

FIRST REGULAR SESSION

HOUSE BILL NO. 787

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MARBLE.

Read 1st time February 14, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1851L.011

AN ACT

To amend chapter 37, RSMo, relating to the taxpayers surplus trust fund, and to enact in lieu thereof one new section relating to the same subject, with a contingent effective date.

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

Section A. Chapter 37, RSMo, is amended by adding thereto one new section, to be
2 known as section 37.530, to read as follows:

**37.530. 1. The commissioner of administration shall determine and list all existing
2 funds of this state, other than funds which are mandated by constitutional provisions or
3 which are set up to accumulate certain amounts used to match federal grants or other
4 federal sources of funds. From the list compiled, the commissioner of administration shall
5 determine which funds, as of July 1, 2000, contain moneys which have lapsed and were not
6 used for the purposes for which appropriations for those funds were made.**

**7 2. Of the amount of lapsed funds which have been determined pursuant to
8 subsection 1 of this section, the commissioner of administration shall transfer twenty-five
9 percent of such amounts to the "Taxpayers Surplus Trust Fund", which is hereby created
10 in the state treasury. The fund shall be administered by the office of administration. Upon
11 appropriation, money in the fund shall be used solely for the purpose of making
12 distributions pursuant to article X of the Missouri Constitution which may be required as
13 a result of any disposition by the Missouri Supreme Court in the case of *Francis Flotron
14 and Gary Marble v. Wilson* and *Missouri Merchants and Manufacturers Association v. State
15 of Missouri* (SC83200, consolidated with SC83199).**

**16 3. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund
17 shall be transferred to the general revenue fund until all distributions have been made as
18 required by law, and any appropriation made to the fund shall not lapse. The state**

- 19 **treasurer shall invest moneys in the fund in the same manner as other funds are invested.**
20 **Interest and moneys earned on such investments shall be credited to the fund.**

Section B. Section A of this act shall become effective upon the determination by the
2 Supreme Court of Missouri in the case of *Francis Flotron and Gary Marble v. Wilson* and
3 *Missouri Merchants and Manufacturers Association v. State of Missouri* (SC83200, consolidated
4 with SC83199) that article X of the Missouri Constitution distributions are required and not
5 otherwise. The commissioner of administration shall notify the revisor of statutes in writing as
6 to the court's determination within thirty days of the final disposition or judgment.