

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION NO. 14

97TH GENERAL ASSEMBLY

0153H.08C

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the fifth state building fund.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, 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. Article III, Constitution of Missouri, is amended by adding one new section, to be known as section 37(i), to read as follows:

Section 37(i). 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 one billion two hundred million dollars for the purpose of providing funds for the construction of state buildings, ports, facilities, projects resulting in the reduction of energy costs, projects for rural water consortia, existing surface lake projects, and projects for purposes other than higher education and for the construction, renovation, and rebuilding of buildings of institutions of higher education including no less than fifteen percent of the proceeds to be allocated to public community colleges, providing additions thereto or additional buildings where necessary, for land acquisition, for construction or purchase of buildings, projects resulting in the reduction of energy costs, and for planning, furnishing, equipping and landscaping such improvements and buildings. The use of bond funds to establish a revolving loan program for public elementary and secondary education capital costs where the schools

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.

14 receiving the funds would be required to repay the funds plus administrative costs over a
15 set period of time or through an offset to the school's foundation formula or proposition
16 C payment is authorized. All new construction and/or renovations and alterations of
17 existing buildings and facilities shall comply with the provisions of Title II of the
18 Americans with Disabilities Act, in effect as of March 15, 2012, with the express intention
19 of making buildings, facilities, and projects fully accessible to all Missourians. Not less
20 than five hundred million dollars of the proceeds shall be allocated for the construction of
21 state buildings, facilities, projects resulting in the reduction of energy costs, projects for
22 rural water consortia, existing surface lake projects, and projects for purposes other than
23 higher education, of which no less than forty million dollars may be allocated for the
24 maintenance of parks and park facilities. No amount of the proceeds shall be allocated to
25 institutions of higher education or for any non-state project unless such institution or non-
26 state project matches at least ten percent of the amount allocated for the project under this
27 section. All new construction and/or renovations and alterations of existing buildings,
28 facilities or projects shall comply with the applicable Titles and provisions of the
29 Americans with Disabilities Act, in effect as of March 15, 2012, with the express intention
30 of making state buildings, parks, park facilities and projects as fully accessible to all
31 Missourians as is feasible given the historic nature of some structures. The use of bond
32 funds for any construction or energy efficiency practices required under general law, or
33 allowed by executive order or agency rule, order, or decision, is authorized. The bonds
34 shall be issued by the state board of fund commissioners from time to time and in such
35 amounts as may be necessary as determined by the general assembly for such purposes.
36 The board of fund commissioners shall offer such bonds at public sale, and shall provide
37 such method as it may deem necessary for the advertisement of the sale of each issue of
38 bonds before such bonds are sold. The proceeds of the sale or sales of any bonds issued
39 under this section shall be paid into the state treasury and be credited to a fund to be
40 designated the fifth state building fund. The bonds shall be retired serially and by
41 installments within a period not to exceed twenty-five years from their date of issue and
42 shall bear interest at a rate or rates not exceeding the rate permitted by law. The proceeds
43 of the sale of the bonds authorized in this section shall be expended for the purposes for
44 which the bonds are authorized to be issued.

45 2. The bonds and the interest thereon shall be paid out of the "Fifth State Building
46 Fund", which is hereby created, and the payment of such bonds and the interest thereon
47 shall be secured by a pledge of the full faith, credit and resources of the state of Missouri.
48 Upon the issuance of such bonds, or any portion thereof, the state board of fund
49 commissioners shall notify the commissioner of administration of the amount of money

50 required, in the remaining portion of the fiscal year during which such bonds shall have
51 been issued, for the payment of interest on the bonds, and of the amount of money required
52 for the payment of interest on the bonds in the following fiscal year, and to pay such bonds
53 as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the
54 state board of fund commissioners shall notify the commissioner of administration of the
55 amount of money required for the payment of interest on the bonds in the following fiscal
56 year and to pay such bonds maturing in the following fiscal year.

57 3. It shall be the duty of the commissioner of administration to transfer at least
58 monthly, from the state general revenue fund or from any other fund established by law
59 for this purpose, after deducting therefrom the proportionate part thereof appropriated
60 for the support of the free public schools, and to credit to the fifth state building fund such
61 sum as may be necessary from time to time until there shall have been transferred to such
62 fund the amount so certified to the commissioner of administration by the state board of
63 fund commissioners, as provided in this section.

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

85 **5. All funds paid into the fifth state building fund shall be and stand appropriated**
86 **without legislative action to the payment of principal and interest of the bonds, there to**
87 **remain until paid out in discharge of the principal of such bonds and the interest accruing**
88 **thereon, and no part of such fund shall be used for any other purpose so long as any of the**
89 **principal of such bonds and the interest thereon shall be unpaid. The general assembly**
90 **may appropriate in any year such amount from the fifth state building fund as it**
91 **determines to be necessary for the purposes specified in this section. The general assembly**
92 **may enact such laws as may be necessary to implement the provisions of this section. The**
93 **additional revenue provided by this section shall not be part of "total state revenues" in**
94 **sections 17 and 18 of article X of this constitution. The expenditure of such additional**
95 **revenue shall not be an "expense of state government" under section 20 of article X of this**
96 **constitution.**

97 **6. The governor or his or her designated representative shall develop in**
98 **consultation with the state board of fund commissioners a percentage plan for application**
99 **by African Americans, women, and other minority businesses in all state bond programs.**
100 **The governor or his or her designated representative shall develop, in consultation with**
101 **the state board of fund commissioners, a percentage plan for application by African**
102 **Americans, women, and other minority businesses, for employment opportunity in the state**
103 **construction building plan. Such minority business and employment plans shall be filed**
104 **with the Missouri minority business advocacy commission.**

105 **7. (1) There is hereby created the "Taxpayer Protection Commission". The**
106 **commission shall consist of five members, with one member appointed by the governor,**
107 **two members appointed by the president pro tempore of the senate, and two members**
108 **appointed by the speaker of the house of representatives. Any vacancy shall be filled in the**
109 **same manner as the original appointment. No member of the commission shall hold any**
110 **elected office of this state or any political subdivision of the state while serving as a member**
111 **of the commission. The members of the commission shall choose a chair from among the**
112 **members.**

113 **(2) The commission may regularly employ and fix the compensation of an executive**
114 **director who shall serve at the pleasure of the commission and who is competent to assume**
115 **administration of the necessary activities of the commission under the direction of the**
116 **commission. The commission shall fix the director's duties and compensation. The**
117 **commission may also employ other persons as it deems necessary to carry out the**
118 **provisions of this section and as provided by state law enacted under the authority of this**
119 **section. All such employees of the commission shall be under the supervision of the**

120 **director who shall, as directed by the commission, assign and supervise all work projects**
121 **of those employees.**

122 **(3) All actions and duties of the board of fund commissioners relating to any bonds**
123 **issued under this section and as provided by state law enacted under the authority of this**
124 **section shall be performed in conjunction with, and reviewed and approved by and under**
125 **the oversight of the commission, as provided in this section.**

126 **(4) The commission shall have the following duties and powers under this section**
127 **and as provided by state law enacted under the authority of this section:**

128 **(a) To oversee and approve any funds appropriated from the fifth state building**
129 **bond and interest fund or any project undertaken as a result of such appropriation;**

130 **(b) To review and approve any bonds authorized to be issued;**

131 **(c) To inspect any state buildings, facilities, land acquisition, transportation**
132 **infrastructure, equipment, and landscaping upon which funds are expended;**

133 **(d) To review any expenditure of funds and contracts entered into under any**
134 **expenditure of such funds for compliance with this section and provisions of state law**
135 **enacted under the authority of this section;**

136 **(e) To withhold any disbursement of any appropriation from the fifth state building**
137 **bond and interest fund, or to cancel, terminate, or suspend, in whole or in part, any**
138 **contract entered into under this section and provisions of state law enacted under the**
139 **authority of this section, in the event the commission determines that a recipient of such**
140 **funds or a contract authorizing the expenditure of such funds or a project upon which such**
141 **funds are expended is in noncompliance with this section and provisions of state law**
142 **enacted under the authority of this section until such recipient or contract is in compliance**
143 **or until other contracts can be made for the completion of the project;**

144 **(f) To submit an annual report to the governor, attorney general, state auditor, and**
145 **the general assembly. Such report shall assess, review, and analyze each project financed**
146 **with any bonds issued under this section to determine whether the costs of the projects are**
147 **in compliance with this section and state law enacted under the authority of this section,**
148 **and shall assess, review, and analyze any other topic related to funds expended under this**
149 **section as the commission or the general assembly deems necessary. The report shall also**
150 **contain any recommendations the commission deems necessary to ensure funds are**
151 **expended and projects are managed prudently;**

152 **(g) To exercise such other powers or fulfill such other duties deemed necessary and**
153 **prescribed under provisions of state law enacted under the authority of this section.**

154 **(5) The commission shall have authority solely over bonding, appropriations, and**
155 **projects undertaken under this section. After all funds in the fifth state building bond and**

156 **interest fund have been appropriated and all projects undertaken with such appropriated**
157 **funds have been completed, the commission shall be dissolved.**

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