

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1236

101ST GENERAL ASSEMBLY

2531H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 33.543, RSMo, and to enact in lieu thereof nine new sections relating to state fiscal management, with an emergency clause.

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

Section A. Section 33.543, RSMo, is repealed and nine new sections enacted in lieu thereof, to be known as sections 30.1020, 30.1022, 30.1024, 30.1026, 30.1028, 30.1030, 30.1032, 30.1034, and 33.543, to read as follows:

30.1020. There is hereby created in the state treasury the "Coronavirus State Fiscal Recovery Fund", which shall consist of all moneys received in the state treasury under the American Rescue Plan Act of 2021, or any subsequent economic stimulus or budget stabilization plan as enacted by the 117th United States Congress on or after March 1, 2021, and on or before December 31, 2021, which are dedicated to the state for mitigating the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19). The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

30.1022. There is hereby created in the state treasury the "Coronavirus Local Government Fiscal Recovery Fund", which shall consist of all moneys received in the state treasury under the American Rescue Plan Act of 2021, or any subsequent economic

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.

4 stimulus or budget stabilization plan as enacted by the 117th United States Congress on
5 or after March 1, 2021, and on or before December 31, 2021, which are dedicated to
6 nonentitlement units of local government, as well as cities and counties unwilling or unable
7 to accept direct payment from the federal government, for mitigating the fiscal effects
8 stemming from the public health emergency with respect to the Coronavirus Disease
9 (COVID-19). The state treasurer shall be custodian of the fund and may approve
10 disbursements from the fund in accordance with sections 30.170 and 30.180.
11 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
12 in the fund at the end of the biennium shall not revert to the credit of the general revenue
13 fund. The state treasurer shall invest moneys in the fund in the same manner as other
14 funds are invested. Any interest and moneys earned on such investments shall be credited
15 to the fund.

30.1024. There is hereby created in the state treasury the "Coronavirus Capital
2 Projects Fund", which shall consist of all moneys received in the state treasury under the
3 American Rescue Plan Act of 2021, or any subsequent economic stimulus or budget
4 stabilization plan as enacted by the 117th United States Congress on or after March 1,
5 2021, and on or before December 31, 2021, for critical capital projects directly enabling
6 work, education, and health monitoring, including remote options, in response to the
7 public health emergency with respect to the Coronavirus Disease (COVID-19). The state
8 treasurer shall be custodian of the fund and may approve disbursements from the fund in
9 accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section
10 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall
11 not revert to the credit of the general revenue fund. The state treasurer shall invest
12 moneys in the fund in the same manner as other funds are invested. Any interest and
13 moneys earned on such investments shall be credited to the fund.

30.1026. There is hereby created in the state treasury the "FMAP Enhancement –
2 2021 Fund", which shall consist of all moneys received in the state treasury under the
3 American Rescue Plan Act of 2021, or any subsequent economic stimulus or budget
4 stabilization plan as enacted by the 117th United States Congress on or after March 1,
5 2021, and on or before December 31, 2021, representing any enhanced federal medical
6 assistance percentage. The state treasurer shall be custodian of the fund and may approve
7 disbursements from the fund in accordance with sections 30.170 and 30.180.
8 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
9 in the fund at the end of the biennium shall not revert to the credit of the general revenue
10 fund. The state treasurer shall invest moneys in the fund in the same manner as other

11 funds are invested. Any interest and moneys earned on such investments shall be credited
12 to the fund.

30.1028. There is hereby created in the state treasury the "Department of
2 Elementary and Secondary Education Federal Emergency Relief – 2021 Fund", which
3 shall consist of all moneys received in the state treasury under the American Rescue Plan
4 Act of 2021, or any subsequent economic stimulus or budget stabilization plan as enacted
5 by the 117th United States Congress on or after March 1, 2021, and on or before December
6 31, 2021, for grants to local educational agencies education and other purposes allowed by
7 federal law from the elementary and secondary school emergency relief fund. The state
8 treasurer shall be custodian of the fund and may approve disbursements from the fund in
9 accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section
10 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall
11 not revert to the credit of the general revenue fund. The state treasurer shall invest
12 moneys in the fund in the same manner as other funds are invested. Any interest and
13 moneys earned on such investments shall be credited to the fund.

30.1030. There is hereby created in the state treasury the "Department of Higher
2 Education and Workforce Development Federal Emergency Relief – 2021 Fund", which
3 shall consist of all moneys received in the state treasury under the American Rescue Plan
4 Act of 2021, or any subsequent economic stimulus or budget stabilization plan as enacted
5 by the 117th United States Congress on or after March 1, 2021, and on or before December
6 31, 2021, for grants to institutions of higher education and other purposes allowed by
7 federal law from the higher education emergency relief fund. The state treasurer shall be
8 custodian of the fund and may approve disbursements from the fund in accordance with
9 sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the
10 contrary, any moneys remaining in the fund at the end of the biennium shall not revert to
11 the credit of the general revenue fund. The state treasurer shall invest moneys in the fund
12 in the same manner as other funds are invested. Any interest and moneys earned on such
13 investments shall be credited to the fund.

30.1032. There is hereby created in the state treasury the "Housing Assistance
2 Federal Stimulus – 2021 Fund", which shall consist of all moneys received in the state
3 treasury under the American Rescue Plan Act of 2021, or any subsequent economic
4 stimulus or budget stabilization plan as enacted by the 117th United States Congress on
5 or after March 1, 2021, and on or before December 31, 2021, which are dedicated to the
6 state as well as units of local government unwilling or unable to accept direct payment
7 from the federal government, for emergency rental assistance. The state treasurer shall
8 be custodian of the fund and may approve disbursements from the fund in accordance with

9 sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the
10 contrary, any moneys remaining in the fund at the end of the biennium shall not revert to
11 the credit of the general revenue fund. The state treasurer shall invest moneys in the fund
12 in the same manner as other funds are invested. Any interest and moneys earned on such
13 investments shall be credited to the fund.

30.1034. There is hereby created in the state treasury the following funds:
2 "Department of Elementary and Secondary Education Federal Stimulus – 2021 Fund",
3 "Department of Higher Education and Workforce Development Federal Stimulus – 2021
4 Fund", "Department of Revenue Federal Stimulus – 2021 Fund", "Department of
5 Transportation – 2021 Fund", "Office of Administration Federal Stimulus – 2021 Fund",
6 "Department of Agriculture Federal Stimulus – 2021 Fund", "Department of Natural
7 Resources Federal Stimulus – 2021 Fund", "Department of Economic Development
8 Federal Stimulus – 2021 Fund", "Department of Labor and Industrial Relations Federal
9 Stimulus – 2021 Fund", "Department of Public Safety Federal Stimulus – 2021 Fund",
10 "Department of Corrections Federal Stimulus – 2021 Fund", "Department of Mental
11 Health Federal Stimulus – 2021 Fund", "Department of Health and Senior Services
12 Federal Stimulus – 2021 Fund", and the "Department of Social Services Federal Stimulus
13 – 2021 Fund", provided that each of the foregoing funds shall only be created if and when
14 funds are received for deposit in accordance with this section. Each aforementioned fund
15 shall consist of all moneys received in the state treasury under the American Rescue Plan
16 Act of 2021, or any subsequent economic stimulus or budget stabilization plan as enacted
17 by the 117th United States Congress on or after March 1, 2021, and on or before December
18 31, 2021, which are intended for programs administered by the named state department
19 in said fund and are not otherwise allocable to any fund created in sections 30.1020,
20 30.1022, 30.1024, 30.1026, 30.1028, 30.1030, or 30.1032. The state treasurer shall be
21 custodian of each fund and may approve disbursements from each fund in accordance with
22 sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the
23 contrary, any moneys remaining in each fund at the end of the biennium shall not revert
24 to the credit of the general revenue fund. The state treasurer shall invest moneys in each
25 fund in the same manner as other funds are invested. Any interest and moneys earned on
26 such investments by each fund shall be credited to said fund.

33.543. There is hereby created in the state treasury the "General Revenue Fund". All
2 moneys received by this state shall be deposited in the state treasury to the credit of the general
3 revenue fund, unless required by an appropriations act, statute, or constitutional provision to
4 be deposited in some other specifically named fund. No fund shall be created within the state
5 treasury that is not created by and named in the constitution, statute, or an appropriations

6 **act. An appropriations act may create one or more new funds in the state treasury, and**
7 **direct the deposit of certain moneys into specific funds, provided that such deposit does not**
8 **conflict with the constitution or statute, and further provided that an appropriation is**
9 **made from each fund in an appropriations act for which a deposit is directed in such**
10 **appropriations act.**

Section B. Because of the need to ensure the proper receipt and accounting of moneys
2 resulting from the enactment of the American Rescue Plan Act of 2021, section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
4 and is hereby declared to be an emergency act within the meaning of the constitution, and section
5 A of this act shall be in full force and effect upon its passage and approval.

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