

SENATE JOINT RESOLUTION NO. 58

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

5856S.01I

ADRIANE D. CROUSE, Secretary

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 one new section in lieu thereof relating to employment of personnel for state highway system purposes.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2022, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article IV of the
7 Constitution of the state of Missouri:

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2 Missouri, is repealed and one new section adopted in lieu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

Section 30(b). 1. For the purpose of constructing and
2 maintaining an adequate system of connected state highways
3 all state revenue derived from highway users as an incident
4 to their use or right to use the highways of the state,
5 including all state license fees and taxes upon motor
6 vehicles, trailers and motor vehicle fuels, and upon, with
7 respect to, or on the privilege of the manufacture, receipt,
8 storage, distribution, sale or use thereof (excepting those
9 portions of the sales tax on motor vehicles and trailers
10 which are not distributed to the state road fund pursuant to

11 subsection 2 of this section 30(b) and further excepting all
12 property taxes), less the (1) actual cost of collection of
13 the department of revenue (but not to exceed three percent
14 of the particular tax or fee collected), (2) actual cost of
15 refunds for overpayments and erroneous payments of such
16 taxes and fees and maintaining retirement programs as
17 permitted by law and (3) actual cost of the state highway
18 patrol in administering and enforcing any state motor
19 vehicle laws and traffic regulations, shall be deposited in
20 the state road fund which is hereby created within the state
21 treasury and stand appropriated without legislative action
22 to be used and expended by the highways and transportation
23 commission for the following purposes, and no other:

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

26 The term state road bonds in this section 30(b)
27 means any bonds or refunding bonds issued by the
28 highways and transportation commission to
29 finance or refinance the construction or
30 reconstruction of the state highway system.

31 Second, to maintain a balance in the state road
32 fund in the amount deemed necessary to meet the
33 payment of the principal and interest of any
34 state road bonds for the next succeeding twelve
35 months.

36 The remaining balance in the state road fund
37 shall be used and expended in the sole
38 discretion of and under the supervision and
39 direction of the highways and transportation
40 commission for the following state highway
41 system uses and purposes and no other:

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

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

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

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

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

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

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

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

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

80 (g) additional state highways, bridges and tunnels,
81 either in congested traffic areas of the state or where
82 needed to facilitate and expedite the movement of through
83 traffic.

84 (4) To acquire materials, equipment and buildings and
85 to employ such personnel as necessary for the purposes
86 described in this subsection 1, **provided that employment of**
87 **personnel under this subdivision shall not be in an amount**
88 **greater than is approved annually by the joint committee on**
89 **transportation oversight;** and

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

94 2. (1) The state sales tax upon the sale of motor
95 vehicles, trailers, motorcycles, mopeds and motortricycles
96 at the rate provided by law on November 2, 2004, is levied
97 and imposed by this section until the rate is changed by law
98 or constitutional amendment.

99 (2) One-half of the proceeds from the state sales tax
100 on all motor vehicles, trailers, motorcycles, mopeds and
101 motortricycles shall be dedicated for highway and
102 transportation use and shall be apportioned and distributed
103 as follows: ten percent to the counties, fifteen percent to
104 the cities, two percent to be deposited in the state

105 transportation fund, which is hereby created within the
106 state treasury to be used in a manner provided by law and
107 seventy-three percent to be deposited in the state road
108 fund. The amounts apportioned and distributed to the
109 counties and cities shall be further allocated and used as
110 provided in section 30(a) of this article. The amounts
111 allocated and distributed to the highways and transportation
112 commission for the state road fund shall be used as provided
113 in subsection 1 of this section 30(b). The sales taxes
114 which are apportioned and distributed pursuant to this
115 subdivision (2) shall not include those taxes levied and
116 imposed pursuant to sections 43(a) or 47(a) of this
117 article. The term "proceeds from the state sales tax" as
118 used in this subdivision (2) shall mean and include all
119 revenues received by the department of revenue from the said
120 sales tax, reduced only by refunds for overpayments and
121 erroneous payments of such tax as permitted by law and
122 actual costs of collection by the department of revenue (but
123 not to exceed three percent of the amount collected).

124 (3) (i) From and after July 1, 2005, through June 30,
125 2006, twenty-five percent of the remaining one-half of the
126 proceeds of the state sales tax on all motor vehicles,
127 trailers, motorcycles, mopeds and motortricycles which is
128 not distributed by subdivision (2) of subsection 2 of this
129 section 30(b) shall be deposited in the state road bond fund
130 which is hereby created within the state treasury; (ii) from
131 and after July 1, 2006, through June 30, 2007, fifty percent
132 of the aforesaid one-half of the proceeds of the state sales
133 tax on all motor vehicles, trailers, motorcycles, mopeds and
134 motortricycles which is not distributed by subdivision (2)
135 of subsection 2 of this section 30(b) shall be deposited in
136 the state road bond fund; (iii) from and after July 1, 2007,

137 through June 30, 2008, seventy-five percent of the aforesaid
138 one-half of the proceeds of the state sales tax on all motor
139 vehicles, trailers, motorcycles, mopeds and motortricycles
140 which is not distributed by subdivision (2) of subsection 2
141 of this section 30(b) shall be deposited in the state road
142 bond fund; and (iv) from and after July 1, 2008, one hundred
143 percent of the aforesaid one-half of the proceeds of the
144 state sales tax on all motor vehicles, trailers,
145 motorcycles, mopeds and motortricycles which is not
146 distributed by subdivision (2) of subsection 2 of this
147 section 30(b) shall be deposited in the state road bond
148 fund. Moneys deposited in the state road bond fund are
149 hereby dedicated to and shall only be used to fund the
150 repayment of bonds issued by the highways and transportation
151 commission to fund the construction and reconstruction of
152 the state highway system or to fund refunding bonds, except
153 that after January 1, 2009, that portion of the moneys in
154 the state road bond fund which the commissioner of
155 administration and the highways and transportation
156 commission each certify is not needed to make payments upon
157 said bonds or to maintain an adequate reserve for making
158 future payments upon said bonds may be appropriated to the
159 state road fund. The highways and transportation commission
160 shall have authority to issue state road bonds for the uses
161 set forth in this subdivision (3). The net proceeds
162 received from the issuance of such bonds shall be paid into
163 the state road fund and shall only be used to fund
164 construction or reconstruction of specific projects for
165 parts of the state highway system as determined by the
166 highways and transportation commission. The moneys
167 deposited in the state road bond fund shall only be
168 withdrawn by appropriation pursuant to this constitution.

169 No obligation for the payment of moneys so appropriated
170 shall be paid unless the commissioner of administration
171 certifies it for payment and further certifies that the
172 expenditure is for a use which is specifically authorized by
173 the provisions of this subdivision (3). The proceeds of the
174 sales tax which are subject to allocation and deposit into
175 the state road bond fund pursuant to this subdivision (3)
176 shall not include the proceeds of the sales tax levied and
177 imposed pursuant to sections 43(a) or 47(a) of this article
178 nor shall they include the proceeds of that portion of the
179 sales tax apportioned, distributed and dedicated to the
180 school district trust fund on November 2, 2004. The term
181 "proceeds from the state sales tax" as used in this
182 subdivision (3) shall mean and include all revenues received
183 by the department of revenue from the said sales tax,
184 reduced only by refunds for overpayments and erroneous
185 payments of such tax as permitted by law and actual costs of
186 collection by the department of revenue (but not to exceed
187 three percent of the amount collected).

188 3. After January 1, 1980, any increase in state
189 license fees and taxes on motor vehicles, trailers,
190 motorcycles, mopeds and motortricycles other than those
191 taxes distributed pursuant to subsection 2 of this section
192 30(b) shall be distributed as follows: ten percent to the
193 counties, fifteen percent to the cities and seventy-five
194 percent to be deposited in the state road fund. The amounts
195 distributed shall be apportioned and distributed to the
196 counties and cities as provided in section 30(a) of this
197 article, to be used for highway purposes.

198 4. The moneys apportioned or distributed under this
199 section to the state road fund, the state transportation
200 fund, the state road bond fund, counties, cities, towns or

201 villages shall not be included within the definition of
202 "total state revenues" as that term is used in section 17 of
203 Article X of this constitution nor be considered as an
204 "expense of state government" as that term is used in
205 section 20 of article X of this constitution.

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