

SECOND REGULAR SESSION

# HOUSE BILL NO. 1445

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EGGLESTON.

4495H.02I

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 33.543, RSMo, and to enact in lieu thereof one new section relating to expenditures of public funds, with a contingent effective date.

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

Section A. Section 33.543, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 33.543, to read as follows:

33.543. **1.** There is hereby created in the state treasury the "General Revenue Fund". All moneys received by this state shall be deposited in the state treasury to the credit of the general revenue fund, unless required by statute or constitutional provision to be deposited in some other specifically named fund.

**2. Notwithstanding any other provisions of law to the contrary, no moneys held in the general revenue fund shall be expended or appropriated for the construction, maintenance, promotion, or operation of a professional sports stadium or facility including, but not limited to, a professional auto racing, baseball, basketball, football, hockey, or soccer facility. Any statute authorizing the use of the general revenue fund for bond financing or other appropriations contrary to this subsection and passed prior to the effective date of this section is null and void. However, this section shall not be interpreted to prohibit bond funding authorized under the Constitution of Missouri, including bond funds that were established by vote of the people as amendments to the Constitution of Missouri.**

**3. After the effective date of this statute, no political subdivision of this state shall expend or appropriate public funds for the construction, maintenance, promotion, or operation of a professional sports stadium or facility including, but not limited to, a**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 professional auto racing, baseball, basketball, football, hockey, or soccer facility unless the  
19 voters of such political subdivision authorize the funding or bond issuance by popular vote.  
20 The ballot language approving such funding or bond issuance shall specifically describe  
21 the proposed sports stadium or facility in such a way that the funding or bond issuance  
22 could not be used for any other facility.

23 4. The provisions of subsections 2 and 3 of this section shall become effective  
24 immediately upon the adoption of a substantially similar measure by twenty-nine of the  
25 following thirty-two states and district: Alabama, Arizona, California, Colorado, Delaware,  
26 District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana,  
27 Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North  
28 Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina,  
29 Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

30 5. The satisfaction of the provisions of subsection 4 shall be determined by the  
31 attorney general. The attorney general shall notify the revisor of statutes when, in the  
32 attorney general's opinion, the requisite number of states have adopted substantially  
33 similar measures.

34 6. The ultimate question of whether the requirements of subsection 4 of this section  
35 are satisfied, thereby triggering the effectiveness of subsections 2 and 3 of this section, shall  
36 be subject to de novo judicial review, and any citizen of this state may bring an action in  
37 court to challenge the use of public moneys in violation of this section. If a violation is  
38 found, then the court shall immediately enjoin all spending in violation of this section and  
39 may order such restitution or other remedies as the court deems just and proper.

40 7. (1) It shall be against public policy for this state or any political subdivision  
41 thereof to pass any subsidy, tax abatement, tax credit, tax deduction, or tax exemption that  
42 incentivizes the construction, maintenance, promotion, or operation of a professional sports  
43 stadium or facility.

44 (2) Any enabling statute authorizing a political subdivision to issue a subsidy, tax  
45 abatement, tax credit, tax deduction, or tax exemption in violation of this section is  
46 superceded so that no such tax credits shall issue after the effective date of this section.

47 (3) Any statute authorizing a subsidy, tax abatement, tax credit, tax deduction, or  
48 tax exemption in violation of this section shall specifically cite or repeal this section of law  
49 and shall otherwise be interpreted as not superceding this section even if it is later in time  
50 or more specific in content.

51 (4) Nothing in this section shall be interpreted to breach any existing contract or  
52 inhibit bond financing and payment for any project approved prior to the effective date  
53 of this act.

Section B. The enactment of section 33.543 shall be effective immediately following the  
2 notice to the revisor of statutes by the attorney general that the requisite number of states and  
3 districts have adopted substantially similar measures as provided under section 33.543.

✓