

SECOND REGULAR SESSION

SENATE BILL NO. 1059

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUMMEL.

Read 1st time February 28, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6699S.01I

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to a property tax for certain education broadcasting.

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 67.4600, to read as follows:

67.4600. 1. As used in this section, the following terms shall mean:

(1) "Commission", the governing body of the district;

(2) "District", the education and job training television broadcasting district created under this section;

(3) "Eligible city", any constitutional charter city not located within a county;

(4) "Eligible county", any constitutional charter county adjoining any eligible city;

(5) "Fund", the education and job training television broadcast fund created under subsection 3 of this section;

(6) "Member of the district", any eligible city or county that authorizes both the participation in the district and the imposition of a property tax under the provisions of this section.

2. (1) The governing body of any eligible city or eligible county, upon approval of a majority of the qualified voters of such county or city voting thereon, shall establish a district to be known as the "Education and Job Training Television Broadcasting District", which shall be a political subdivision of this state, and shall levy and collect a tax not to exceed eight cents per one hundred dollars of assessed valuation upon all taxable property within the county or city for the

22 general purpose of education and job training television
23 broadcasting. The property tax so levied shall be collected along with
24 all other county and city taxes in the manner provided by law, and
25 shall be in addition to all other property taxes imposed by law.

26 (2) The question of whether the district and tax authorized by
27 this section shall be formed and imposed shall be submitted to the
28 voters in substantially the following form:

29 Shall _____ (Name of county/city) levy a tax of _____ (Insert
30 amount) cents per each one hundred dollars of assessed valuation for
31 the purpose of education and job training television broadcasting, and
32 participate with another eligible political subdivision to create the
33 Education and Job Training Television Broadcasting District, which
34 will authorize the expenditure of the revenues created by the tax?

35 YES NO

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

39 The governing body of the city or county may place the ballot question
40 before qualified voters through ordinance, resolution, or other
41 appropriate means, and such governing bodies may place additional
42 language on the ballot to describe the use or allocation of the revenues
43 generated by the tax. The ballot question may also be placed before the
44 voters through petition to the election authorities of such eligible city
45 and eligible county by providing, not less than ninety days prior to the
46 proposed election date, a petition signed by the registered voters of
47 such eligible city and eligible county, of not less than one percent of
48 the number of votes cast in each jurisdiction at the most recent general
49 election for governor. The city or county election official shall give
50 legal notice at least sixty days prior to such election in at least two
51 newspapers that such proposition shall be submitted at the next
52 general or primary election or special election held for the submission
53 of the proposition. The resolution or proposition shall be printed on
54 the ballot and in the notice of election.

55 3. (1) If a majority of the votes cast on the proposal by the
56 qualified voters in an eligible city or eligible county voting thereon are
57 in favor of the proposal, then the district shall be deemed established

58 and the tax rate for such district shall be in effect. The revenue
59 received from the tax imposed under this section shall be deposited in
60 a special fund to be known as the "Education and Job Training
61 Television Broadcast Fund", which shall be established in the county or
62 city treasury. The district shall not be established and the tax shall not
63 be effective unless and until a proposition in substantially the form
64 required under this section is adopted by the voters of both an eligible
65 city and an eligible county. If the proposal fails to receive a majority
66 of the votes in favor of the proposal, such proposition shall not be
67 resubmitted at any election held within one year of the date of the
68 election in which the proposition was rejected. Any such resubmission
69 of such proposal shall comply with the provisions of this section.

70 (2) The results of an election held under the provisions of this
71 section shall be certified by the election officials of such city or county
72 to the governing body of such city or county not less than thirty days
73 after the day of the election. Upon certification of the results, the
74 governing body of such city or county may proceed with the
75 performance of all actions necessary and incidental to the participation
76 in the district.

77 (3) The administrative control and management of the fund and
78 all programs to be funded therefrom shall be carried out solely by the
79 commission appointed under subsection 4 of this section, provided that
80 the commission shall be subject to an annual audit by a certified public
81 accountant and shall require a similar annual audit of any recipient of
82 funds from the commission, and such audits shall be submitted
83 annually to the chief elected officer of each member of the district. The
84 commission shall use the fund to provide programs which will promote:

85 (a) Early childhood education programming;
86 (b) Elementary and secondary education programming;
87 (c) Adult education programming;
88 (d) Job training programming, which shall include programming
89 related or job training programs provided by federal, state, and local
90 governments, and nonprofit agencies; and

91 (e) Activities related to preparing citizens for furthering their
92 education and more fully participating in the economy of the region of
93 such eligible city and eligible county. Such activities shall not be
94 limited to traditional television broadcasting services, but may include

95 other forms of media, including, but not limited to, seminars,
96 professional training, research and development promoting
97 collaboration among public and nonprofit education, job training and
98 education providers, and similar or related activities that foster or
99 enhance job training or education at all levels.

100 No funds shall be used directly or indirectly for any political purpose.

101 (4) In providing services under subdivision (3) of this subsection,
102 the commission shall contract only with a nonprofit entity which is a
103 noncommercial television broadcast station licensed to serve the
104 metropolitan area of an eligible city and eligible county, and which:

105 (a) Under the rules and regulations of the Federal
106 Communications Commission in effect on March 29, 1990, is licensed by
107 the Federal Communications Commission as an NCE television
108 broadcast station;

109 (b) Is owned and operated by an organization exempt from
110 taxation under section 501(c)(3) of the Internal Revenue Code of 1986,
111 as amended, and is headquartered within the eligible city or eligible
112 county; and

113 (c) Is eligible to receive a community service grant, or any
114 successor grant, from the corporation for public broadcasting, or any
115 successor organization, on the basis of the formula set forth in section
116 396(k)(6)(B) of the Communications Act of 1934, as amended.

117 4. (1) The district shall be governed by the commission, which
118 shall be a body corporate and a political subdivision of the state, and
119 shall be composed of five members to be appointed as follows:

120 (a) Two persons to be appointed by the mayor of an eligible city;

121 (b) Two persons to be appointed by the chief elected official of
122 an eligible county; and

123 (c) One person to be appointed by the governor without the
124 advice and consent of the senate, and who shall serve as the
125 chairperson of the commission.

126 (2) Upon the organization of the commission, the terms of the
127 initial appointees shall be staggered such that appointees under
128 paragraph (a) of subdivision (1) of this subsection shall serve one and
129 three year terms, appointees under paragraph (b) of subdivision (1) of
130 this subsection shall serve two and four year terms, and the appointee
131 under paragraph (c) of subdivision (1) of this subsection shall serve a

132 four year term. Thereafter, the terms of the commissioners shall be
133 four years. Commissioners may be reappointed. Vacancies shall be
134 filled in the same manner as the original appointment was made.

135 (3) In addition to the chairperson of the commission, the
136 commission shall select annually from its membership a vice
137 chairperson and a treasurer. The treasurer shall be bonded in such
138 amounts as the commission may require.

139 (4) The commission may appoint such officers, agents, and
140 employees as it may require for the performance of its duties, and shall
141 determine the qualifications and duties and fix the compensation of
142 such officers, agents, and employees, provided that in no event shall the
143 commission expend more than two percent of the funds it receives in
144 any given year on operating expenses, exclusive of the cost of the
145 annual audit required under subsection 3 of this section.

146 (5) The commission shall fix the time and place at which its
147 meetings shall be held. Meetings shall be held within the district and
148 shall be open to the public and shall comply with the provisions of
149 chapter 610.

150 (6) A majority of the commissioners shall constitute a quorum for
151 the transaction of business. No action of the commission shall be
152 binding unless taken at a meeting at which at least a quorum is
153 present, and unless a majority of the commissioners present at such
154 meeting shall vote in favor thereof.

155 (7) Commissioners shall be subject to all provisions of all
156 applicable to conflicts of interest in any business transaction of the
157 district or commission. A commissioner shall disclose any conflict of
158 interest in writing to the other commissioners and shall abstain from
159 voting on any matter relating to such activity or such business
160 transaction.

161 (8) Commissioners shall have official immunity under the
162 common law for any action at law or equity, or other legal proceeding
163 against any commissioner relating to any act or omission of the
164 commissioner arising out of his or her performance of duties as a
165 commissioner. If any action at law or equity, or other legal proceeding,
166 shall be brought against any commissioner for any act or omission
167 arising out of the performance of duties as a commissioner, the
168 commissioner shall be indemnified in whole and held harmless by the

169 **commission for any judgment or decree entered against the**
170 **commissioner, and shall be defended at the expense of the commission**
171 **in any such proceeding.**

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