

# 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.

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

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

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

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

140           8. (1) The board may authorize the inclusion of  
 141 additional district members in the broadband infrastructure  
 142 improvement district upon such terms and conditions as in  
 143 the board's sole discretion shall be deemed to be fair,  
 144 reasonable, and in the best interests of the district.

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

151           "Shall the municipality of \_\_\_\_\_ join the  
 152 broadband infrastructure improvement district  
 153 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.