

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 89

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CORLEW.

6229H.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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 user fees on roads and bridges.

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*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, 2016, 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 of  
5 Missouri:

Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and one new  
2 section adopted in lieu thereof, to be known as section 30(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 their  
3 use or right to use the highways of the state, including all state license fees and taxes upon motor  
4 vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the  
5 manufacture, receipt, storage, distribution, sale or use thereof (excepting those portions of the  
6 sales tax on motor vehicles and trailers which are not distributed to the state road fund pursuant  
7 to subsection 2 of this section 30(b) and further excepting all property taxes), less the (1) actual  
8 cost of collection of the department of revenue (but not to exceed three percent of the particular  
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

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.

12 regulations, shall be deposited in the state road fund which is hereby created within the state  
13 treasury and stand appropriated without legislative action to be used and expended by the  
14 highways and transportation commission for the following purposes, and no other:

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

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

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

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

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

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

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

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

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

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

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

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

50 (g) additional state highways, bridges and tunnels, either in congested traffic areas of the  
51 state or where needed to facilitate and expedite the movement of through traffic; **and**

52 **(h) any toll road or toll bridge; provided that, the general assembly by law**  
53 **authorizes the commission to impose and collect tolls for a specific project or projects and**  
54 **authorizes the commission to set toll rates in the commission's sole discretion.**

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.

128 **5. The revenues obtained from all tolls imposed and collected under authority**  
129 **granted in paragraph (h) of subdivision (3) of this section shall not be included within the**  
130 **definition of "total state revenues" as that term is used in section 17 of Article X of the**  
131 **Missouri constitution, nor be considered "new annual revenues" as that term is used in**  
132 **section 18(e) of Article X of the Missouri constitution, nor be considered as an "expense of**  
133 **state government" as that term is used in section 20 of Article X of the Missouri**  
134 **constitution.**

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