

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 22

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN.

Read 1st time March 11, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2107L.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 29, 30(a), 30(b), 30(c), and 31 of article IV of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to powers and duties of the state highways and transportation commission.

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Section A. Sections 29, 30(a), 30(b), 30(c), and 31, article IV, Constitution of Missouri, are repealed and five new sections adopted in lieu thereof, to be known as sections 29, 30(a), 30(b), 30(c), and 31, to read as follows:

Section 29. **1. The director of transportation shall be appointed by the governor and shall be in charge of the department of [highways and] transportation [shall be in charge of a highways and transportation commission]. The selection and removal by the director of all employees of the department of transportation shall be without regard to political affiliation.**

2. Beginning January 1, 2005, a transportation commission appointed by the

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

7 **governor, with the advice and consent of the senate, shall consist of one member residing**
8 **in each of the state's congressional districts appointed to six-year terms. Commission**
9 **meetings shall be held at the discretion of the director of transportation. In the event of**
10 **changes to state congressional districts resulting from reapportionment, the governor shall**
11 **remove or add commissioners as necessary.**

12 **3.** The [number,] qualifications[,] **and** compensation [and terms] of the members of the
13 [highways and] transportation commission shall be fixed by law, and not more than [one-half]
14 **a majority** of its members shall be of the same political party. [The selection and removal of
15 all employees shall be without regard to political affiliation.]

16 **4.** The [highways and transportation commission] **director** shall have authority over all
17 state transportation programs and facilities as provided by law, including, but not limited to,
18 bridges, highways, aviation, railroads, mass transportation, ports, and waterborne commerce, and
19 shall have authority to limit access to, from and across state highways where the public interest
20 and safety may require.

21 **5.** The present members of the highway commission shall serve as members of the
22 [highways and] transportation commission for the remainder of the terms for which they were
23 appointed.

24 **6.** All references to the highway commission **or the highways and transportation**
25 **commission** and the department of highways **or the department of highways and**
26 **transportation** in this constitution and in the statutes shall mean the [highways and]
27 transportation commission and the department of [highways and] transportation.

28 **7. The transportation commission shall advise the director of transportation**
29 **regarding all state transportation programs and facilities, including, but not limited to,**
30 **bridges, highways, aviation, railroads, mass transportation, ports, and waterborne**
31 **commerce.**

32 **8. The director of transportation shall present to the transportation commission a**
33 **statewide multimodal transportation plan annually. The plan shall have been approved**
34 **by a majority vote of the commissioners. A statewide transportation plan that has been**
35 **approved by the transportation commission shall not be modified unless such modification**
36 **has been approved by the transportation commission.**

Section 30(a). 1. On and after the first day of the month next following the adoption of
2 this section, a tax upon or measured by fuel used for propelling highway motor vehicles shall be
3 levied and collected as provided by law. Any amount of the tax collected with respect to fuel
4 not used for propelling highway motor vehicles shall be refunded by the state in the manner
5 provided by law. The remaining net proceeds of the tax, after deducting costs of collection,
6 apportionment and making refunds shall be apportioned between the counties, cities and the state

7 as hereinafter provided and shall stand appropriated without legislative action for the following
8 purposes:

9 (1) Ten percent of the remaining net proceeds shall be deposited in a special trust fund
10 known as the "County Aid Road Trust Fund". In addition, beginning July 1, 1994, an additional
11 five percent of the remaining net proceeds which is derived from the difference between the
12 amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate
13 in effect on and after July 1, 1994, shall also be deposited in the county aid road trust fund, and
14 of such monies generated by the additional five percent, five percent shall be credited solely to
15 cities not within any county in this state. After such credit to cities not within any county, the
16 proceeds in the county aid road trust fund shall be credited to the various counties of the state
17 on the following basis: One-half on the ratio that the county road mileage of each county bears
18 to the county road mileage of the entire state as determined by the last available report of the
19 state [highways and] transportation commission and one-half on the ratio that the rural land
20 valuation of each county bears to the rural land valuation of the entire state as determined by the
21 last available report of the state tax commission, except that county road mileage in incorporated
22 villages, towns or cities and the land valuation in incorporated villages, towns or cities shall be
23 excluded in such determination, except that, if the assessed valuation of rural lands in any county
24 is less than five million dollars, the county shall be treated as having an assessed valuation of
25 five million dollars. The funds credited to each county shall be used by the county solely for the
26 construction, reconstruction, maintenance and repairs of roads, bridges and highways, and
27 subject to such other provisions and restrictions as provided by law. The monies generated by
28 the additional five percent of the remaining net proceeds which is derived from the difference
29 between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992,
30 and the tax rate in effect on and after July 1, 1994, shall not be used for equipment, machinery,
31 salaries, fringe benefits or capital improvements, other than roads and bridges. In the absence of
32 other controls provided by law, the [state highways and transportation commission] **director**
33 shall prescribe policy, rules and requirement for the expenditure of these funds by counties,
34 including, among other things, [highways and transportation commission] approval of plans for
35 projects on which the funds are to be used. In counties having the township form of county
36 organization, the funds credited to such counties shall be expended solely under the control and
37 supervision of the county court, and shall not be expended by the various townships located
38 within such counties. "Rural land" as used in this section shall mean all land located within any
39 county, except land in incorporated villages, towns, or cities.

40 (2) Fifteen percent of the remaining net proceeds shall be allocated to the various
41 incorporated cities, towns and villages within the state solely for construction, reconstruction,
42 maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the

43 payment of principal and interest on indebtedness incurred prior to January 1, 1980, on account
44 of road and street purposes, and the use thereof being subject to such other provisions and
45 restrictions as provided by law. The amount apportionable to each city, town or village shall be
46 based on the ratio that the population of the city, town or village bears to the population of all
47 incorporated cities, towns or villages in the state having a like population, as shown by the last
48 federal decennial census, provided that any city, town or village which had a motor fuel tax prior
49 to the adoption of this section shall annually receive not less than an amount equal to the net
50 revenue derived therefrom in the year 1960; and

51 (3) All the remaining net proceeds in excess of the allocations to counties, and to cities,
52 towns and villages under this section shall be allocated to the state and shall be disbursed as
53 provided in section 30(a) and (b) of Article IV of this Constitution.

54 2. The director of revenue of the state shall make the division and apportionment of the
55 funds monthly in the manner required hereby.

56 3. Except for taxes or licenses which may be imposed uniformly on all merchants or
57 manufacturers based upon sales, or which uniformly apply ad valorem to the stocks of merchants
58 or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee
59 upon, measured by or with respect to the importation, receipt, manufacture, storage,
60 transportation, sale or use, on or after the first day of the month next following the adoption of
61 this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is
62 approved by a vote of the people of any city, town or village subsequent to the adoption of this
63 section, by a two-thirds majority. All funds collected shall be used solely for construction,
64 reconstruction, maintenance, repair, policing, signing, lighting, and cleaning roads and streets
65 and for the payment of principal and interest on indebtedness incurred prior to January 1, 1980,
66 on account of road and street purposes.

67 4. Beginning on July 1, 1993, the net proceeds of fuel taxes allocated under this section
68 to counties and to cities, towns and villages shall not be included within the definition of "total
69 state revenues" in section 17 of article X of this constitution.

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system
2 of connected state highways all state revenue derived from highway users as an incident to their
3 use or right to use the highways of the state, including all state license fees and taxes upon motor
4 vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the
5 manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor
6 vehicles and trailers, except as hereinafter provided, and all property taxes), less the [cost (1) of]
7 **costs incurred by the department of transportation, the department of revenue, the state**
8 **highway patrol, and the office of administration (1) for the** collection thereof, (2) [of] **for**
9 maintaining the highway related activities of the [highways and] transportation commission and

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

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

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

21 (1) To complete and widen or otherwise improve and maintain the state system of
22 highways heretofore designated and laid out under existing laws;

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

32 (3) In the discretion of the [commission] **director** to locate, relocate, establish, acquire,
33 construct and maintain the following:

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

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

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

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

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

46 (f) additional state highways, bridges and tunnels, outside the corporate limits of cities
47 having a population in excess of one hundred fifty thousand, either in congested traffic areas of
48 the state or where needed to facilitate and expedite the movement of through traffic.

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

51 (5) For such other purposes and contingencies relating and appertaining to the
52 construction and maintenance of such highways and bridges as the [highways and transportation
53 commission] **director** may deem necessary and proper.

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

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

67 **4. The state auditor shall conduct an annual financial audit of expenditures from**
68 **the state road fund and the state highways and transportation fund and shall report the**
69 **findings to the governor and the general assembly by October first of each year. The**
70 **purpose of the audit shall be to determine whether expenditures from the state road fund**
71 **and the state highways and transportation fund are in compliance with all relevant**
72 **constitutional and statutory provisions.**

Section 30(c). The [highways and transportation commission] **director** shall have
2 authority to locate, relocate, establish, acquire, construct, maintain, control, and as provided by
3 law to operate, develop or fund public facilities as part of any state transportation program such
4 as but not limited to aviation, mass transportation, railroads, ports, and waterborne commerce,
5 provided that funds other than those designated for highway purposes in this constitution are
6 made available for such purposes.

Section 31. Any state highway authorized herein to be located in any municipality may
2 be constructed without limitations concerning the distance between houses or other buildings
3 abutting such highway or concerning the width or type of construction. The [commission]

4 **director** may enter into contracts with cities, counties or other political subdivisions for and
5 concerning the maintenance of, and regulation of traffic on any state highway within such cities,
6 counties or subdivision.