

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 24

89TH GENERAL ASSEMBLY

1998

L2729.05T

AN ACT

Submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri, relating to powers of the legislature by adding thereto three new sections relating to the issuance of bonds for water pollution and stormwater control.

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

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1998, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Section 37(e), article III, Constitution of Missouri, is repealed and three new sections adopted in lieu thereof, to be known as sections 37(e), 37(g) and 37(h), to read as follows:

Section 37(e). 1. The general assembly may authorize the contracting of an indebtedness on behalf of the state of Missouri and the issuance of bonds or other evidences of indebtedness not exceeding in the aggregate the sum of two hundred seventy-five million dollars for the purpose of providing funds for use in this state for the control of water pollution and improvements to drinking water systems, including the establishment of water supply hook-ups from

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

unincorporated areas of any county to water supplies, whether or not a particular county as a whole is classified as rural, and for storm water control, through grants and loans administered by the clean water commission and the department of natural resources pursuant to law. **The repeal and re-enactment of this section shall not be construed to increase the aggregate amount of indebtedness which may be authorized pursuant to this section above the amount authorized pursuant to this section immediately prior to such repeal and re-enactment.** The bonds shall be issued by the state board of fund commissioners from time to time and in such amounts as may be necessary to carry on the program of the clean water commission and the department of natural resources as determined by the general assembly for the [planning,] financing and constructing of these improvements by any county, municipality, sewer district, water district, or any combination of the same [and for program administration]. The board of fund commissioners shall offer such bonds at public sale, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of bonds before such bonds are sold. The proceeds of the sale or sales of any bonds issued hereunder shall be paid into the state treasury and be credited to a fund to be designated the water pollution control fund. The bonds shall be retired serially and by installments within a period not to exceed twenty-five years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law. The proceeds of the sale of the bonds herein authorized shall be expended for the purposes for which the bonds are hereinabove authorized to be issued.

2. The bonds and the interest thereon shall be paid out of the "Water Pollution Control Bond and Interest Fund", which is hereby created, and the payment of such bonds and the interest thereon shall be secured by a pledge of the full faith, credit and resources of the state of Missouri. Upon the issuance of such bonds, or any portion thereof, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required, in the remaining portion of the fiscal year during which such bonds shall have been issued, for the payment of interest on the bonds, and of the amount of money required for the payment of interest on the bonds in the next succeeding fiscal year, and to pay such bonds as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required for the payment of interest on the bonds in the next succeeding fiscal year and to pay such bonds maturing in the next succeeding fiscal year.

3. It shall be the duty of the commissioner of administration to transfer at least monthly, from the state general revenue fund, after deducting therefrom the proportionate part thereof appropriated for the support of the free public schools, and to credit to the water pollution control [bonds] **bond** and interest fund such sum as may be necessary from time to time until there shall have been transferred to such fund the amount so certified to [him] **the commissioner of administration** by the state board of fund commissioners, as provided in this section.

4. If at any time after the issuance of any of the bonds, it shall become apparent to the commissioner of administration that the funds available in the state general revenue fund will not be sufficient for the payment of the sinking fund and interest on outstanding obligations of the state and for the purpose of public education and the principal and interest maturing and accruing on the bonds during the next succeeding fiscal year, a direct tax shall be levied upon all taxable tangible property in the state for the payment of such bonds and the interest that will accrue thereon. In such event, it shall be the duty of the commissioner of administration annually, on or before the first day of July, to determine the rate of taxation necessary to be levied upon all taxable tangible property within the state to raise the amount of money needed to pay the principal of and interest on such bonds maturing and accruing in the next succeeding fiscal year, taking into consideration available funds, delinquencies and costs of collection. The commissioner of administration shall annually certify the rate of taxation so determined to the county clerk of each county to the comptroller or other officer in the city of St. Louis whose duty it shall be to make up and certify the tax books wherein are extended the ad valorem state taxes. It shall be the duty of such clerks and the comptroller or other proper officer in the city of St Louis to extend upon the tax books the taxes to be collected and to certify the same to the collectors of the revenue of their respective counties and of the city of St. Louis, who shall collect such taxes at the same time and in the same manner and by the means as are now or may hereafter be provided by law for the collection of state and county taxes, and to pay the same into the state treasury for the credit of the water pollution control bond and interest fund.

5. All funds paid into the water pollution control bond and interest fund shall be and stand appropriated without legislative action to the payment of principal and interest of the bonds, there to remain until paid out in discharge of the principal of such bonds and the interest accruing thereon, and no part of such fund shall be used for any other purpose so long as any of the principal of such bonds and the interest thereon shall be unpaid. The general assembly may appropriate in any year such amount from the water pollution control fund as it determines to be necessary for the purposes specified herein. However, such appropriations may not exceed [twenty-five] **fifty** million dollars, in the aggregate, for the purpose of providing rural water and sewer grants, including grants for the establishment of water supply hook-ups from unincorporated areas of any county to water supplies, whether or not a particular county as a whole is classified as rural, administered by the department of natural resources pursuant to law, and may not exceed twenty-five million dollars, in the aggregate, for the purpose of storm water control. The general assembly may enact such laws as may be necessary to carry this amendment into effect.

Section 37(g). 1. In addition to any other indebtedness authorized under this constitution or the laws of this state, the general assembly may authorize the contracting of an indebtedness on behalf of the state of Missouri and the issuance of

bonds or other evidences of indebtedness not exceeding in the aggregate the sum of one hundred million dollars for the purpose of providing rural water and sewer grants and loans, including grants for the establishment of water supply hook-ups in unincorporated areas of any county to water supplies, whether or not a particular county as a whole is classified as rural, through grants and loans administered by the clean water commission and the department of natural resources pursuant to procedures in chapter 640, RSMo, and chapter 644, RSMo. The bonds shall be issued by the state board of fund commissioners from time to time and in such amounts as may be necessary to carry on the program of the clean water commission and the department of natural resources as determined by the general assembly for the financing and constructing of these improvements by any county, municipality, sewer district, water district, or any combination of the same. The board of fund commissioners shall offer such bonds at public sale, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of bonds before such bonds are sold. The proceeds of the sale or sales of any bonds issued hereunder shall be paid into the state treasury and be credited to the water pollution control bond fund. The bonds shall be retired serially and by installments within a period not to exceed twenty-five years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law. The proceeds of the sale of the bonds herein authorized shall be expended for the purposes for which the bonds are hereinabove authorized to be issued.

2. The bonds and the interest thereon shall be paid out of the water pollution control bond and interest fund and the payment of such bonds and the interest thereon shall be secured by a pledge of the full faith, credit and resources of the state of Missouri. Upon the issuance of such bonds, or any portion thereof, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required, in the remaining portion of the fiscal year during which such bonds shall have been issued, for the payment of interest on the bonds in the next succeeding fiscal year, and to pay such bonds as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required for the payment of interest on the bonds in the next succeeding fiscal year and to pay such bonds maturing in the next succeeding fiscal year.

3. It shall be the duty of the commissioner of administration to transfer at least monthly, from the state general revenue fund, after deducting therefrom the proportionate part thereof appropriated for the support of the free public schools, and to credit to the water pollution control bond and interest fund such sum as may be necessary from time to time until there shall have been transferred to such fund the

amount so certified to the commissioner of administration by the state board of fund commissioners, as provided by this section.

4. If at any time after the issuance of any of the bonds, it shall become apparent to the commissioner of administration that the funds available in the state general revenue fund will not be sufficient for the payment of the sinking fund and interest on outstanding obligations of the state and for the purpose of public education and the principal and interest maturing and accruing on the bonds during the next succeeding fiscal year, a direct tax shall be levied upon all taxable tangible property in the state for the payment of such bonds and the interest that will accrue thereon. In such event, it shall be the duty of the commissioner of administration annually, on or before the first day of July, to determine the rate of taxation necessary to be levied upon all taxable tangible property within the state to raise the amount of money needed to pay the principal of and interest on such bonds maturing and accruing in the next succeeding fiscal year, taking into consideration available funds, delinquencies and costs of collection. The commissioner of administration shall annually certify the rate of taxation so determined to the county clerk of each county and to the comptroller or other officer in the city of St. Louis whose duty it shall be to make up and certify the tax books wherein are extended the ad valorem state taxes. It shall be the duty of such clerks and the comptroller or other proper officer in the city of St. Louis to extend upon the tax books the taxes to be collected and to certify the same to the collectors of the revenue of their respective counties and of the city of St. Louis, who shall collect such taxes at the same time and in the same manner and by the means as are now or may hereafter be provided by law for the collection of state and county taxes, and to pay the same into the state treasury for the credit of the water pollution control bond and interest fund.

5. All funds paid into the water pollution control bond and interest fund shall be and stand appropriated without legislative action to the payment of principal and interest of the bonds, there to remain until paid out in discharge of the principal of such bonds and the interest accruing thereon, and no part of such fund shall be used for any other purpose so long as any of the principal of such bonds and the interest thereon shall be unpaid. The general assembly may appropriate in any year such amount from the water pollution control fund as it determines to be necessary for the purposes specified herein. However, such appropriations may not exceed ten million dollars for the purpose of providing rural water and sewer grants and loans, including grants for the establishment of water supply hook-ups from unincorporated areas of any county to water supplies, whether or not a particular county as a whole is classified as rural, administered by the department of natural resources pursuant to law. The general assembly may enact such laws as may be necessary to carry this

amendment into effect.

Section 37(h). 1. In addition to any other indebtedness authorized under this constitution or the laws of this state, the general assembly may authorize the contracting of an indebtedness on behalf of the state of Missouri and the issuance of bonds or other evidences of indebtedness not exceeding in the aggregate the sum of two hundred million dollars for the purpose of providing funds for use in this state for stormwater control plans, studies and projects in counties of the first classification and in any city not within a county, through grants and loans administered by the clean water commission and the department of natural resources pursuant to the procedures in chapter 644, RSMo. The bonds shall be issued by the state board of fund commissioners from time to time and in such amounts as may be necessary to carry on the program of the clean water commission and the department of natural resources as determined by the general assembly for the financing and constructing of these plans, studies and projects by any municipality, sewer district, sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution, water district, or any combination of the same located in a county of the first classification or in any city not within a county or by any county of the first classification. The board of fund commissioners shall offer such bonds at public sale, and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of bonds before such bonds are sold. The proceeds of the sale or sales of any bonds issued hereunder shall be paid into the state treasury and be credited to a fund to be designated the "Stormwater Control Fund". The bonds shall be retired serially and by installments within a period not to exceed twenty-five years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law. The proceeds of the sale of the bonds herein authorized shall be expended for the purposes for which the bonds are hereinabove authorized to be issued.

2. The bonds and the interest thereon shall be paid out of the "Stormwater Control Bond and Interest Fund", which is hereby created, and the payment of such bonds and the interest thereon shall be secured by a pledge of the full faith, credit and resources of the state of Missouri. Upon the issuance of such bonds, or any portion thereof, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required, in the remaining portion of the fiscal year during which such bonds shall have been issued, for the payment of interest on the bonds, and of the amount of money required for the payment of interest on the bonds in the next succeeding fiscal year, and to pay such bonds as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the state board of fund commissioners shall notify the commissioner of administration of the amount of money required for the payment of interest on the bonds in the next

succeeding fiscal year and to pay such bonds maturing in the next succeeding fiscal year.

3. It shall be the duty of the commissioner of administration to transfer at least monthly, from the state general revenue fund, after deducting therefrom the proportionate part thereof appropriated for the support of the free public schools, and to credit to the stormwater control bond and interest fund such sum as may be necessary from time to time until there shall have been transferred to such fund the amount so certified to the commissioner of administration by the state board of fund commissioners, as provided in this section.

4. If at any time after the issuance of any of the bonds, it shall become apparent to the commissioner of administration that the funds available in the state general revenue fund will not be sufficient for the payment of the sinking fund and interest on outstanding obligations of the state and for the purpose of public education and the principal and interest maturing and accruing on the bonds during the next succeeding fiscal year, a direct tax shall be levied upon all taxable tangible property in the state for the payment of such bonds and the interest that will accrue thereon. In such event, it shall be the duty of the commissioner of administration annually, on or before the first day of July, to determine the rate of taxation necessary to be levied upon all taxable tangible property within the state to raise the amount of money needed to pay the principal of and interest on such bonds maturing and accruing in the next succeeding fiscal year, taking into consideration available funds, delinquencies and costs of collection. The commissioner of administration shall annually certify the rate of taxation so determined to the county clerk of each county and to the comptroller or other officer in the city of St. Louis whose duty it shall be to make up and certify the tax books wherein are extended the ad valorem state taxes. It shall be the duty of such clerks and the comptroller or other proper officer in the city of St. Louis to extend upon the tax books the taxes to be collected and to certify the same to the collectors of the revenue of their respective counties and of the city of St. Louis, who shall collect such taxes at the same time and in the same manner and by the means as are now or may hereafter be provided by law for the collection of state and county taxes, and to pay the same into the state treasury for the credit of the stormwater control bond and interest fund.

5. All funds paid into the stormwater control bond and interest fund shall be and stand appropriated without legislative action to the payment of principal and interest of the bonds, there to remain until paid out in discharge of the principal of such bonds and the interest accruing thereon, and no part of such fund shall be used for any other purpose so long as any of the principal of such bonds and the interest thereon shall be unpaid. The general assembly may appropriate in any year such amount from the

stormwater control fund as it determines to be necessary for the purposes specified in this section; provided that such appropriations may not exceed twenty million dollars, in the aggregate, per fiscal year. Of those grant and loan funds appropriated pursuant to this section, fifty percent shall be allocated to grants and fifty percent shall be allocated to loans. Grants shall be fifty percent of the cost of the plan, study or project and may be combined with loans such as those provided by the commission or the department. Grants and loans from the stormwater control fund shall be dispersed to eligible recipients in counties of the first classification and in a city not within a county in an amount equal to the percentage ratio that the population of the recipient county or city bears to the total population of all counties of the first classification and cities not within a county as determined by the last decennial census. Any city with a population of at least twenty-five thousand inhabitants located in such counties of the first classification shall receive such funds directly in an amount equal to the percentage ratio that the city's population bears to the total population of the county. Other provisions of this section notwithstanding, in those cities or counties served by a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution, such district shall receive the grants or loans directly.

6. The general assembly may enact such laws as may be necessary to carry out the provisions of this section.

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