

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 20

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 17, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1751S.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), and 31 of article IV of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the powers and duties of the state highway and transportation commission.

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, 2004, 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Section A. Sections 29, 30(a), 30(b), 30(c), and 31, article IV, Constitution of Missouri, are repealed and five new sections adopted in lieu thereof, to be known as sections 29, 30(a), 30(b), 30(c), and 31, to read as follows:

Section 29. 1. The **director of transportation shall be appointed by the governor and shall be in charge of the** department of [highways and] transportation [shall be in charge of a highways and transportation commission]. **The selection and removal by the director of all employees of the department of transportation shall be without regard to political affiliation.**

2. **Beginning January 1, 2005, a transportation commission appointed by the governor, with the advice and consent of the senate, shall consist of one member residing in each of the state's congressional districts, appointed to six-year**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

terms. Commission meetings shall be held at the discretion of the director of transportation. In the event of changes to state congressional districts resulting from reapportionment, the governor shall remove or add commissioners as necessary.

3. The [number,] qualifications[,] and compensation [and terms] of the members of the [highways and] transportation commission shall be fixed by law, and not more than [one-half] a majority of its members shall be of the same political party. [The selection and removal of all employees shall be without regard to political affiliation.]

4. The [highways and transportation commission] **director** shall have authority over all state transportation programs and facilities as provided by law, including, but not limited to, bridges, highways, aviation, railroads, mass transportation, ports, and waterborne commerce, and shall have authority to limit access to, from and across state highways where the public interest and safety may require.

5. The present members of the highway commission shall serve as members of the [highways and] transportation commission for the remainder of the terms for which they were appointed.

6. All references to the highway commission **or the highways and transportation commission** and the department of highways **or the department of highways and transportation** in this constitution and in the statutes shall mean the [highways and transportation commission] **director** and the department of [highways and] transportation.

7. **The transportation commission shall advise the director of transportation regarding all state transportation programs and facilities, including, but not limited to, bridges, highways, aviation, railroads, mass transportation, ports, and waterborne commerce.**

8. **The director of transportation shall present to the transportation commission a statewide multimodal transportation plan annually. The plan must be approved by a majority vote of the commissioners. A statewide transportation plan that has been approved by the transportation commission shall not be modified unless such modification has been approved by the transportation commission.**

Section 30(a). 1. On and after the first day of the month next following the adoption of this section, a tax upon or measured by fuel used for propelling highway motor vehicles shall be levied and collected as provided by law. Any amount of the tax collected with respect to fuel not used for propelling highway motor vehicles shall be refunded by the state in the manner provided by law. The remaining net proceeds of the tax, after deducting costs of collection, apportionment and making refunds shall be apportioned between the counties, cities and the state as hereinafter provided and shall stand appropriated without legislative action for the following purposes:

(1) Ten percent of the remaining net proceeds shall be deposited in a special trust fund

known as the "County Aid Road Trust Fund". In addition, beginning July 1, 1994, an additional five percent of the remaining net proceeds which is derived from the difference between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate in effect on and after July 1, 1994, shall also be deposited in the county aid road trust fund, and of such monies generated by the additional five percent, five percent shall be credited solely to cities not within any county in this state. After such credit to cities not within any county, the proceeds in the county aid road trust fund shall be credited to the various counties of the state on the following basis: One-half on the ratio that the county road mileage of each county bears to the county road mileage of the entire state as determined by the last available report of the state [highways and] transportation commission and one-half on the ratio that the rural land valuation of each county bears to the rural land valuation of the entire state as determined by the last available report of the state tax commission, except that county road mileage in incorporated villages, towns or cities and the land valuation in incorporated villages, towns or cities shall be excluded in such determination, except that, if the assessed valuation of rural lands in any county is less than five million dollars, the county shall be treated as having an assessed valuation of five million dollars. The funds credited to each county shall be used by the county solely for the construction, reconstruction, maintenance and repairs of roads, bridges and highways, and subject to such other provisions and restrictions as provided by law. The monies generated by the additional five percent of the remaining net proceeds which is derived from the difference between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate in effect on and after July 1, 1994, shall not be used for equipment, machinery, salaries, fringe benefits or capital improvements, other than roads and bridges. In the absence of other controls provided by law, the [state highways and transportation commission] **director** shall prescribe policy, rules and requirement for the expenditure of these funds by counties, including, among other things, [highways and transportation commission] approval of plans for projects on which the funds are to be used. In counties having the township form of county organization, the funds credited to such counties shall be expended solely under the control and supervision of the county court, and shall not be expended by the various townships located within such counties. "Rural land" as used in this section shall mean all land located within any county, except land in incorporated villages, towns, or cities.

(2) Fifteen percent of the remaining net proceeds shall be allocated to the various incorporated cities, towns and villages within the state solely for construction, reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the payment of principal and interest on indebtedness incurred prior to January 1, 1980, on account of road and street purposes, and the use thereof being subject to such other provisions and restrictions as provided by law. The amount apportionable to each city, town or village shall be based on the ratio that the population of the city, town or village bears to the population of all

incorporated cities, towns or villages in the state having a like population, as shown by the last federal decennial census, provided that any city, town or village which had a motor fuel tax prior to the adoption of this section shall annually receive not less than an amount equal to the net revenue derived therefrom in the year 1960; and

(3) All the remaining net proceeds in excess of the allocations to counties, and to cities, towns and villages under this section shall be allocated to the state and shall be disbursed as provided in section 30(a) and (b) of Article IV of this Constitution.

2. The director of revenue of the state shall make the division and apportionment of the funds monthly in the manner required hereby.

3. Except for taxes or licenses which may be imposed uniformly on all merchants or manufacturers based upon sales, or which uniformly apply ad valorem to the stocks of merchants or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee upon, measured by or with respect to the importation, receipt, manufacture, storage, transportation, sale or use, on or after the first day of the month next following the adoption of this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is approved by a vote of the people of any city, town or village subsequent to the adoption of this section, by a two-thirds majority. All funds collected shall be used solely for construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning roads and streets and for the payment of principal and interest on indebtedness incurred prior to January 1, 1980, on account of road and street purposes.

4. Beginning on July 1, 1993, the net proceeds of fuel taxes allocated under this section to counties and to cities, towns and villages shall not be included within the definition of "total state revenues" in section 17 of article X of this constitution.

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] costs incurred by the department of transportation, the department of revenue, the state highway patrol, and the office of administration** (1) **[of] for the** collection thereof, (2) **[of] for** maintaining the highway related activities of the **[highways and] transportation commission and department [including any workers' compensation and retirement programs] of transportation**, (3) **[and of] for** administering and enforcing any state motor vehicle laws or traffic regulations, (4) and less refunds and that portion of the fuel tax revenue to be allocated to counties and to cities, towns and villages **[under] pursuant to** 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] **director** for the following purposes:

(1) To complete and widen or otherwise improve and maintain the state system of 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] **director** may, in [its] the **director's** 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] **director** 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] **director** 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.

4. The state auditor shall conduct an annual financial audit of expenditures from the state road fund and the state highways and transportation department fund and shall report the findings to the governor and the general assembly by October first of each year. The purpose of the audit shall be to determine whether expenditures from the state road fund and the state highways and transportation department fund are in compliance with all relevant constitutional and statutory provisions.

Section 30(c). The [highways and transportation commission] **director** shall have authority to locate, relocate, establish, acquire, construct, maintain, control, and as provided by law to operate, develop or fund public facilities as part of any state transportation program such as but not limited to aviation, mass transportation, railroads, ports, and waterborne commerce, provided that funds other than those designated for highway purposes in this constitution are made available for such purposes.

Section 31. Any state highway authorized herein to be located in any municipality may be constructed without limitations concerning the distance between houses or other buildings abutting such highway or concerning the width or type of construction. The [commission] **director** may enter into contracts with cities, counties or other political subdivisions for and concerning the maintenance of, and regulation of traffic on any state highway within such cities, counties or subdivision.