

FIRST REGULAR SESSION

SENATE BILL NO. 366

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS LAMPING, RICHARD AND SCHAEFER.

Read 1st time February 20, 2013, and ordered printed.

1711S.01I

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 620, RSMo, by adding thereto one new section relating to rebuilding damaged infrastructure.

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

Section A. Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.3060, to read as follows:

620.3060. 1. There is hereby established the "Rebuild Damaged Infrastructure Program" under which the department of economic development shall distribute no-interest funding to eligible projects from moneys appropriated by the general assembly to the rebuild damaged infrastructure program fund.

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

7 (1) "Department", the department of economic development;

**8 (2) "Eligible entity", any public or private corporation owning or
9 maintaining infrastructure;**

**10 (3) "Eligible project", reconstruction, replacement or renovation
11 of, or repair to, any infrastructure damaged by a natural disaster and
12 located in a home rule city with more than forty-seven thousand but
13 fewer than fifty-two thousand inhabitants and partially located in any
14 county of the first classification with more than one hundred fifteen
15 thousand but fewer than one hundred fifty thousand inhabitants;**

**16 (4) "Fund", the rebuild damaged infrastructure program fund;
17 and**

**18 (5) "Infrastructure", the physical components of interrelated
19 systems providing essential commodities and services to the
20 public. "Infrastructure" includes transportation, communication,
21 sewage, water, and electric systems.**

22 3. Under rules and procedures established by the department,
23 eligible entities may receive moneys from the fund to pay for the costs
24 of eligible projects.

25 4. Each eligible entity applying for such funding shall enter into
26 an agreement with the department which shall provide for all of the
27 following:

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

30 (2) The eligible entity shall pay no interest on the funding;

31 (3) The eligible entity shall repay the amount of the funding to
32 the fund in annual installments, which may or may not be equal in
33 amount, not more than twenty years from the date the funding is
34 received by the eligible entity. If the fund is no longer in existence, the
35 eligible entity shall repay the amount of the funding to the general
36 revenue fund; and

37 (4) Such other provisions as the department shall provide for in
38 its rules and procedures or as to which the department and the eligible
39 entity shall agree.

40 5. The amount of funding awarded by the department for any
41 eligible project shall not exceed the cost of that eligible project less the
42 amount of any insurance proceeds or other moneys received by the
43 eligible entity as a result of the natural disaster. If the eligible entity
44 receives such insurance proceeds or other moneys after it receives
45 funding under the rebuild damaged infrastructure program, it shall pay
46 to the department the amount by which the sum of the funding under
47 the rebuild damaged infrastructure program plus the insurance
48 proceeds and other moneys exceeds the cost of the eligible
49 project. Such payment shall:

50 (1) Be made at the time the annual payment under the agreement
51 is made;

52 (2) Be in addition to the annual payment; and

53 (3) Not be a credit against the annual payment.

54 6. Repayments from eligible entities shall be paid into the fund
55 so long as it is in existence and may be used by the department to
56 provide additional funding under the rebuild damaged infrastructure
57 program. If the fund is no longer in existence, repayments shall be
58 paid to the general revenue fund.

59 7. The funding provided for under the rebuild damaged
60 infrastructure program, and the obligation to repay such funding, shall
61 not be taken into account for purposes of any constitutional or
62 statutory debt limitation applicable to an eligible entity.

63 8. The department shall establish procedures, criteria, and
64 deadlines for eligible entities to follow in applying for assistance under
65 this section. The department shall promulgate rules and regulations
66 necessary to implement this section. Any rule or portion of a rule, as
67 that term is defined in section 536.010, that is created under the
68 authority delegated in this section shall become effective only if it
69 complies with and is subject to all of the provisions of chapter 536 and,
70 if applicable, section 536.028. This section and chapter 536 are
71 nonseverable and if any of the powers vested with the general assembly
72 pursuant to chapter 536 to review, to delay the effective date, or to
73 disapprove and annul a rule are subsequently held unconstitutional,
74 then the grant of rulemaking authority and any rule proposed or
75 adopted after August 28, 2013, shall be invalid and void.

76 9. There is hereby created in the state treasury the "Rebuild
77 Damaged Infrastructure Fund", which shall consist of money
78 appropriated or collected under this section. The state treasurer shall
79 be custodian of the fund and may approve disbursements from the fund
80 in accordance with sections 30.170 and 30.180. Upon appropriation,
81 money in the fund shall be used solely for the purposes of this
82 section. Any moneys remaining in the fund at the end of the biennium
83 shall revert to the credit of the general revenue fund. The state
84 treasurer shall invest moneys in the fund in the same manner as other
85 funds are invested. Any interest and moneys earned on such
86 investments shall be credited to the fund.

87 10. Pursuant to section 23.253 of the Missouri sunset act:

88 (1) The provisions of the new program authorized under this
89 section shall sunset automatically six years after August 28, 2013,
90 unless reauthorized by an act of the general assembly; and

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

94 (3) This section shall terminate on September first of the
95 calendar year immediately following the calendar year in which the

96 **program authorized under this section is sunset.**

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Bill

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