

HOUSE JOINT RESOLUTION NO. 81

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZPATRICK.

5512H.04I

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state road fund.

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, 2016, 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Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 30(b), to read as follows:

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system of connected state highways all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting those portions of the sales tax on motor vehicles and trailers which are not distributed to the state road fund pursuant to subsection 2 of this section 30(b) and further excepting all property taxes), less the (1) actual cost of collection of the department of revenue (but not to exceed three percent of the particular tax or fee collected), (2) actual cost of refunds for overpayments and erroneous payments of such taxes and fees and maintaining retirement programs as permitted by law and (3) actual cost of the state highway patrol in administering and enforcing any state motor vehicle laws and traffic

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.

12 regulations, shall be deposited in the state road fund which is hereby created within the state
13 treasury and stand appropriated without legislative action to be used and expended by the
14 highways and transportation commission for the following purposes, and no other:

15 First, to the payment of the principal and interest on any outstanding state road bonds.
16 The term state road bonds in this section 30(b) means any bonds or refunding bonds issued by
17 the highways and transportation commission to finance or refinance the construction or
18 reconstruction of the state highway system.

19 Second, to maintain a balance in the state road fund in the amount deemed necessary to
20 meet the payment of the principal and interest of any state road bonds for the next succeeding
21 twelve months.

22 The remaining balance in the state road fund shall be used and expended in the sole
23 discretion of and under the supervision and direction of the highways and transportation
24 commission for the following state highway system uses and purposes and no other:

25 (1) To complete and widen or otherwise improve and maintain the state highway system
26 heretofore designated and laid out under existing laws;

27 (2) To reimburse the various counties and other political subdivisions of the state, except
28 incorporated cities and towns, for money expended by them in the construction or acquisition
29 of roads and bridges now or hereafter taken over by the highways and transportation commission
30 as permanent parts of the state highway system, to the extent of the value to the state of such
31 roads and bridges at the time taken over, not exceeding in any case the amount expended by such
32 counties and subdivisions in the construction or acquisition of such roads and bridges, except
33 that the highways and transportation commission may, in its discretion, repay, or agree to repay,
34 any cash advanced by a county or subdivision to expedite state road construction or
35 improvement;

36 (3) In the discretion of the commission to plan, locate, relocate, establish, acquire,
37 construct and maintain the following:

38 (a) interstate and primary highways within the state;

39 (b) supplementary state highways and bridges in each county of the state;

40 (c) state highways and bridges in, to and through state parks, public areas and
41 reservations, and state institutions now or hereafter established to connect the same with the state
42 highways, and also national, state or local parkways, travelways, tourways, with coordinated
43 facilities;

44 (d) any tunnel or interstate bridge or part thereof, where necessary to connect the state
45 highways of this state with those of other states;

46 (e) any highway within the state when necessary to comply with any federal law or
47 requirement which is or shall become a condition to the receipt of federal funds;

48 (f) any highway in any city or town which is found necessary as a continuation of any
49 state or federal highway, or any connection therewith, into and through such city or town; and

50 (g) additional state highways, bridges and tunnels, either in congested traffic areas of the
51 state or where needed to facilitate and expedite the movement of through traffic.

52 (4) To acquire materials, equipment and buildings and to employ such personnel as
53 necessary for the purposes described in this subsection 1; and

54 (5) For such other purposes and contingencies relating and appertaining to the
55 construction and maintenance of such state highway system as the highways and transportation
56 commission may deem necessary and proper.

57 2. (1) The state sales tax upon the sale of motor vehicles, trailers, motorcycles, mopeds
58 and motortricycles at the rate provided by law on November 2, 2004, is levied and imposed by
59 this section until the rate is changed by law or constitutional amendment.

60 (2) **The proceeds derived from the state sales tax on all sales not included under**
61 **subdivision (1) of this subsection 2 shall be transferred from the general revenue fund to**
62 **the state road fund at the following rates:**

63 (a) **Beginning July 1, 2017, one-tenth of a cent on the dollar of the tax; and**

64 (b) **In any fiscal year that the general revenue is at least one hundred fifty million**
65 **dollars greater than the general revenue in the previous fiscal year, the transfer rate shall**
66 **permanently increase by one-tenth of a cent on the dollar of the tax with the maximum**
67 **transfer rate of one-half of a cent on the dollar of the tax.**

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69 **No transfer rate change shall increase by more than one-tenth of a cent on the dollar at a**
70 **time.**

71 (3) One-half of the proceeds from the state sales tax on all motor vehicles, trailers,
72 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use
73 and shall be apportioned and distributed as follows: ten percent to the counties, fifteen percent
74 to the cities, two percent to be deposited in the state transportation fund, which is hereby created
75 within the state treasury to be used in a manner provided by law and seventy-three percent to be
76 deposited in the state road fund. The amounts apportioned and distributed to the counties and
77 cities shall be further allocated and used as provided in section 30(a) of this article. The amounts
78 allocated and distributed to the highways and transportation commission for the state road fund
79 shall be used as provided in subsection 1 of this section 30(b). The sales taxes which are
80 apportioned and distributed pursuant to [this subdivision] **subdivisions (2) and (3) of this**
81 **subsection 2** shall not include those taxes levied and imposed pursuant to sections 43(a) or 47(a)
82 of this article. The term "proceeds from the state sales tax" as used in [this subdivision]
83 **subdivisions (2) and (3) of this subsection 2** shall mean and include all revenues received by

84 the department of revenue from the said sales tax, reduced only by refunds for overpayments and
85 erroneous payments of such tax as permitted by law and actual costs of collection by the
86 department of revenue (but not to exceed three percent of the amount collected).

87 [(3)] (4) (i) From and after July 1, 2005, through June 30, 2006, twenty-five percent of
88 the remaining one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
89 motorcycles, mopeds and motortricycles which is not distributed by subdivision [(2)] (3) of **this**
90 subsection 2 [of this section 30(b)] shall be deposited in the state road bond fund which is hereby
91 created within the state treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty
92 percent of the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles,
93 trailers, motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of
94 subsection 2 of this section 30(b) shall be deposited in the state road bond fund; (iii) from and
95 after July 1, 2007, through June 30, 2008, seventy-five percent of the aforesaid one-half of the
96 proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and
97 motortricycles which is not distributed by subdivision (2) of subsection 2 of this section 30(b)
98 shall be deposited in the state road bond fund; and (iv) from and after July 1, 2008, one hundred
99 percent of the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles,
100 trailers, motorcycles, mopeds and motortricycles which is not distributed by subdivision [(2)] (3)
101 of **this** subsection 2 [of this section 30(b)] shall be deposited in the state road bond fund.
102 Moneys deposited in the state road bond fund are hereby dedicated to and shall only be used to
103 fund the repayment of bonds issued by the highways and transportation commission to fund the
104 construction and reconstruction of the state highway system or to fund refunding bonds, except
105 that after January 1, 2009, that portion of the moneys in the state road bond fund which the
106 commissioner of administration and the highways and transportation commission each certify
107 is not needed to make payments upon said bonds or to maintain an adequate reserve for making
108 future payments upon said bonds may be appropriated to the state road fund. The highways and
109 transportation commission shall have authority to issue state road bonds for the uses set forth in
110 this subdivision [(3)] (4). The net proceeds received from the issuance of such bonds shall be
111 paid into the state road fund and shall only be used to fund construction or reconstruction of
112 specific projects for parts of the state highway system as determined by the highways and
113 transportation commission. The moneys deposited in the state road bond fund shall only be
114 withdrawn by appropriation pursuant to this constitution. No obligation for the payment of
115 moneys so appropriated shall be paid unless the commissioner of administration certifies it for
116 payment and further certifies that the expenditure is for a use which is specifically authorized by
117 the provisions of this subdivision [(3)] (4). The proceeds of the sales tax which are subject to
118 allocation and deposit into the state road bond fund pursuant to this subdivision [(3)] (4) shall
119 not include the proceeds of the sales tax levied and imposed pursuant to sections 43(a) or 47(a)

120 of this article nor shall they include the proceeds of that portion of the sales tax apportioned,
121 distributed and dedicated to the school district trust fund on November 2, 2004. The term
122 "proceeds from the state sales tax" as used in this subdivision [(3)] (4) shall mean and include
123 all revenues received by the department of revenue from the said sales tax, reduced only by
124 refunds for overpayments and erroneous payments of such tax as permitted by law and actual
125 costs of collection by the department of revenue (but not to exceed three percent of the amount
126 collected).

127 3. After January 1, 1980, any increase in state license fees and taxes on motor vehicles,
128 trailers, motorcycles, mopeds and motortricycles other than those taxes distributed pursuant to
129 subsection 2 of this section 30(b) shall be distributed as follows: ten percent to the counties,
130 fifteen percent to the cities and seventy-five percent to be deposited in the state road fund. The
131 amounts distributed shall be apportioned and distributed to the counties and cities as provided
132 in section 30(a) of this article, to be used for highway purposes.

133 4. The moneys apportioned or distributed under this section to the state road fund, the
134 state transportation fund, the state road bond fund, counties, cities, towns or villages shall not
135 be included within the definition of "total state revenues" as that term is used in section 17 of
136 Article X of this constitution nor be considered as an "expense of state government" as that term
137 is used in section 20 of article X of this constitution.

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