

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 106

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5932S.01I

KRISTINA MARTIN, Secretary

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), 31, and 32 of article IV of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to the department of transportation.

*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, 2026, 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. Sections 29, 30(a), 30(b), 30(c), 31, and 32,  
2 article IV, Constitution of Missouri, are repealed and six new  
3 sections adopted in lieu thereof, to be known as sections 29,  
4 30(a), 30(b), 30(c), 31, and 32, to read as follows:

Section 29. [The highways and transportation  
2 commission shall be in charge of the department of  
3 transportation. The number, qualifications, compensation  
4 and terms of the members of the highways and transportation  
5 commission shall be fixed by law, and not more than one-half  
6 of its members shall be of the same political party. The  
7 selection and removal of all employees shall be without  
8 regard to political affiliation. The highways and  
9 transportation commission (i) shall have authority over the

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

10 state highway system; (ii) shall have authority over all  
11 other transportation programs and facilities as provided by  
12 law, including, but not limited to, aviation, railroads,  
13 mass transportation, ports, and waterborne commerce; and  
14 (iii) shall have authority to limit access to, from and  
15 across state highways and other transportation facilities  
16 where the public interests and safety may require. All  
17 references to the highway commission and the department of  
18 highways in this constitution and in the statutes shall mean  
19 the highways and transportation commission and the  
20 department of transportation.] 1. The department of

21 transportation shall be in charge of a director appointed by  
22 the governor with the advice and consent of the senate.

23 2. The department of transportation shall have  
24 authority over the state highway system and all other  
25 transportation programs and facilities as provided by law,  
26 including, but not limited to, aviation, railroads, mass  
27 transportation, ports, and waterborne commerce. The  
28 department of transportation shall also have authority to  
29 limit access to, from, and across state highways and other  
30 transportation facilities where the public interests and  
31 safety may require.

32 3. The general assembly may provide by law for a  
33 highways and transportation commission, which shall be an  
34 advisory body within the department of transportation. The  
35 duties of the highways and transportation commission, and  
36 the number, qualifications, compensation, and terms of the  
37 members of the highways and transportation commission may be  
38 fixed by law by the general assembly, provided that not more  
39 than one-half of its members shall be of the same political  
40 party. Notwithstanding the provisions of this subsection to

41 the contrary, the general assembly may at any time abolish  
42 the highways and transportation commission by general law.

43 4. Any duties or powers given to the highways and  
44 transportation commission as of the effective date of this  
45 section shall be transferred to the department of  
46 transportation, unless otherwise provided for by general law.

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

16 (1) Ten percent of the remaining net proceeds shall  
17 stand appropriated and shall be deposited in a special trust  
18 fund known as the "County Aid Road Trust Fund". In  
19 addition, beginning July 1, 1994, an additional five percent  
20 of the remaining net proceeds which is derived from the  
21 difference between the amount received from a tax rate equal  
22 to the tax rate in effect on March 31, 1992, and the tax  
23 rate in effect on and after July 1, 1994, shall also be  
24 deposited in the county aid road trust fund, and of such  
25 moneys generated by this additional five percent, five  
26 percent shall be apportioned and distributed solely to

27 cities not within any county in this state. After such  
28 distribution to cities not within any county, the remaining  
29 proceeds in the county aid road trust fund shall be  
30 apportioned and distributed to the various counties of the  
31 state on the following basis: One-half on the ratio that the  
32 county road mileage of each county bears to the county road  
33 mileage of the entire state as determined by the last  
34 available report of the state highways and transportation  
35 commission and one-half on the ratio that the rural land  
36 valuation of each county bears to the rural land valuation  
37 of the entire state as determined by the last available  
38 report of the state tax commission, except that county road  
39 mileage in incorporated villages, towns or cities and the  
40 land valuation in incorporated villages, towns or cities  
41 shall be excluded in such determination, except that, if the  
42 assessed valuation of rural lands in any county is less than  
43 five million dollars, the county shall be treated as having  
44 an assessed valuation of five million dollars. The funds  
45 apportioned and distributed to each county shall be  
46 dedicated, used, and expended by the county solely for the  
47 construction, reconstruction, maintenance, and repairs of  
48 roads, bridges and highways, and subject to such other  
49 provisions and restrictions as provided by law. The moneys  
50 generated by the additional five percent of the remaining  
51 net proceeds which is derived from the difference between  
52 the amount received from a tax rate equal to the tax rate in  
53 effect on March 31, 1992, and the tax rate in effect on and  
54 after July 1, 1994, shall not be used or expended for  
55 equipment, machinery, salaries, fringe benefits, or capital  
56 improvements, other than roads and bridges. In counties  
57 having the township form of county organization, the funds  
58 distributed to such counties shall be expended solely under

the control and supervision of the county commission, 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 **stand appropriated and shall** be apportioned and distributed 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 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 apportioned and distributed 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 distributions to counties, and to cities, towns and villages under this section shall **be appropriated by the general assembly and shall** be [apportioned, distributed and deposited in the state road fund and shall be] expended and used solely as provided in subsection 1 of section 30(b) of Article IV of this Constitution.

2. The director of revenue of the state shall make the apportionment, distribution and deposit of the funds monthly

91 in the manner required [hereby] under subdivisions (1) and  
92 (2) of subsection 1 of this section.

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

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

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] **department of transportation** for the following  
24 purposes, and no other:

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

27 The term state road bonds in this section 30(b)  
28 means any bonds or refunding bonds issued by the  
29 [highways and transportation commission]

30 **department of transportation** to finance or  
31 refinance the construction or reconstruction of  
32 the state highway system.

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

38       The remaining balance in the state road fund  
39       shall be used and expended in the sole  
40       discretion of and under the supervision and  
41       direction of the [highways and transportation  
42       commission] **department of transportation** for the  
43       following state highway system uses and purposes  
44       and no other:

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

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

63       (3) In the discretion of the [commission] **department** to  
64       plan, locate, relocate, establish, acquire, construct and  
65       maintain the following:

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

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



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

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

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

80 (f) any highway in any city or town which is found  
81 necessary as a continuation of any state or federal highway,  
82 or any connection therewith, into and through such city or  
83 town; and

84 (g) additional state highways, bridges and tunnels,  
85 either in congested traffic areas of the state or where  
86 needed to facilitate and expedite the movement of through  
87 traffic.

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

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

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

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

(3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five percent of the remaining one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state road bond fund

which is hereby created within the state treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state road bond fund; (iii) from and after July 1, 2007, through June 30, 2008, seventy-five percent of the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state road bond fund; and (iv) from and after July 1, 2008, one hundred percent of the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state road bond fund. Moneys deposited in the state road bond fund are hereby dedicated to and shall only be used to fund the repayment of bonds issued by the [highways and transportation commission] **department of transportation** to fund the construction and reconstruction of the state highway system or to fund refunding bonds, except that after January 1, 2009, that portion of the moneys in the state road bond fund which the commissioner of administration and the [highways and transportation commission] **department of transportation** each certify is not needed to make payments upon said bonds or to maintain an adequate reserve for making future payments upon said bonds may be appropriated to the state road fund. The [highways and transportation commission] **department of transportation** shall have

165 authority to issue state road bonds for the uses set forth  
166 in this subdivision (3). The net proceeds received from the  
167 issuance of such bonds shall be paid into the state road  
168 fund and shall only be used to fund construction or  
169 reconstruction of specific projects for parts of the state  
170 highway system as determined by the [highways and  
171 transportation commission] **department of transportation.**

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

194 3. After January 1, 1980, any increase in state  
195 license fees and taxes on motor vehicles, trailers,  
196 motorcycles, mopeds and motortricycles other than those

taxes distributed pursuant to subsection 2 of this section 30(b) shall be distributed as follows: ten percent to the counties, fifteen percent to the cities and seventy-five percent to be deposited in the state road fund. The amounts distributed shall be apportioned and distributed to the counties and cities as provided in section 30(a) of this article, to be used for highway purposes.

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

Section 30(c). The [highways and transportation commission] **department of transportation** shall have authority to plan, locate, relocate, establish, acquire, construct, maintain, control, and as provided by law to operate, develop and fund public transportation facilities as part of any state transportation system or program such as but not limited to aviation, mass transportation, transportation of elderly and handicapped, railroads, ports, waterborne commerce and intermodal connections, provided that funds other than those designated or dedicated for highway purposes in or deposited in the state road fund or the state road bond fund pursuant to sections 30(a) or 30(b) of this constitution are made available for such purposes. No moneys which are distributed to the state transportation fund pursuant to section 30(b) shall be used for any purpose other than for transportation purposes as provided in this section.

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

Section 32. The funds which are allotted by the  
2 [commission] **department** to the construction or acquisition  
3 of supplementary state highways and bridges in each of the  
4 counties of the state shall be apportioned to the several  
5 counties as follows: One-fourth in the ratio that the area  
6 of each county bears to the area of the state, one-fourth in  
7 the ratio of the population, and two-fourths on such basis  
8 as the [commission] **department** may deem to be for the best  
9 interest of highway users; provided the areas and population  
10 of cities having a population of 150,000 or more shall not  
11 be considered in making such apportionment, and the latest  
12 available United States decennial census shall be used;  
13 provided further, that if traffic on any supplementary state  
14 highway becomes such that a higher type than ordinary  
15 supplementary highway construction shall be required, then  
16 the [commission] **department** may construct such higher type  
17 and charge such extra cost to unallotted state highway  
18 funds. Supplementary state highways shall be selected by  
19 mutual agreement of the [commission] **department** and the  
20 local officials having charge of or jurisdiction over roads  
21 in the territory through which such supplementary state  
22 highways are to be constructed.

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