

FIRST REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 941

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

0255H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 226, RSMo, by adding thereto three new sections relating to transportation funds.

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

Section A. Chapter 226, RSMo, is amended by adding thereto three new sections, to be known as section 226.221, 226.222, 226.223 to read as follows:

226.221. 1. There is hereby created as a subaccount in the state road fund the "Motor Vehicle Sales Revenue Fund", which shall consist of moneys appropriated to the fund.

(1) The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation by the general assembly, moneys in the fund shall be used solely for the purposes stated under subsection 2 of section 226.220;

(2) 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; and

(3) 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.

2. The department of revenue shall estimate the revenue generated by the sales tax on motor vehicle parts and components. Such revenue shall be estimated by calculating

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.

16 the total sales tax revenue attributable to businesses commonly associated with selling or
17 installing motor vehicle parts and components including, but not limited to:

- 18 (1) Automobile accessory retailers;
- 19 (2) Automobile body repair shops;
- 20 (3) Automobile dealerships;
- 21 (4) Automobile glass repair shops;
- 22 (5) Automotive mechanics;
- 23 (6) Automotive part retailers;
- 24 (7) Gas and fueling stations;
- 25 (8) Oil change facilities;
- 26 (9) Salvage yards;
- 27 (10) Tire sellers;
- 28 (11) Towed vehicle storage yards; and
- 29 (12) Truck stops.

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31 The calculation of sales tax revenue shall not include any sales not subject to sales tax,
32 including the sale of services and shall not include the sale of motor vehicles. After July
33 1, 2018, the department of revenue shall report such estimated sales tax revenue generated
34 during the prior fiscal year to the Missouri house of representatives by December thirty-
35 first of each year.

36 3. Moneys appropriated from the general revenue fund to the motor vehicle sales
37 revenue fund shall not exceed ninety percent of the estimated sales tax revenue generated
38 by the sale of motor vehicles and motor vehicle parts and components during the preceding
39 fiscal year.

40 4. The department of revenue may promulgate rules to implement the provisions
41 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
42 is created under the authority delegated in this section shall become effective only if it
43 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
44 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
45 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
46 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
47 grant of rulemaking authority and any rule proposed or adopted after August 28, 2017,
48 shall be invalid and void.

226.222. 1. There is hereby created as a subaccount in the state transportation fund
2 the "Port Capital Fund", which shall consist of moneys appropriated to the fund.

3 (1) The state treasurer shall be custodian of the fund. In accordance with sections
4 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a
5 dedicated fund and, upon appropriation by the general assembly, moneys in the fund shall
6 be used solely for the establishment, maintenance, or improvement of ports, waterways,
7 or similar public transportation facilities.

8 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
9 remaining in the fund at the end of the biennium shall not revert to the credit of the
10 general revenue fund; and

11 (3) The state treasurer shall invest moneys in the fund in the same manner as other
12 funds are invested. Any interest and moneys earned on such investments shall be credited
13 to the fund.

14 2. The department of revenue shall estimate the revenue generated by the sales tax
15 on watercraft parts and components and by sales within a port authority. Such revenue
16 shall be estimated by calculating the total sales tax revenue attributable to businesses
17 commonly associated with selling or installing watercraft parts and components and to
18 businesses located within a port authority. The calculation of sales tax revenue shall not
19 include any sales not subject to sales tax, including the sale of services and shall not include
20 the sale of watercraft. After July 1, 2018, the department of revenue shall report such
21 estimated sales tax revenue generated during the prior fiscal year to the Missouri house of
22 representatives by December thirty-first of each year.

23 3. Moneys appropriated from the general revenue fund to the port capital fund
24 shall not exceed ninety percent of the estimated sales tax revenue generated by the sale of
25 watercraft parts and components and by sales within a port authority during the preceding
26 fiscal year.

27 4. The department of revenue may promulgate rules to implement the provisions
28 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
29 is created under the authority delegated in this section shall become effective only if it
30 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
31 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
32 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
33 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
34 grant of rulemaking authority and any rule proposed or adopted after August 28, 2017,
35 shall be invalid and void.

226.223. 1. There is hereby created as a subaccount in the state transportation fund
2 the "Airport Capital Project Fund", which shall consist of moneys appropriated to the
3 fund.

4 **(1) The state treasurer shall be custodian of the fund. In accordance with sections**
5 **30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a**
6 **dedicated fund and, upon appropriation by the general assembly, moneys in the fund shall**
7 **be used solely for the establishment, maintenance, or improvement of airports, aviation**
8 **facilities, or similar public transportation facilities;**

9 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
10 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
11 **general revenue fund; and**

12 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
13 **funds are invested. Any interest and moneys earned on such investments shall be credited**
14 **to the fund.**

15 **2. The department of revenue shall estimate the revenue generated by the sales tax**
16 **on aircraft parts and components. Such revenue shall be estimated by calculating the total**
17 **sales tax revenue attributable to businesses commonly associated with selling or installing**
18 **aircraft parts and components. The calculation of sales tax revenue shall not include any**
19 **sales not subject to sales tax, including the sale of services and shall not include the sale of**
20 **aircraft. After July 1, 2018, the department of revenue shall report such estimated sales**
21 **tax revenue generated during the prior fiscal year to the Missouri house of representatives**
22 **by December thirty-first of each year.**

23 **3. Moneys appropriated from the general revenue fund to the airport capital**
24 **project fund shall not exceed ninety percent of the estimated sales tax revenue generated**
25 **by the sale of aircraft parts and components and on sales within a port authority parts and**
26 **components during the preceding fiscal year.**

27 **4. The department of revenue may promulgate rules to implement the provisions**
28 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
29 **is created under the authority delegated in this section shall become effective only if it**
30 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
31 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
32 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
33 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
34 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2017,**
35 **shall be invalid and void.**

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