

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 134

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR (139).

5563H.02I

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Sections 30(b) and 43 (b) of Article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the appropriation of state funds.

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

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

Section A. Sections 30(b) and 43(b), Article IV, Constitution of Missouri, are
2 repealed and two new sections adopted in lieu thereof, to be known as Sections 30(b) and 43
3 (b), to read as follows:

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 exceed three percent of the particular tax or fee collected), (2) actual cost of refunds for
10 overpayments and erroneous payments of such taxes and fees and maintaining retirement
11 programs as permitted by law and (3) actual cost of the state highway patrol in administering
12 and enforcing any state motor vehicle laws and traffic regulations, shall be deposited in the
13 state road fund which is hereby created within the state treasury [~~and stand appropriated~~
14 ~~without legislative action~~] to be used and expended by the highways and transportation
15 commission, **pursuant to an appropriation by the general assembly**, for the following
16 purposes, and no other:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59 2. (1) The state sales tax upon the sale of motor vehicles, trailers, motorcycles,
60 mopeds and motortricycles at the rate provided by law on November 2, 2004, is levied and
61 imposed by this section until the rate is changed by law or constitutional amendment.

62 (2) One-half of the proceeds from the state sales tax on all motor vehicles, trailers,
63 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation
64 use and shall be apportioned and distributed as follows: ten percent to the counties, fifteen
65 percent to the cities, two percent to be deposited in the state transportation fund, which is
66 hereby created within the state treasury to be used in a manner provided by law and seventy-
67 three percent to be deposited in the state road fund. The amounts apportioned and distributed
68 to the counties and cities shall be further allocated and used as provided in section 30(a) of
69 this article. The amounts allocated and distributed to the highways and transportation
70 commission for the state road fund shall be used as provided in subsection 1 of this section 30
71 (b). The sales taxes which are apportioned and distributed pursuant to this subdivision (2)
72 shall not include those taxes levied and imposed pursuant to sections 43(a) or 47(a) of this
73 article. The term "proceeds from the state sales tax" as used in this subdivision (2) shall mean
74 and include all revenues received by the department of revenue from the said sales tax,
75 reduced only by refunds for overpayments and erroneous payments of such tax as permitted
76 by law and actual costs of collection by the department of revenue (but not to exceed three
77 percent of the amount collected).

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

83 2007, fifty percent of the aforesaid one-half of the proceeds of the state sales tax on all motor
84 vehicles, trailers, motorcycles, mopeds and motortricycles which is not distributed by
85 subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state road bond
86 fund; (iii) from and after July 1, 2007, through June 30, 2008, seventy-five percent of the
87 aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
88 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of
89 subsection 2 of this section 30(b) shall be deposited in the state road bond fund; and (iv) from
90 and after July 1, 2008, one hundred percent of the aforesaid one-half of the proceeds of the
91 state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which
92 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in
93 the state road bond fund. Moneys deposited in the state road bond fund are hereby dedicated
94 to and shall only be used to fund the repayment of bonds issued by the highways and
95 transportation commission to fund the construction and reconstruction of the state highway
96 system or to fund refunding bonds, except that after January 1, 2009, that portion of the
97 moneys in the state road bond fund which the commissioner of administration and the
98 highways and transportation commission each certify is not needed to make payments upon
99 said bonds or to maintain an adequate reserve for making future payments upon said bonds
100 may be appropriated to the state road fund. The highways and transportation commission
101 shall have authority to issue state road bonds for the uses set forth in this subdivision (3). The
102 net proceeds received from the issuance of such bonds shall be paid into the state road fund
103 and shall only be used to fund construction or reconstruction of specific projects for parts of
104 the state highway system as determined by the highways and transportation commission. The
105 moneys deposited in the state road bond fund shall only be withdrawn by appropriation
106 pursuant to this constitution. No obligation for the payment of moneys so appropriated shall
107 be paid unless the commissioner of administration certifies it for payment and further certifies
108 that the expenditure is for a use which is specifically authorized by the provisions of this
109 subdivision (3). The proceeds of the sales tax which are subject to allocation and deposit into
110 the state road bond fund pursuant to this subdivision (3) shall not include the proceeds of the
111 sales tax levied and imposed pursuant to sections 43(a) or 47(a) of this article nor shall they
112 include the proceeds of that portion of the sales tax apportioned, distributed and dedicated to
113 the school district trust fund on November 2, 2004. The term "proceeds from the state sales
114 tax" as used in this subdivision (3) shall mean and include all revenues received by the
115 department of revenue from the said sales tax, reduced only by refunds for overpayments and
116 erroneous payments of such tax as permitted by law and actual costs of collection by the
117 department of revenue (but not to exceed three percent of the amount collected).

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

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

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

Section 43(b). The moneys arising from the additional sales and use taxes provided
2 for in section 43(a) hereof and all fees, moneys or funds arising from the operation and
3 transactions of the conservation commission[;] **and** department of conservation, and from the
4 application and the administration of the laws and regulations pertaining to the bird, fish,
5 game, forestry and wildlife resources of the state and from the sale of property used for said
6 purposes, shall be expended and used by the conservation commission[;] **and** department of
7 conservation, **pursuant to an appropriation by the general assembly**, for the control,
8 management, restoration, conservation and regulation of the bird, fish, game, forestry and
9 wildlife resources of the state, including the purchase or other acquisition of property for said
10 purposes, and for the administration of the laws pertaining thereto, and for no other purpose.
11 The moneys and funds of the conservation commission arising from the additional sales and
12 use taxes provided for in 43(a) hereof shall also be used by the conservation commission[;]
13 **and** department of conservation[;] to make payments to counties for the unimproved value of
14 land for distribution to the appropriate political subdivisions as payment in lieu of real
15 property taxes for privately owned land acquired by the commission after July 1, 1977 and for
16 land classified as forest cropland in the forest cropland program administered by the
17 department of conservation in such amounts as may be determined by the conservation
18 commission, but in no event shall the amount determined be less than the property tax being
19 paid at the time of purchase of acquired lands.

Section B. Pursuant to chapter 116, and other applicable constitutional provisions and
2 laws of this state allowing the general assembly to adopt ballot language for the submission of
3 this joint resolution to the voters of this state, the official summary statement of this
4 resolution shall be as follows:

5 "Shall the Missouri Constitution be amended to require that the General Assembly
6 appropriate state revenue before the moneys can be expended by the Highways and
7 Transportation Commission, Conservation Commission, or Department of
8 Conservation?"