

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 366

AN ACT

To repeal sections 33.080 and 360.045, RSMo, and to enact in lieu thereof three new sections relating to rebuilding damaged infrastructure, with an existing penalty provision and an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 33.080 and 360.045, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as
3 sections 33.080, 33.295, and 360.045, to read as follows:

4 33.080. 1. All fees, funds and moneys from whatsoever
5 source received by any department, board, bureau, commission,
6 institution, official or agency of the state government by virtue
7 of any law or rule or regulation made in accordance with any law,
8 excluding all funds received and disbursed by the state on behalf
9 of counties and cities, towns and villages shall, by the official
10 authorized to receive same, and at stated intervals of not more
11 than thirty days, be placed in the state treasury to the credit
12 of the particular purpose or fund for which collected, and shall
13 be subject to appropriation by the general assembly for the
14 particular purpose or fund for which collected during the
15 biennium in which collected and appropriated. The unexpended
16 balance remaining in all such funds (except such unexpended
17 balance as may remain in any fund authorized, collected and
18 expended by virtue of the provisions of the constitution of this

1 state) shall at the end of the biennium and after all warrants on
2 same have been discharged and the appropriation thereof has
3 lapsed, be transferred and placed to the credit of the [ordinary]
4 general revenue fund of the state by the state treasurer. Any
5 official or any person who shall willfully fail to comply with
6 any of the provisions of this section, and any person who shall
7 willfully violate any provision hereof, shall be deemed guilty of
8 a misdemeanor; provided, that all such money received by the
9 curators of the University of Missouri except those funds
10 required by law or by instrument granting the same to be paid
11 into the seminary fund of the state, is excepted herefrom, and in
12 the case of other state educational institutions there is
13 excepted herefrom, gifts or trust funds from whatever source;
14 appropriations; gifts or grants from the federal government,
15 private organizations and individuals; funds for or from student
16 activities; farm or housing activities; and other funds from
17 which the whole or some part thereof may be liable to be repaid
18 to the person contributing the same; and hospital fees. All of
19 the above excepted funds shall be reported in detail quarterly to
20 the governor and biennially to the general assembly.

21 2. Notwithstanding any provision of law to the contrary
22 concerning the funds listed in subdivisions (1) to (3) of this
23 subsection, the amount specified for each fund listed in
24 subdivisions (1) to (3) of this subsection shall be transferred
25 and placed to the credit of the rebuild damaged infrastructure
26 fund created in section 33.295 on July 1, 2013. The funds
27 subject to the provisions of this subsection and the amount of
28 the transfer are as follows:

1 (1) Insurance dedicated fund established under section
2 374.150, ten million dollars;

3 (2) Lewis and Clark discovery fund established under
4 section 173.392, the balance in the fund on June 30, 2013;

5 (3) Department of revenue information fund established
6 under section 32.067, two hundred thousand dollars.

7 3. Notwithstanding any provision of law to the contrary
8 concerning the department of revenue information fund established
9 in section 32.067, two million eight hundred thousand dollars of
10 such fund shall be transferred and placed to the credit of the
11 general revenue fund of the state on July 1, 2013.

12 33.295. 1. There is hereby established the "Rebuild
13 Damaged Infrastructure Program" to provide funding for the
14 reconstruction, replacement, or renovation of, or repair to, any
15 infrastructure damaged by a presidentially declared natural
16 disaster in any home rule city with more than forty-seven
17 thousand but fewer than fifty-two thousand inhabitants and
18 partially located in any county of the first classification with
19 more than one hundred fifteen thousand but fewer than one hundred
20 fifty thousand inhabitants, including, but not limited to, the
21 physical components of interrelated systems providing essential
22 commodities and services to the public which includes
23 transportation, communication, sewage, water, and electric
24 systems as well as public elementary and secondary school
25 buildings.

26 2. There is hereby created in the state treasury the
27 "Rebuild Damaged Infrastructure Fund", which shall consist of
28 money appropriated or collected under this section. Any amount

1 to be transferred to the fund on July 1, 2013, pursuant to
2 subsection 2 of section 33.080 and subsection 2 of section
3 360.045, in excess of fifteen million dollars shall instead be
4 transferred to the state general revenue fund. The state
5 treasurer shall be custodian of the fund and may approve
6 disbursements from the fund in accordance with sections 30.170
7 and 30.180. Upon appropriation, money in the fund shall be used
8 solely for the purposes of this section. Any moneys remaining in
9 the fund at the end of the biennium shall revert to the credit of
10 the general revenue fund. The state treasurer shall invest
11 moneys in the fund in the same manner as other funds are
12 invested. Any interest and moneys earned on such investments
13 shall be credited to the fund.

14 3. The provisions of this section shall expire on June 30,
15 2014.

16 360.045. 1. The authority shall have the following powers
17 together with all powers incidental thereto or necessary for the
18 performance thereof:

19 (1) To have perpetual succession as a body politic and
20 corporate;

21 (2) To adopt bylaws for the regulation of its affairs and
22 the conduct of its business;

23 (3) To sue and be sued and to prosecute and defend, at law
24 or in equity, in any court having jurisdiction of the subject
25 matter and of the parties;

26 (4) To have and to use a corporate seal and to alter the
27 same at pleasure;

28 (5) To maintain an office at such place or places in the

1 state of Missouri as it may designate;

2 (6) To determine the location and construction of any
3 facility to be financed under the provisions of sections 360.010
4 to 360.140, and to construct, reconstruct, repair, alter,
5 improve, extend, maintain, lease, and regulate the same; and to
6 designate a participating health institution or a participating
7 educational institution, as the case may be, as its agent to
8 determine the location and construction of a facility undertaken
9 by such participating health institution or participating
10 educational institution, as the case may be, under the provisions
11 of sections 360.010 to 360.140, to construct, reconstruct,
12 repair, alter, improve, extend, maintain, and regulate the same,
13 and to enter into contracts for any and all of such purposes
14 including contracts for the management and operation of the
15 facility;

16 (7) To lease to a participating health institution or a
17 participating educational institution, as the case may be, the
18 particular health or educational facility or facilities, as the
19 case may be, upon such terms and conditions as the authority
20 shall deem proper; to charge and collect rent therefor; to
21 terminate any such lease upon the failure of the lessee to comply
22 with any of the obligations thereof; to include in any such
23 lease, if desired, provisions that the lessee thereof shall have
24 options to renew the term of the lease for such period or periods
25 at such rent as shall be determined by the authority or to
26 purchase any or all of the particular leased facility or
27 facilities; and, upon payment of all of the indebtedness incurred
28 by the authority for the financing of the facility or facilities,

1 to convey any or all of such facility or facilities to the lessee
2 or lessees thereof. Every lease agreement between the authority
3 and an institution must contain a clause obligating the
4 institution not to use the leased land, nor any facility located
5 thereon, for sectarian instruction or study or as a place of
6 religious worship, or in connection with any part of the program
7 of a school or department of divinity of any religious
8 denomination; to insure that this covenant is honored, each lease
9 agreement shall allow the authority to conduct inspections, and
10 every conveyance of title to an institution shall contain a
11 restriction against use for any sectarian purpose;

12 (8) To issue its bonds, notes, or other obligations for any
13 of its corporate purposes and to refund the same, all as provided
14 in sections 360.010 to 360.140;

15 (9) To transfer assets of the authority to the rebuild
16 damaged infrastructure fund created in section 33.295;

17 (10) To fix and revise from time to time and make and
18 collect rates, rents, fees, and charges for the use of and
19 services furnished or to be furnished by any facility or
20 facilities or any portion thereof and to contract with any
21 person, firm, or corporation or other body, public or private, in
22 respect thereof; except that the authority shall have no
23 jurisdiction over rates, rents, fees, and charges established by
24 a participating educational institution for its students or
25 established by a participating health institution for its
26 patients other than to require that such rates, rents, fees, and
27 charges by such an institution be sufficient to discharge the
28 institution's obligations to the authority;

1 [(10)] (11) To establish rules and regulations for review
2 by or on behalf of the authority of the retention or employment
3 by a participating health institution or by a participating
4 educational institution, as the case may be, of consulting
5 engineers, architects, attorneys, accountants, construction and
6 finance experts, superintendents, managers, and such other
7 employees and agents as shall be determined to be necessary in
8 connection with any such facility or facilities and for review by
9 or on behalf of the authority of all reports, studies, or other
10 material prepared in connection with any bond issue of the
11 authority for any such facility or facilities. The costs
12 incurred or to be incurred by a participating health institution
13 or by a participating educational institution in connection with
14 the review shall be deemed, where appropriate, an expense of
15 constructing the facility or facilities or, where appropriate,
16 shall be deemed an annual expense of operation and maintenance of
17 the facility or facilities;

18 [(11)] (12) To receive and accept from any public agency
19 loans or grants for or in aid of the construction of a facility
20 or facilities, or any portion thereof, or for equipping the same
21 and to receive and accept grants, gifts, or other contributions
22 from any source;

23 [(12)] (13) To mortgage or pledge all or any portion of any
24 facility or facilities, including any other health or educational
25 facility or facilities conveyed to the authority for such purpose
26 and the site or sites thereof, whether then owned or thereafter
27 acquired, for the benefit of the holders of the bonds of the
28 authority issued to finance such facility or facilities or any

1 portion thereof or issued to refund or refinance outstanding
2 indebtedness of a private health institution or a private
3 institution of higher education as permitted by sections 360.010
4 to 360.140;

5 **[(13)]** (14) To make loans to any participating health
6 institution or participating educational institution, as the case
7 may be, for the cost of any facility or facilities in accordance
8 with an agreement between the authority and such participating
9 health institution or participating educational institution, as
10 the case may be; except that no such loan shall exceed the total
11 cost of such facility or facilities as determined by the
12 participating health institution or participating educational
13 institution, as the case may be, and approved by the authority;

14 **[(14)]** (15) To make loans to a participating health
15 institution or participating educational institution, as the case
16 may be, to refund outstanding obligations, mortgages, or advances
17 issued, made, or given by the institution for the cost of its
18 facility or facilities, including the power to issue bonds and
19 make loans to a participating health institution or participating
20 educational institution, as the case may be, to refinance
21 indebtedness incurred for facilities undertaken and completed
22 prior to or after September 28, 1975, whenever the authority
23 finds that the financing is in the public interest, alleviates a
24 financial hardship upon the participating health institution or
25 participating educational institution, as the case may be, and
26 results in a lesser cost of patient care or cost of education and
27 a saving to third parties, including state or federal
28 governments, and to others who must pay for the care or

1 education;

2 [(15)] (16) To inspect any and all facilities assisted by
3 the authority in any way to enforce the prohibition against
4 sectarian or religious use at any time; and

5 [(16)] (17) To do all things necessary and convenient to
6 carry out the purposes of sections 360.010 to 360.140.

7 2. Notwithstanding any provision of law to the contrary,
8 including section 360.115, the authority shall transfer four
9 million dollars of the assets of the authority to the rebuild
10 damaged infrastructure fund created in section 33.295 on July 1,
11 2013.

12 Section B. Because of the necessity to provide funding for
13 the reconstruction, replacement, or renovation of, or repair to,
14 any infrastructure damaged by a presidentially declared natural
15 disaster, section A of this act is deemed necessary for the
16 immediate preservation of the public health, welfare, peace and
17 safety, and is hereby declared to be an emergency act within the
18 meaning of the constitution, and section A of this act shall be
19 in full force and effect upon its passage and approval.

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