

SECOND REGULAR SESSION

**SENATE JOINT RESOLUTION NO. 57**

**101ST GENERAL ASSEMBLY**

INTRODUCED BY SENATOR SCHATZ.

5857S.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2 Missouri, is repealed and one new section adopted in lieu  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

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

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, **and (4) actual cost of**  
20 **employment by the highways and transportation of such**  
21 **personnel as necessary for the highway system uses and**  
22 **purposes described in this subsection,** shall be deposited in  
23 the state road fund which is hereby created within the state  
24 treasury and stand appropriated without legislative action  
25 to be used and expended by the highways and transportation  
26 commission for the following purposes, and no other:

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

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

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

39 The remaining balance in the state road fund  
40 shall be used and expended in the sole  
41 discretion of and under the supervision and  
42 direction of the highways and transportation

43           commission for the following state highway  
44           system uses and purposes 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 as permanent parts of the state highway system,  
54 to the extent of the value to the state of such roads and  
55 bridges at the time taken over, not exceeding in any case  
56 the amount expended by such counties and subdivisions in the  
57 construction or acquisition of such roads and bridges,  
58 except that the highways and transportation commission may,  
59 in its discretion, repay, or agree to repay, any cash  
60 advanced by a county or subdivision to expedite state road  
61 construction or improvement;

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

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

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

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

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

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

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

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

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