

SENATE BILL NO. 586

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

2225S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 226.150, 226.200, and 226.220, RSMo, and to enact in lieu thereof four new sections relating to transportation funding.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 226.150, 226.200, and 226.220, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 226.150, 226.200, 226.220, and 226.221, to read as follows:

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

[The commission is authorized to pay the state's proportion of the cost of roads constructed with federal and state funds out of the state road fund.] Any money due to the state of Missouri from the United States, under the provisions of such acts of Congress, relating to highway **system** construction, **maintenance, or operation**, shall be

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

18 received by the state treasury and deposited in [a separate
19 fund, and paid out by the state treasurer on requisitions
20 drawn by an officer of the state highways and transportation
21 commission on a warrant of the state auditor. Said funds
22 being the funds of the federal government allotted to the
23 state of Missouri, no appropriation of the general assembly
24 for the expenditure of such funds shall be necessary] **the**
25 **federal road fund established in section 226.221.** The
26 commission is authorized to accept, receive and utilize any
27 road machinery, trucks or supplies donated, loaned or sold
28 to the state by the federal government, and to pay the
29 necessary transportation and other expenses of securing the
30 same. The commission may also sell any unnecessary or
31 surplus tools or equipment and receive payment therefor and
32 all money received on account of such sales, if any, shall
33 be immediately paid into the state treasury to the credit of
34 the [state] **federal** road fund; provided, however, that no
35 such unnecessary or surplus tools or equipment shall be sold
36 directly or indirectly by the commission to any employees of
37 the transportation department except when such sales are
38 made at public sale open to the general public.

226.200. 1. There is hereby created a "State Highways
2 and Transportation Department Fund" into which shall be paid
3 or transferred all state revenue derived from highway users
4 as an incident to their use or right to use the highways of
5 the state, including all state license fees and taxes upon
6 motor vehicles, trailers, and motor vehicle fuels, and upon,
7 with respect to, or on the privilege of the manufacture,
8 receipt, storage, distribution, sale or use thereof
9 (excepting the sales tax on motor vehicles and trailers, and
10 all property taxes) [, and all other revenue received or held

11 for expenditure by or under the department of transportation
12 or the state highways and transportation commission, except:

13 (1) Money arising from the sale of bonds;

14 (2) Money received from the United States government;

15 or

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

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

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

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

26 (3) Of maintaining the state transportation department;

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

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

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

34 3. Beginning in fiscal year 2004, the total amount of
35 appropriations from the state highways and transportation
36 department fund for all state offices and departments,
37 except for the highway patrol, and actual costs incurred by
38 the office of administration for or on behalf of the highway
39 patrol and employees of the department of transportation,
40 shall not exceed the total amount appropriated for such
41 offices and departments from said fund for fiscal year
42 2001. Appropriations to the highway patrol from the state

43 highways and transportation department fund shall be made in
44 accordance with Article IV, Section 30(b) of the Missouri
45 Constitution. Appropriations allocated from the state
46 highways and transportation department fund to the highway
47 patrol shall only be used by the highway patrol to
48 administer and enforce state motor vehicle laws or traffic
49 regulations. Beginning July 1, 2007, any activities or
50 functions conducted by the highway patrol not related to
51 enforcing or administering state motor vehicle laws or
52 traffic regulations shall not be funded by the state
53 highways and transportation department fund, but shall be
54 funded from general revenue or any other applicable source.
55 Any current funding from the highways and transportation
56 department fund used for activities not related to enforcing
57 state motor vehicle laws or traffic regulations shall expire
58 on June 30, 2007. The state auditor shall annually audit
59 and examine the appropriations made to the highway patrol to
60 determine whether such appropriations are actually being
61 used for administering and enforcing state motor vehicle
62 laws and traffic regulations pursuant to the constitution.
63 The state auditor shall submit its annual findings to the
64 general assembly by January fifteenth of each year.

65 4. The provisions of subsection 3 of this section
66 shall not apply to appropriations from the state highways
67 and transportation department fund to the highways and
68 transportation commission and the state transportation
69 department or to appropriations to the office of
70 administration for department of transportation employee
71 fringe benefits and OASDHI payments, or to appropriations to
72 the department of revenue for motor vehicle fuel tax refunds
73 under chapter 142 or to appropriations to the department of

74 revenue for refunds or overpayments or erroneous payments
75 from the state highways and transportation department fund.

76 5. All interest earned upon the state highways and
77 transportation department fund shall be deposited in and to
78 the credit of such fund.

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

81 7. Notwithstanding the provisions of subsection 2 of
82 this section to the contrary, any funds raised as a result
83 of increased taxation pursuant to sections 142.025 and
84 142.372 after April 1, 1992, shall not be used for
85 administrative purposes or administrative expenses of the
86 transportation department.

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

4 (1) The sale of state road bonds;

5 (2) [The United States government and intended for
6 highway purposes;

7 (3)] The state road bond and interest sinking fund as
8 provided in section 226.210; and

9 [(4)] (3) Any other source [if they are] **required**
10 **under Section 30(b), Article IV, of the Constitution to be**
11 held for expenditure by or under the department of
12 transportation or the state highways and transportation
13 commission [and if they are not required by section 226.200
14 to be transferred to the state highway department fund].

15 2. The costs and expenses withdrawn from the state
16 treasury

17 (1) For locating, relocating, establishing, acquiring,
18 reimbursing for, constructing, improving and maintaining

19 state highways in the systems specified in Article IV,
20 Section 30(b), of the Constitution;

21 (2) For acquiring materials, equipment and buildings;
22 and

23 (3) For other purposes and contingencies relating and
24 appertaining to the construction and maintenance of said
25 highways;

26 Shall be paid from the state road fund upon warrants drawn
27 by the state auditor, based upon bills of particulars and
28 vouchers preapproved and certified for payment by the
29 commissioner of administration and by the state highways and
30 transportation commission acting through such of their
31 employees as may be designated by them.

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

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

36 (2) For a purpose set out in Subparagraph (1), (2),
37 (3), (4), or (5) of **Subsection 1 of** Section 30(b), Article
38 IV, of the Constitution.

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

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

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

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

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

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

18 2. The state treasurer shall be custodian of the
19 fund. No money shall be withdrawn from the fund except by
20 warrant drawn in accordance with an appropriation made by
21 the general assembly. In accordance with sections 30.170
22 and 30.180, the state treasurer may approve disbursements.
23 The fund shall be a dedicated fund and money in the fund
24 shall be used solely by the department of transportation for
25 highway purposes.

26 3. Notwithstanding the provisions of section 33.080 to
27 the contrary, any moneys remaining in the fund at the end of
28 the biennium shall not revert to the credit of the general
29 revenue fund.

30 4. The state treasurer shall invest moneys in the fund
31 in the same manner as other funds are invested. Any
32 interest and moneys earned on such investments shall be
33 credited to the fund.

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