

HOUSE BILL NO. 2353

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

4791H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to broadband infrastructure improvement districts.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.485, to read as follows:

67.485. 1. Two or more political subdivisions may elect to form a broadband infrastructure improvement district for the delivery of broadband internet service to the residents of such political subdivisions. The authority under this section shall be in addition to the authority given to municipalities to form a broadband infrastructure improvement district under section 71.1000. The district shall be a body politic and corporate.

2. A political subdivision that elects to form or join a broadband infrastructure improvement district shall submit to the eligible voters of the political subdivision a proposition at a regular or special election, in substantially the following form:

Shall _____ (insert name of the political subdivision) enter into a broadband infrastructure improvement district to be known as _____?

If a majority of votes cast on the proposition are in favor of the proposition, the political subdivision shall form or join the broadband infrastructure improvement district with other political subdivisions that approve the proposition. If a majority of votes cast on

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 **the proposition oppose the proposition, the political subdivision shall not form or join a**
18 **broadband infrastructure improvement district unless and until the proposition is**
19 **resubmitted to voters and voters approve the proposition.**

20 **3. A broadband infrastructure improvement district shall have the power to:**

21 **(1) Contract with a broadband internet service provider to provide broadband**
22 **internet service to the residents of the district; and**

23 **(2) Finance the provision or expansion of broadband internet service through**
24 **grants, loans, bonds, or user fees.**

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26 **A district shall not have the power to levy, assess, apportion, or collect any tax upon**
27 **property within the district nor upon any political subdivision that is part of the district.**

28 **4. (1) The district governing board shall be composed of at least one**
29 **representative from each political subdivision, but in no case shall there be fewer than**
30 **four representatives.**

31 **(2) Annually, on or before the last Monday in April, the governing body of each**
32 **political subdivision that is part of a district shall appoint representatives to the district**
33 **governing board for a one-year term. Each political subdivision shall appoint an equal**
34 **number of representatives. A representative shall hold office until his or her successor**
35 **is duly appointed or until the representative is recalled. The governing body of a**
36 **political subdivision, by majority vote, may recall and replace its representative at any**
37 **time. If a representative's position is vacated, the governing body of that**
38 **representative's political subdivision shall fill the vacancy within thirty days by**
39 **appointing a new representative who shall serve the remainder of the term. A**
40 **representative may be reappointed to successive terms without limit.**

41 **(3) For the purpose of transacting business, the presence of representatives**
42 **representing more than fifty percent of the political subdivisions that are part of the**
43 **district shall constitute a quorum. Any action adopted by a majority of the votes cast at**
44 **a meeting of the governing board at which a quorum is present shall be the action of the**
45 **board. Each representative shall be entitled to cast one vote.**

46 **(4) Each district political subdivision may reimburse its representative for**
47 **expenses as the political subdivision determines reasonable.**

48 **(5) (a) The officers of a district shall be the chair of the board, the vice chair of**
49 **the board, the clerk of the district, and the treasurer of the district.**

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

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

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

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

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

65 5. Additional political subdivisions may join a broadband infrastructure
66 improvement district. The board may offer admission to additional political
67 subdivisions upon such terms and conditions as the board deems fair, reasonable, and
68 in the best interests of the district. The governing body of any political subdivision that
69 desires to be admitted to the district shall apply for admission to the board. The board
70 shall determine the financial, economic, governance, and operational effects that are
71 likely to occur if such political subdivision is admitted and thereafter offer or deny
72 admission to the applicant political subdivision. If the board offers admission, it shall
73 specify any terms and conditions, including financial obligations, upon which the
74 admission is predicated. Upon resolution of the board, the applicant political
75 subdivision shall join the district.

76 6. A political subdivision may withdraw from a district in the same manner as a
77 political subdivision joining a district under subsection 5 of this section.

78 7. The dissolution of a broadband infrastructure improvement district shall
79 follow the procedures established under sections 67.950 and 67.955.

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