

SECOND REGULAR SESSION

HOUSE BILL NO. 1297

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SEIGFREID (Sponsor), BARNITZ, KELLY (36), SHOEMYER,
CARNAHAN AND WHORTON (Co-sponsors).

Read 1st time January 28, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4112L.011

AN ACT

To amend chapter 142, RSMo, by adding thereto two new sections relating to motor fuel taxes,
with a referendum clause.

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

**Section A. Chapter 142, RSMo, is amended by adding thereto two new sections, to
2 be known as sections 142.804 and 142.805, to read as follows:**

142.804. 1. As used in this section, "renewable fuel" means:

2 (1) Denatured ethanol or other alcohols;

**3 (2) Mixtures of denatured ethanol or other alcohols with gasoline or other fuels,
4 with the mixture containing not less than seventy percent, or such other higher percentage
5 as determined by rules or regulations promulgated by the state department of agriculture,
6 by volume of denatured ethanol or other alcohols;**

7 (3) Fuels, other than alcohol, derived from biological materials; and

**8 (4) Any other fuel the United States Department of Energy determines by rule or
9 regulation is substantially not petroleum, is substantially derived from biological materials,
10 and would yield substantial energy security and environmental benefits.**

**11 2. In addition to the tax levied and imposed in section 142.803, a tax of one-half of
12 one cent per gallon is hereby levied and imposed on motor fuel used or consumed in this
13 state. The revenue derived from the additional tax imposed in this section shall be
14 deposited in the renewable fuel fund created in section 142.805 to be used solely for
15 funding renewable fuel incentives. The additional tax is imposed upon the ultimate
16 consumer, but shall be precollected as described in this chapter for the facility and
17 convenience of the consumer. The levy and assessment on other persons as specified in this
18 chapter shall be as agents of this state for the precollection of the tax.**

19 **3. The director of the department of agriculture and the director of the department**
20 **of revenue may promulgate rules and regulations necessary to administer and enforce this**
21 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
22 **that is created under the authority delegated in this section shall become effective only if**
23 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
24 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
25 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
26 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
27 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
28 **adopted after August 28, 2004, shall be invalid and void.**

142.805. 1. There is hereby created in the state treasury the "Renewable Fuel
2 **Fund", which shall consist of money collected under section 142.804. The state treasurer**
3 **shall be custodian of the fund and shall approve disbursements from the fund in**
4 **accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the**
5 **fund shall be used solely for funding renewable fuel incentives. Notwithstanding the**
6 **provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at**
7 **the end of the biennium shall not revert to the credit of the general revenue fund. The state**
8 **treasurer shall invest moneys in the fund in the same manner as other funds are invested.**
9 **Any interest and moneys earned on such investments shall be credited to the fund.**

10 **2. The additional revenue derived from the tax imposed in section 142.804 shall not**
11 **be considered part of the total state revenues within the meaning of sections 17 and 18,**
12 **article X, Constitution of Missouri, nor shall the expenditure of the revenue be considered**
13 **an expense of state government under section 20, article X, Constitution of Missouri.**

14 **3. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

15 **(1) The provisions of the new program authorized under sections 142.804 and**
16 **142.805 shall automatically sunset six years after the effective date of sections 142.804 and**
17 **142.805 unless reauthorized by an act of the general assembly; and**

18 **(2) If such program is reauthorized, the program authorized under sections 142.804**
19 **and 142.805 shall automatically sunset twelve years after the effective date of the**
20 **reauthorization of sections 142.804 and 142.805; and**

21 **(3) Sections 142.804 and 142.805 shall terminate on September first of the calendar**
22 **year immediately following the calendar year in which the program authorized under**
23 **sections 142.804 and 142.805 is sunset.**

 Section B. Section A of this act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall be held and
3 conducted on the Tuesday immediately following the first Monday in November, 2004, or at a

4 special election to be called by the governor for that purpose, pursuant to the laws and
5 constitutional provisions of this state applicable to general elections and the submission of
6 referendum measures by initiative petition, and it shall become effective when approved by a
7 majority of the votes cast thereon at such election and not otherwise.