

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 108

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

0476S.03P

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapters 67 and 71, RSMo, by adding thereto two new sections relating to telecommunications.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 67 and 71, RSMo, are amended by adding
2 thereto two new sections, to be known as sections 67.2680 and
3 71.1000, to read as follows:

67.2680. The state or any other political subdivision
2 **shall not impose any new tax, license, or fee in addition to**
3 **any tax, license, or fee already authorized on or before**
4 **August 28, 2021, upon the provision of satellite or**
5 **streaming video service.**

71.1000. 1. Two or more municipalities may elect to
2 **form a broadband infrastructure improvement district for the**
3 **delivery of broadband internet service to the residents of**
4 **such municipality, which district shall be a body politic**
5 **and corporate.**

6 **2. A municipality electing to form a district under**
7 **this section shall submit to the eligible voters of each**
8 **such municipality a proposition at a general or special**

9 election of such municipality, in substantially the
10 following form:

11 "Shall the municipality of _____ enter into a
12 broadband infrastructure improvement district to
13 be known as _____?"

14 3. Additional municipalities may be admitted to the
15 district in the manner provided in subsection 8 of this
16 section.

17 4. A district created under this section shall have
18 the power to partner with a telecommunications company or
19 broadband service provider in order to construct or improve
20 telecommunications facilities which shall be wholly owned
21 and operated by the telecommunications company or broadband
22 service provider, as the terms "telecommunications company"
23 and "telecommunications facilities" are defined in section
24 386.020 and subject to the provisions of section 392.410,
25 that are in an unserved or underserved area, as defined in
26 section 620.2450, to the residents of the district. Before
27 any facilities are improved or constructed as a result of
28 this section, the area shall be certified as unserved or
29 underserved by the director of broadband development within
30 the department of economic development.

31 5. A district may finance the provision or expansion
32 of broadband internet service through grants, loans, bonds,
33 user fees, or a tax as set forth in subsection 6 of this
34 section.

35 6. (1) Any district may impose by resolution a sales
36 tax on all retail sales made in such district which are
37 subject to taxation pursuant to sections 144.010 to
38 144.525. The sales tax imposed pursuant to this subsection
39 shall not exceed one percent, except that such tax shall not

become effective unless the governing body of each municipality member of the district submits to the voters of such municipality at an election held on the first Tuesday after the first Monday in November of even-numbered years, a proposal to authorize the district to impose a tax under the provisions of this subsection. The tax authorized by this subsection shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used solely to provide broadband service to residents of the district. Such tax shall be stated separately from all other charges and taxes.

(2) The ballot shall be substantially in the following form:

"Shall the _____ (insert name of district) impose a district-wide sales tax at the rate of _____ (insert amount) for the purpose of providing broadband service to residents of the district?"

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon in each municipality are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon in any one municipality are opposed to the question, then the governing body for the district shall

70 have no power to impose the tax authorized by this
71 subsection.

72 (3) The director of the department of revenue shall
73 collect any tax adopted pursuant to this section pursuant to
74 section 32.087.

75 7. (1) The district governing board shall be composed
76 of at least one representative from each member, but in no
77 case shall there be less than four representatives.

78 (2) Annually, on or before the last Monday in April
79 commencing in the year following the effective date of the
80 district's creation, the local governing body of each member
81 shall appoint a representative to the district governing
82 board for three-year terms. The local governing body of a
83 member, by majority vote, may replace its appointed
84 representative at any time.

85 (3) For the purpose of transacting business, the
86 presence of representatives representing more than fifty
87 percent of district members shall constitute a quorum. Any
88 action adopted by a majority of the votes cast at a meeting
89 of the governing board at which a quorum is present shall be
90 the action of the board.

91 (4) Each district member's representative shall be
92 entitled to cast one vote.

93 (5) Unless replaced as provided in subdivision (2) of
94 this subsection, a representative on the governing board
95 shall hold office until his or her successor is duly
96 appointed. Any representative may be reappointed to
97 successive terms without limit.

98 (6) Any vacancy on the board shall be filled within
99 thirty days after such vacancy occurs by appointment of the
100 local governing body which appointed the representative
101 whose position has become vacant. An appointee to a vacancy

shall serve until the expiration of the term of the representative whose position to the appointment was made and may thereafter be reappointed.

(7) Each district member may reimburse its representative to the governing board for expenses as it determines reasonable.

(8) (a) The officers of the district shall be the chair and the vice chair of the board, the clerk of the district, and the treasurer of the district.

(b) The chair shall preside at all meetings of the board and shall make and sign all contracts on behalf of the district upon approval by the board. The chair shall perform all duties incident to the position and office.

(c) During the absence of or inability of the chair to render or perform his or her duties or exercise his or her powers, the same shall be performed and exercised by the vice chair and when so acting, the vice chair shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the chair.

(d) During the absence or inability of the vice chair to render or perform his or her duties or exercise his or her powers, the board shall elect from among its membership an acting vice chair who shall have the powers and be subject to all the responsibilities hereby given or imposed upon the vice chair.

(e) Upon the death, disability, resignation, or removal of the chair or vice chair, the board shall elect a successor to such vacant office until the next annual meeting.

(9) The board shall adopt bylaws for the regulation of its affairs and the conduct of its business.

133 8. (1) The board may authorize the inclusion of
134 additional district members in the broadband infrastructure
135 improvement district upon such terms and conditions as in
136 the board's sole discretion shall be deemed to be fair,
137 reasonable, and in the best interests of the district.

138 (2) Prior to applying for admission to a broadband
139 infrastructure improvement district, a municipality electing
140 to join a district shall submit to the eligible voters of
141 the municipality a proposition at a general or special
142 election of such municipality, in substantially the
143 following form:

144 "Shall the municipality of _____ join the
145 broadband infrastructure improvement district
146 known as _____?"

147 The local governing body of any nonmember municipality which
148 desires to be admitted to the district shall make
149 application for admission to the board after an affirmative
150 result from such election.

151 (3) The board shall determine the financial, economic,
152 governance, and operational effects that are likely to occur
153 if such municipality is admitted and thereafter either grant
154 or deny authority for admission of the petitioning
155 municipality. If the board grants such authority, it shall
156 also specify any terms and conditions, including financial
157 obligations, upon which such admission is predicated. Upon
158 resolution of the board, such applicant municipality shall
159 become a district member.

160 9. A district member may withdraw from the district in
161 the same manner as the vote for admission to the district
162 set forth in subsection 8 of this section.

163 10. Dissolution of a broadband infrastructure
164 improvement district created pursuant to this section shall
165 follow the procedures established in sections 67.950 and
166 67.955.

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