

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION NO. 84

99TH GENERAL ASSEMBLY

6224H.04C

D. ADAM CRUMBLISS, Chief Clerk

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 one new section in lieu thereof relating to transportation funding.

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, 2018, 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Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 30(b), to read as follows:

Section 30(b). 1. For the **sole and exclusive** 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 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 those portions of the sales tax on motor vehicles and trailers which are not distributed to the state road fund pursuant to subsection 2 of this section 30(b) and further excepting all property taxes), less the (1) actual cost of collection of the department of revenue (but not to exceed three percent of the particular tax or fee collected), (2) actual cost of refunds for overpayments and erroneous payments of such taxes and fees and maintaining retirement programs as permitted by law, and (3) actual cost of the state highway patrol in administering and enforcing any state motor vehicle laws and traffic regulations, **if required core funds necessary to administer and enforce**

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.

13 **motor vehicle laws and traffic regulations have not been appropriated from the Missouri**
14 **Law Enforcement Trust Fund under subsection 6 of this section**, shall be deposited in the
15 state road fund which is hereby created within the state treasury and stand appropriated without
16 legislative action to be used and expended by the highways and transportation commission for
17 the following purposes, and no other:

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

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

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

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

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

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

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

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

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

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

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

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

53 (g) additional state highways, bridges and tunnels, either in congested traffic areas of the
54 state or where needed to facilitate and expedite the movement of through traffic[-] ;

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

57 (5) For such other purposes and contingencies relating and appertaining to the
58 construction and maintenance of such state highway system as the highways and transportation
59 commission may deem necessary and proper.

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61 **No revenues or fund balances authorized under this section shall in any way be diverted**
62 **for purposes other than those specifically authorized by this section.**

63 2. (1) The state sales tax upon the sale of motor vehicles, trailers, motorcycles, mopeds
64 and motortricycles at the rate provided by law on November 2, 2004, is levied and imposed by
65 this section until the rate is changed by law or constitutional amendment.

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

81 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five percent of the
82 remaining one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
83 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection
84 2 of this section 30(b) shall be deposited in the state road bond fund which is hereby created

85 within the state treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of
86 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
87 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection
88 2 of this section 30(b) shall be deposited in the state road bond fund; (iii) from and after July 1,
89 2007, through June 30, 2008, seventy-five percent of the aforesaid one-half of the proceeds of
90 the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which
91 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the
92 state road bond fund; and (iv) from and after July 1, 2008, one hundred percent of the aforesaid
93 one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds
94 and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section
95 30(b) shall be deposited in the state road bond fund. Moneys deposited in the state road bond
96 fund are hereby dedicated to and shall only be used to fund the repayment of bonds issued by the
97 highways and transportation commission to fund the construction and reconstruction of the state
98 highway system or to fund refunding bonds, except that after January 1, 2009, that portion of the
99 moneys in the state road bond fund which the commissioner of administration and the highways
100 and transportation commission each certify is not needed to make payments upon said bonds or
101 to maintain an adequate reserve for making future payments upon said bonds may be
102 appropriated to the state road fund. The highways and transportation commission shall have
103 authority to issue state road bonds for the uses set forth in this subdivision (3). The net proceeds
104 received from the issuance of such bonds shall be paid into the state road fund and shall only be
105 used to fund construction or reconstruction of specific projects for parts of the state highway
106 system as determined by the highways and transportation commission. The moneys deposited
107 in the state road bond fund shall only be withdrawn by appropriation pursuant to this
108 constitution. No obligation for the payment of moneys so appropriated shall be paid unless the
109 commissioner of administration certifies it for payment and further certifies that the expenditure
110 is for a use which is specifically authorized by the provisions of this subdivision (3). The
111 proceeds of the sales tax which are subject to allocation and deposit into the state road bond fund
112 pursuant to this subdivision (3) shall not include the proceeds of the sales tax levied and imposed
113 pursuant to sections 43(a) or 47(a) of this article nor shall they include the proceeds of that
114 portion of the sales tax apportioned, distributed and dedicated to the school district trust fund on
115 November 2, 2004. The term "proceeds from the state sales tax" as used in this subdivision (3)
116 shall mean and include all revenues received by the department of revenue from the said sales
117 tax, reduced only by refunds for overpayments and erroneous payments of such tax as permitted
118 by law and actual costs of collection by the department of revenue (but not to exceed three
119 percent of the amount collected).

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

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

131 **5. In order to provide for adequate law enforcement on state roads and throughout**
132 **the state, an additional sales tax of four-tenths of one percent is hereby adopted and**
133 **imposed upon all sellers for the privilege of selling tangible personal property or rendering**
134 **taxable services at retail in this state upon the sales and services which now are listed and**
135 **set forth in, and, except as to the amount of tax, subject to the provisions of, and to be**
136 **collected as provided in the "Sales Tax Law" and subject to the rules and regulations**
137 **promulgated in connection therewith.**

138 **6. The "Missouri Law Enforcement Trust Fund" is hereby established, and ninety**
139 **percent of all revenues generated by the tax in subsection 5 of this section shall be**
140 **deposited into the fund. To the extent any amounts in the fund are not appropriated by**
141 **the general assembly in any fiscal year, such unappropriated funds shall remain in the**
142 **fund for future appropriations consistent with this section, and no balances shall be**
143 **diverted or otherwise appropriated except as authorized by this section. No funds shall be**
144 **expended from the fund prior to July 1, 2019. The general assembly shall appropriate**
145 **funds from the fund solely as follows:**

146 **(1) To provide for the actual cost of an annual audit of all funds raised or expended**
147 **under this section; and**

148 **(2) To provide for the actual cost of the state highway patrol in administering and**
149 **enforcing any state motor vehicle laws or traffic regulations or for such other state**
150 **highway patrol functions as the general assembly shall deem appropriate.**

151 **7. The "Missouri Local Law Enforcement Trust Fund" is hereby established, and**
152 **ten percent of all revenues generated by the tax in subsection 5 of this section shall be**
153 **deposited into the fund. To the extent any amounts in the fund are not appropriated by**
154 **the general assembly in any fiscal year, such unappropriated funds shall remain in the**
155 **fund for future appropriations consistent with this section, and no balances shall be**

156 **diverted or otherwise appropriated except as authorized by this section. No funds shall be**
157 **expended from the fund prior to July 1, 2019. The general assembly shall appropriate**
158 **funds from the fund solely to provide funds for grants to municipal and county law**
159 **enforcement agencies for equipment, training, jail construction or repair, salaries, or**
160 **tuition and to provide for the families of law enforcement officers killed in the line of duty**
161 **as authorized by law.**

162 **8. The state auditor shall annually conduct an audit of the funds raised and**
163 **expenditures authorized under subsections 5 to 10 of this section and shall release the**
164 **report publicly to the taxpayers.**

165 **9. Nothing in subsections 5 to 10 of this section shall be construed to expand the**
166 **arrest authority of the state highway patrol or to remove the state highway patrol from the**
167 **supervision and administration by the department of public safety, or its successor agency.**

168 **10. The provisions of subsections 5 to 10 of this section shall become effective July**
169 **1, 2019.**

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