

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 76

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE QUINN (7).

Read 1st time March 28, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4706L.01I

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 highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

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
2 following the first Monday in November, 2008, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article IV of the Constitution of the state of
5 Missouri:

Section 30(b), article IV, Constitution of Missouri, is repealed and two new sections
2 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
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: those portions of the
6 sales tax on motor vehicles and trailers which are not distributed to the state road fund pursuant
7 to subsection 2 of this section 30(b); **any tolls, fees, rents, and other revenue derived from**
8 **toll facilities and the proceeds of toll facility revenue and revenue refunding bonds;** and

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.

9 further excepting all property taxes), less the (1) actual cost of collection of the department of
10 revenue (but not to exceed three percent of the particular tax or fee collected), (2) actual cost of
11 refunds for overpayments and erroneous payments of such taxes and fees and maintaining
12 retirement programs as permitted by law and (3) actual cost of the state highway patrol in
13 administering and enforcing any state motor vehicle laws and traffic regulations, **and less**
14 **refunds with respect to fuel not used for propelling highway motor vehicles, and less**
15 **refunds for overpayments and erroneous payments of all other state revenue derived from**
16 **highway users set forth under this section,** shall be deposited in the state road fund which is
17 hereby created within the state treasury and stand appropriated without legislative action to be
18 used and expended by the highways and transportation commission for the following purposes,
19 and no other:

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

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

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

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

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

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

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

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

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

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

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

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

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

57 (4) **To conduct studies for toll facilities;**

58 (5) **To pay the costs of toll facility projects and the principal of and interest on**
59 **bonds for state toll facility projects authorized under section 30(d) of this article;**

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

62 [(5)] (7) For such other purposes and contingencies relating and appertaining to the
63 construction and maintenance of such state highway system as the highways and transportation
64 commission may deem necessary and proper.

65 2. (1) The state sales tax upon the sale of motor vehicles, trailers, motorcycles, mopeds
66 and motortricycles at the rate provided by law on November 2, 2004, is levied and imposed by
67 this section until the rate is changed by law or constitutional amendment.

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

81 erroneous payments of such tax as permitted by law and actual costs of collection by the
82 department of revenue (but not to exceed three percent of the amount collected).

83 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five percent of the
84 remaining one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
85 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection
86 2 of this section 30(b) shall be deposited in the state road bond fund which is hereby created
87 within the state treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of
88 the aforesaid 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) of subsection
90 2 of this section 30(b) shall be deposited in the state road bond fund; (iii) from and after July 1,
91 2007, through June 30, 2008, seventy-five percent of the aforesaid one-half of the proceeds of
92 the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which
93 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the
94 state road bond fund; and (iv) from and after July 1, 2008, one hundred percent of the aforesaid
95 one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds
96 and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section
97 30(b) shall be deposited in the state road bond fund. Moneys deposited in the state road bond
98 fund are hereby dedicated to and shall only be used to fund the repayment of bonds issued by the
99 highways and transportation commission to fund the construction and reconstruction of the state
100 highway system or to fund refunding bonds, except that after January 1, 2009, that portion of the
101 moneys in the state road bond fund which the commissioner of administration and the highways
102 and transportation commission each certify is not needed to make payments upon said bonds or
103 to maintain an adequate reserve for making future payments upon said bonds may be
104 appropriated to the state road fund. The highways and transportation commission shall have
105 authority to issue state road bonds for the uses set forth in this subdivision (3). The net proceeds
106 received from the issuance of such bonds shall be paid into the state road fund and shall only be
107 used to fund construction or reconstruction of specific projects for parts of the state highway
108 system as determined by the highways and transportation commission. The moneys deposited
109 in the state road bond fund shall only be withdrawn by appropriation pursuant to this
110 constitution. No obligation for the payment of moneys so appropriated shall be paid unless the
111 commissioner of administration certifies it for payment and further certifies that the expenditure
112 is for a use which is specifically authorized by the provisions of this subdivision (3). The
113 proceeds of the sales tax which are subject to allocation and deposit into the state road bond fund
114 pursuant to this subdivision (3) shall not include the proceeds of the sales tax levied and imposed
115 pursuant to sections 43(a) or 47(a) of this article nor shall they include the proceeds of that
116 portion of the sales tax apportioned, distributed and dedicated to the school district trust fund on

117 November 2, 2004. The term "proceeds from the state sales tax" as used in this subdivision (3)
118 shall mean and include all revenues received by the department of revenue from the said sales
119 tax, reduced only by refunds for overpayments and erroneous payments of such tax as permitted
120 by law and actual costs of collection by the department of revenue (but not to exceed three
121 percent of the amount collected).

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

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

Section 30(e). 1. The highways and transportation commission is authorized to
2 **finance, acquire, construct, maintain, improve, reconstruct, and operate state toll facilities**
3 **proposed by the commission and authorized by the general assembly within this state,**
4 **across the borders of this state and another state, and across a river or stream comprising**
5 **the boundary or a portion of the boundary between this state and another state. Toll**
6 **facilities shall be a part of the state highway system.**

7 **2. For toll facility projects authorized by the general assembly, the commission:**

8 **(1) May fix and collect tolls, fees, rents, or other charges for the use of all toll**
9 **facilities;**

10 **(2) May issue toll facility revenue bonds or toll facility revenue refunding bonds for**
11 **toll facilities without the consent of any other state agency or board; and**

12 **(3) May enter into any contract with any federal or state agency, city, county, or**
13 **political subdivision, or any person or business entity, to perform any of the duties**
14 **authorized by this section.**

15 **3. The commission shall credit, apportion, and distribute the net proceeds derived**
16 **from the sale of state toll facility revenue bonds or refunding bonds and the interest**
17 **thereon, the proceeds from all tolls, fees, rents, or other charges derived from toll facilities,**
18 **less any refunds for overpayments and erroneous payments of such tolls, fees, rents, or**
19 **other revenue, and any other moneys derived from federal, state, local, or special funds to**
20 **the state toll facility fund. The commission shall expend such moneys solely for the toll**

21 facility projects authorized by the general assembly. Moneys in such fund shall stand
22 appropriated without legislative action to be expended in the sole discretion of the
23 commission for the authorized purposes in this section and no other purposes. All interest
24 earned upon the sums within such fund shall be deposited within and to the credit of the
25 fund.

26 **4. The commission is authorized to transfer moneys from the state road fund to the**
27 **state toll facility fund to pay costs of performing the duties and functions authorized by this**
28 **section. Such transfers shall derive only from such moneys in the state road fund in excess**
29 **of the amounts necessary to make principal and interest payments on all outstanding state**
30 **road bonds and refunding bonds for the next succeeding twelve months. Such transfers**
31 **shall be repaid to the state road fund, in the time and manner as determined by the**
32 **commission, from the state toll facility fund.**

33 **5. The commission may relocate or incorporate into any toll facility project any**
34 **public roads, highways, or bridges as needed for toll facility projects authorized by the**
35 **general assembly.**

36 **6. State toll facility revenue bond and refunding bond proceeds and all tolls, fees,**
37 **rents, and other revenue derived from the establishment or operation of state toll facilities,**
38 **shall not be deemed taxes or fees, and shall not be included as part of total state revenues,**
39 **within the meaning of sections 17 and 18 of article X of this constitution. The expenditure**
40 **of these revenues shall not be considered an expense of state government under section 20**
41 **of article X of this constitution.**

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