

FIRST REGULAR SESSION

# HOUSE BILL NO. 1171

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HINSON.

2549H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 226.200, RSMo, and to enact in lieu thereof one new section relating to transportation funding

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 226.200, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.200, to read as follows:

226.200. 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users [as an incident to their use or right to use the highways of the state], including 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, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

- (1) Money arising from the sale of bonds;
- (2) Money received from the United States government; or
- (3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

- (1) Of collection of all said state revenue derived from highway users [as an incident to their use or right to use the highways of the state];
- (2) Of maintaining the state highways and transportation commission;

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.

- 18 (3) Of maintaining the state transportation department;
- 19 (4) Of any workers' compensation for state transportation department employees;
- 20 (5) Of the share of the transportation department in any retirement program for state
- 21 employees, only as may be provided by law; and
- 22 (6) Of administering and enforcing any state motor vehicle laws or traffic regulations.
- 23 3. Beginning in fiscal year 2004, the total amount of appropriations from the state
- 24 highways and transportation department fund for all state offices and departments, except for the
- 25 highway patrol, and actual costs incurred by the office of administration for or on behalf of the
- 26 highway patrol and employees of the department of transportation, shall not exceed the total
- 27 amount appropriated for such offices and departments from said fund for fiscal year 2001.
- 28 Appropriations to the highway patrol from the state highways and transportation department fund
- 29 shall be made in accordance with article IV, section 30(b) of the Missouri Constitution.
- 30 Appropriations allocated from the state highways and transportation department fund to the
- 31 highway patrol shall only be used by the highway patrol to administer and enforce state motor
- 32 vehicle laws or traffic regulations. Beginning July 1, 2007, any activities or functions conducted
- 33 by the highway patrol not related to enforcing or administering state motor vehicle laws or traffic
- 34 regulations shall not be funded by the state highways and transportation department fund, but
- 35 shall be funded from general revenue or any other applicable source. Any current funding from
- 36 the highways and transportation department fund used for activities not related to enforcing state
- 37 motor vehicle laws or traffic regulations shall expire on June 30, 2007. The state auditor shall
- 38 annually audit and examine the appropriations made to the highway patrol to determine whether
- 39 such appropriations are actually being used for administering and enforcing state motor vehicle
- 40 laws and traffic regulations pursuant to the constitution. The state auditor shall submit its annual
- 41 findings to the general assembly by January fifteenth of each year.
- 42 4. The provisions of subsection 3 of this section shall not apply to appropriations from
- 43 the state highways and transportation department fund to the highways and transportation
- 44 commission and the state transportation department or to appropriations to the office of
- 45 administration for department of transportation employee fringe benefits and OASDHI payments,
- 46 or to appropriations to the department of revenue for motor vehicle fuel tax refunds under
- 47 chapter 142 or to appropriations to the department of revenue for refunds or overpayments or
- 48 erroneous payments from the state highways and transportation department fund.
- 49 5. All interest earned upon the state highways and transportation department fund shall
- 50 be deposited in and to the credit of such fund.
- 51 6. Any balance remaining in said fund after payment of said costs shall be transferred
- 52 to the state road fund.

53           7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any  
54 funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372 after  
55 April 1, 1992, shall not be used for administrative purposes or administrative expenses of the  
56 transportation department.

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