

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 125

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

3214H.021

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 40(a), 40(b), 43(a), 43(b), and 43(c) of Article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the management and funding of the department of conservation.

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, 2024, 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Section A. Sections 40(a), 40(b), 43(a), 43(b), and 43(c), Article IV, Constitution of Missouri, are repealed and four new sections adopted in lieu thereof, to be known as Sections 40(a), 43(a), 43(b), and 43(c), to read as follows:

Section 40(a). **1.** The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment thereof, and the administration of all laws pertaining thereto, shall be vested in a conservation commission ~~[consisting of four members appointed by the governor, by and with the advice and consent of the senate, not more than two of whom].~~

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.

8 **2. (1) The number, qualifications, and terms of the members of the conservation**
9 **commission shall be fixed by law and not more than one-half of the commission's**
10 **members shall be of the same political party.**

11 **(2) The members shall have knowledge of and interest in the state's natural**
12 **resources or wildlife conservation.**

13 **(3) The members shall hold office for terms of six years beginning on the first day of**
14 **July of consecutive odd years. Two of the terms shall be concurrent; one shall begin two**
15 **years before and one two years after the concurrent terms.**

16 **(4) (a) Each member shall reside in a congressional district that is different from**
17 **the congressional districts in which the other members reside.**

18 **(b) Upon the expiration of a member's term or upon a vacancy, a member**
19 **appointed by the governor to begin a new term or to fill the vacancy shall reside in a**
20 **congressional district that is different from:**

21 **a. The congressional districts in which the other members reside; and**

22 **b. The congressional district in which the member previously filling the office**
23 **resided.**

24 **(5) If the governor fails to fill a vacancy within thirty days, the remaining members**
25 **shall fill the vacancy for the unexpired term by a majority vote of the remaining members.**
26 **The remaining members shall choose an individual to fill the vacancy from a list of ten**
27 **individuals provided by the general assembly. Each year the Missouri house of**
28 **representatives shall create the list of ten individuals qualified to fill a vacancy and the**
29 **general assembly shall adopt a concurrent resolution containing such list. The vote by**
30 **the remaining members of the commission on the individual to fill the vacancy and any**
31 **deliberations on such vote shall be public.**

32 **(6) The members shall receive no salary or other compensation for their services as**
33 **members, but shall receive their necessary traveling and other expenses incurred while**
34 **actually engaged in the discharge of their official duties.**

35 **(7) (a) No member shall accept directly or indirectly a gift of any tangible or**
36 **intangible item, service, or thing of value from any individual or entity that receives or**
37 **has received any remuneration from the conservation commission or that performs**
38 **services for or is a vendor or contractor for the conservation commission.**

39 **(b) Upon receiving a claim that a member accepted a gift in violation of**
40 **paragraph (a) of this subdivision, the Missouri ethics commission or its successor shall**
41 **investigate and determine whether such gift influenced or attempted to influence a**
42 **member's performance of official duties. If the ethics commission determines such gift**
43 **influenced or attempted to influence a member's performance of official duties, the**
44 **member shall immediately forfeit and vacate the office and the ethics commission shall**

45 refer such determination to the Missouri attorney general for prosecution of the offense
46 of bribery of a public servant under state law.

47 **3. (1) Any individual or entity that enters a contract with the conservation**
48 **commission shall report each tangible or intangible item, service, or thing of value such**
49 **individual or entity provided directly or indirectly to each member of the conservation**
50 **commission or to a person related to such member within the first degree of**
51 **consanguinity.**

52 **(2) Reports made under subdivision (1) of this subsection shall be filed quarterly**
53 **with the Missouri ethics commission or its successor as required by general law.**

54 **(3) The reports required under subdivision (1) of this subsection shall list each**
55 **such item, service, or thing of value provided in the five years before the beginning date**
56 **of the contract through the five years after the ending date of the contract.**

Section 43(a). **1. Except as otherwise provided in subsection 2 of this section, for**
2 the purpose of providing additional moneys to be expended and used by the conservation
3 commission, department of conservation, for the control, management, restoration,
4 conservation and regulation of the bird, fish, game, forestry and wildlife resources of the
5 state, including the purchase or other acquisition of property for said purposes, and for the
6 administration of the laws pertaining thereto, an additional sales tax of one-eighth of one
7 percent is hereby levied and imposed upon all sellers for the privilege of selling tangible
8 personal property or rendering taxable services at retail in this state upon the sales and
9 services which now are or hereafter are listed and set forth in, and, except as to the amount of
10 tax, subject to the provisions of and to be collected as provided in the "Sales Tax Law" and
11 subject to the rules and regulations promulgated in connection therewith; and an additional
12 use tax of one-eighth of one percent is levied and imposed for the privilege of storing, using
13 or consuming within this state any article of tangible personal property as set forth and
14 provided in the "Compensating Use Tax Law" and, except as to the amount of the tax, subject
15 to the provisions of and to be collected as provided in the "Compensating Use Tax Law" and
16 subject to the rules and regulations promulgated in connection therewith.

17 **2. (1) Beginning on January first of the calendar year immediately following the**
18 **effective date of this subsection, the percentages of the total revenues described in**
19 **subdivision (2) of this subsection that are derived from the sales and use taxes levied and**
20 **imposed under subsection 1 of this section shall be expended and used solely as provided**
21 **in subdivision (2) of this subsection.**

22 **(2) The percentages of the total revenues described in this subdivision that are**
23 **derived from the sales and use taxes levied and imposed under subsection 1 of this**
24 **section shall be expended and used as follows:**

25 **(a) For duties and responsibilities of the division of state parks of the department**
26 **of natural resources, ten percent; and**

27 **(b) For duties and responsibilities of local political subdivisions in which land**
28 **owned by the department of conservation is located, ten percent.**

29 **(3) (a) Of the ten percent of revenues for local political subdivisions under**
30 **paragraph (b) of subdivision (2) of this subsection, the amount apportioned to each**
31 **political subdivision shall be based on the number of acres of land owned by the**
32 **department of conservation within each such political subdivision. Such revenues shall**
33 **be divided and distributed to such political subdivisions in the same proportions and in**
34 **the same manner as other real property tax revenues are divided and distributed in such**
35 **political subdivisions.**

36 **(b) The amounts divided and distributed under paragraph (a) of this subdivision**
37 **shall be separate from and in addition to any payments in lieu of real property taxes**
38 **made under subsection 2 of section 43(b) of this article.**

 Section 43(b). **1. Except as otherwise provided in subsection 2 of section 43(a) of**
2 **this article**, the moneys arising from the additional sales and use taxes provided for in
3 **subsection 1 of section 43(a) [~~hereof~~] of this article** and all fees, moneys or funds arising
4 from the operation and transactions of the conservation commission, department of
5 conservation, and from the application and the administration of the laws and regulations
6 pertaining to the bird, fish, game, forestry and wildlife resources of the state and from the sale
7 of property used for said purposes, shall be expended and used by the conservation
8 commission, department of conservation, for the control, management, restoration,
9 conservation and regulation of the bird, fish, game, forestry and wildlife resources of the
10 state, including the purchase or other acquisition of property for said purposes, and for the
11 administration of the laws pertaining thereto, and for no other purpose.

12 **2. Except as otherwise provided in subsection 1 of section 43(a) of this article**, the
13 moneys and funds of the conservation commission arising from the additional sales and use
14 taxes provided for in **subsection 1 of section 43(a) [~~hereof~~] of this article** shall also be used
15 by the conservation commission, department of conservation, to make payments to counties
16 for the unimproved value of land for distribution to the appropriate political subdivisions as
17 payment in lieu of real property taxes for **all** privately owned land acquired by the
18 commission [~~after July 1, 1977~~] and for land classified as forest cropland in the forest
19 cropland program administered by the department of conservation in such amounts as may be
20 determined by the conservation commission, but in no event shall the amount determined be
21 less than the property tax being paid [~~at the time of purchase of acquired lands~~] **on real**
22 **property owned by private citizens within such political subdivision as determined by**

23 the annual assessment of real property in such political subdivision as provided under
24 general law.

25 3. The general assembly shall review any proposed sale of real property
26 administered by the department of conservation and any proposed purchase of real
27 property for department of conservation purposes before such sale or purchase is made
28 final. After such review, if the general assembly disapproves of such sale or purchase,
29 the general assembly shall adopt a concurrent resolution in accordance with Article IV,
30 Section 8 of the Constitution of Missouri to disapprove and annul such sale or purchase.

Section 43(c). [~~The effective date of this amendment shall be July 1, 1977. All laws
2 inconsistent with this amendment shall no longer remain in full force and effect after July 1,
3 1977.~~] All of the provisions of sections [~~43(a)-(e)~~] **43(a) to 43(c) of this article** shall be self-
4 enforcing except that the general assembly shall adjust brackets for the collection of the sales
5 and use taxes.

2 [~~Section 40(b). The members of the present conservation commission
shall serve out the terms for which they were appointed, with all their powers
3 and duties.~~]

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