

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 23, Page 8, Section 32.087, Line 191, by
2 inserting after all of said section the following:

3 "33.080. 1. All fees, funds and moneys from whatsoever source received by any department,
4 board, bureau, commission, institution, official or agency of the state government by virtue of any
5 law or rule or regulation made in accordance with any law, excluding all funds received and
6 disbursed by the state on behalf of counties and cities, towns and villages shall, by the official
7 authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state
8 treasury to the credit of the particular purpose or fund for which collected, and shall be subject to
9 appropriation by the general assembly for the particular purpose or fund for which collected during
10 the biennium in which collected and appropriated. The unexpended balance remaining in all such
11 funds (except such unexpended balance as may remain in any fund authorized, collected and
12 expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium
13 and after all warrants on same have been discharged and the appropriation thereof has lapsed, be
14 transferred and placed to the credit of the [ordinary] general revenue fund of the state by the state
15 treasurer. Any official or any person who shall willfully fail to comply with any of the provisions of
16 this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty
17 of a misdemeanor; provided, that all such money received by the curators of the University of
18 Missouri except those funds required by law or by instrument granting the same to be paid into the
19 seminary fund of the state, is excepted herefrom, and in the case of other state educational
20 institutions there is excepted herefrom, gifts or trust funds from whatever source; appropriations;
21 gifts or grants from the federal government, private organizations and individuals; funds for or from
22 student activities; farm or housing activities; and other funds from which the whole or some part
23 thereof may be liable to be repaid to the person contributing the same; and hospital fees. All of the
24 above excepted funds shall be reported in detail quarterly to the governor and biennially to the
25 general assembly.

26 2. Notwithstanding any provision of law to the contrary concerning the transfer of funds, ten
27 million dollars shall be transferred from the Insurance dedicated fund established under section
28 374.150, and placed to the credit of the rebuild damaged infrastructure fund created in section
29 33.295 on July 1, 2013.

30 33.295. 1. There is hereby established the "Rebuild Damaged Infrastructure Program" to
31 provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure
32 damaged by a presidentially declared natural disaster, including, but not limited to, the physical

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components of interrelated systems providing essential commodities and services to the public which includes transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings.

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

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

Further amend said bill, Page 87, Section 348.274, Line 140, by inserting after all of said section the following:

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

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) To have and to use a corporate seal and to alter the same at pleasure;
- (5) To maintain an office at such place or places in the state of Missouri as it may designate;
- (6) To determine the location and construction of any facility to be financed under the provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve, extend, maintain, lease, and regulate the same; and to designate a participating health institution or a participating educational institution, as the case may be, as its agent to determine the location and construction of a facility undertaken by such participating health institution or participating educational institution, as the case may be, under the provisions of sections 360.010 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the same, and to enter into contracts for any and all of such purposes including contracts for the management and operation of the facility;

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

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

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

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

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

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

31 [(11)] (12) To receive and accept from any public agency loans or grants for or in aid of the
 32 construction of a facility or facilities, or any portion thereof, or for equipping the same and to receive
 33 and accept grants, gifts, or other contributions from any source;

34 [(12)] (13) To mortgage or pledge all or any portion of any facility or facilities, including
 35 any other health or educational facility or facilities conveyed to the authority for such purpose and
 36 the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the holders of
 37 the bonds of the authority issued to finance such facility or facilities or any portion thereof or issued
 38 to refund or refinance outstanding indebtedness of a private health institution or a private institution
 39 of higher education as permitted by sections 360.010 to 360.140;

40 [(13)] (14) To make loans to any participating health institution or participating educational
 41 institution, as the case may be, for the cost of any facility or facilities in accordance with an

1 agreement between the authority and such participating health institution or participating educational
 2 institution, as the case may be; except that no such loan shall exceed the total cost of such facility or
 3 facilities as determined by the participating health institution or participating educational institution,
 4 as the case may be, and approved by the authority;

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

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

17 ~~[(16)]~~ (17) To do all things necessary and convenient to carry out the purposes of sections
 18 360.010 to 360.140.

19 2. Notwithstanding any provision of law to the contrary, including section 360.115, the
 20 authority shall transfer four million dollars of the assets of the authority to the rebuild damaged
 21 infrastructure fund created in section 33.295 on July 1, 2013."; and

22 374.150. 1. All fees due the state under the provisions of the insurance laws of this state
 23 shall be paid to the director of revenue and deposited in the state treasury to the credit of the
 24 insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

25 2. There is hereby established in the state treasury a special fund to be known as the
 26 "Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly and
 27 shall be devoted solely to the payment of expenditures incurred by the department attributable to
 28 duties performed by the department for the regulation of the business of insurance, regulation of
 29 health maintenance organizations and the operation of the division of consumer affairs as required by
 30 law which are not paid for by another source of funds. Other provisions of law to the contrary
 31 notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325,
 32 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this
 33 fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and
 34 any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The
 35 provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or
 36 placed to the credit of the general revenue fund unless and then only to the extent to which the
 37 unencumbered balance at the close of the biennium year exceeds two times the total amount
 38 appropriated, paid, or transferred to the fund during such fiscal year.

39 3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars
 40 of the insurance dedicated fund shall annually be transferred and placed to the credit of the state
 41 general revenue fund on July first beginning with fiscal year 2014."; and

1
2 Further amend said bill, Page 94, Section C, Line 7, by inserting after all of said section the
3 following:

4 "Section D. Because of the necessity to provide funding for the reconstruction, replacement,
5 or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural
6 disaster, sections 33.080, 33.295, 360.045, and 374.150 of section A of this act is deemed necessary
7 for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared
8 to be an emergency act within the meaning of the constitution, and sections 33.080, 33.295, 360.045,
9 and 374.150 of section A of this act shall be in full force and effect upon its passage and approval.";
10 and

11
12 Further amend said bill, page, Section D, Line 1, by deleting the letter, "D" and inserting in lieu
13 thereof the letter "E"; and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.