

HOUSE JOINT RESOLUTION NO. 77

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KELLY (Sponsor), TILLEY, KOMO, SATER, STILL, LAMPE, PACE, BIERMANN, COLONA, KIRKTON, OXFORD, STORCH, WEBBER, HOBBS, BRUNS, SCHIEFFER, CORCORAN, McNEIL, HUMMEL, MOLENDORP, FALLERT, HOSKINS (121), NASHEED, ATKINS, LIPKE, KINGERY, QUINN, ZERR, ALLEN, DEEKEN, MEINERS, CURLS, FAITH, MORRIS, LeBLANC, McCLANAHAN, SPRENG, FISCHER (107), SCHUPP, YAEGER, HODGES, AULL, BURNETT, SCHOEMEHL, LARGENT, MUNZLINGER, RUCKER, HARRIS, WILSON (130), JONES (63), CARTER, SCHAD AND SCAVUZZO (Co-sponsors).

3786L.011

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, 2010, 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 eight hundred million dollars for the purpose of providing funds for the construction of state buildings, facilities, and projects for purposes other than higher education and for rebuilding 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, and for

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.

9 planning, furnishing, equipping and landscaping such improvements and buildings. No
10 more than two hundred fifty million dollars of the proceeds shall be allocated for the
11 construction of state buildings, facilities, and projects for purposes other than higher
12 education. The bonds shall be issued by the state board of fund commissioners from time
13 to time and in such amounts as may be necessary as determined by the general assembly
14 for such purposes. The board of fund commissioners shall offer such bonds at public sale,
15 and shall provide such method as it may deem necessary for the advertisement of the sale
16 of each issue of bonds before such bonds are sold. The proceeds of the sale or sales of any
17 bonds issued under this section shall be paid into the state treasury and be credited to a
18 fund to be designated the fifth state building fund. The bonds shall be retired serially and
19 by installments within a period not to exceed twenty-five years from their date of issue and
20 shall bear interest at a rate or rates not exceeding the rate permitted by law. The proceeds
21 of the sale of the bonds authorized in this section shall be expended for the purposes for
22 which the bonds are authorized to be issued.

23 2. The bonds and the interest thereon shall be paid out of the "Fifth State Building
24 Fund", which is hereby created, and the payment of such bonds and the interest thereon
25 shall be secured by a pledge of the full faith, credit and resources of the state of Missouri.
26 Upon the issuance of such bonds, or any portion thereof, the state board of fund
27 commissioners shall notify the commissioner of administration of the amount of money
28 required, in the remaining portion of the fiscal year during which such bonds shall have
29 been issued, for the payment of interest on the bonds, and of the amount of money required
30 for the payment of interest on the bonds in the following fiscal year, and to pay such bonds
31 as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the
32 state board of fund commissioners shall notify the commissioner of administration of the
33 amount of money required for the payment of interest on the bonds in the following fiscal
34 year and to pay such bonds maturing in the following fiscal year.

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

42 4. If at any time after the issuance of any of the bonds, it shall become apparent to
43 the commissioner of administration that the funds available in the state general revenue
44 fund will not be sufficient for the payment of the sinking fund and interest on outstanding

45 obligations of the state and for the purpose of public education and the principal and
46 interest maturing and accruing on the bonds during the following fiscal year, a direct tax
47 shall be levied upon all taxable tangible property in the state for the payment of such bonds
48 and the interest that will accrue thereon. In such event, it shall be the duty of the
49 commissioner of administration annually, on or before the first day of July, to determine
50 the rate of taxation necessary to be levied upon all taxable tangible property within the
51 state to raise the amount of money needed to pay the principal of and interest on such
52 bonds maturing and accruing in the following fiscal year, taking into consideration
53 available funds, delinquencies and costs of collection. The commissioner of administration
54 shall annually certify the rate of taxation so determined to the county clerk of each county
55 to the comptroller or other officer in the city of St. Louis whose duty it shall be to make up
56 and certify the tax books wherein are extended the ad valorem state taxes. It shall be the
57 duty of such clerks and the comptroller or other proper officer in the city of St. Louis to
58 extend upon the tax books the taxes to be collected and to certify the same to the collectors
59 of the revenue of their respective counties and of the city of St. Louis, who shall collect such
60 taxes at the same time and in the same manner and by the means as are now or may
61 hereafter be provided by law for the collection of state and county taxes, and to pay the
62 same into the state treasury for the credit of the fifth state building fund.

63 **5. All funds paid into the fifth state building fund shall be and stand appropriated**
64 **without legislative action to the payment of principal and interest of the bonds, there to**
65 **remain until paid out in discharge of the principal of such bonds and the interest accruing**
66 **thereon, and no part of such fund shall be used for any other purpose so long as any of the**
67 **principal of such bonds and the interest thereon shall be unpaid. The general assembly**
68 **may appropriate in any year such amount from the fifth state building fund as it**
69 **determines to be necessary for the purposes specified in this section. The general assembly**
70 **may enact such laws as may be necessary to implement the provisions of this section. The**
71 **additional revenue provided by this section shall not be part of "total state revenues" in**
72 **sections 17 and 18 of article X of this constitution. The expenditure of such additional**
73 **revenue shall not be an "expense of state government" under section 20 of article X of this**
74 **constitution.**

75 **6. The governor or his or her designated representative shall develop in**
76 **consultation with the state board of fund commissioners a percentage plan for application**
77 **by African Americans, women, and other minority businesses in all state bond programs.**
78 **The governor or his or her designated representative shall develop, in consultation with**
79 **the state board of fund commissioners, a percentage plan for application by African**
80 **Americans, women, and other minority businesses, for employment opportunity in the state**

81 **construction building plan. Such minority business and employment plans shall be filed**
82 **with the Missouri minority business advocacy commission.**

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