

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 26

93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE QUINN.

Read 1<sup>st</sup> time March 30, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2132L.02I

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 43(a) and 43(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to funding for education.

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*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, 2008, 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 IV of the Constitution of the state of Missouri:

Section A. Sections 43(a) and 43(b), article IV, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 43(a) and 43(b), to read as follows:

Section 43(a). **1.** For the purpose of providing additional moneys to be expended and used by the conservation commission, department of conservation, for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, [including the purchase or other acquisition of property for said purposes,] and for the administration of the laws pertaining thereto, an additional sales tax of one-eighth of one percent is hereby levied and imposed upon all sellers for the privilege of selling tangible personal

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.

7 property or rendering taxable services at retail in this state upon the sales and services which now  
8 are or hereafter are listed and set forth in, and, except as to the amount of tax, subject to the  
9 provisions of and to be collected as provided in the "Sales Tax Law" and subject to the rules and  
10 regulations promulgated in connection therewith; and an additional use tax of one-eighth of one  
11 percent is levied and imposed for the privilege of storing, using or consuming within this state  
12 any article of tangible personal property as set forth and provided in the "Compensating Use Tax  
13 Law" and, except as to the amount of the tax, subject to the provisions of and to be collected as  
14 provided in the "Compensating Use Tax Law" and subject to the rules and regulations  
15 promulgated in connection therewith.

16 **2. Beginning January 1, 2009, one-half of the sales and use tax revenue received**  
17 **pursuant to the provisions of subsection 1 of this section shall be deposited in the public**  
18 **school fund for such purposes as specified in article IX of this constitution.**

19 **3. The repeal of subsection 2 of this section and of the corresponding provision in**  
20 **section 43(b) of this article shall be ordered upon the ballot at the general election in**  
21 **November, 2016, or at a special election to be called by the governor for that purpose, and**  
22 **every ten years thereafter, for approval or rejection as provided by law.**

Section 43(b). **Beginning January 1, 2009, one-half of the moneys arising from the**  
2 additional sales and use taxes provided for in section 43(a) hereof and all fees, moneys or funds  
3 arising from the operation and transactions of the conservation commission, department of  
4 conservation, and from the application and the administration of the laws and regulations  
5 pertaining to the bird, fish, game, forestry and wildlife resources of the state and from the sale  
6 of property used for said purposes, shall be expended and used by the conservation commission,  
7 department of conservation, for the control, management, restoration, conservation and  
8 regulation of the bird, fish, game, forestry and wildlife resources of the state, [including the  
9 purchase or other acquisition of property for said purposes,] and for the administration of the  
10 laws pertaining thereto, **and one-half of such moneys shall be expended and used for the**  
11 **establishment and maintenance of free public schools pursuant to article IX of this**  
12 **constitution**, and for no other purpose. The moneys and funds of the conservation commission  
13 arising from the additional sales and use taxes provided for in 43(a) hereof shall also be used by  
14 the conservation commission, department of conservation, to make payments to counties for the  
15 unimproved value of land for distribution to the appropriate political subdivisions as payment  
16 in lieu of real property taxes for privately owned land acquired by the commission after July 1,  
17 1977 and for land classified as forest cropland in the forest cropland program administered by  
18 the department of conservation in such amounts as may be determined by the conservation  
19 commission, but in no event shall the amount determined be less than the property tax being paid  
20 at the time of purchase of acquired lands.