

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 170

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

4144H.011

JOSEPH ENGLER, 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 seven 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, 2026, 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Section A. Sections 29, 30(a), 30(b), 30(c), 31, and 32, Article IV, Constitution of Missouri, are repealed and seven new sections adopted in lieu thereof, to be known as Sections 29, 29(b), 30(a), 30(b), 30(c), 31, and 32, to read as follows: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]~~ **The director of the department of transportation shall be appointed by the governor by and with the advice and consent of the senate, and shall be in charge of the department of transportation. The qualifications of the director shall be fixed by law. The governor shall also appoint a chief engineer by and with the advice and consent of the senate. The qualifications of the chief engineer shall be fixed by law. The highways and transportation commission shall advise the governor regarding transportation matters and the department of transportation.** The number,

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 qualifications, compensation and terms of the members of the highways and transportation
10 commission shall be fixed by law, and not more than one-half of its members shall be of the
11 same political party. The selection and removal of all employees **other than the director**
12 shall be without regard to political affiliation. [~~The highways and transportation commission~~
13 ~~(i) shall have authority over the state highway system; (ii) shall have authority over all other~~
14 ~~transportation programs and facilities as provided by law, including, but not limited to,~~
15 ~~aviation, railroads, mass transportation, ports, and waterborne commerce; and (iii) shall have~~
16 ~~authority to limit access to, from and across state highways and other transportation facilities~~
17 ~~where the public interests and safety may require. All references to the highway commission~~
18 ~~and the department of highways in this constitution and in the statutes shall mean the~~
19 ~~highways and transportation commission and the department of transportation.]~~

Section 29(b). The department of transportation (i) shall have authority over the
2 **state highway system; (ii) shall have authority over all other transportation programs**
3 **and facilities as provided by law including, but not limited to, aviation, railroads, mass**
4 **transportation, ports, and waterborne commerce; and (iii) shall have authority to limit**
5 **access to, from, and across state highways and other transportation facilities where the**
6 **public interests and safety may require. All references to the highway commission and**
7 **the department of highways in this constitution and in the statutes shall mean the**
8 **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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