

SECOND REGULAR SESSION

HOUSE BILL NO. 1906

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN (73).

Read 1st time February 12, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4682L.011

AN ACT

To repeal section 33.571, RSMo, and to enact in lieu thereof two new sections relating to state funds, with an emergency clause.

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

Section A. Section 33.571, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 33.565 and 33.569, to read as follows:

33.565. 1. Notwithstanding any other provision of law to the contrary, at the beginning of each fiscal year, the commissioner of administration shall review the cash balance of all state funds. In any fiscal year that a state fund has an excess unobligated cash balance, the commissioner of administration may transfer all, or a portion, of the unobligated cash balance to the general revenue fund.

2. If applicable, any transfer pursuant to subsection 1 of this section shall be calculated after the transfer required by section 33.080 has been completed and the moneys transferred to the general revenue fund. The following funds are exempt from transfer:

- (1) Constitutional funds;**
- (2) Statutory funds approved by the voters of this state;**
- (3) Funds that are deemed federal;**
- (4) Funds created by law specifically for the purpose of receiving donations and bequests; and**
- (5) Funds that if transferred would violate the terms of an existing trust.**

All other state funds shall be subject to this section.

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

33.569. The commissioner of administration shall develop a methodology to charge state funds for their share of the cost of central state services, including the costs of the office of administration, the general assembly, and statewide elected officials. Such reimbursement shall be made by state funds in accordance with applicable appropriations and on a schedule decided upon by the commissioner of administration. Funds that are deemed federal shall be exempted.

[33.571. The attorney general's court costs fund established by section 27.080, RSMo; the microfilming service revolving fund established by section 28.085, RSMo; the central check mailing service revolving fund established by section 30.245, RSMo; the revenue sharing trust fund established by section 30.900, RSMo; the Missouri veterans home fund and the Missouri state rehabilitation center fund established by section 31.010, RSMo; the state institutions gift trust fund established by section 33.563; the Missouri state surplus property clearing fund established by section 37.090, RSMo; the tort defense fund established by section 105.710, RSMo; the grade crossing fund established by section 152.032, RSMo; the handicapped children's trust fund established by section 162.790, RSMo; the state guaranty student loan fund established by section 173.120, RSMo; the special fund for the vocational rehabilitation of persons established by section 178.630, RSMo; the library service fund established by section 181.025, RSMo; the medical services fund established by section 192.255, RSMo; the crippled children's service fund established by section 201.090, RSMo; the Missouri clean water fund established by section 644.051, RSMo; the housing development fund established by section 215.050, RSMo; the national historic preservation fund established by section 253.022, RSMo; the state park board building fund established by section 253.230, RSMo; the Missouri federal water projects recreation fund established by section 640.510, RSMo; the marketing development fund established by section 261.035, RSMo; the state fair fees fund established by section 262.260, RSMo; the state fair trust fund established by section 262.262, RSMo; the abandoned fund account established by section 362.395, RSMo; the public service commission fund established by section 386.370, RSMo; the escheats fund established by section 470.020, RSMo; the professional liability review board fund established by section 538.055, RSMo; and the highway patrol academy fund established by section 590.145, RSMo, are abolished. All balances in any of those funds on September 28, 1983, may be, as deemed necessary by the state treasurer and commissioner of administration, transferred to the general revenue fund. Prior to such date, any of the funds listed in this section which may be determined to be required for the continued custody or receipt of money or property under the terms of any testamentary instrument or indenture of trust, or from which repayment of any bonded indebtedness is to be made, shall be certified by the commissioner of administration to the state treasurer and upon such certification, shall be exempted from the provisions of this section. He shall notify the revisor of statutes if such changes are made so that appropriate notations may be made in the revised statutes.

37 2. The state treasurer and the commissioner of administration shall establish
38 appropriate accounts within the state treasury and in accordance with the state's
39 accounting methods, and those accounts shall be the successors to the enumerated
40 funds. Any receipt required to be deposited in the treasury to the credit of a particular
41 fund which is abolished shall be deposited in the general revenue fund instead and
42 shall be credited to the successor account. Any disbursement required to be made
43 from a particular fund which is abolished shall be made from the general revenue
44 fund and shall be charged to the successor account, but no disbursement from the
45 general revenue fund shall be approved whenever such disbursement exceeds the
46 balance available in the designated successor account. When enacting
47 appropriations, the general assembly may establish such accounts within the general
48 revenue fund as it deems necessary and appropriate to control expenditures, and any
49 appropriation authorizing an expenditure from the general revenue fund shall specify
50 the appropriate account within the general revenue fund.

51 3. The state treasurer, the director of revenue, the commissioner of
52 administration and others are specifically empowered to make necessary changes and
53 adjustments so as to properly reflect state receipts and disbursements which may be
54 received or expended for particular purposes, but it is the intent of the general
55 assembly by this enactment to transfer moneys affected thereby to the general
56 revenue fund for handling and investment. The revisor of statutes shall prepare
57 necessary bills to change the revised statutes so as to reflect this intent.]

Section B. Because immediate action is necessary to ensure a balanced state budget, the
2 enactment of sections 33.565 and 33.569 of section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the enactment of sections
5 33.565 and 33.569 of section A of this act shall be in full force and effect on May 17, 2002, or
6 upon its passage and approval, whichever later occurs.