

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill No. 271, Page 7, Section 59.100, Line 15,

2 by inserting after all of said line the following:

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

8 71.1000. 1. Two or more municipalities may elect to
 9 form a broadband infrastructure improvement district for the
 10 delivery of broadband internet service to the residents of
 11 such municipality, which district shall be a body politic
 12 and corporate.

13 2. A municipality electing to form a district under
 14 this section shall submit to the eligible voters of each
 15 such municipality a proposition at a general or special
 16 election of such municipality, in substantially the
 17 following form:

18 "Shall the municipality of _____ enter into a
 19 broadband infrastructure improvement district to
 20 be known as _____?"

21 3. Additional municipalities may be admitted to the
 22 district in the manner provided in subsection 8 of this
 23 section.

24 4. A district created under this section shall have
 25 the power to partner with a telecommunications company or

26 broadband service provider in order to construct or improve
27 telecommunications facilities which shall be wholly owned
28 and operated by the telecommunications company or broadband
29 service provider, as the terms "telecommunications company"
30 and "telecommunications facilities" are defined in section
31 386.020 and subject to the provisions of section 392.410,
32 that are in an unserved or underserved area, as defined in
33 section 620.2450, to the residents of the district. Before
34 any facilities are improved or constructed as a result of
35 this section, the area shall be certified as unserved or
36 underserved by the director of broadband development within
37 the department of economic development.

38 5. A district may finance the provision or expansion
39 of broadband internet service through grants, loans, bonds,
40 user fees, or a tax as set forth in subsection 6 of this
41 section.

42 6. (1) Any district may impose by resolution a sales
43 tax on all retail sales made in such district which are
44 subject to taxation pursuant to sections 144.010 to
45 144.525. The sales tax imposed pursuant to this subsection
46 shall not exceed one percent, except that such tax shall not
47 become effective unless the governing body of each
48 municipality member of the district submits to the voters of
49 such municipality at an election held on the first Tuesday
50 after the first Monday in November of even-numbered years, a
51 proposal to authorize the district to impose a tax under the
52 provisions of this subsection. The tax authorized by this
53 subsection shall be in addition to any and all taxes imposed
54 by law, and the proceeds of such tax shall be used solely to
55 provide broadband service to residents of the district.
56 Such tax shall be stated separately from all other charges
57 and taxes.

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

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

65 ☐ YES ☐ NO

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

69 If a majority of the votes cast on the question by the
 70 qualified voters voting thereon in each municipality are in
 71 favor of the question, then the tax shall become effective
 72 on the first day of the calendar quarter following the
 73 calendar quarter in which the election was held. If a
 74 majority of the votes cast on the question by the qualified
 75 voters voting thereon in any one municipality are opposed to
 76 the question, then the governing body for the district shall
 77 have no power to impose the tax authorized by this
 78 subsection.

79 (3) The director of the department of revenue shall
 80 collect any tax adopted pursuant to this section pursuant to
 81 section 32.087.

82 7. (1) The district governing board shall be composed
 83 of at least one representative from each member, but in no
 84 case shall there be less than four representatives.

85 (2) Annually, on or before the last Monday in April
 86 commencing in the year following the effective date of the
 87 district's creation, the local governing body of each member
 88 shall appoint a representative to the district governing
 89 board for three-year terms. The local governing body of a

90 member, by majority vote, may replace its appointed
91 representative at any time.

92 (3) For the purpose of transacting business, the
93 presence of representatives representing more than fifty
94 percent of district members shall constitute a quorum. Any
95 action adopted by a majority of the votes cast at a meeting
96 of the governing board at which a quorum is present shall be
97 the action of the board.

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

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

105 (6) Any vacancy on the board shall be filled within
106 thirty days after such vacancy occurs by appointment of the
107 local governing body which appointed the representative
108 whose position has become vacant. An appointee to a vacancy
109 shall serve until the expiration of the term of the
110 representative whose position to the appointment was made
111 and may thereafter be reappointed.

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

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

118 (b) The chair shall preside at all meetings of the
119 board and shall make and sign all contracts on behalf of the
120 district upon approval by the board. The chair shall
121 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.

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

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

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

154 The local governing body of any nonmember municipality which
155 desires to be admitted to the district shall make
156 application for admission to the board after an affirmative
157 result from such election.

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

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

170 10. Dissolution of a broadband infrastructure
171 improvement district created pursuant to this section shall
172 follow the procedures established in sections 67.950 and
173 67.955."; and

174 Further amend the title and enacting clause accordingly.