY, GIFT, GIFT
5 IN-KIND, MONEY, EMOLUMENT, OR ANY OTHER PECUNIARY BENEFIT FROM ANY
6 BROADBAND SERVICE PROVIDER, VENDOR, CONTRACTOR, OR SUBCONTRACTOR
7 THAT DOES BUSINESS WITH OR CONTRACTS WITH THE OFFICE; TO PROVIDE
8 CERTAIN REQUIREMENTS FOR FINAL DETERMINATIONS OF AWARDS FOR
9 PROJECTS TO PROVIDE BROADBAND ACCESS IN UNSERVED OR UNDERSERVED
10 AREAS; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)
Powell

X (SIGNED)
Carter

X (SIGNED)
Lancaster

X (SIGNED)
Williams

X (SIGNED)
Steverson

X (SIGNED)
McMahan