

**HOUSE****AMENDMENT NO. \_\_\_\_\_****Offered by \_\_\_\_\_****of \_\_\_\_\_**

1 AMEND House Joint Resolution No. 68, Page 1, In the Title, Lines  
 2 2 through 4, by deleting all of said lines and inserting in lieu  
 3 thereof the following:

4 "Submitting to the qualified voters of Missouri, an  
 5 amendment repealing sections 30(b) and 30(d) of article IV of the  
 6 Constitution of Missouri, and adopting three new sections in lieu  
 7 thereof relating to"; and  
 8

9 Further amend said bill, Section A, Lines 1 and 2, by  
 10 deleting all of said lines and inserting in lieu thereof the  
 11 following:

12 "Section A. Sections 30(b) and 30(d), article IV,  
 13 Constitution of Missouri, are repealed and three new sections  
 14 adopted in lieu thereof, to be known as sections 30(b), 30(d),  
 15 and 30(e), to read as follows:

16 Section 30(b). 1. For the purpose of constructing and  
 17 maintaining an adequate system of connected state highways all  
 18 state revenue derived from highway users as an incident to their  
 19 use or right to use the highways of the state, including all  
 20 state license fees and taxes upon motor vehicles, trailers and  
 21 motor vehicle fuels, and upon, with respect to, or on the  
 22 privilege of the manufacture, receipt, storage, distribution,  
 23 sale or use thereof (excepting: those portions of the sales tax  
 24 on motor vehicles and trailers which are not distributed to the  
 25 state road fund pursuant to subsection 2 of this section 30(b);  
 26 any tolls, fees, rents, and other revenue derived from toll  
 27 facilities and the proceeds of toll facility revenue and revenue  
 28 refunding bonds; and further excepting all property taxes), less  
 29 the (1) actual cost of collection of the department of revenue

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

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

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

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

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

32 (2) To reimburse the various counties and other political  
33 subdivisions of the state, except incorporated cities and towns,  
34 for money expended by them in the construction or acquisition of  
35 roads and bridges now or hereafter taken over by the highways and  
36 transportation commission as permanent parts of the state highway  
37 system, to the extent of the value to the state of such roads and

1 bridges at the time taken over, not exceeding in any case the  
2 amount expended by such counties and subdivisions in the  
3 construction or acquisition of such roads and bridges, except  
4 that the highways and transportation commission may, in its  
5 discretion, repay, or agree to repay, any cash advanced by a  
6 county or subdivision to expedite state road construction or  
7 improvement;

8 (3) To, in the discretion of the commission to plan, locate,  
9 relocate, establish, acquire, construct and maintain the  
10 following:

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

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

14 (c) state highways and bridges in, to and through state  
15 parks, public areas and reservations, and state institutions now  
16 or hereafter established to connect the same with the state  
17 highways, and also national, state or local parkways, travelways,  
18 tourways, with coordinated facilities;

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

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

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

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

31 (4) To conduct studies for toll facilities;

32 (5) To pay the costs of toll facility projects and the  
33 principal of and interest on bonds for state toll facility  
34 projects authorized pursuant to section 30(d) of this article;

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

1        [(5)] (7) For such other purposes and contingencies  
2 relating and appertaining to the construction and maintenance of  
3 such state highway system as the highways and transportation  
4 commission may deem necessary and proper.

5        2. (1) The state sales tax upon the sale of motor vehicles,  
6 trailers, motorcycles, mopeds and motortricycles at the rate  
7 provided by law on November 2, 2004, is levied and imposed by  
8 this section until the rate is changed by law or constitutional  
9 amendment.

10        (2) One-half of the proceeds from the state sales tax on  
11 all motor vehicles, trailers, motorcycles, mopeds and  
12 motortricycles shall be dedicated for highway and transportation  
13 use and shall be apportioned and distributed as follows: ten  
14 percent to the counties, fifteen percent to the cities, two  
15 percent to be deposited in the state transportation fund, which  
16 is hereby created within the state treasury to be used in a  
17 manner provided by law and seventy-three percent to be deposited  
18 in the state road fund. The amounts apportioned and distributed  
19 to the counties and cities shall be further allocated and used as  
20 provided in section 30(a) of this article. The amounts allocated  
21 and distributed to the highways and transportation commission for  
22 the state road fund shall be used as provided in subsection 1 of  
23 this section 30(b). The sales taxes which are apportioned and  
24 distributed pursuant to this subdivision (2) shall not include  
25 those taxes levied and imposed pursuant to sections 43(a) or  
26 47(a) of this article. The term "proceeds from the state sales  
27 tax" as used in this subdivision (2) shall mean and include all  
28 revenues received by the department of revenue from the said  
29 sales tax, reduced only by refunds for overpayments and erroneous  
30 payments of such tax as permitted by law and actual costs of  
31 collection by the department of revenue (but not to exceed three  
32 percent of the amount collected).

33        (3) (i) From and after July 1, 2005, through June 30,  
34 2006, twenty-five percent of the remaining one-half of the  
35 proceeds of the state sales tax on all motor vehicles, trailers,  
36 motorcycles, mopeds and motortricycles which is not distributed  
37 by subdivision (2) of subsection 2 of this section 30(b) shall be

1 deposited in the state road bond fund which is hereby created  
2 within the state treasury; (ii) from and after July 1, 2006,  
3 through June 30, 2007, fifty percent of the aforesaid one-half of  
4 the proceeds of the state sales tax on all motor vehicles,  
5 trailers, motorcycles, mopeds and motortricycles which is not  
6 distributed by subdivision (2) of subsection 2 of this section  
7 30(b) shall be deposited in the state road bond fund; (iii) from  
8 and after July 1, 2007, through June 30, 2008, seventy-five  
9 percent of the aforesaid one-half of the proceeds of the state  
10 sales tax on all motor vehicles, trailers, motorcycles, mopeds  
11 and motortricycles which is not distributed by subdivision (2) of  
12 subsection 2 of this section 30(b) shall be deposited in the  
13 state road bond fund; and (iv) from and after July 1, 2008, one  
14 hundred percent of the aforesaid one-half of the proceeds of the  
15 state sales tax on all motor vehicles, trailers, motorcycles,  
16 mopeds and motortricycles which is not distributed by subdivision  
17 (2) of subsection 2 of this section 30(b) shall be deposited in  
18 the state road bond fund. Moneys deposited in the state road  
19 bond fund are hereby dedicated to and shall only be used to fund  
20 the repayment of bonds issued by the highways and transportation  
21 commission to fund the construction and reconstruction of the  
22 state highway system or to fund refunding bonds, except that  
23 after January 1, 2009, that portion of the moneys in the state  
24 road bond fund which the commissioner of administration and the  
25 highways and transportation commission each certify is not needed  
26 to make payments upon said bonds or to maintain an adequate  
27 reserve for making future payments upon said bonds may be  
28 appropriated to the state road fund. The highways and  
29 transportation commission shall have authority to issue state  
30 road bonds for the uses set forth in this subdivision (3). The  
31 net proceeds received from the issuance of such bonds shall be  
32 paid into the state road fund and shall only be used to fund  
33 construction or reconstruction of specific projects for parts of  
34 the state highway system as determined by the highways and  
35 transportation commission. The moneys deposited in the state  
36 road bond fund shall only be withdrawn by appropriation pursuant  
37 to this constitution. No obligation for the payment of moneys so

1 appropriated shall be paid unless the commissioner of  
2 administration certifies it for payment and further certifies  
3 that the expenditure is for a use which is specifically  
4 authorized by the provisions of this subdivision (3). The  
5 proceeds of the sales tax which are subject to allocation and  
6 deposit into the state road bond fund pursuant to this  
7 subdivision (3) shall not include the proceeds of the sales tax  
8 levied and imposed pursuant to sections 43(a) or 47(a) of this  
9 article nor shall they include the proceeds of that portion of  
10 the sales tax apportioned, distributed and dedicated to the  
11 school district trust fund on November 2, 2004. The term  
12 "proceeds from the state sales tax" as used in this subdivision  
13 (3) shall mean and include all revenues received by the  
14 department of revenue from the said sales tax, reduced only by  
15 refunds for overpayments and erroneous payments of such tax as  
16 permitted by law and actual costs of collection by the department  
17 of revenue (but not to exceed three percent of the amount  
18 collected).

19 3. After January 1, 1980, any increase in state license  
20 fees and taxes on motor vehicles, trailers, motorcycles, mopeds  
21 and motortricycles other than those taxes distributed pursuant to  
22 subsection 2 of this section 30(b) shall be distributed as  
23 follows: ten percent to the counties, fifteen percent to the  
24 cities and seventy-five percent to be deposited in the state road  
25 fund. The amounts distributed shall be apportioned and  
26 distributed to the counties and cities as provided in section  
27 30(a) of this article, to be used for highway purposes.

28 4. The moneys apportioned or distributed under this section  
29 to the state road fund, the state transportation fund, the state  
30 road bond fund, counties, cities, towns or villages shall not be  
31 included within the definition of "total state revenues" as that  
32 term is used in section 17 of Article X of this constitution nor  
33 be considered as an "expense of state government" as that term is  
34 used in section 20 of article X of this constitution."; and  
35

36 Further amend said bill, Pages 2 through 5, Section 30(e),  
37 Lines 1 through 115, by deleting all of said section and

1 inserting in lieu thereof the following:

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

10 2. For toll facility projects authorized by the general  
11 assembly, the commission:

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

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

17 (3) May enter into any contract with any federal or state  
18 agency, city, county, or political subdivision, or any person or  
19 business entity, to perform any of the duties authorized by this  
20 section.

21 3. The commission shall credit, apportion, and distribute  
22 the net proceeds derived from the sale of state toll facility  
23 revenue bonds or refunding bonds and the interest thereon, the  
24 proceeds from all tolls, fees, rents, or other charges derived  
25 from toll facilities, less any refunds for overpayments and  
26 erroneous payments of such tolls, fees, rents, or other revenue,  
27 and any other moneys derived from federal, state, local, or  
28 special funds to the state toll facility fund. The commission  
29 shall expend such moneys solely for the toll facility projects  
30 authorized by the general assembly. Moneys in such fund shall  
31 stand appropriated without legislative action to be expended in  
32 the sole discretion of the commission for the authorized purposes  
33 in this section and no other purposes. All interest earned upon  
34 the sums within such fund shall be deposited within and to the  
35 credit of the fund.

36 4. The commission is authorized to transfer moneys from the  
37 state road fund to the state toll facility fund to pay costs of

1 performing the duties and functions authorized by this section.  
2 Such transfers shall derive only from such moneys in the state  
3 road fund in excess of the amounts necessary to make principal  
4 and interest payments on all outstanding state road bonds and  
5 refunding bonds for the next succeeding twelve months. Such  
6 transfers shall be repaid to the state road fund, in the time and  
7 manner as determined by the commission, from the state toll  
8 facility fund.

9 5. The commission may relocate or incorporate into any toll  
10 facility project any public roads, highways, or bridges as needed  
11 for toll facility projects authorized by the general assembly.

12 6. State toll facility revenue bond and refunding bond  
13 proceeds and all tolls, fees, rents, and other revenue derived  
14 from the establishment or operation of state toll facilities,  
15 shall not be deemed taxes or fees, and shall not be included as  
16 part of "total state revenues", within the meaning of sections 17  
17 and 18 of Article X of this Constitution. The expenditure of  
18 these revenues shall not be considered an "expense of state  
19 government" under section 20 of Article X of this Constitution.";  
20 and

21  
22 Further amend said bill, Page 5, Section B, Lines 1 through  
23 7, by deleting all of said section; and

24  
25 Further amend said bill, Page 5, Section C, Lines 1 through  
26 8; and

27  
28 Further amend said title, enacting clause and intersectional  
29 references accordingly.