

FIRST REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 14

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time January 26, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1142S.011

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 30(a) and 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the collection of state highway revenues, with an effective date.

*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, 2012, 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. Sections 30(a) and 30(b), article IV, Constitution of Missouri,  
2 is repealed and two new sections adopted in lieu thereof, to be known as sections  
3 30(a) and 30(b), to read as follows:

Section 30(a). 1. A tax upon or measured by fuel used for propelling  
2 highway motor vehicles shall be levied and collected as provided by law. Any  
3 amount of the tax collected with respect to fuel not used for propelling highway  
4 motor vehicles shall be refunded by the state in the manner provided by law. The  
5 remaining net proceeds of the tax, after deducting actual costs of collection of the  
6 department of revenue [(but after June 30, 2005, not more than three percent of  
7 the amount collected)] and refunds for overpayments and erroneous payments of  
8 such tax as permitted by law, shall be apportioned and distributed between the  
9 counties, cities and the state highways and transportation commission as  
10 hereinafter provided and shall stand appropriated without legislative action for  
11 the following purposes:

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

12           (1) Ten percent of the remaining net proceeds shall be deposited in a  
13 special trust fund known as the "County Aid Road Trust Fund". In addition,  
14 beginning July 1, 1994, an additional five percent of the remaining net proceeds  
15 which is derived from the difference between the amount received from a tax rate  
16 equal to the tax rate in effect on March 31, 1992, and the tax rate in effect on and  
17 after July 1, 1994, shall also be deposited in the county aid road trust fund, and  
18 of such moneys generated by this additional five percent, five percent shall be  
19 apportioned and distributed solely to cities not within any county in this  
20 state. After such distribution to cities not within any county, the remaining  
21 proceeds in the county aid road trust fund shall be apportioned and distributed  
22 to the various counties of the state on the following basis: One-half on the ratio  
23 that the county road mileage of each county bears to the county road mileage of  
24 the entire state as determined by the last available report of the state highways  
25 and transportation commission and one-half on the ratio that the rural land  
26 valuation of each county bears to the rural land valuation of the entire state as  
27 determined by the last available report of the state tax commission, except that  
28 county road mileage in incorporated villages, towns or cities and the land  
29 valuation in incorporated villages, towns or cities shall be excluded in such  
30 determination, except that, if the assessed valuation of rural lands in any county  
31 is less than five million dollars, the county shall be treated as having an assessed  
32 valuation of five million dollars. The funds apportioned and distributed to each  
33 county shall be dedicated, used and expended by the county solely for the  
34 construction, reconstruction, maintenance and repairs of roads, bridges and  
35 highways, and subject to such other provisions and restrictions as provided by  
36 law. The moneys generated by the additional five percent of the remaining net  
37 proceeds which is derived from the difference between the amount received from  
38 a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate in  
39 effect on and after July 1, 1994, shall not be used or expended for equipment,  
40 machinery, salaries, fringe benefits or capital improvements, other than roads  
41 and bridges. In counties having the township form of county organization, the  
42 funds distributed to such counties shall be expended solely under the control and  
43 supervision of the county commission, and shall not be expended by the various  
44 townships located within such counties. "Rural land" as used in this section shall  
45 mean all land located within any county, except land in incorporated villages,  
46 towns, or cities.

47           (2) Fifteen percent of the remaining net proceeds shall be apportioned and

48 distributed to the various incorporated cities, towns and villages within the state  
49 solely for construction, reconstruction, maintenance, repair, policing, signing,  
50 lighting and cleaning roads and streets and for the payment of principal and  
51 interest on indebtedness on account of road and street purposes, and the use  
52 thereof being subject to such other provisions and restrictions as provided by  
53 law. The amount apportioned and distributed to each city, town or village shall  
54 be based on the ratio that the population of the city, town or village bears to the  
55 population of all incorporated cities, towns or villages in the state having a like  
56 population, as shown by the last federal decennial census, provided that any city,  
57 town or village which had a motor fuel tax prior to the adoption of this section  
58 shall annually receive not less than an amount equal to the net revenue derived  
59 therefrom in the year 1960; and

60 (3) All the remaining net proceeds in excess of the distributions to  
61 counties, and to cities, towns and villages under this section shall be apportioned,  
62 distributed and deposited in the state road fund and shall be expended and used  
63 solely as provided in subsection 1 of section 30(b) of Article IV of this  
64 Constitution.

65 2. The director of revenue of the state shall make the apportionment,  
66 distribution and deposit of the funds monthly in the manner required hereby.

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

79 4. The net proceeds of fuel taxes apportioned, distributed and deposited  
80 under this section to the state road fund, counties, cities, towns and villages shall  
81 not be included within the definition of "total state revenues" in section 17 of  
82 article X of this constitution nor be considered as an "expense of state  
83 government" as that term is used in section 20 of article X of this constitution.

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) and further  
9 excepting all property taxes), less the (1) actual cost of collection of the  
10 department of revenue [(but not to exceed three percent of the particular tax or  
11 fee collected)], (2) actual cost of refunds for overpayments and erroneous  
12 payments of such taxes and fees and maintaining retirement programs as  
13 permitted by law and (3) actual cost of the state highway patrol in administering  
14 and enforcing any state motor vehicle laws and traffic regulations, shall be  
15 deposited in the state road fund which is hereby created within the state treasury  
16 and stand appropriated without legislative action to be used and expended by the  
17 highways and transportation commission for the following purposes, and no other:

18 First, to the payment of the principal and interest on any outstanding  
19 state road bonds. The term state road bonds in this section 30(b) means any  
20 bonds or refunding bonds issued by the highways and transportation commission  
21 to finance or refinance the construction or reconstruction of the state highway  
22 system.

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

26 The remaining balance in the state road fund shall be used and expended  
27 in the sole discretion of and under the supervision and direction of the highways  
28 and transportation commission for the following state highway system uses and  
29 purposes and no other:

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

32 (2) To reimburse the various counties and other political subdivisions of  
33 the state, except incorporated cities and towns, for money expended by them in  
34 the construction or acquisition of roads and bridges now or hereafter taken over  
35 by the highways and transportation commission as permanent parts of the state  
36 highway system, to the extent of the value to the state of such roads and bridges

37 at the time taken over, not exceeding in any case the amount expended by such  
38 counties and subdivisions in the construction or acquisition of such roads and  
39 bridges, except that the highways and transportation commission may, in its  
40 discretion, repay, or agree to repay, any cash advanced by a county or subdivision  
41 to expedite state road construction or improvement;

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

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

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

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

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

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

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

58 (g) additional state highways, bridges and tunnels, either in congested  
59 traffic areas of the state or where needed to facilitate and expedite the movement  
60 of through traffic.

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

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

66 2. (1) The state sales tax upon the sale of motor vehicles, trailers,  
67 motorcycles, mopeds and motortricycles at the rate provided by law on November  
68 2, 2004, is levied and imposed by this section until the rate is changed by law or  
69 constitutional amendment.

70 (2) One-half of the proceeds from the state sales tax on all motor vehicles,  
71 trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway  
72 and transportation use and shall be apportioned and distributed as follows: ten

73 percent to the counties, fifteen percent to the cities, two percent to be deposited  
74 in the state transportation fund, which is hereby created within the state  
75 treasury to be used in a manner provided by law and seventy-three percent to be  
76 deposited in the state road fund. The amounts apportioned and distributed to the  
77 counties and cities shall be further allocated and used as provided in section 30(a)  
78 of this article. The amounts allocated and distributed to the highways and  
79 transportation commission for the state road fund shall be used as provided in  
80 subsection 1 of this section 30(b). The sales taxes which are apportioned and  
81 distributed pursuant to this subdivision (2) shall not include those taxes levied  
82 and imposed pursuant to sections 43(a) or 47(a) of this article. The term  
83 "proceeds from the state sales tax" as used in this subdivision (2) shall mean and  
84 include all revenues received by the department of revenue from the said sales  
85 tax, reduced only by refunds for overpayments and erroneous payments of such  
86 tax as permitted by law and actual costs of collection by the department of  
87 revenue [(but not to exceed three percent of the amount collected)].

88 (3) (I) From and after July 1, 2005, through June 30, 2006, twenty-five  
89 percent of the remaining one-half of the proceeds of the state sales tax on all  
90 motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not  
91 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
92 deposited in the state road bond fund which is hereby created within the state  
93 treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of  
94 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles,  
95 trailers, motorcycles, mopeds and motortricycles which is not distributed by  
96 subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state  
97 road bond fund; (iii) from and after July 1, 2007, through June 30, 2008,  
98 seventy-five percent of the aforesaid one-half of the proceeds of the state sales tax  
99 on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is  
100 not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
101 deposited in the state road bond fund; and (iv) from and after July 1, 2008, one  
102 hundred percent of the aforesaid one-half of the proceeds of the state sales tax on  
103 all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not  
104 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
105 deposited in the state road bond fund. Moneys deposited in the state road bond  
106 fund are hereby dedicated to and shall only be used to fund the repayment of  
107 bonds issued by the highways and transportation commission to fund the  
108 construction and reconstruction of the state highway system or to fund refunding

109 bonds, except that after January 1, 2009, that portion of the moneys in the state  
110 road bond fund which the commissioner of administration and the highways and  
111 transportation commission each certify is not needed to make payments upon said  
112 bonds or to maintain an adequate reserve for making future payments upon said  
113 bonds may be appropriated to the state road fund. The highways and  
114 transportation commission shall have authority to issue state road bonds for the  
115 uses set forth in this subdivision (3). The net proceeds received from the issuance  
116 of such bonds shall be paid into the state road fund and shall only be used to  
117 fund construction or reconstruction of specific projects for parts of the state  
118 highway system as determined by the highways and transportation  
119 commission. The moneys deposited in the state road bond fund shall only be  
120 withdrawn by appropriation pursuant to this constitution. No obligation for the  
121 payment of moneys so appropriated shall be paid unless the commissioner of  
122 administration certifies it for payment and further certifies that the expenditure  
123 is for a use which is specifically authorized by the provisions of this subdivision  
124 (3). The proceeds of the sales tax which are subject to allocation and deposit into  
125 the state road bond fund pursuant to this subdivision (3) shall not include the  
126 proceeds of the sales tax levied and imposed pursuant to sections 43(a) or 47(a)  
127 of this article nor shall they include the proceeds of that portion of the sales tax  
128 apportioned, distributed and dedicated to the school district trust fund on  
129 November 2, 2004. The term "proceeds from the state sales tax" as used in this  
130 subdivision (3) shall mean and include all revenues received by the department  
131 of revenue from the said sales tax, reduced only by refunds for overpayments and  
132 erroneous payments of such tax as permitted by law and actual costs of collection  
133 by the department of revenue [(but not to exceed three percent of the amount  
134 collected)].

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

142         4. The moneys apportioned or distributed under this section to the state  
143 road fund, the state transportation fund, the state road bond fund, counties,  
144 cities, towns or villages shall not be included within the definition of "total state

145 revenues" as that term is used in section 17 of Article X of this constitution nor  
146 be considered as an "expense of state government" as that term is used in section  
147 20 of article X of this constitution.

Section B. Sections 30(a) and 30(b) shall become effective January first  
2 following approval by a majority vote of the people.

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Unofficial

Bill

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