

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 37

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLINDT.

Read 1st time February 20, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

477S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri relating to powers and duties of the state highways and transportation commission, and adopting two new sections in lieu thereof relating to the same subject.

Be it resolved by the Senate, the House of Representatives 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, 2002, 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Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and two new sections adopted in lieu thereof, to be known as sections 30(b) and 30(d), to read as follows: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 the sales tax on motor vehicles and trailers, except as hereinafter provided, and all property taxes), less the cost (1) of collection thereof, (2) of maintaining the highway related activities of the highways and transportation commission and department including any workers' compensation and retirement programs, (3) and of administering and enforcing any state motor vehicle laws or traffic regulations, and less refunds and that portion of the fuel tax revenue to be allocated to counties and to cities, towns and villages under section 30(a) of Article IV of this Constitution, shall be

credited to the state road fund and stand appropriated without legislative action for the following purposes, and no other:

First, to the payment of the principal and interest on any outstanding state road bonds.

Second, any balance in excess of the amount necessary to meet the payment of the principal and interest of any state road bonds for the next succeeding twelve months shall be credited to the state road fund and shall be expended under the supervision and direction of the commission for the following purposes:

(1) To complete and widen or otherwise improve and maintain the state system of **toll-free and toll** highways [heretofore designated and laid out under existing laws];

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

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

(a) supplementary state highways and bridges in each county of the state as hereinafter provided;

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

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

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

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

(f) additional state highways, bridges and tunnels, outside the corporate limits of cities having a population in excess of one hundred fifty thousand, either in congested traffic areas of the state or where needed to facilitate and expedite the movement of through traffic.

(4) To acquire materials, equipment and buildings necessary for the purposes herein described; and

(5) For such other purposes and contingencies relating and appertaining to the

construction and maintenance of such highways and bridges as the highways and transportation commission may deem necessary and proper.

2. One-half of the proceeds from the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use and shall be distributed as follows: ten percent to the counties, fifteen percent to the cities, one percent to the state transportation fund, which is hereby created to be used in a manner provided by law and seventy-four percent to the state road fund. The amounts distributed shall be allocated as provided in section 30(a) of this article, to be used for highway and transportation purposes.

3. Notwithstanding the provisions of subsection 1 of this section, any increase in state license fees and taxes on motor vehicles, trailers, motorcycles, mopeds and motortricycles over and above those in effect upon adoption of this section shall be distributed as follows: ten percent to the counties, fifteen percent to the cities and seventy-five to the state road fund. The amounts distributed shall be allocated as provided in section 30(a) of this article, to be used for highway and transportation purposes.

Section 30(d). 1. In addition to the acquisition, construction and maintenance of the state system of toll-free highways and bridges, the highways and transportation commission may conduct feasibility studies for, and fund, design, acquire, construct, maintain, reconstruct and operate toll facilities as defined by law:

(1) On interstate highways within the state, along or across the borders of this state, and across a river or stream comprising a portion of the boundary between this state and another state; or

(2) On other state highways as authorized by the general assembly pursuant to subsection 4 of this section.

2. The commission shall fix and collect tolls for the use of all toll facilities. All toll facilities shall be part of the state highway system.

3. In addition to any other authority as may be provided by law, the commission is authorized to:

(1) Issue state toll facility revenue or state toll facility revenue refunding bonds without the consent of any other state agency or board, the net proceeds, after payment of the costs of issuance, of which are to be used to finance or refinance in whole or in part the cost of the design, acquisition, construction, maintenance, reconstruction or operation of, or the feasibility studies for, toll facilities and reserves related to such bonds. Such bonds shall not be deemed an obligation of the state, but shall be revenue bonds of the commission payable solely from tolls and other revenues derived from toll facilities, from other federal, state, local or special funds pledged for the payment of these bonds or for the purpose of paying all or any part of the cost of

any toll facility project, and, if determined to be necessary or desirable by the commission, from all or any part of the revenues deposited in the state road fund as provided in subdivision (5) of this subsection;

(2) Issue either state facility revenue or state toll facility revenue refunding bonds at any time and in any amount, provided that the principal amounts of all such outstanding bonds, in the aggregate, shall not exceed the limits established by law. Such bonds shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the commission shall specify. The bonds shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued in such manner, be payable in such place or places, be subject to redemption and be issued upon such other terms as the commission may provide. The bonds may be sold at either public or private sale and at such price or prices, as the commission shall determine to be in the best interests of the state;

(3) Deposit and transfer as provided by law, the net proceeds derived from the sale of such bonds, the interest thereon, and all tolls and other revenue, less costs of collection, derived from toll facilities, to the credit of the toll facility fund. Moneys in such fund shall stand appropriated without legislative action for the purposes of the payment of the debt service and reserves related to state toll facility revenue bonds and state toll facility revenue refunding bonds, payment of the cost of the design, acquisition, construction, maintenance, reconstruction or operation of, or the feasibility studies for, toll facilities, or for the payment of such other costs as may be provided by law. Moneys in such funds shall not revert to the general revenue fund. Interest accruing to such fund shall be part of the fund;

(4) Transfer moneys from the state road fund to the toll facility fund to finance the feasibility studies for and the design of toll facilities without issuing state toll facility revenue bonds, if there are available funds in the state road fund which are not committed for other projects and the commission determines that procedure to be the most economic and advisable method of temporarily financing the work, until those transfers can be repaid with interest from one or more of the toll facility funds described in this section and created by law;

(5) Transfer sums periodically as necessary from the state road fund to the toll facility fund, when the sums available in the toll facility fund are not sufficient to meet its current obligations. Such sums shall be repaid to the state road fund with interest, in the time and manner as provided by law; and

(6) Enter into any contracts or agreements deemed necessary or desirable to finance, fund or effectuate the proper and economic design, acquisition, construction, maintenance, reconstruction or operation of any toll facility.

4. The commission may, as it deems necessary, relocate or incorporate existing public roads for the construction of a toll facility. To obtain authorization from the general assembly for any proposed toll facility other than a toll facility on an interstate highway as provided by subsection 1 of this section, the commission shall present to the general assembly, by the tenth legislative day, a plan describing the location of the proposed toll facility and an analysis demonstrating the feasibility and appropriateness thereof. In no event shall any proposed toll facility presented in such plan convert an existing toll-free state highway or bridge to a toll facility. The plan shall become effective no later than forty-five calendar days after the plan proposed by the commission is submitted to a regular session of the general assembly, unless it is disapproved within forty-five calendar days of its submission to a regular session of the general assembly by a concurrent resolution introduced within fourteen calendar days of the submission of the plan to a regular session of the general assembly and adopted by a majority vote of the elected members of each house. If no concurrent resolution disapproving of the plan is introduced within fourteen calendar days of the submission of the plan to the legislature, then the plan shall become effective immediately. The presiding officer of each house in which a concurrent resolution disapproving of a plan has been introduced, unless the resolution has been previously accepted or rejected by that house, shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days after introduction of the concurrent resolution pertaining to the commission plan. The presiding officer of the house passing a concurrent resolution disapproving of a plan shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

5. State toll facility revenue bond and state toll facility revenue refunding bond proceeds, and tolls or other revenues derived from the establishment or operation of toll facilities, shall not be included as part of "total state revenues" within the meaning of sections 17 and 18 of article X of this constitution. The expenditure of such bond proceeds and tolls and other revenues shall not be considered an "expense of state government" under section 20 of article X of this constitution.