

# HOUSE BILL NO. 735

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

1478H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 71, 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 71, RSMo, is amended by adding thereto one new section, to be known as section 71.1000, to read as follows:

**71.1000. 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 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 the proposition oppose the proposition, the political subdivision shall not form or join a broadband infrastructure improvement district unless and until the proposition is resubmitted to voters and voters approve the proposition.**

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

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.

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

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

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

25           **4. (1) The district governing board shall be composed of at least one representative**  
26 **from each political subdivision, but in no case shall there be fewer than four**  
27 **representatives.**

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

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

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

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

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

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

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

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

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

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

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

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

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