

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 19

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BOWMAN, COLEMAN, THOMPSON, VILLA,  
SANDERS BROOKS, BLAND, RIZZO, KREIDER, CARHAHAN, KENNEDY (Co-sponsors), MURPHY,  
HAGEN-HARRELL, MONACO, GREEN (73), GEORGE, O'CONNOR, TROUPE,  
JOHNSON(61) AND WILSON(42).

Read 1<sup>st</sup> time March 13, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2232L.011

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 12 of article IV of the Constitution of Missouri, relating to state departments, and adopting nine new sections in lieu thereof relating to the same subject.

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*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  
2 following the first Monday in November, 2002, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to article IV of the Constitution of the state of  
5 Missouri:

Section A. Section 12, article IV, Constitution of Missouri, is repealed and nine new  
2 sections adopted in lieu thereof, to be known as sections 12, 54, 54(a), 54(b) 54(c), 54(d), 54(e),  
3 54(f) and 54(g), to read as follows:

Section 12. The executive department shall consist of all state elective and appointive  
2 officials and employees except officials and employees of the legislative and judicial  
3 departments. In addition to the governor and lieutenant governor there shall be a state auditor,  
4 secretary of state, attorney general, a state treasurer, an office of administration, a department of  
5 agriculture, a department of conservation, a department of natural resources, a department of

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

6 elementary and secondary education, a department of higher education, a department of highways  
7 and transportation, a department of insurance, a department of labor and industrial relations, a  
8 department of economic development, a department of public safety, a department of revenue,  
9 a department of social services, **a department of urban conservation**, and a department of  
10 mental health. In addition to the elected officers, there shall not be more than [fifteen] **sixteen**  
11 departments and the office of administration. The general assembly may create by law two  
12 departments, in addition to those named, provided that the departments shall be headed by a  
13 director or commission appointed by the governor on the advice and consent of the senate. The  
14 director or commission shall have administrative responsibility and authority for the department  
15 created by law. Unless discontinued all present or future boards, bureaus, commissions and other  
16 agencies of the state exercising administrative or executive authority shall be assigned by law  
17 or by the governor as provided by law to the office of administration or to one of the [fifteen]  
18 **sixteen** administrative departments to which their respective powers and duties are germane.

**Section 54. The department of urban conservation shall be in charge of an urban  
2 conservation commission. The conservation, restoration, redevelopment and revitalization  
3 of the urban resources of the state, including the acquisition of property used for such  
4 purposes, shall be vested in the urban conservation commission. The urban conservation  
5 commission shall have authority over state programs, as provided by law, which are  
6 designed to remedy blight and deterioration of urban areas, and to facilitate the  
7 revitalization of, and reverse declining property values in, distressed urban areas. The  
8 urban conservation commission shall consist of nine members, seven of whom shall be  
9 appointed by the governor, with the advice and consent of the senate, not more than four  
10 of whom shall be of the same political party. At least two appointed members of the  
11 commission shall be residents of the largest municipality in the state, at least two appointed  
12 members shall be residents of the second largest municipality in the state, and at least one  
13 member shall be a resident of the third largest municipality in the state. All appointed  
14 members shall have knowledge of and interest in the conservation, restoration,  
15 redevelopment and revitalization of urban areas. The appointed members shall hold office  
16 for terms of six years beginning on the first day of July of consecutive odd years; provided  
17 that for the original seven appointed members, the governor shall designate three members  
18 for terms expiring June 30, 2003, two members for terms expiring June 30, 2005, and two  
19 members for terms expiring June 30, 2007. If the governor fails to fill a vacancy caused  
20 by the death, resignation or removal from office of any appointed member of the  
21 commission, or to replace an appointed member whose term has expired within thirty days  
22 of the occurrence of the vacancy or term expiration, the remaining members of the  
23 commission shall fill the vacancy for the unexpired term or replace the member whose term**

24 has expired for a six-year term. In addition to the members of the commission appointed  
25 by the governor, the state treasurer and state auditor shall serve as members of the  
26 commission. The members shall receive no salary or other compensation for their services  
27 as members, but shall receive reimbursement for actual and necessary expenses incurred  
28 in the performance of their duties.

Section 54(a). The department of urban conservation may acquire by purchase,  
2 gift, eminent domain or other method all property necessary, useful or convenient for its  
3 purposes, and shall exercise the right of eminent domain in the manner provided by law  
4 for the highways and transportation commission. The department of urban conservation  
5 may accept, from any source, moneys and property paid, offered or granted to the  
6 department to be expended and used by the department for the purposes specified in  
7 section 54 of this article. The department of urban conservation may sell, lease or  
8 otherwise transfer or convey, on terms it deems appropriate, any interest it has in its  
9 property.

Section 54(b). The urban conservation commission shall appoint a director of the  
2 department of urban conservation. The director shall appoint and fix the qualifications  
3 and salaries for assistants and other employees necessary for operation of the department,  
4 subject to appropriations. No member of the urban conservation commission shall be  
5 appointed or employed by the department of urban conservation or its director.

Section 54(c). For the purpose of providing additional moneys to be expended and  
2 used by the department of urban conservation for the purposes specified in section 54 of  
3 this article, an additional sales tax of one-eighth of one percent is hereby levied and  
4 imposed upon all sellers for the privilege of selling tangible personal property or rendering  
5 taxable services at retail in this state upon the sales and services which now are or  
6 hereafter are listed and set forth in, and, except as to the amount of tax, subject to the  
7 provisions of and to be collected as provided in the "Sales Tax Law" and subject to the  
8 rules and regulations promulgated in connection therewith; and an additional use tax of  
9 one-eighth of one percent is levied and imposed for the privilege of storing, using or  
10 consuming within this state any article of tangible personal property as set forth and  
11 provided in the "Compensating Use Tax Law" and, except as to the amount of the tax,  
12 subject to the provisions of and to be collected as provided in the "Compensating Use Tax  
13 Law" and subject to the rules and regulations promulgated in connection therewith.

Section 54(d). The urban conservation commission may issue negotiable revenue  
2 bonds or notes in such principal amount as, in the opinion of the commission, shall be  
3 necessary to provide sufficient funds for achieving its purposes, including the making of  
4 mortgage loans to purchasers of property from the commission, for the rehabilitation of

5 existing structures, for the construction of new structures, for establishment of reserves to  
6 secure such bonds and notes, and for all other expenditures of the commission necessary  
7 or incidental to carry out its purposes. The commission may issue renewal notes, issue  
8 bonds to pay such notes, and whenever refunding is deemed expedient, to refund any  
9 bonds by issuing new bonds, whether the bonds to be refunded have or have not matured,  
10 and to issue bonds partly to refund bonds then outstanding and partly for any other  
11 purpose. The refunding bonds shall be sold and the proceeds applied to the purchase,  
12 redemption or payment of the bonds to be refunded. The notes and bonds issued pursuant  
13 to this section shall be authorized by resolution of the members of the commission, shall  
14 bear such date or dates and mature at such time or times, as the resolution may provide.  
15 The notes and bonds shall bear interest at such rate, be in such denominations, be in such  
16 form, either coupon or registered, carry such registration privileges, be executed in such  
17 manner, be payable in such medium of payment, at such place or places and be subject to  
18 such terms of redemption as such resolution or resolutions may provide. The notes and  
19 bonds of the commission may be sold by the commission at public or private sale and at  
20 such price or prices as the commission shall determine. Notes or bonds issued by the  
21 commission shall not be considered a debt of the state, and such notes or bonds shall  
22 contain a statement to such effect on their face. No member of the commission or any  
23 authorized person executing the notes or bonds shall be liable personally on the notes or  
24 bonds or be subject to any personal liability or accountability by reason of their issuance.  
25 The notes and bonds of the urban conservation commission are securities in which the state  
26 treasurer and all public officers and political subdivisions of this state may properly and  
27 legally invest.

Section 54(e). Upon commencement of each state fiscal year, the state treasurer  
2 shall transfer to the urban conservation commission moneys from the state general revenue  
3 fund in the amount equivalent to one-half of all interest earned on moneys held by the state  
4 treasurer for benefit of the general revenue fund during the immediately preceding fiscal  
5 year. The state treasurer shall make the division and apportionment of moneys from the  
6 general revenue fund to the urban conservation commission in the manner provided by this  
7 section without necessity of additional or further action on the part of any state official or  
8 department of state government.

Section 54(f). Moneys generated from the additional sales and use taxes provided  
2 for in section 54(c) of this article, from the issuance and sales of notes and bonds by the  
3 commission pursuant to section 54(d) of this article, from moneys transferred by the state  
4 treasurer pursuant to section 54(e) of this article, all moneys appropriated to the  
5 department by the general assembly, and all fees, moneys or funds arising from the

6 operations and transactions of the department of urban conservation shall be expended  
7 and used by the department of urban conservation for the purposes specified in section 54  
8 of this article, and for no other purpose. The moneys and funds of the department of  
9 urban conservation arising from the sales and use taxes provided in section 54(c) of this  
10 article may also be used by the department to make payments in lieu of real property taxes  
11 to counties and appropriate political subdivisions for the unimproved value of land  
12 acquired by the commission, but in no event shall the payments be more than the property  
13 tax payable at the time of the acquisition of the lands.

Section 54(g). Sections 54 to 54(g) of this article shall be self-enforcing. All existing  
2 laws which are inconsistent with these sections shall no longer remain in force or effect.