

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 2

92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SEIGFREID AND DAVIS (122) (Co-sponsors).

Pre-filed December 3, 2002, and copies ordered printed.

TED WEDEL, Chief Clerk

0509L.011

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## 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 two new sections in lieu thereof relating to the powers and duties of the state highways and transportation commission.

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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, 2004, 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Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and two new sections adopted in lieu thereof, to be known as sections 30(b) and 30(e), to read as follows: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 **revenues derived from toll facilities**, 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 the sales tax on motor vehicles and trailers, except as hereinafter provided, and all property taxes), less the cost (1) of collection thereof, (2) of maintaining the highway related activities of the highways and transportation commission and **the department of**

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

9 **transportation** including any workers' compensation and retirement programs, (3) and of  
10 administering and enforcing any state motor vehicle laws or traffic regulations, and less refunds  
11 and that portion of the fuel tax revenue to be allocated to counties and to cities, towns and  
12 villages [under] **pursuant to** section 30(a) of Article IV of this Constitution, shall be credited  
13 to the state road fund and stand appropriated without legislative action for the following  
14 purposes, and no other:

15 First, to the payment of the principal and interest on any outstanding state road bonds.

16 Second, any balance in excess of the amount necessary to meet the payment of the  
17 principal and interest of any state road bonds for the next succeeding twelve months shall be  
18 credited to the state road fund and shall be expended under the supervision and direction of the  
19 commission for the following purposes:

20 (1) To complete and widen or otherwise improve and maintain the state system of **free**  
21 **and toll** highways [heretofore designated and laid out under existing laws];

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

30 (3) In the discretion of the commission to locate, relocate, establish, acquire, construct  
31 and maintain the following:

32 (a) supplementary state highways and bridges in each county of the state as hereinafter  
33 provided;

34 (b) state highways and bridges in, to and through state parks, public areas and  
35 reservations, and state institutions now or hereafter established, and connect the same with the  
36 state highways; and also national, state or local parkways, travelways, tourways, with  
37 coordinated facilities;

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

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

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

44 (f) additional state highways, bridges and tunnels, outside the corporate limits of cities

45 having a population in excess of one hundred fifty thousand, either in congested traffic areas of  
46 the state or where needed to facilitate and expedite the movement of through traffic.

47 (4) To acquire materials, equipment and buildings necessary for the purposes herein  
48 described; and

49 (5) For such other purposes and contingencies relating and appertaining to the  
50 construction and maintenance of such highways and bridges as the highways and transportation  
51 commission may deem necessary and proper.

52 2. One-half of the proceeds from the state sales tax on all motor vehicles, trailers,  
53 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use  
54 and shall be distributed as follows: ten percent to the counties, fifteen percent to the cities, one  
55 percent to the state transportation fund, which is hereby created to be used in a manner provided  
56 by law and seventy-four percent to the state road fund. The amounts distributed shall be  
57 allocated as provided in section 30(a) of this article, to be used for highway and transportation  
58 purposes.

59 3. Notwithstanding the provisions of subsection 1 of this section, any increase in state  
60 license fees and taxes on motor vehicles, trailers, motorcycles, mopeds and motortricycles over  
61 and above those in effect upon adoption of this section shall be distributed as follows: ten  
62 percent to the counties, fifteen percent to the cities and seventy-five to the state road fund. The  
63 amounts distributed shall be allocated as provided in section 30(a) of this article, to be used for  
64 highway and transportation purposes.

**Section 30(e). 1. The highways and transportation commission is authorized to  
2 conduct feasibility studies for, and to fund, design, acquire, construct, maintain,  
3 reconstruct, and operate toll facilities as defined by law within the state, along or across  
4 borders of the state or across a river or stream comprising a portion of the boundary  
5 between Missouri and another state. The commission shall fix and collect tolls for the use  
6 of all toll facilities. All toll facilities shall be a part of the state highway system.**

7 **2. In addition to any other authority as may be provided by law, the commission  
8 is authorized to:**

9 **(1) Issue state toll facility revenue bonds or state toll facility revenue refunding  
10 bonds without the consent of any other state agency or board, the proceeds of which are  
11 used to pay in whole or in part the cost of the design, acquisition, construction,  
12 maintenance, reconstruction, or operation of, or the feasibility studies for, toll facilities.  
13 Such bonds shall not be deemed an obligation of the state, but shall be revenue bonds of  
14 the commission payable solely from tolls and other revenues derived from toll facilities,  
15 from other federal, state, local, or special funds pledged for the payment of these bonds or  
16 for the purpose of paying all or any part of the cost of any toll facility project, and, if**

17 necessary, from the state road fund pursuant to subdivision (5) of this subsection;

18       (2) Issue either state toll facility revenue bonds or state toll facility revenue  
19 refunding bonds at any time and in any amount, provided that the principal amounts of  
20 all such outstanding bonds, in the aggregate, shall not exceed the limits established by law.  
21 Such bonds shall bear such date or dates and shall mature at such time or times, but not  
22 in excess of forty years, as the commission shall specify. The bonds shall be in such  
23 denomination, bear interest at such rate or rates, be in such form, either coupon or  
24 registered, be issued in such manner, be issued as either current interest bonds, compound  
25 interest bonds or zero coupon bonds, be payable in such place or places and be subject to  
26 redemption, as the commission may provide. The bonds may be sold at either public or  
27 private sale and at such price or prices as the commission shall determine to be in the best  
28 interests of the state;

29       (3) Deposit and transfer as provided by law, the net proceeds derived from the sale  
30 of such bonds, the interest thereon, and all tolls and other revenue derived from toll  
31 facilities, to the credit of the appropriate toll facility funds, which shall be created by law.  
32 Moneys in such funds shall stand appropriated for the purposes of the payment of the  
33 principal and interest on state toll facility revenue bonds and state toll facility revenue  
34 refunding bonds, and for the payment of the costs of feasibility studies for, and the design,  
35 acquisition, construction, maintenance, reconstruction, and operation of toll facilities;

36       (4) Transfer moneys from the state road fund to any appropriate toll facility fund  
37 to finance the feasibility studies for and the design of toll facilities without issuing state toll  
38 facility revenue bonds, if there are available funds in the state road fund which are not  
39 committed for other projects and the commission determines that procedure to be the most  
40 economical and advisable method of temporarily financing the work, until those transfers  
41 can be repaid with interest from one or more of the toll facility funds described in this  
42 section and created by law;

43       (5) Transfer sums periodically as necessary from the state road fund to any toll  
44 facility fund, when the sums available in that fund are not sufficient to meet its current  
45 obligations. Such sums shall be repaid to the state road fund with interest, in the time and  
46 manner provided by law; and

47       (6) Enter into any contracts or agreements with any person, corporation, federal,  
48 state, or local government agency or authority deemed necessary or desirable to fund or  
49 effectuate the proper and economic design, acquisition, construction, maintenance,  
50 reconstruction, or operation of any toll facility.

51       3. The commission shall continue to collect tolls, fees, rents, and other charges on  
52 each toll facility it operates until the costs of preliminary studies, design, acquisition,

53 **construction, maintenance, reconstruction, and operation of such toll facilities have been**  
54 **paid, all state toll facility revenue bonds and state toll facility revenue refunding bonds**  
55 **have been retired, and all transfers from the state road fund have been repaid with**  
56 **interest. When tolls are discontinued on a toll facility, it shall be part of the free state**  
57 **highway system.**

58 **4. The commission may, as it deems necessary, relocate existing public roads for the**  
59 **construction of a toll facility.**

60 **5. State toll facility revenue bond and state toll facility revenue refunding bond**  
61 **proceeds, and tolls or other revenues derived from the establishment or operation of toll**  
62 **facilities, shall not be part of total state revenues within the meaning of sections 17 and 18**  
63 **of article X of this constitution. The expenditure of these revenues shall not be considered**  
64 **an expense of state government within the meaning of section 20 of article X of this**  
65 **constitution.**