

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 109

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

2886H.011

DANA RADEMAN MILLER, Chief Clerk

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 29, 30(a), 30(b), 30(c), 31, and 32 of Article IV of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to the department of transportation.

*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, 2024, 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Section A. Sections 29, 30(a), 30(b), 30(c), 31, and 32, Article IV, Constitution of Missouri, are repealed and six new sections adopted in lieu thereof, to be known as Sections 29, 30(a), 30(b), 30(c), 31, and 32, to read as follows:

Section 29. The ~~[highways and transportation commission shall be in charge of the]~~ department of transportation **shall be the charge of a director appointed by the governor by and with the advice and consent of the senate.** ~~[The number, qualifications, compensation and terms of the members of the highways and transportation commission shall be fixed by law, and not more than one half of its members shall be of the same political party. The selection and removal of all employees shall be without regard to political affiliation.]~~ The ~~[highways and transportation commission]~~ **department of transportation** (i) shall have authority over the state highway system; (ii) shall have authority over all other

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 transportation programs and facilities as provided by law, including, but not limited to,  
10 aviation, railroads, mass transportation, ports, and waterborne commerce; and (iii) shall have  
11 authority to limit access to, from and across state highways and other transportation facilities  
12 where the public interests and safety may require. All references to the highway commission  
13 and the department of highways in this constitution and in the statutes shall mean the  
14 ~~highways and transportation commission and the~~ department of transportation.

Section 30(a). 1. A tax upon or measured by fuel used for propelling highway motor  
2 vehicles shall be levied and collected as provided by law. Any amount of the tax collected  
3 with respect to fuel not used for propelling highway motor vehicles shall be refunded by the  
4 state in the manner provided by law. The remaining net proceeds of the tax, after deducting  
5 actual costs of collection of the department of revenue (but after June 30, 2005, not more than  
6 three percent of the amount collected) and refunds for overpayments and erroneous payments  
7 of such tax as permitted by law, shall be apportioned and distributed between the counties,  
8 cities and the ~~state highways and transportation commission~~ **department of transportation**  
9 as hereinafter provided and shall stand appropriated without legislative action for the  
10 following purposes:

11 (1) Ten percent of the remaining net proceeds shall be deposited in a special trust fund  
12 known as the "County Aid Road Trust Fund". In addition, beginning July 1, 1994, an  
13 additional five percent of the remaining net proceeds which is derived from the difference  
14 between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992,  
15 and the tax rate in effect on and after July 1, 1994, shall also be deposited in the county aid  
16 road trust fund, and of such moneys generated by this additional five percent, five percent  
17 shall be apportioned and distributed solely to cities not within any county in this state. After  
18 such distribution to cities not within any county, the remaining proceeds in the county aid  
19 road trust fund shall be apportioned and distributed to the various counties of the state on the  
20 following basis: One-half on the ratio that the county road mileage of each county bears to the  
21 county road mileage of the entire state as determined by the last available report of the ~~state~~  
22 ~~highways and transportation commission~~ **department of transportation** and one-half on the  
23 ratio that the rural land valuation of each county bears to the rural land valuation of the entire  
24 state as determined by the last available report of the state tax commission, except that county  
25 road mileage in incorporated villages, towns or cities and the land valuation in incorporated  
26 villages, towns or cities shall be excluded in such determination, except that, if the assessed  
27 valuation of rural lands in any county is less than five million dollars, the county shall be  
28 treated as having an assessed valuation of five million dollars. The funds apportioned and  
29 distributed to each county shall be dedicated, used and expended by the county solely for the  
30 construction, reconstruction, maintenance and repairs of roads, bridges and highways, and  
31 subject to such other provisions and restrictions as provided by law. The moneys generated

32 by the additional five percent of the remaining net proceeds which is derived from the  
33 difference between the amount received from a tax rate equal to the tax rate in effect on  
34 March 31, 1992, and the tax rate in effect on and after July 1, 1994, shall not be used or  
35 expended for equipment, machinery, salaries, fringe benefits or capital improvements, other  
36 than roads and bridges. In counties having the township form of county organization, the  
37 funds distributed to such counties shall be expended solely under the control and supervision  
38 of the county commission, and shall not be expended by the various townships located within  
39 such counties. "Rural land" as used in this section shall mean all land located within any  
40 county, except land in incorporated villages, towns, or cities.

41 (2) Fifteen percent of the remaining net proceeds shall be apportioned and distributed  
42 to the various incorporated cities, towns and villages within the state solely for construction,  
43 reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets  
44 and for the payment of principal and interest on indebtedness on account of road and street  
45 purposes, and the use thereof being subject to such other provisions and restrictions as  
46 provided by law. The amount apportioned and distributed to each city, town or village shall  
47 be based on the ratio that the population of the city, town or village bears to the population of  
48 all incorporated cities, towns or villages in the state having a like population, as shown by the  
49 last federal decennial census, provided that any city, town or village which had a motor fuel  
50 tax prior to the adoption of this section shall annually receive not less than an amount equal to  
51 the net revenue derived therefrom in the year 1960; and

52 (3) All the remaining net proceeds in excess of the distributions to counties, and to  
53 cities, towns and villages under this section shall be apportioned, distributed and deposited in  
54 the state road fund and shall be expended and used solely as provided in subsection 1 of  
55 section 30(b) of Article IV of this Constitution.

56 2. The director of revenue of the state shall make the apportionment, distribution and  
57 deposit of the funds monthly in the manner required hereby.

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

69           4. The net proceeds of fuel taxes apportioned, distributed and deposited under this  
70 section to the state road fund, counties, cities, towns and villages shall not be included within  
71 the definition of "total state revenues" in section 17 of article X of this constitution nor be  
72 considered as an "expense of state government" as that term is used in section 20 of article X  
73 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  
3 their use or right to use the highways of the state, including all state license fees and taxes  
4 upon motor vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the  
5 privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting  
6 those portions of the sales tax on motor vehicles and trailers which are not distributed to the  
7 state road fund pursuant to subsection 2 of this section 30(b) and further excepting all  
8 property taxes), less the (1) actual cost of collection of the department of revenue (but not to  
9 exceed three percent of the particular tax or fee collected), (2) actual cost of refunds for  
10 overpayments and erroneous payments of such taxes and fees and maintaining retirement  
11 programs as permitted by law and (3) actual cost of the state highway patrol in administering  
12 and enforcing any state motor vehicle laws and traffic regulations, shall be deposited in the  
13 state road fund which is hereby created within the state treasury and stand appropriated  
14 without legislative action to be used and expended by the ~~[highways and transportation~~  
15 ~~commission]~~ **department of transportation** for the following purposes, and no other:

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

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

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

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

29           (2) To reimburse the various counties and other political subdivisions of the state,  
30 except incorporated cities and towns, for money expended by them in the construction or  
31 acquisition of roads and bridges now or hereafter taken over by the ~~[highways and~~  
32 ~~transportation commission]~~ **department of transportation** as permanent parts of the state

33 highway system, to the extent of the value to the state of such roads and bridges at the time  
34 taken over, not exceeding in any case the amount expended by such counties and subdivisions  
35 in the construction or acquisition of such roads and bridges, except that the ~~[highways and~~  
36 ~~transportation commission]~~ **department** may, in its discretion, repay, or agree to repay, any  
37 cash advanced by a county or subdivision to expedite state road construction or improvement;

38 (3) In the discretion of the ~~[commission]~~ **department** to plan, locate, relocate,  
39 establish, acquire, construct and maintain the following:

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

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

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

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

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

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

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

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

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

59 2. (1) The state sales tax upon the sale of motor vehicles, trailers, motorcycles,  
60 mopeds and motortricycles at the rate provided by law on November 2, 2004, is levied and  
61 imposed by this section until the rate is changed by law or constitutional amendment.

62 (2) One-half of the proceeds from the state sales tax on all motor vehicles, trailers,  
63 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation  
64 use and shall be apportioned and distributed as follows: ten percent to the counties, fifteen  
65 percent to the cities, two percent to be deposited in the state transportation fund, which is  
66 hereby created within the state treasury to be used in a manner provided by law and seventy-  
67 three percent to be deposited in the state road fund. The amounts apportioned and distributed  
68 to the counties and cities shall be further allocated and used as provided in section 30(a) of  
69 this article. The amounts allocated and distributed to the ~~[highways and transportation~~

70 ~~commission]~~ **department of transportation** for the state road fund shall be used as provided  
71 in subsection 1 of this section 30(b). The sales taxes which are apportioned and distributed  
72 pursuant to this subdivision (2) shall not include those taxes levied and imposed pursuant to  
73 sections 43(a) or 47(a) of this article. The term "proceeds from the state sales tax" as used in  
74 this subdivision (2) shall mean and include all revenues received by the department of  
75 revenue from the said sales tax, reduced only by refunds for overpayments and erroneous  
76 payments of such tax as permitted by law and actual costs of collection by the department of  
77 revenue (but not to exceed three percent of the amount collected).

78 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five percent of the  
79 remaining one-half of the proceeds of the state sales tax on all motor vehicles, trailers,  
80 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of  
81 subsection 2 of this section 30(b) shall be deposited in the state road bond fund which is  
82 hereby created within the state treasury; (ii) from and after July 1, 2006, through June 30,  
83 2007, fifty percent of the aforesaid one-half of the proceeds of the state sales tax on all motor  
84 vehicles, trailers, motorcycles, mopeds and motortricycles which is not distributed by  
85 subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state road bond  
86 fund; (iii) from and after July 1, 2007, through June 30, 2008, seventy-five percent of the  
87 aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers,  
88 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of  
89 subsection 2 of this section 30(b) shall be deposited in the state road bond fund; and (iv) from  
90 and after July 1, 2008, one hundred percent of the aforesaid one-half of the proceeds of the  
91 state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which  
92 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in  
93 the state road bond fund. Moneys deposited in the state road bond fund are hereby dedicated  
94 to and shall only be used to fund the repayment of bonds issued by the ~~[highways and~~  
95 ~~transportation commission]~~ **department of transportation** to fund the construction and  
96 reconstruction of the state highway system or to fund refunding bonds, except that after  
97 January 1, 2009, that portion of the moneys in the state road bond fund which the  
98 commissioner of administration and the ~~[highways and transportation commission]~~ **director**  
99 **of the department of transportation** each certify is not needed to make payments upon said  
100 bonds or to maintain an adequate reserve for making future payments upon said bonds may be  
101 appropriated to the state road fund. The ~~[highways and transportation commission]~~  
102 **department of transportation** shall have authority to issue state road bonds for the uses set  
103 forth in this subdivision (3). The net proceeds received from the issuance of such bonds shall  
104 be paid into the state road fund and shall only be used to fund construction or reconstruction  
105 of specific projects for parts of the state highway system as determined by the ~~[highways and~~  
106 ~~transportation commission]~~ **department of transportation**. The moneys deposited in the

107 state road bond fund shall only be withdrawn by appropriation pursuant to this constitution.  
108 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  
110 expenditure is for a use which is specifically authorized by the provisions of this subdivision  
111 (3). The proceeds of the sales tax which are subject to allocation and deposit into the state  
112 road bond fund pursuant to this subdivision (3) shall not include the proceeds of the sales tax  
113 levied and imposed pursuant to sections 43(a) or 47(a) of this article nor shall they include the  
114 proceeds of that portion of the sales tax apportioned, distributed and dedicated to the school  
115 district trust fund on November 2, 2004. The term "proceeds from the state sales tax" as used  
116 in this subdivision (3) shall mean and include all revenues received by the department of  
117 revenue from the said sales tax, reduced only by refunds for overpayments and erroneous  
118 payments of such tax as permitted by law and actual costs of collection by the department of  
119 revenue (but not to exceed three percent of the amount collected).

120 3. After January 1, 1980, any increase in state license fees and taxes on motor  
121 vehicles, trailers, motorcycles, mopeds and motortricycles other than those taxes distributed  
122 pursuant to subsection 2 of this section 30(b) shall be distributed as follows: ten percent to the  
123 counties, fifteen percent to the cities and seventy-five percent to be deposited in the state road  
124 fund. The amounts distributed shall be apportioned and distributed to the counties and cities  
125 as provided 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  
130 term is used in section 20 of article X of this constitution.

Section 30(c). The [~~highways and transportation commission~~] **department of**  
2 **transportation** shall have authority to plan, locate, relocate, establish, acquire, construct,  
3 maintain, control, and as provided by law to operate, develop and fund public transportation  
4 facilities as part of any state transportation system or program such as but not limited to  
5 aviation, mass transportation, transportation of elderly and handicapped, railroads, ports,  
6 waterborne commerce and intermodal connections, provided that funds other than those  
7 designated or dedicated for highway purposes in or deposited in the state road fund or the  
8 state road bond fund pursuant to sections 30(a) or 30(b) of this constitution are made available  
9 for such purposes. No moneys which are distributed to the state transportation fund pursuant  
10 to section 30(b) shall be used for any purpose other than for transportation purposes as  
11 provided in this section.

Section 31. Any state highway authorized herein to be located in any municipality  
2 may be constructed without limitations concerning the distance between houses or other

3 buildings abutting such highway or concerning the width or type of construction. The  
4 ~~[commission]~~ **department of transportation** may enter into contracts with cities, counties or  
5 other political subdivisions for and concerning the maintenance of, and regulation of traffic  
6 on any state highway within such cities, counties or subdivision.

Section 32. The funds which are allotted by the ~~[commission]~~ **department of**  
2 **transportation** to the construction or acquisition of supplementary state highways and  
3 bridges in each of the counties of the state shall be apportioned to the several counties as  
4 follows: One-fourth in the ratio that the area of each county bears to the area of the state, one-  
5 fourth in the ratio of the population, and two-fourths on such basis as the ~~[commission]~~  
6 **department of transportation** may deem to be for the best interest of highway users;  
7 provided the areas and population of cities having a population of 150,000 or more shall not  
8 be considered in making such apportionment, and the latest available United States decennial  
9 census shall be used; provided further, that if traffic on any supplementary state highway  
10 becomes such that a higher type than ordinary supplementary highway construction shall be  
11 required, then the ~~[commission]~~ **department of transportation** may construct such higher  
12 type and charge such extra cost to unallotted state highway funds. Supplementary state  
13 highways shall be selected by mutual agreement of the ~~[commission]~~ **department of**  
14 **transportation** and the local officials having charge of or jurisdiction over roads in the  
15 territory through which such supplementary state highways are to be constructed.

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