

HOUSE JOINT RESOLUTION NO. 80

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RODEN.

5695H.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 30(b) of article IV and section 7 of article IX of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the mandatory transfer of moneys from penalties, forfeitures, and fines involving a breach of the penal laws of this state to the state road fund.

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 following the first Monday in November, 2016, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to articles IV and IX of the Constitution of the state of Missouri:

Section A. Section 30(b), article IV, and section 7, article IX, Constitution of Missouri, are repealed and two new sections adopted in lieu thereof, to be known as sections 30(b) and 7, to read as follows:

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

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 tax or fee collected), (2) actual cost of refunds for overpayments and erroneous payments of such
10 taxes and fees and maintaining retirement programs as permitted by law and (3) actual cost of
11 the state highway patrol in administering and enforcing any state motor vehicle laws and traffic
12 regulations **and the clear proceeds of all penalties, forfeitures, and fines involving any**
13 **breach of the penal laws of the state less any actual costs of collection incurred obtaining**
14 **such penalties, forfeitures, and fines**, shall be deposited in the state road fund which is hereby
15 created within the state treasury and stand appropriated without legislative action to be used and
16 expended by the highways and transportation commission for the following purposes, and no
17 other:

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

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

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

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

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

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

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

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

43 (c) state highways and bridges in, to and through state parks, public areas and
44 reservations, and state institutions now or hereafter established to connect the same with the state

45 highways, and also national, state or local parkways, travelways, tourways, with coordinated
46 facilities;

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

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

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

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

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

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

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

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

81 2 of this section 30(b) shall be deposited in the state road bond fund which is hereby created
82 within the state treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of
83 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
84 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection
85 2 of this section 30(b) shall be deposited in the state road bond fund; (iii) from and after July 1,
86 2007, through June 30, 2008, seventy-five percent of the aforesaid one- half of the proceeds of
87 the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which
88 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the
89 state road bond fund; and (iv) from and after July 1, 2008, one hundred percent of the aforesaid
90 one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds
91 and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section
92 30(b) shall be deposited in the state road bond fund. Moneys deposited in the state road bond
93 fund are hereby dedicated to and shall only be used to fund the repayment of bonds issued by the
94 highways and transportation commission to fund the construction and reconstruction of the state
95 highway system or to fund refunding bonds, except that after January 1, 2009, that portion of the
96 moneys in the state road bond fund which the commissioner of administration and the highways
97 and transportation commission each certify is not needed to make payments upon said bonds or
98 to maintain an adequate reserve for making future payments upon said bonds may be
99 appropriated to the state road fund. The highways and transportation commission shall have
100 authority to issue state road bonds for the uses set forth in this subdivision (3). The net proceeds
101 received from the issuance of such bonds shall be paid into the state road fund and shall only be
102 used to fund construction or reconstruction of specific projects for parts of the state highway
103 system as determined by the highways and transportation commission. The moneys deposited
104 in the state road bond fund shall only be withdrawn by appropriation pursuant to this
105 constitution. No obligation for the payment of moneys so appropriated shall be paid unless the
106 commissioner of administration certifies it for payment and further certifies that the expenditure
107 is for a use which is specifically authorized by the provisions of this subdivision (3). The
108 proceeds of the sales tax which are subject to allocation and deposit into the state road bond fund
109 pursuant to this subdivision (3) shall not include the proceeds of the sales tax levied and imposed
110 pursuant to sections 43(a) or 47(a) of this article nor shall they include the proceeds of that
111 portion of the sales tax apportioned, distributed and dedicated to the school district trust fund on
112 November 2, 2004. The term "proceeds from the state sales tax" as used in this subdivision (3)
113 shall mean and include all revenues received by the department of revenue from the said sales
114 tax, reduced only by refunds for overpayments and erroneous payments of such tax as permitted
115 by law and actual costs of collection by the department of revenue (but not to exceed three
116 percent of the amount collected).

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

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

 Section 7. All real estate, loans, and investments now belonging to the various county
2 and township school funds, except those invested as hereinafter provided, shall be liquidated
3 without extension of time, and the proceeds thereof and the money on hand now belonging to
4 said school funds of the several counties and the city of St. Louis, shall be reinvested in
5 registered bonds of the United States, or in bonds of the state or in approved bonds of any city
6 or school district thereof, or in bonds or other securities the payment of which are fully
7 guaranteed by the United States, and sacredly preserved as a county school fund. Any county
8 or the city of St. Louis by a majority vote of the qualified electors voting thereon may elect to
9 distribute annually to its schools the proceeds of the liquidated school fund, at the time and in
10 the manner prescribed by law. All interest accruing from investment of the county school fund,
11 [the clear proceeds of all penalties, forfeitures and fines collected hereafter for any breach of the
12 penal laws of the state,] the net proceeds from the sale of estrays, and all other moneys coming
13 into said funds shall be distributed annually to the schools of the several counties according to
14 law.

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