

# HOUSE BILL NO. 2714

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BUTLER.

6722H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 67, RSMo, by adding thereto six new sections relating to the education and job training television broadcasting district act.

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

Section A. Chapter 67, RSMo, is amended by adding thereto six new sections, to be known as sections 67.1780, 67.1781, 67.1782, 67.1783, 67.1784, and 67.1785, to read as follows:

**67.1780. Sections 67.1780 to 67.1785 shall be known and may be cited as the "Education and Job Training Television Broadcasting District Act".**

**67.1781. As used in sections 67.1780 to 67.1785, the following terms mean:**

**(1) "Commission", the governing body of the district as created under section 67.1785;**

**(2) "Eligible city", any city not within a county;**

**(3) "Eligible county", any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;**

**(4) "District", the education and job training television broadcasting district created under section 67.1785;**

**(5) "Member of the district", any eligible city or county, that authorizes the property tax;**

**(6) "Property tax", the tax authorized under section 67.1782.**

**67.1782. 1. The governing body of an eligible city or eligible county, upon approval of a majority of the qualified voters of such county or city voting thereon, may levy and**

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.

3 collect a tax not to exceed eight cents per one hundred dollars of assessed valuation on all  
4 taxable property within the county or city for the purposes under this section.

5 2. The tax shall be collected along with other taxes of the county or city, in the  
6 manner provided by law, and shall be in addition to all other property taxes imposed by  
7 law. The proceeds of such tax shall be deposited in dedicated funds known as the  
8 "Education and Job Training Television Broadcast Fund", which each treasurer of an  
9 eligible city and eligible county shall create.

10 3. The commission shall use the moneys in the education and job training television  
11 broadcast funds to provide or promote:

12 (1) Adult education programming;

13 (2) Early childhood education programming;

14 (3) Elementary and secondary education programming;

15 (4) Job training programming; and

16 (5) Other programming related to preparing citizens for furthering their education  
17 and more fully participating in the economy of the region of such eligible city and such  
18 eligible county.

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20 Such programming may be sourced from federal, state, or local governments and  
21 not-for-profit agencies. Such programming need not be limited to traditional television  
22 broadcasting services and may include other forms of media including, but not limited to,  
23 seminars, professional training, or related activities that foster or enhance job training or  
24 education at any level.

25 4. No funds in the education and job training television broadcast fund shall be  
26 used, directly or indirectly, for any political purpose.

27 5. To provide such programming, the commission shall only contract with a  
28 not-for-profit entity that is a noncommercial television broadcast station licensed to serve  
29 area of the eligible city and eligible county and that is:

30 (1) Licensed by the Federal Communications Commission as an noncommercial  
31 educational television broadcast station;

32 (2) Owned and operated by a nonprofit corporation organized under 26 U.S.C.  
33 Section 501(c)(3);

34 (3) Headquartered within the district; and

35 (4) Eligible to receive a community service grant, or any successor grant thereto,  
36 from the Corporation for Public Broadcasting, or any successor organization thereto, on  
37 the basis of the formula under 47 U.S.C. Section 396(k)(6)(B).

67.1783. 1. The governing body of an eligible city or eligible county may submit a question to voters through ordinance, resolution, or other appropriate legal action. The question may also be submitted to voters by petition if, no later than ninety days before the proposed election date, a petition signed by registered voters of such eligible city or such eligible county, with the number of signatures equaling at least one percent of the number of votes cast in each of such city or county's jurisdictions at the most recent general election for governor, is submitted to the local election authority.

2. The election official of the eligible city or eligible county shall, no sooner than sixty days prior to the election, publish notice of the question in at least two newspapers and include the language of the question in such notice.

3. The question of whether the property tax shall be imposed shall be submitted to the voters in substantially the following form. However, the question may include additional language to describe the use or allocation of the funds:

Shall \_\_\_\_\_ (insert name of county/city) levy a tax of \_\_\_\_\_ (insert tax rate) cents per each one hundred dollars assessed valuation whose revenues will be used to create an Education and Job Training Television Broadcasting District in partnership with \_\_\_\_\_ (insert name of county/city)?

YES       NO

If a majority of votes cast on the question are for adoption of the property tax, the district shall be established, and the property tax shall take effect on the following January first. If a majority of votes cast on the question are against adoption of the property tax, the property tax shall not take effect, and such question shall not be submitted again to voters for at least one year.

4. The election official of the eligible city or eligible county shall certify results to the governing body of such city or county no later than thirty days after the election. Upon certification of the results, the governing body of such city or county may proceed with the performance of all things necessary and incidental to participation in the district.

5. No district shall be established and no property tax levied unless and until a question under this section is adopted by the voters of both an eligible city and an eligible county.

67.1784. The administrative control and management of the moneys in the education and job training television broadcast funds and all programs funded therefrom shall rest solely with the commission. The commission shall be subject to an annual audit by a certified public accountant and shall require a similar annual audit of any recipient

5 of funding received from the commission. The results of each annual audit shall be  
6 provided to the chief elected officer of each political body represented on the commission.

2 67.1785. 1. Upon voter approval of the property tax in both an eligible city and  
3 eligible county, such eligible city and eligible county shall create the "Education and Job  
4 Training Television Broadcasting District". The district shall be a political subdivision of  
5 this state and be composed of the eligible city and eligible county.

6 2. The district shall be governed by the commission, which shall be a body  
7 corporate and politic and a political subdivision of this state and shall be composed of the  
8 following members:

9 (1) Two persons appointed by the mayor of an eligible city;

10 (2) Two persons appointed by the chief elected official of an eligible county; and

11 (3) One person appointed by the governor, without the advice and consent of the  
12 senate, who shall serve as chairperson.

13 3. Terms of commissioners shall be four years. However, the terms of the initial  
14 commissioners shall be staggered as follows:

15 (1) One appointee of the mayor of an eligible city shall serve a one-year term;

16 (2) One appointee of the mayor of an eligible city shall serve a three-year term;

17 (3) One appointee of the chief elected official of an eligible county shall serve a two-  
18 year term; and

19 (4) One appointee of the chief elected official of an eligible county shall serve a  
20 four-year term.

21 4. Commissioners may be reappointed. Vacancies shall be filled in the same  
22 manner as the original appointment was made for the vacant seat.

23 5. The commission shall select annually, from its membership, a vice chairperson  
24 and a treasurer. The treasurer shall be bonded in such amounts as the commission may  
25 require.

26 6. The commission may appoint such officers, agents, and employees as it deems  
27 necessary to perform its duties and shall determine the qualifications and duties and fix  
28 the compensation of such officers, agents, and employees. However, the commission shall  
29 not expend more than two percent of the moneys it receives in any given year on operating  
30 expenses, excluding the cost of its annual audit.

31 7. The commission shall fix the time and place of its meetings. Meetings shall be  
32 held within the district and shall be open to the public. Public notice shall be given of all  
33 meetings, and the commission shall be in compliance with the open meeting laws of the  
state at all times.

34           **8. A majority of the commissioners shall constitute, in the aggregate, a quorum for**  
35 **the transaction of business. No action of the commission shall be binding unless taken at**  
36 **a meeting at which at least a quorum is present and a majority of the commissioners**  
37 **present vote in favor thereof.**

38           **9. The commissioners shall be subject to the provisions of the conflicts of interest**  
39 **laws. A commissioner shall disclose any conflict of interest in writing to the commission**  
40 **and shall abstain from voting on any matter relating to such conflict.**

41           **10. Commissioners shall enjoy official immunity under the common law for any**  
42 **action at law or equity, or other legal proceeding against any commissioner relating to any**  
43 **act or omission of the commissioner arising out of his or her performance of duties as**  
44 **commissioner. If any action at law or equity, or other legal proceeding, shall be brought**  
45 **against any commissioner for any act or omission arising out of the performance of duties**  
46 **as a commissioner, the commissioner shall be indemnified in whole and held harmless by**  
47 **the commission for any judgment or decree entered against the commissioner and shall be**  
48 **defended at the cost of expense of the commission in any such proceeding.**

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