

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 592, Page 4,
2 Section 65.620, Line 31, by inserting the following after all of said line:

3
4 "67.4600. 1. As used in this section, the following terms mean:

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

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

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

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

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

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

14 2. (1) The governing bodies of an eligible city and eligible county, upon approval of a
15 majority of the qualified voters of such city and county voting thereon, shall establish a district to be
16 known as the "Education and Job Training Television Broadcasting District", which shall be a
17 political subdivision of this state and shall levy and collect a tax not to exceed eight cents per one
18 hundred dollars of assessed valuation upon all taxable property within the district for the general
19 purpose of education and job training television broadcasting. The property tax so levied shall be
20 collected along with all other city or county taxes in the manner provided by law and shall be in
21 addition to all other property taxes imposed by law.

22 (2) The question of whether the district shall be formed and the tax authorized under this
23 section shall be imposed shall be submitted to the voters in substantially the following form:

24
25 Shall the City of _____ (insert name of eligible city) and the County of _____ (insert name of
26 eligible county) levy a tax of _____ (insert rate) cents per each one hundred dollars of assessed
27 valuation for the purpose of education and job training television broadcasting, and shall the City of
28 _____ (insert name of eligible city) and the County of _____ (insert name of eligible county)
29 create the Education and Job Training Television Broadcasting District, which will manage the
30 revenues created by the tax?

31
32 ☐ YES ☐ NO

33
34 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to
35 the question, place an "X" in the box opposite "NO".

36 The governing bodies of the eligible city and eligible county may place the ballot question before

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1 qualified voters through ordinance, resolution, or other appropriate means, and such governing
2 bodies may place additional language on the ballot to describe the use or allocation of the revenues
3 generated by the tax. The ballot question may also be placed before the voters through petition to
4 the election authorities of such eligible city and eligible county by providing, no later than ninety
5 days prior to the proposed election date, a petition signed by the registered voters of such eligible
6 city and eligible county, of not less than one percent of the number of votes cast in each jurisdiction
7 at the most recent general election for governor. The eligible city and eligible county election
8 officials shall give legal notice at least sixty days prior to such election in at least two newspapers
9 that such proposition shall be submitted at the next general or primary election or special election
10 held for the submission of the proposition. The resolution or proposition shall be printed on the
11 ballot and in the notice of election.

12 3. (1) If a majority of the votes cast on the proposal by the qualified voters in the eligible
13 city and a majority of the votes cast on the proposal by the qualified voters in the eligible county
14 voting thereon are in favor of the proposal, the district shall be deemed established and the tax rate
15 for such district shall be in effect. The revenue received from the tax authorized under this section
16 shall be deposited in a special fund to be known as the "Education and Job Training Television
17 Broadcast Fund", which shall be established in the eligible city or eligible county treasury. The
18 district shall not be established and the tax shall not be effective unless and until a proposition in
19 substantially the form required under this section is adopted by the voters of both an eligible city
20 and an eligible county. If the proposal fails to receive a majority of the votes in favor of the
21 proposal in either an eligible city or an eligible county, such proposition shall not be resubmitted at
22 any election held within one year of the date of the election in which the proposition was rejected
23 within such city or county. Any such resubmission of such proposal shall comply with the
24 provisions of this section. If a majority of votes are in favor of the proposal in only the eligible city
25 or the eligible county, the proposal need not be resubmitted in such eligible city or eligible county
26 for ten years after the vote in favor of the proposal.

27 (2) The results of the question submitted to voters under this section shall be certified by the
28 election officials of such eligible city or eligible county to the governing body of such city or county
29 no later than thirty days after the day of the election. Upon certification of the results, the
30 governing body of such city or county may proceed with the performance of all actions necessary
31 and incidental to the participation in the district.

32 (3) The commission appointed under subsection 4 of this section shall have exclusive
33 administrative control and management of the fund and all programs to be funded therefrom. The
34 commission shall be subject to an annual audit by a certified public accountant and shall require a
35 similar annual audit of any recipient of funds from the commission. Such audits shall be submitted
36 annually to the chief elected officer of each member of the district. The commission shall use the
37 fund to provide programs solely within the district which shall promote:

- 38 (a) Early childhood education programming;
39 (b) Elementary and secondary education programming;
40 (c) Adult education programming;
41 (d) Job training programming, which shall include programming related or job training
42 programs provided by federal, state, or local governments or nonprofit agencies; and
43 (e) Activities related to preparing citizens for furthering their education and more fully
44 participating in the economy of the region of such eligible city and eligible county. Such activities
45 shall not be limited to traditional television broadcasting services but may include other forms of
46 media including, but not limited to, seminars, professional training, research and development
47 promoting collaboration among public and nonprofit education, job training and education
48 providers, and similar or related activities that foster or enhance job training or education at all

1 levels.

2
3 No funds shall be used directly or indirectly for any political purpose.

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

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

10 (b) Is owned and operated by an organization exempt from taxation under 26 U.S.C. Section
11 501(c)(3) and headquartered within the eligible city or eligible county; and

12 (c) Is eligible to receive a community service grant, or any successor grant, from the
13 Corporation for Public Broadcasting, or any successor organization, on the basis of the formula set
14 forth in 47 U.S.C. Section 396(k)(6)(B).

15 4. (1) The district shall be governed by a commission, which shall be a body corporate and
16 a political subdivision of the state and shall be composed of five members appointed as follows:

17 (a) Two persons appointed by the mayor of an eligible city;

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

19 (c) One person appointed by the governor, without the advice and consent of the senate,
20 who shall serve as the chairperson of the commission.

21 (2) Upon the organization of the commission, the terms of the initial appointees shall be
22 staggered such that:

23 (a) Of the appointees under paragraph (a) of subdivision (1) of this subsection, one shall
24 serve one year and one shall serve three years;

25 (b) Of the appointees under paragraph (b) of subdivision (1) of this subsection, one shall
26 serve two years and one shall serve four years; and

27 (c) The appointee under paragraph (c) of subdivision (1) of this subsection shall serve four
28 years.

29
30 Thereafter, the terms of the commissioners shall be four years. Commissioners may be reappointed.
31 Vacancies shall be filled in the same manner as the original appointment was made.

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

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

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

43 (6) A majority of the commissioners shall constitute a quorum for the transaction of
44 business. No action of the commission shall be binding unless taken at a meeting at which a
45 quorum is present and a majority of the commissioners present at such meeting vote in favor
46 thereof.

47 (7) Commissioners shall be subject to all provisions applicable to conflicts of interest in any
48 business transaction of the district or commission. A commissioner shall disclose any conflict of

1 interest in writing to the other commissioners and shall abstain from voting on any matter relating to
 2 such activity or such business transaction.

3 (8) Commissioners shall have official immunity under the common law for any action at
 4 law or equity, or other legal proceeding, against any commissioner relating to any act or omission of
 5 the commissioner arising out of his or her performance of duties as a commissioner. If any action at
 6 law or equity, or other legal proceeding, shall be brought against any commissioner for any act or
 7 omission arising out of the performance of duties as a commissioner, the commissioner shall be
 8 indemnified in whole and held harmless by the commission for any judgment or decree entered
 9 against the commissioner and shall be defended at the expense of the commission in any such
 10 proceeding.

11 5. The governing bodies of a member of the district that adopts the sales tax authorized
 12 under this section shall submit the question of whether to continue the tax to the voters ten years
 13 from the date of the implementation of the tax and every ten years thereafter on a date available for
 14 elections for the city. The ballot language shall be in substantially the following form:

15
 16 Shall the City of _____ (insert name of eligible city) and the County of _____ (insert name of
 17 eligible county) continue collecting a tax of _____ (insert rate) cents per each one hundred dollars
 18 of assessed valuation for the purpose of education and job training television broadcasting?
 19

20 ☐ YES ☐ NO
 21

22 If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to
 23 continuation, the repeal of the tax shall become effective on December thirty-first of the calendar
 24 year in which such continuation failed to be approved. If a majority of the votes cast on the
 25 question by the qualified voters voting thereon are in favor of continuation, the tax shall remain
 26 effective until the question is resubmitted under this subsection to the qualified voters and
 27 continuation fails to be approved by a majority of the qualified voters voting on the question."; and
 28

29 Further amend said bill by amending the title, enacting clause, and intersectional references
 30 accordingly.