

FIRST REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 3

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0697S.011

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 30(d) and 32 of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to state highways.

*Be it resolved by the Senate, the House of Representatives 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, 2018, 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Section A. Sections 30(d) and 32, article IV, Constitution of Missouri, are repealed and three new sections adopted in lieu thereof, to be known as sections 30(d), 30(f), and 32, to read as follows:

Section 30(d). 1. No state revenues derived from highway users which are to be allocated, distributed or deposited in the state road fund pursuant to either section 30(a) or section 30(b) shall be diverted from the highway purposes and uses specified in subsection 1 of section 30(b). No state revenues derived from highway users which are to be allocated, distributed or deposited in the state road bond fund pursuant to subdivision (3) of subsection 2 of section 30(b) shall be diverted from the highway purposes and uses specified in said subdivision (3).

2. All of the provisions of sections 29, 30(a), 30(b), 30(c) [and], 30(d), **and 30(f)** shall be self executing. All of the provisions of sections 29, 30(a), 30(b), 30(c) [and], 30(d), **and 30(f)** are severable. If any provision of sections 29, 30(a), 30(b), 30(c) [and], 30(d), **and 30(f)** is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 these sections shall be and remain valid.

14 3. The provisions of sections 29, 30(a), 30(b), 30(c) [and], 30(d), and 30(f)  
15 shall become effective on [July 1, 2005] **January 1, 2019.**

**Section 30(f). 1. To provide additional moneys for state highway  
2 system purposes and uses, city streets, county roads, and state  
3 transportation system purposes and uses:**

4 **(1) First, an additional tax of one and one-half cents is hereby  
5 levied and imposed upon all motor fuel on which the Missouri motor  
6 fuel tax is imposed, except for diesel fuel; and**

7 **(2) Second, an additional tax of three and one-half cents is  
8 hereby levied and imposed upon all diesel motor fuel on which the  
9 Missouri motor fuel tax is imposed.**

10 **2. The proceeds from the additional state motor fuel taxes  
11 imposed under this section shall be collected, apportioned, distributed,  
12 and deposited by the department of revenue as provided in section  
13 30(a). The term "proceeds from the additional state motor fuel taxes"  
14 used in this subsection shall mean and include all proceeds collected  
15 by the department of revenue reduced only by refunds for  
16 overpayments and erroneous payments of such taxes as permitted by  
17 law and the department's actual costs to collect these proceeds, which  
18 shall not exceed one percent of the total amount of the tax  
19 collected. The department's actual costs to collect these proceeds shall  
20 be limited to actual costs incurred by the department of revenue,  
21 including any other entity or person designated by law or by the  
22 department to collect or to provide goods and services used to collect  
23 the additional state sales and use taxes.**

24 **3. The net proceeds of fuel taxes apportioned, distributed and  
25 deposited under this section to the state road fund, counties, cities,  
26 towns and villages shall not be included within the definition of "total  
27 state revenues" in section 17 of article X of this constitution nor be  
28 considered as an "expense of state government" as that term is used in  
29 section 20 of article X of this constitution.**

Section 32. [The funds which are allotted by the commission to the  
2 construction or acquisition of supplementary state highways and bridges in each  
3 of the counties of the state shall be apportioned to the several counties as follows:  
4 One-fourth in the ratio that the area of each county bears to the area of the state,  
5 one-fourth in the ratio of the population, and two-fourths on such basis as the

6 commission may deem to be for the best interest of highway users; provided the  
7 areas and population of cities having a population of 150,000 or more shall not  
8 be considered in making such apportionment, and the latest available United  
9 States decennial census shall be used; provided further, that if traffic on any  
10 supplementary state highway becomes such that a higher type than ordinary  
11 supplementary highway construction shall be required, then the commission may  
12 construct such higher type and charge such extra cost to unallotted state highway  
13 funds. Supplementary state highways shall be selected by mutual agreement of  
14 the commission and the local officials having charge of or jurisdiction over roads  
15 in the territory through which such supplementary state highways are to be  
16 constructed.]

17 **1. On January 1, 2019, control and maintenance of state highways**  
18 **designated as supplementary state highways prior to January 1, 2019,**  
19 **shall be transferred to the county highway commission in which the**  
20 **supplementary state highway is located.**

21 **2. The highways and transportation commission shall distribute**  
22 **to the county highway commissions from the state road fund amounts**  
23 **equal to the lesser of the average percentage of the current state road**  
24 **fund as was expended on the supplementary state highways transferred**  
25 **to the county highway commission's control under subsection 1 of this**  
26 **section in the three fiscal years prior to the enactment of this**  
27 **amendment or the average dollar amount expended on the**  
28 **supplementary state highways transferred to the county highway**  
29 **commission's control under subsection 1 of this section in the three**  
30 **fiscal years prior to the enactment of this amendment.**

31 **3. Any increased costs incurred by county highway commissions**  
32 **for maintenance of highways transferred under subsection 1 of this**  
33 **section shall not be in violation of section 16 through section 24 of**  
34 **Article X of the Missouri Constitution.**

Section B. Pursuant to chapter 116, RSMo, and other applicable  
2 constitutional provisions and laws of this state allowing the general assembly to  
3 adopt ballot language for the submission of referendum measures to the voters  
4 of this state, the official ballot title of the act proposed in section A of this act  
5 shall be as follows:

6 "Shall the Missouri Constitution be amended to:

7 - Increase motor fuel taxes by three and one-half cents for diesel

8 fuel and one and one-half cents for other motor fuel;  
9 - Restore local control of lettered routes; and  
10 - Apportion funding equitably between the highways and  
11 transportation commission and county highway commissions."

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Unofficial

Bill

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