

FIRST REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 1

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BARTLE.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

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## 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 two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

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*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  
2 Tuesday next following the first Monday in November, 2008, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article IV of the Constitution of the state of Missouri:

Section A. Section 30(b), article IV, Constitution of Missouri, is repealed  
2 and two new sections adopted in lieu thereof, to be known as sections 30(b) and  
3 30(e), to read as follows:

Section 30(b). 1. For the purpose of constructing and maintaining a  
2 adequate system of connected state highways all state revenue derived from  
3 highway users as an incident to their use or right to use the highways of the  
4 state, including all state license fees and taxes upon motor vehicles, trailers and  
5 motor vehicle fuels, and upon, with respect to, or on the privilege of the  
6 manufacture, receipt, storage, distribution, sale or use thereof (excepting: those  
7 portions of the sales tax on motor vehicles and trailers which are not distributed  
8 to the state road fund pursuant to subsection 2 of this section 30(b); **any tolls,**  
9 **fees, rents, and other revenue derived from toll facilities and the**  
10 **proceeds of toll facility revenue and revenue refunding bonds;** and further  
11 excepting all property taxes), less the (1) actual cost of collection of the

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

12 department of revenue (but not to exceed three percent of the particular tax or  
13 fee collected), (2) actual cost of refunds for overpayments and erroneous payments  
14 of such taxes and fees and maintaining retirement programs as permitted by law  
15 and (3) actual cost of the state highway patrol in administering and enforcing any  
16 state motor vehicle laws and traffic regulations, **and less refunds with respect**  
17 **to fuel not used for propelling highway motor vehicles, and less refunds**  
18 **for overpayments and erroneous payments of all other state revenue**  
19 **derived from highway users set forth under this section,** shall be deposited  
20 in the state road fund which is hereby created within the state treasury and  
21 stand appropriated without legislative action to be used and expended by the  
22 highways and transportation commission for the following purposes, and no other:

23         First, to the payment of the principal and interest on any outstanding  
24 state road bonds. The term state road bonds in this section 30(b) means any  
25 bonds or refunding bonds issued by the highways and transportation commission  
26 to finance or refinance the construction or reconstruction of the state highway  
27 system.

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

31         The remaining balance in the state road fund shall be used and expended  
32 in the sole discretion of and under the supervision and direction of the highways  
33 and transportation commission for the following state highway system uses and  
34 purposes and no other:

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

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

47         (3) **To**, in the discretion of the commission to plan, locate, relocate,  
48 establish, acquire, construct and maintain the following:

- 49 (a) interstate and primary highways within the state;
- 50 (b) supplementary state highways and bridges in each county of the state;
- 51 (c) state highways and bridges in, to and through state parks, public areas  
52 and reservations, and state institutions now or hereafter established to connect  
53 the same with the state highways, and also national, state or local parkways,  
54 travelways, tourways, with coordinated facilities;
- 55 (d) any tunnel or interstate bridge or part thereof, where necessary to  
56 connect the state highways of this state with those of other states;
- 57 (e) any highway within the state when necessary to comply with any  
58 federal law or requirement which is or shall become a condition to the receipt of  
59 federal funds;
- 60 (f) any highway in any city or town which is found necessary as a  
61 continuation of any state or federal highway, or any connection therewith, into  
62 and through such city or town; and
- 63 (g) additional state highways, bridges and tunnels, either in congested  
64 traffic areas of the state or where needed to facilitate and expedite the movement  
65 of through traffic.
- 66 (4) **To conduct studies for toll facilities;**
- 67 (5) **To pay the costs of toll facility projects and the principal of**  
68 **and interest on bonds for state toll facility projects authorized pursuant**  
69 **to section 30(d) of this article;**
- 70 (6) To acquire materials, equipment and buildings and to employ such  
71 personnel as necessary for the purposes described in this subsection 1; and
- 72 [(5)] (7) For such other purposes and contingencies relating and  
73 appertaining to the construction and maintenance of such state highway system  
74 as the highways and transportation commission may deem necessary and proper.
- 75 2. (1) The state sales tax upon the sale of motor vehicles, trailers,  
76 motorcycles, mopeds and motortricycles at the rate provided by law on November  
77 2, 2004, is levied and imposed by this section until the rate is changed by law or  
78 constitutional amendment.
- 79 (2) One-half of the proceeds from the state sales tax on all motor vehicles,  
80 trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway  
81 and transportation use and shall be apportioned and distributed as follows: ten  
82 percent to the counties, fifteen percent to the cities, two percent to be deposited  
83 in the state transportation fund, which is hereby created within the state  
84 treasury to be used in a manner provided by law and seventy-three percent to be  
85 deposited in the state road fund. The amounts apportioned and distributed to the

86 counties and cities shall be further allocated and used as provided in section 30(a)  
87 of this article. The amounts allocated and distributed to the highways and  
88 transportation commission for the state road fund shall be used as provided in  
89 subsection 1 of this section 30(b). The sales taxes which are apportioned and  
90 distributed pursuant to this subdivision (2) shall not include those taxes levied  
91 and imposed pursuant to sections 43(a) or 47(a) of this article. The term  
92 "proceeds from the state sales tax" as used in this subdivision (2) shall mean and  
93 include all revenues received by the department of revenue from the said sales  
94 tax, reduced only by refunds for overpayments and erroneous payments of such  
95 tax as permitted by law and actual costs of collection by the department of  
96 revenue (but not to exceed three percent of the amount collected).

97 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five  
98 percent of the remaining one-half of the proceeds of the state sales tax on all  
99 motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not  
100 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
101 deposited in the state road bond fund which is hereby created within the state  
102 treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of  
103 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles,  
104 trailers, motorcycles, mopeds and motortricycles which is not distributed by  
105 subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state  
106 road bond fund; (iii) from and after July 1, 2007, through June 30, 2008,  
107 seventy-five percent of the aforesaid one-half of the proceeds of the state sales tax  
108 on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is  
109 not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
110 deposited in the state road bond fund; and (iv) from and after July 1, 2008, one  
111 hundred percent of the aforesaid one-half of the proceeds of the state sales tax on  
112 all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not  
113 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
114 deposited in the state road bond fund. Moneys deposited in the state road bond  
115 fund are hereby dedicated to and shall only be used to fund the repayment of  
116 bonds issued by the highways and transportation commission to fund the  
117 construction and reconstruction of the state highway system or to fund refunding  
118 bonds, except that after January 1, 2009, that portion of the moneys in the state  
119 road bond fund which the commissioner of administration and the highways and  
120 transportation commission each certify is not needed to make payments upon said  
121 bonds or to maintain an adequate reserve for making future payments upon said  
122 bonds may be appropriated to the state road fund. The highways and

123 transportation commission shall have authority to issue state road bonds for the  
124 uses set forth in this subdivision (3). The net proceeds received from the issuance  
125 of such bonds shall be paid into the state road fund and shall only be used to fund  
126 construction or reconstruction of specific projects for parts of the state highway  
127 system as determined by the highways and transportation commission. The  
128 moneys deposited in the state road bond fund shall only be withdrawn by  
129 appropriation pursuant to this constitution. No obligation for the payment of  
130 moneys so appropriated shall be paid unless the commissioner of administration  
131 certifies it for payment and further certifies that the expenditure is for a use  
132 which is specifically authorized by the provisions of this subdivision (3). The  
133 proceeds of the sales tax which are subject to allocation and deposit into the state  
134 road bond fund pursuant to this subdivision (3) shall not include the proceeds of  
135 the sales tax levied and imposed pursuant to sections 43(a) or 47(a) of this article  
136 nor shall they include the proceeds of that portion of the sales tax apportioned,  
137 distributed and dedicated to the school district trust fund on November 2,  
138 2004. The term "proceeds from the state sales tax" as used in this subdivision (3)  
139 shall mean and include all revenues received by the department of revenue from  
140 the said sales tax, reduced only by refunds for overpayments and erroneous  
141 payments of such tax as permitted by law and actual costs of collection by the  
142 department of revenue (but not to exceed three percent of the amount collected).

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

150         4. The moneys apportioned or distributed under this section to the state  
151 road fund, the state transportation fund, the state road bond fund, counties,  
152 cities, towns or villages shall not be included within the definition of "total state  
153 revenues" as that term is used in section 17 of Article X of this constitution nor  
154 be considered as an "expense of state government" as that term is used in section  
155 20 of article X of this constitution.

**Section 30(e). 1. The highways and transportation commission is  
2 authorized to finance, acquire, construct, maintain, improve,  
3 reconstruct, and operate state toll facilities proposed by the commission  
4 and authorized by the general assembly within this state, across the**

5 borders of this state and another state, and across a river or stream  
6 comprising the boundary or a portion of the boundary between this state  
7 and another state. Toll facilities shall be a part of the state highway  
8 system.

9           2. For toll facility projects authorized by the general assembly,  
10 the commission:

11           (1) May fix and collect tolls, fees, rents, or other charges for the  
12 use of all toll facilities;

13           (2) May issue toll facility revenue bonds or toll facility revenue  
14 refunding bonds for toll facilities without the consent of any other state  
15 agency or board; and

16           (3) May enter into any contract with any federal or state agency,  
17 city, county, or political subdivision, or any person or business entity,  
18 to perform any of the duties authorized by this section.

19           3. The commission shall credit, apportion, and distribute the net  
20 proceeds derived from the sale of state toll facility revenue bonds or  
21 refunding bonds and the interest thereon, the proceeds from all tolls,  
22 fees, rents, or other charges derived from toll facilities, less any refunds  
23 for overpayments and erroneous payments of such tolls, fees, rents, or  
24 other revenue, and any other moneys derived from federal, state, local,  
25 or special funds to the state toll facility fund. The commission shall  
26 expend such moneys solely for the toll facility projects authorized by the  
27 general assembly. Moneys in such fund shall stand appropriated without  
28 legislative action to be expended in the sole discretion of the commission  
29 for the authorized purposes in this section and no other purposes. All  
30 interest earned upon the sums within such fund shall be deposited  
31 within and to the credit of the fund.

32           4. The commission is authorized to transfer moneys from the state  
33 road fund to the state toll facility fund to pay costs of performing the  
34 duties and functions authorized by this section. Such transfers shall  
35 derive only from such moneys in the state road fund in excess of the  
36 amounts necessary to make principal and interest payments on all  
37 outstanding state road bonds and refunding bonds for the next  
38 succeeding twelve months. Such transfers shall be repaid to the state  
39 road fund, in the time and manner as determined by the commission,  
40 from the state toll facility fund.

41           5. The commission may relocate or incorporate into any toll

42 facility project any public roads, highways, or bridges as needed for toll  
43 facility projects authorized by the general assembly.

44           6. State toll facility revenue bond and refunding bond proceeds  
45 and all tolls, fees, rents, and other revenue derived from the  
46 establishment or operation of state toll facilities, shall not be deemed  
47 taxes or fees, and shall not be included as part of "total state revenues",  
48 within the meaning of sections 17 and 18 of Article X of this  
49 Constitution. The expenditure of these revenues shall not be considered  
50 an "expense of state government" under section 20 of Article X of this  
51 Constitution.

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