16-080

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

August 17, 2015

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Chuck Hatfield regarding a proposed statutory amendment to Chapter 149, version 2

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Revised Statutes of Missouri filed by Chuck Hatfield on August 17, 2015.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Jason Kander

Jason Kander

RECEIVED
AUG 17 2015
STATE AUDITOR'S OFFICE

cc: Hon. Chris Koster
Sheri Hoffman
Barbara Wood

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County _____

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It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable Jason Kander, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed law shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2016, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and name of the city, town or village in which I live are correctly written after my name.

[OFFICIAL BALLOT TITLE]

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI,

COUNTY OF _____

I, _____, being first duly sworn, say (print or type names of signers)
(Petition Circulator's Printed Name)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	Zip Code	Congr. Dist.	NAME (Printed or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do ___ do not ___ (check one) expect to be paid for circulating this petition. If paid, list the payer _____.

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2015 AUG 17 AM 10:02
SEC. OF STATE

_____
Signature of Affiant (Person obtaining signatures)

_____
Street address of Affiant

_____
Printed Name of Affiant

_____
City, State and Zip Code of Affiant

Subscribed and sworn to before me this _____ day of _____, A.D. _____.

_____
Signature of Notary

Notary Public (Seal)

_____
Address of Notary

My commission expires:

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Be it enacted by the people of the State of Missouri:

A new section to be known as section 149.017 is enacted to read as follows:

149.017. 1. In addition to the tax levied in subsection 1 of section 149.015, RSMo, an additional tax shall be levied upon the sale of cigarettes at an amount equal to six and one-half mills per cigarette on January 1, 2017, two and one-half mills per cigarette on January 1, 2019, and two and one-half mills per cigarette on January 1, 2021.

2. In addition to the tax levied in subsection 1 of section 149.160, RSMo, an additional tax of five percent of the manufacturer's invoice price before discounts and deals shall be levied on January 1, 2017 upon the first sale of tobacco products, other than cigarettes, within the state, and shall be paid by the person making the first sale within the state. Licensed persons making first sales within the state shall be allowed approved credit for returned merchandise provided the tax was paid on the returned merchandise and the purchaser was given a refund or credit. Such licensed person shall take such approved credit on the return for the month in which the purchaser was given the refund or credit.

3. The revenue generated in subsections 1 and 2 of this section, less any reduction allowed in section 149.021, RSMo, shall be deposited in the "Transportation Infrastructure Fund", which is hereby created in the state treasury, and used exclusively to fund transportation infrastructure. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys deposited in this fund, including any interest thereon, shall not revert to the credit of the general revenue fund at the end of the biennium. 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.

4. The additional six and one-half mills per cigarette tax levied in subsection 1 of this section and effective on January 1, 2017 shall not apply to inventories of cigarettes in the possession of the retailer and wholesaler on December 31, 2016. The additional two and one-half mills per cigarette tax levied in subsection 1 of this section and effective on January 1, 2019 shall not apply to inventories of cigarettes in the possession of the retailer and wholesaler on December 31, 2018. The additional two and one-half mills per cigarette tax levied in subsection 1 of this section and effective on January 1, 2021 shall not apply to inventories of cigarettes in the possession of the retailer and wholesaler on December 31, 2020.

5. The additional five percent tax levied in subsection 2 of this section shall not apply to inventories of tobacco products, other than cigarettes, in the possession of the retailer and wholesaler on December 31, 2016.

6. The additional taxes levied in subsections 1 and 2 of this section shall immediately, automatically and permanently be repealed and reduced to zero under any of the following events:

(1). In the event any tax or fee increase on some or all cigarettes or other tobacco products is officially certified to be placed on any local or statewide ballot by the Secretary of State or any other election official at any time; or

(2). In the event any provision of subsections 1 through 9 of this section is ruled null and void, invalid, unlawful, severable or unconstitutional for any reason by any state or federal court of law.

7. The provisions of subsection 6 of this section are specifically meant to include, but are not limited to, any tax increase on cigarettes or other tobacco products placed on any local or statewide ballot in Missouri at any time pursuant to chapters 115 and 116, RSMo, and Article III, sections 49 through 53, and Article XII of the Missouri Constitution or any local laws allowing submission of questions to the voters.

8. In the event any provision of subsections 6 and 7 of this section are triggered, the department of revenue shall automatically, immediately and permanently cease the application and collection of any of the taxes levied in subsections 1 and 2 of this section, and the department of revenue and the revisor of statutes shall automatically and immediately notify the public. The department of revenue shall authorize the state treasurer to make refunds for any erroneous payments or overpayments.

9. Notwithstanding the provisions of section 1.140, RSMo, or case law or rule to the contrary, the provisions of subsections 1 through 9 of this section are nonseverable. If any provision of subsections 1 through 9 of this section is held, in whole or in part, to be invalid, unlawful, or unconstitutional for any reason by any state or federal court of law, such decision shall invalidate and make void all of subsections 1 through 9 of this section.