

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1170
94TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 17, 2008, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4809S.06C

AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to the rebuild Missouri schools program, with an emergency clause.

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

Section A. Chapter 160, RSMo, is amended by adding thereto one new
2 section, to be known as section 160.459, to read as follows:

**160.459. 1. There is hereby established the "Rebuild Missouri
2 Schools Program" under which the state board of education shall
3 distribute no-interest funding to eligible school districts from moneys
4 appropriated by the general assembly to the rebuild Missouri schools
5 program fund for the purposes of this section to assist in paying the
6 costs of emergency projects.**

7 **2. As used in this section, the following terms mean:**

8 **(1) "Eligible school district", any public school district that has
9 one or more school facilities that have experienced severe damage or
10 destruction due to an act of God or extreme weather events, including
11 but not limited to tornado, flood, or hail;**

12 **(2) "Emergency project", reconstruction, replacement or
13 renovation of, or repair to, any school facilities located in an area that
14 has been declared a disaster area by the governor or President of the
15 United States because of severe damage;**

16 **(3) "Fund", the rebuild Missouri schools fund created by this
17 section and funded by appropriations of the general assembly;**

18 **(4) "Severe damage", such level of damage as to render all or a
19 substantial portion of a facility within a school district unusable for the
20 purpose for which it was being used immediately prior to the event**

21 that caused the damage.

22 3. Under rules and procedures established by the state board of
23 education, eligible school districts may receive moneys from the fund
24 to pay for the costs of one or more emergency projects.

25 4. Each eligible school district applying for such funding shall
26 enter into an agreement with the state board of education which shall
27 provide for all of the following:

28 (1) The funding shall be used only to pay the costs of an
29 emergency project;

30 (2) The eligible school district shall pay no interest for the
31 funding;

32 (3) The eligible school district shall, subject to annual
33 appropriation as provided in this section, repay the amount of the
34 funding to the fund in annual installments, which may or may not be
35 equal in amount, not more than twenty years from the date the funding
36 is received by the eligible school district. If the fund is no longer in
37 existence, the eligible school district shall repay the amount of the
38 funding to the general revenue fund;

39 (4) The repayment described in subdivision (3) of this subsection
40 shall annually be subject to an appropriation by the board of education
41 of the eligible school district to make such repayment, such
42 appropriation to be, at the discretion of the eligible school district,
43 from such district's incidental fund or capital projects fund;

44 (5) As security for the repayment, a pledge from the eligible
45 school district to the state board of education of the use and occupancy
46 of the school facilities constituting the emergency project for a period
47 ending not earlier than the date the repayment shall be completed; and

48 (6) Such other provisions as the state board of education shall
49 provide for in its rules and procedures or as to which the state board
50 of education and the eligible school district shall agree.

51 5. The amount of funding awarded by the state board of
52 education for any emergency project shall not exceed the cost of that
53 emergency project less the amount of any insurance proceeds or other
54 moneys received by the eligible school district as a result of the severe
55 damage. If the eligible school district receives such insurance proceeds
56 or other moneys after it receives funding under the rebuild Missouri
57 schools program, it shall pay to the state board of education the

58 amount by which the sum of the funding under the rebuild Missouri
59 schools program plus the insurance proceeds and other moneys exceeds
60 the cost of the emergency project. Such payment shall:

61 (1) Be made at the time the annual payment under the agreement
62 is made;

63 (2) Be made whether or not the eligible school district has made
64 an appropriation for its annual payment;

65 (3) Be in addition to the annual payment; and

66 (4) Not be a credit against the annual payment.

67 6. Repayments from eligible school districts shall be paid into
68 the fund so long as it is in existence and may be used by the state board
69 of education to provide additional funding under the rebuild Missouri
70 schools program. If the fund is no longer in existence, repayments shall
71 be paid to the general revenue fund.

72 7. The funding provided for under the rebuild Missouri schools
73 program, and the obligation to repay such funding, shall not be taken
74 into account for purposes of any constitutional or statutory debt
75 limitation applicable to an eligible school district.

76 8. The state board of education shall establish procedures,
77 criteria, and deadlines for eligible school districts to follow in applying
78 for assistance under this section. The state board of education shall
79 promulgate rules and regulations necessary to implement this section.
80 No regulations, procedures, or deadline shall be adopted by the state
81 board of education that would serve to exclude or limit any public
82 school district that received severe damage after April 1, 2006, from
83 participation in the program established by this section. Any rule or
84 portion of a rule, as that term is defined in section 536.010, RSMo, that
85 is created under the authority delegated in this section shall become
86 effective only if it complies with and is subject to all of the provisions
87 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
88 section and chapter 536, RSMo, are nonseverable and if any of the
89 powers vested with the general assembly pursuant to chapter 536,
90 RSMo, to review, to delay the effective date, or to disapprove and annul
91 a rule are subsequently held unconstitutional, then the grant of
92 rulemaking authority and any rule proposed or adopted after August
93 28, 2008, shall be invalid and void.

94 9. There is hereby created in the state treasury the "Rebuild

95 Missouri Schools Fund", which shall consist of money appropriated or
96 collected under this section. The state treasurer shall be custodian of
97 the fund and may approve disbursements from the fund in accordance
98 with sections 30.170 and 30.180, RSMo. Upon appropriation, money in
99 the fund shall be used solely for the purposes of this section. Any
100 moneys remaining in the fund at the end of the biennium shall revert
101 to the credit of the general revenue fund. The state treasurer shall
102 invest moneys in the fund in the same manner as other funds are
103 invested. Any interest and moneys earned on such investments shall be
104 credited to the fund.

105 10. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

106 (1) The provisions of the new program authorized under this
107 section shall sunset automatically six years after the effective date of
108 this section unless reauthorized by an act of the general assembly; and

109 (2) If such program is reauthorized, the program authorized
110 under this section shall sunset automatically twelve years after the
111 effective date of the reauthorization of this section; and

112 (3) This section shall terminate on September first of the
113 calendar year immediately following the calendar year in which the
114 program authorized under this section is sunset.

Section B. Because of the importance of providing suitable and permanent
2 school facilities for students, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

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