

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 2

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0245S.011

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.

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, 2010, 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Section A. Section 30(b), article IV, Constitution of Missouri, is repealed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 an
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
11 further 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
20 deposited in the state road fund which is hereby created within the state treasury
21 and 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**
69 **pursuant 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
126 fund construction or reconstruction of specific projects for parts of the state
127 highway system as determined by the highways and transportation
128 commission. The moneys deposited in the state road bond fund shall only be
129 withdrawn by appropriation pursuant to this constitution. No obligation for the
130 payment of moneys so appropriated shall be paid unless the commissioner of
131 administration certifies it for payment and further certifies that the expenditure
132 is for a use which is specifically authorized by the provisions of this subdivision
133 (3). The proceeds of the sales tax which are subject to allocation and deposit into
134 the state road bond fund pursuant to this subdivision (3) shall not include the
135 proceeds of the sales tax levied and imposed pursuant to sections 43(a) or 47(a)
136 of this article nor shall they include the proceeds of that portion of the sales tax
137 apportioned, distributed and dedicated to the school district trust fund on
138 November 2, 2004. The term "proceeds from the state sales tax" as used in this
139 subdivision (3) shall mean and include all revenues received by the department
140 of revenue from the said sales tax, reduced only by refunds for overpayments and
141 erroneous payments of such tax as permitted by law and actual costs of collection
142 by the department of revenue (but not to exceed three percent of the amount
143 collected).

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

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

156 20 of article X of this constitution.

Section 30(e). 1. The highways and transportation commission
2 is authorized to finance, acquire, construct, maintain, improve,
3 reconstruct, and operate state toll facilities proposed by the
4 commission and authorized by the general assembly within this state,
5 across the borders of this state and another state, and across a river or
6 stream comprising the boundary or a portion of the boundary between
7 this state and another state. Toll facilities shall be a part of the state
8 highway 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
23 refunds for overpayments and erroneous payments of such tolls, fees,
24 rents, or other revenue, and any other moneys derived from federal,
25 state, local, or special funds to the state toll facility fund. The
26 commission shall expend such moneys solely for the toll facility
27 projects authorized by the general assembly. Moneys in such fund shall
28 stand appropriated without legislative action to be expended in the
29 sole discretion of the commission for the authorized purposes in this
30 section and no other purposes. All interest earned upon the sums
31 within such fund shall be deposited within and to the credit of the
32 fund.

33 4. The commission is authorized to transfer moneys from the
34 state road fund to the state toll facility fund to pay costs of performing
35 the duties and functions authorized by this section. Such transfers
36 shall derive only from such moneys in the state road fund in excess of

37 the amounts necessary to make principal and interest payments on all
38 outstanding state road bonds and refunding bonds for the next
39 succeeding twelve months. Such transfers shall be repaid to the state
40 road fund, in the time and manner as determined by the commission,
41 from the state toll facility fund.

42 5. The commission may relocate or incorporate into any toll
43 facility project any public roads, highways, or bridges as needed for toll
44 facility projects authorized by the general assembly.

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

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Bill

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