

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 194

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

7395H.011

JOSEPH ENGLER, 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 toll roads.

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Section A. Section 30(b), Article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as Section 30(b), to read as follows: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

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.

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 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 to finance or refinance the construction or
19 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 for the following state highway system uses and purposes and no other:

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

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

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

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

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

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

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

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

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

54 **(h) any toll road approved by the federal government and authorized by the**
55 **state legislature on any interstate or four-lane road, provided that the general assembly**
56 **authorizes the commission to impose and collect tolls, with such tolls collected only at**
57 **the entrances of interstate or four-lane roads, and authorizes the commission to set toll**
58 **rates with legislative approval.**

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

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

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

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

83 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five percent of the
84 remaining one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
85 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of
86 subsection 2 of this section 30(b) shall be deposited in the state road bond fund which is
87 hereby created within the state treasury; (ii) from and after July 1, 2006, through June 30,
88 2007, fifty percent of the aforesaid one-half of the proceeds of the state sales tax on all motor
89 vehicles, trailers, motorcycles, mopeds and motortricycles which is not distributed by
90 subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state road bond
91 fund; (iii) from and after July 1, 2007, through June 30, 2008, seventy-five percent of the
92 aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
93 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of
94 subsection 2 of this section 30(b) shall be deposited in the state road bond fund; and (iv) from
95 and after July 1, 2008, one hundred percent of the aforesaid one-half of the proceeds of the
96 state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which
97 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in
98 the state road bond fund. Moneys deposited in the state road bond fund are hereby dedicated
99 to and shall only be used to fund the repayment of bonds issued by the highways and
100 transportation commission to fund the construction and reconstruction of the state highway
101 system or to fund refunding bonds, except that after January 1, 2009, that portion of the
102 moneys in the state road bond fund which the commissioner of administration and the
103 highways and transportation commission each certify is not needed to make payments upon
104 said bonds or to maintain an adequate reserve for making future payments upon said bonds
105 may be appropriated to the state road fund. The highways and transportation commission
106 shall have authority to issue state road bonds for the uses set forth in this subdivision (3). The
107 net proceeds received from the issuance of such bonds shall be paid into the state road fund
108 and shall only be used to fund construction or reconstruction of specific projects for parts of
109 the state highway system as determined by the highways and transportation commission. The
110 moneys deposited in the state road bond fund shall only be withdrawn by appropriation
111 pursuant to this constitution. No obligation for the payment of moneys so appropriated shall
112 be paid unless the commissioner of administration certifies it for payment and further certifies
113 that the expenditure is for a use which is specifically authorized by the provisions of this
114 subdivision (3). The proceeds of the sales tax which are subject to allocation and deposit into
115 the state road bond fund pursuant to this subdivision (3) shall not include the proceeds of the
116 sales tax levied and imposed pursuant to sections 43(a) or 47(a) of this article nor shall they
117 include the proceeds of that portion of the sales tax apportioned, distributed and dedicated to
118 the school district trust fund on November 2, 2004. The term "proceeds from the state sales
119 tax" as used in this subdivision (3) shall mean and include all revenues received by the

120 department of revenue from the said sales tax, reduced only by refunds for overpayments and
121 erroneous payments of such tax as permitted by law and actual costs of collection by the
122 department of revenue (but not to exceed three percent of the amount collected).

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

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

134 **5. The revenues obtained from all tolls imposed and collected under the**
135 **authority granted in paragraph (h) of subdivision (3) of subsection 1 of this section shall**
136 **not be included within the definition of "total state revenues" as that term is used in**
137 **Article X, Section 17 of the Constitution of Missouri, shall not be considered "new**
138 **annual revenues" as that term is used in Article X, Section 18(e) of the Constitution of**
139 **Missouri, and shall not be considered as an "expense of state government" as that term**
140 **is used in Article X, Section 20 of the Constitution of Missouri.**

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