

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SCS/HCS/House Bill No. 1035, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "33.080. 1. All fees, funds and moneys from whatsoever  
4 source received by any department, board, bureau, commission,  
5 institution, official or agency of the state government by virtue  
6 of any law or rule or regulation made in accordance with any law,  
7 excluding all funds received and disbursed by the state on behalf  
8 of counties and cities, towns and villages shall, by the official  
9 authorized to receive same, and at stated intervals of not more  
10 than thirty days, be placed in the state treasury to the credit  
11 of the particular purpose or fund for which collected, and shall  
12 be subject to appropriation by the general assembly for the  
13 particular purpose or fund for which collected during the  
14 biennium in which collected and appropriated. The unexpended  
15 balance remaining in all such funds (except such unexpended  
16 balance as may remain in any fund authorized, collected and  
17 expended by virtue of the provisions of the constitution of this  
18 state) shall at the end of the biennium and after all warrants on  
19 same have been discharged and the appropriation thereof has  
20 lapsed, be transferred and placed to the credit of the [ordinary]  
21 general revenue fund of the state by the state treasurer. Any  
22 official or any person who shall willfully fail to comply with

1 any of the provisions of this section, and any person who shall  
2 willfully violate any provision hereof, shall be deemed guilty of  
3 a misdemeanor; provided, that all such money received by the  
4 curators of the University of Missouri except those funds  
5 required by law or by instrument granting the same to be paid  
6 into the seminary fund of the state, is excepted herefrom, and in  
7 the case of other state educational institutions there is  
8 excepted herefrom, gifts or trust funds from whatever source;  
9 appropriations; gifts or grants from the federal government,  
10 private organizations and individuals; funds for or from student  
11 activities; farm or housing activities; and other funds from  
12 which the whole or some part thereof may be liable to be repaid  
13 to the person contributing the same; and hospital fees. All of  
14 the above excepted funds shall be reported in detail quarterly to  
15 the governor and biennially to the general assembly.

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

24 (1) Insurance dedicated fund established under section  
25 374.150, ten million dollars;

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

28 (3) Department of revenue information fund established  
29 under section 32.067, one million dollars.

1           3. Notwithstanding any provision of law to the contrary  
2 concerning the department of revenue information fund established  
3 in section 32.067, two million dollars of such fund shall be  
4 transferred and placed to the credit of the general revenue fund  
5 of the state on July 1, 2013.

6           33.295. 1. There is hereby established the "Rebuild  
7 Damaged Infrastructure Program" to provide funding for the  
8 reconstruction, replacement, or renovation of, or repair to, any  
9 infrastructure damaged by a presidentially declared natural  
10 disaster, including, but not limited to, the physical components  
11 of interrelated systems providing essential commodities and  
12 services to the public which includes transportation,  
13 communication, sewage, water, and electric systems as well as  
14 public elementary and secondary school buildings.

15           2. There is hereby created in the state treasury the  
16 "Rebuild Damaged Infrastructure Fund", which shall consist of  
17 money appropriated or collected under this section. Any amount  
18 to be transferred to the fund on July 1, 2013, pursuant to  
19 subsection 2 of section 33.080 and subsection 2 of section  
20 360.045, in excess of fifteen million dollars shall instead be  
21 transferred to the state general revenue fund. The state  
22 treasurer shall be custodian of the fund and may approve  
23 disbursements from the fund in accordance with sections 30.170  
24 and 30.180. Upon appropriation, money in the fund shall be used  
25 solely for the purposes of this section. Any moneys remaining in  
26 the fund at the end of the biennium shall revert to the credit of  
27 the general revenue fund. The state treasurer shall invest  
28 moneys in the fund in the same manner as other funds are  
29 invested. Any interest and moneys earned on such investments

1 shall be credited to the fund.

2 3. The provisions of this section shall expire on June 30,  
3 2014."; and

4 Further amend said bill, page 15, section 137.720, line 57  
5 by inserting after all of said line the following:

6 "360.045. 1. The authority shall have the following powers  
7 together with all powers incidental thereto or necessary for the  
8 performance thereof:

9 (1) To have perpetual succession as a body politic and  
10 corporate;

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

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

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

18 (5) To maintain an office at such place or places in the  
19 state of Missouri as it may designate;

20 (6) To determine the location and construction of any  
21 facility to be financed under the provisions of sections 360.010  
22 to 360.140, and to construct, reconstruct, repair, alter,  
23 improve, extend, maintain, lease, and regulate the same; and to  
24 designate a participating health institution or a participating  
25 educational institution, as the case may be, as its agent to  
26 determine the location and construction of a facility undertaken  
27 by such participating health institution or participating  
28 educational institution, as the case may be, under the provisions  
29 of sections 360.010 to 360.140, to construct, reconstruct,

1 repair, alter, improve, extend, maintain, and regulate the same,  
2 and to enter into contracts for any and all of such purposes  
3 including contracts for the management and operation of the  
4 facility;

5 (7) To lease to a participating health institution or a  
6 participating educational institution, as the case may be, the  
7 particular health or educational facility or facilities, as the  
8 case may be, upon such terms and conditions as the authority  
9 shall deem proper; to charge and collect rent therefor; to  
10 terminate any such lease upon the failure of the lessee to comply  
11 with any of the obligations thereof; to include in any such  
12 lease, if desired, provisions that the lessee thereof shall have  
13 options to renew the term of the lease for such period or periods  
14 at such rent as shall be determined by the authority or to  
15 purchase any or all of the particular leased facility or  
16 facilities; and, upon payment of all of the indebtedness incurred  
17 by the authority for the financing of the facility or facilities,  
18 to convey any or all of such facility or facilities to the lessee  
19 or lessees thereof. Every lease agreement between the authority  
20 and an institution must contain a clause obligating the  
21 institution not to use the leased land, nor any facility located  
22 thereon, for sectarian instruction or study or as a place of  
23 religious worship, or in connection with any part of the program  
24 of a school or department of divinity of any religious  
25 denomination; to insure that this covenant is honored, each lease  
26 agreement shall allow the authority to conduct inspections, and  
27 every conveyance of title to an institution shall contain a  
28 restriction against use for any sectarian purpose;

29 (8) To issue its bonds, notes, or other obligations for any

1 of its corporate purposes and to refund the same, all as provided  
2 in sections 360.010 to 360.140;

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

5 (10) To fix and revise from time to time and make and  
6 collect rates, rents, fees, and charges for the use of and  
7 services furnished or to be furnished by any facility or  
8 facilities or any portion thereof and to contract with any  
9 person, firm, or corporation or other body, public or private, in  
10 respect thereof; except that the authority shall have no  
11 jurisdiction over rates, rents, fees, and charges established by  
12 a participating educational institution for its students or  
13 established by a participating health institution for its  
14 patients other than to require that such rates, rents, fees, and  
15 charges by such an institution be sufficient to discharge the  
16 institution's obligations to the authority;

17 [(10)] (11) To establish rules and regulations for review  
18 by or on behalf of the authority of the retention or employment  
19 by a participating health institution or by a participating  
20 educational institution, as the case may be, of consulting  
21 engineers, architects, attorneys, accountants, construction and  
22 finance experts, superintendents, managers, and such other  
23 employees and agents as shall be determined to be necessary in  
24 connection with any such facility or facilities and for review by  
25 or on behalf of the authority of all reports, studies, or other  
26 material prepared in connection with any bond issue of the  
27 authority for any such facility or facilities. The costs  
28 incurred or to be incurred by a participating health institution  
29 or by a participating educational institution in connection with

1 the review shall be deemed, where appropriate, an expense of  
2 constructing the facility or facilities or, where appropriate,  
3 shall be deemed an annual expense of operation and maintenance of  
4 the facility or facilities;

5 [(11)] (12) To receive and accept from any public agency  
6 loans or grants for or in aid of the construction of a facility  
7 or facilities, or any portion thereof, or for equipping the same  
8 and to receive and accept grants, gifts, or other contributions  
9 from any source;

10 [(12)] (13) To mortgage or pledge all or any portion of any  
11 facility or facilities, including any other health or educational  
12 facility or facilities conveyed to the authority for such purpose  
13 and the site or sites thereof, whether then owned or thereafter  
14 acquired, for the benefit of the holders of the bonds of the  
15 authority issued to finance such facility or facilities or any  
16 portion thereof or issued to refund or refinance outstanding  
17 indebtedness of a private health institution or a private  
18 institution of higher education as permitted by sections 360.010  
19 to 360.140;

20 [(13)] (14) To make loans to any participating health  
21 institution or participating educational institution, as the case  
22 may be, for the cost of any facility or facilities in accordance  
23 with an agreement between the authority and such participating  
24 health institution or participating educational institution, as  
25 the case may be; except that no such loan shall exceed the total  
26 cost of such facility or facilities as determined by the  
27 participating health institution or participating educational  
28 institution, as the case may be, and approved by the authority;

29 [(14)] (15) To make loans to a participating health

1 institution or participating educational institution, as the case  
2 may be, to refund outstanding obligations, mortgages, or advances  
3 issued, made, or given by the institution for the cost of its  
4 facility or facilities, including the power to issue bonds and  
5 make loans to a participating health institution or participating  
6 educational institution, as the case may be, to refinance  
7 indebtedness incurred for facilities undertaken and completed  
8 prior to or after September 28, 1975, whenever the authority  
9 finds that the financing is in the public interest, alleviates a  
10 financial hardship upon the participating health institution or  
11 participating educational institution, as the case may be, and  
12 results in a lesser cost of patient care or cost of education and  
13 a saving to third parties, including state or federal  
14 governments, and to others who must pay for the care or  
15 education;

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

19 [(16)] (17) To do all things necessary and convenient to  
20 carry out the purposes of sections 360.010 to 360.140.

21 2. Notwithstanding any provision of law to the contrary,  
22 including section 360.115, the authority shall transfer four  
23 million dollars of the assets of the authority to the rebuild  
24 damaged infrastructure fund created in section 33.295 on July 1,  
25 2013.

26 Section B. Because of the necessity to provide funding for  
27 the reconstruction, replacement, or renovation of, or repair to,  
28 any infrastructure damaged by a presidentially declared natural  
29 disaster, the enactment of section 33.295 and the repeal and



1 reenactment of sections 33.080 and 360.045 of this act is deemed  
2 necessary for the immediate preservation of the public health,  
3 welfare, peace and safety, and is hereby declared to be an  
4 emergency act within the meaning of the constitution, and the  
5 enactment of section 33.295 and the repeal and reenactment of  
6 sections 33.080 and 360.045 of this act of this act shall be in  
7 full force and effect upon its passage and approval."; and  
8 further amend the title and enacting clause accordingly.