

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 42

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATORS NODLER, GROSS AND DOUGHERTY.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

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## 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 legislative authority to appropriate moneys for administrative purposes for certain commissions.

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

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2006, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article IV of the Constitution of the state of Missouri:

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2 are repealed and two new sections adopted in lieu thereof, to be known as  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

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

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

12 **highways and transportation commission and department, including**  
13 **any workers' compensation and retirement programs, (3)** actual cost of  
14 refunds for overpayments and erroneous payments of such taxes and fees and  
15 maintaining retirement programs as permitted by law, and [(3)] (4) actual cost  
16 of the state highway patrol in administering and enforcing any state motor  
17 vehicle laws and traffic regulations, shall be deposited in the state road fund  
18 which is hereby created within the state treasury and stand appropriated without  
19 legislative action to be used and expended by the highways and transportation  
20 commission for the following purposes, and no other:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 2. (1) The state sales tax upon the sale of motor vehicles, trailers,  
70 motorcycles, mopeds and motortricycles at the rate provided by law on November  
71 2, 2004, is levied and imposed by this section until the rate is changed by law or  
72 constitutional amendment.

73 (2) One-half of the proceeds from the state sales tax on all motor vehicles,  
74 trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway  
75 and transportation use and shall be apportioned and distributed as follows: ten  
76 percent to the counties, fifteen percent to the cities, two percent to be deposited  
77 in the state transportation fund, which is hereby created within the state  
78 treasury to be used in a manner provided by law and seventy-three percent to be  
79 deposited in the state road fund. The amounts apportioned and distributed to the  
80 counties and cities shall be further allocated and used as provided in section 30(a)  
81 of this article. The amounts allocated and distributed to the highways and  
82 transportation commission for the state road fund shall be used as provided in  
83 subsection 1 of this section 30(b). The sales taxes which are apportioned and

84 distributed pursuant to this subdivision (2) shall not include those taxes levied  
85 and imposed pursuant to sections 43(a) or 47(a) of this article. The term  
86 "proceeds from the state sales tax" as used in this subdivision (2) shall mean and  
87 include all revenues received by the department of revenue from the said sales  
88 tax, reduced only by refunds for overpayments and erroneous payments of such  
89 tax as permitted by law and actual costs of collection by the department of  
90 revenue (but not to exceed three percent of the amount collected).

91 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five  
92 percent of the remaining one-half of the proceeds of the state sales tax on all  
93 motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not  
94 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
95 deposited in the state road bond fund which is hereby created within the state  
96 treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of  
97 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles,  
98 trailers, motorcycles, mopeds and motortricycles which is not distributed by  
99 subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the state  
100 road bond fund; (iii) from and after July 1, 2007, through June 30, 2008,  
101 seventy-five percent of the aforesaid one-half of the proceeds of the state sales tax  
102 on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is  
103 not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
104 deposited in the state road bond fund; and (iv) from and after July 1, 2008, one  
105 hundred percent of the aforesaid one-half of the proceeds of the state sales tax on  
106 all motor vehicles, trailers, motorcycles, mopeds and motortricycles which is not  
107 distributed by subdivision (2) of subsection 2 of this section 30(b) shall be  
108 deposited in the state road bond fund. Moneys deposited in the state road bond  
109 fund are hereby dedicated to and shall only be used to fund the repayment of  
110 bonds issued by the highways and transportation commission to fund the  
111 construction and reconstruction of the state highway system or to fund refunding  
112 bonds, except that after January 1, 2009, that portion of the moneys in the state  
113 road bond fund which the commissioner of administration and the highways and  
114 transportation commission each certify is not needed to make payments upon said  
115 bonds or to maintain an adequate reserve for making future payments upon said  
116 bonds may be appropriated to the state road fund. The highways and  
117 transportation commission shall have authority to issue state road bonds for the  
118 uses set forth in this subdivision (3). The net proceeds received from the issuance  
119 of such bonds shall be paid into the state road fund and shall only be used to

120 fund construction or reconstruction of specific projects for parts of the state  
121 highway system as determined by the highways and transportation  
122 commission. The moneys deposited in the state road bond fund shall only be  
123 withdrawn by appropriation pursuant to this constitution. No obligation for the  
124 payment of moneys so appropriated shall be paid unless the commissioner of  
125 administration certifies it for payment and further certifies that the expenditure  
126 is for a use which is specifically authorized by the provisions of this subdivision  
127 (3). The proceeds of the sales tax which are subject to allocation and deposit into  
128 the state road bond fund pursuant to this subdivision (3) shall not include the  
129 proceeds of the sales tax levied and imposed pursuant to sections 43(a) or 47(a)  
130 of this article nor shall they include the proceeds of that portion of the sales tax  
131 apportioned, distributed and dedicated to the school district trust fund on  
132 November 2, 2004. The term "proceeds from the state sales tax" as used in this  
133 subdivision (3) shall mean and include all revenues received by the department  
134 of revenue from the said sales tax, reduced only by refunds for overpayments and  
135 erroneous payments of such tax as permitted by law and actual costs of collection  
136 by the department of revenue (but not to exceed three percent of the amount  
137 collected).

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

145         4. The moneys apportioned or distributed under this section to the state  
146 road fund, the state transportation fund, the state road bond fund, counties,  
147 cities, towns or villages shall not be included within the definition of "total state  
148 revenues" as that term is used in section 17 of article X of this constitution nor  
149 be considered as an "expense of state government" as that term is used in section  
150 20 of article X of this constitution.

Section 43(b). The moneys arising from the additional sales and use taxes  
2 provided for in section 43(a) hereof and all fees, moneys or funds arising from the  
3 operation and transactions of the conservation commission, department of  
4 conservation, and from the application and the administration of the laws and  
5 regulations pertaining to the bird, fish, game, forestry and wildlife resources of

6 the state and from the sale of property used for said purposes, shall be expended  
7 and used by the conservation commission, department of conservation, for the  
8 control, management, restoration, conservation and regulation of the bird, fish,  
9 game, forestry and wildlife resources of the state, including the purchase or other  
10 acquisition of property for said purposes, and for the administration of the laws  
11 pertaining thereto, and for no other purpose. The moneys and funds of the  
12 conservation commission arising from the additional sales and use taxes provided  
13 for in 43(a) hereof shall also be used by the conservation commission, department  
14 of conservation, to make payments to counties for the unimproved value of land  
15 for distribution to the appropriate political subdivisions as payment in lieu of real  
16 property taxes for privately owned land acquired by the commission after July 1,  
17 1977 and for land classified as forest cropland in the forest cropland program  
18 administered by the department of conservation in such amounts as may be  
19 determined by the conservation commission, but in no event shall the amount  
20 determined be less than the property tax being paid at the time of purchase of  
21 acquired lands. **Nothing in this section shall diminish the authority and**  
22 **power of the general assembly to appropriate moneys for the**  
23 **administrative costs of the commission and the department.**

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