

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 120, Page 1, Section TITLE, Lines 4-5,

2 by striking the words "the department of natural resources"
3 and inserting in lieu thereof the following: "state
4 departments"; and

5 Further amend said bill and page, Section A, line 3 by
6 inserting after all of said line the following:

7 "226.150. The commission is hereby directed to comply
8 with the provisions of any act of Congress providing for the
9 distribution and expenditure of funds of the United States
10 appropriated by Congress for highway system construction,
11 maintenance, or operation, and to comply with any of the
12 rules or conditions made by the Bureau of Public Roads of
13 the Department of Agriculture, or other branch of the United
14 States government, acting under the provisions of federal
15 law in order to secure to the state of Missouri funds
16 allotted to this state by the United States government for
17 highway system construction, maintenance, or operation.

18 [The commission is authorized to pay the state's proportion
19 of the cost of roads constructed with federal and state
20 funds out of the state road fund.] Any money due to the
21 state of Missouri from the United States, under the
22 provisions of such acts of Congress, relating to highway
23 system construction, maintenance, or operation, shall be
24 received by the state treasury and deposited in [a separate
25 fund, and paid out by the state treasurer on requisitions
26 drawn by an officer of the state highways and transportation

commission on a warrant of the state auditor. Said funds being the funds of the federal government allotted to the state of Missouri, no appropriation of the general assembly for the expenditure of such funds shall be necessary] the federal road fund established in section 226.221. The commission is authorized to accept, receive and utilize any road machinery, trucks or supplies donated, loaned or sold to the state by the federal government, and to pay the necessary transportation and other expenses of securing the same. The commission may also sell any unnecessary or surplus tools or equipment and receive payment therefor and all money received on account of such sales, if any, shall be immediately paid into the state treasury to the credit of the [state] federal road fund; provided, however, that no such unnecessary or surplus tools or equipment shall be sold directly or indirectly by the commission to any employees of the transportation department except when such sales are made at public sale open to the general public.

226.200. 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred 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 the sales tax on motor vehicles and trailers, and all property taxes) [, and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

(1) Money arising from the sale of bonds;

(2) Money received from the United States government;

or

(3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds].

2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

(1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;

(2) Of maintaining the state highways and transportation commission;

(3) Of maintaining the state transportation department;

(4) Of any workers' compensation for state transportation department employees;

(5) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and

(6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

3. Beginning in fiscal year 2004, the total amount of appropriations from the state highways and transportation department fund for all state offices and departments, except for the highway patrol, and actual costs incurred by the office of administration for or on behalf of the highway patrol and employees of the department of transportation, shall not exceed the total amount appropriated for such offices and departments from said fund for fiscal year 2001. Appropriations to the highway patrol from the state highways and transportation department fund shall be made in accordance with Article IV, Section 30(b) of the Missouri Constitution. Appropriations allocated from the state highways and transportation department fund to the highway patrol shall only be used by the highway patrol to administer and enforce state motor vehicle laws or traffic

93 regulations. Beginning July 1, 2007, any activities or
94 functions conducted by the highway patrol not related to
95 enforcing or administering state motor vehicle laws or
96 traffic regulations shall not be funded by the state
97 highways and transportation department fund, but shall be
98 funded from general revenue or any other applicable source.
99 Any current funding from the highways and transportation
100 department fund used for activities not related to enforcing
101 state motor vehicle laws or traffic regulations shall expire
102 on June 30, 2007. The state auditor shall annually audit
103 and examine the appropriations made to the highway patrol to
104 determine whether such appropriations are actually being
105 used for administering and enforcing state motor vehicle
106 laws and traffic regulations pursuant to the constitution.
107 The state auditor shall submit its annual findings to the
108 general assembly by January fifteenth of each year.

109 4. The provisions of subsection 3 of this section
110 shall not apply to appropriations from the state highways
111 and transportation department fund to the highways and
112 transportation commission and the state transportation
113 department or to appropriations to the office of
114 administration for department of transportation employee
115 fringe benefits and OASDHI payments, or to appropriations to
116 the department of revenue for motor vehicle fuel tax refunds
117 under chapter 142 or to appropriations to the department of
118 revenue for refunds or overpayments or erroneous payments
119 from the state highways and transportation department fund.

120 5. All interest earned upon the state highways and
121 transportation department fund shall be deposited in and to
122 the credit of such fund.

123 6. Any balance remaining in said fund after payment of
124 said costs shall be transferred to the state road fund.

125 7. Notwithstanding the provisions of subsection 2 of
126 this section to the contrary, any funds raised as a result
127 of increased taxation pursuant to sections 142.025 and
128 142.372 after April 1, 1992, shall not be used for
129 administrative purposes or administrative expenses of the
130 transportation department.

131 226.220. 1. There is hereby created and set up the
132 "State Road Fund" which shall receive all moneys and credits
133 from

134 (1) The sale of state road bonds;

135 (2) The United States government and intended for
136 highway purposes;

137 (3) The state road bond and interest sinking fund as
138 provided in section 226.210; and

139 (4) (3) Any other source if they are required
140 under Section 30(b), Article IV, of the Constitution to be
141 held for expenditure by or under the department of
142 transportation or the state highways and transportation
143 commission and if they are not required by section 226.200
144 to be transferred to the state highway department fund].

145 2. The costs and expenses withdrawn from the state
146 treasury

147 (1) For locating, relocating, establishing, acquiring,
148 reimbursing for, constructing, improving and maintaining
149 state highways in the systems specified in Article IV,
150 Section 30(b), of the Constitution;

151 (2) For acquiring materials, equipment and buildings;
152 and

153 (3) For other purposes and contingencies relating and
154 appertaining to the construction and maintenance of said
155 highways;

156 Shall be paid from the state road fund upon warrants drawn
157 by the state auditor, based upon bills of particulars and

vouchers preapproved and certified for payment by the commissioner of administration and by the state highways and transportation commission acting through such of their employees as may be designated by them.

3. No payments or transfers shall ever be made from the state road fund except for an expenditure made

(1) Under the supervision and direction of the state highways and transportation commission; and

(2) For a purpose set out in Subparagraph (1), (2), (3), (4), or (5) of Subsection 1 of Section 30(b), Article IV, of the Constitution.

226.221. 1. There is hereby created and set up the "Federal Road Fund", which shall receive all moneys and credits from:

(1) The United States government and intended for highway purposes; and

(2) All other revenue intended for highway purposes and received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

(a) Moneys and credits from the sale of state road bonds;

(b) The state road bond and interest sinking fund as provided in section 226.210; and

(c) State revenue derived from highway users as an incident to their use or right to use the highways of the state as provided in Section 30(b), Article IV, of the Constitution.

2. The state treasurer shall be custodian of the fund. No money shall be withdrawn from the fund except by warrant drawn in accordance with an appropriation made by the general assembly. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.

191 The fund shall be a dedicated fund and money in the fund
192 shall be used solely by the department of transportation for
193 highway purposes.

194 3. Notwithstanding the provisions of section 33.080 to
195 the contrary, any moneys remaining in the fund at the end of
196 the biennium shall not revert to the credit of the general
197 revenue fund.

198 4. The state treasurer shall invest moneys in the fund
199 in the same manner as other funds are invested. Any
200 interest and moneys earned on such investments shall be
201 credited to the fund."; and

202 Further amend the title and enacting clause accordingly.