

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 120

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

0705S.05P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 68.080, 226.150, 226.200, 226.220, 640.220, and 643.350, RSMo, and to enact in lieu thereof seven new sections relating to the expenditure of moneys in certain funds by state departments.

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

Section A. Sections 68.080, 226.150, 226.200, 226.220, 2 640.220, and 643.350, RSMo, are repealed and seven new sections 3 enacted in lieu thereof, to be known as sections 68.080, 4 226.150, 226.200, 226.220, 226.221, 640.220, and 643.350, to 5 read as follows:

68.080. 1. There is hereby established in the state 2 treasury the "Waterways and Ports Trust Fund". The fund 3 shall consist of revenues appropriated to it by the general 4 assembly.

2. The fund may also receive any gifts, contributions, 6 grants, or bequests received from federal, private, or other 7 sources.

3. The fund shall be a revolving trust fund exempt 9 from the provisions of section 33.080 relating to the 10 transfer of unexpended balances by the state treasurer to 11 the general revenue fund of the state. All interest earned

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

12 upon the balance in the fund shall be deposited to the
13 credit of the fund.

14 4. Moneys in the fund shall be withdrawn only **at the**
15 **request of a Missouri port authority for statutorily**
16 **permitted port purposes and** upon appropriation by the
17 general assembly, to be administered by the state highways
18 and transportation commission and the department of
19 transportation, in consultation with Missouri public ports,
20 for the purposes in subsection 2 of section 68.035 and for
21 no other purpose. To be eligible to receive an
22 appropriation from the fund, a project shall be:

23 (1) A capital improvement project implementing
24 physical improvements designed to improve commerce or
25 terminal and transportation facilities on or adjacent to the
26 navigable rivers of this state;

27 (2) Located on land owned or held in long-term lease
28 by a Missouri port authority, **or on land owned by a city not**
29 **within a county and managed by a Missouri port authority,** or
30 within a navigable river adjacent to such land, and within
31 the boundaries of a port authority;

32 (3) Funded by alternate sources so that moneys from
33 the fund comprise no more than eighty percent of the cost of
34 the project;

35 (4) Selected and approved by the highways and
36 transportation commission, in consultation with Missouri
37 public ports, to support a statewide plan for waterborne
38 commerce, in accordance with subdivision (1) of section
39 68.065; and

40 (5) Capable of completion within two years of approval
41 by the highways and transportation commission.

42 5. Appropriations made from the fund established in
43 this section may be used as a local share in applying for
44 other grant programs.

45 6. The provisions of this section shall terminate on
46 August 28, 2033, pending the discharge of all warrants. On
47 December 31, 2033, the fund shall be dissolved and the
48 unencumbered balance shall be transferred to the general
49 revenue fund.

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

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

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

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.

640.220. 1. For the purpose of protecting the air,
2 water and land resources of the state, there is hereby
3 created in the state treasury a fund to be known as the
4 "Natural Resources Protection Fund". All funds received
5 from air pollution permit fees, gifts, bequests, donations,
6 or any other moneys so designated shall be paid to the
7 director of the department of natural resources, transmitted
8 to the director of revenue and deposited in the state
9 treasury to the credit of an appropriate subaccount of the
10 natural resources protection fund and shall be used for the
11 purposes specified by law. The air pollution permit fee
12 revenues shall be deposited in an appropriate subaccount of
13 the natural resources protection fund and, subject to
14 appropriation by the general assembly, shall be used by the
15 department to carry out the general administration of
16 section 643.075. The water pollution permit fee revenues
17 generated through sections 644.052, 644.053, 644.054 and
18 644.061 shall be paid to the director of the department of
19 natural resources, transmitted to the director of the
20 department of revenue and deposited to the credit of the

21 water pollution permit fee subaccount of the natural
22 resources protection fund and, subject to appropriation by
23 the general assembly, shall be used by the department to
24 carry out the administration of sections 644.006 to 644.141.

25 2. Effective July 1, 1991, **and before June 30, 2026,**
26 the provisions of section 33.080 to the contrary
27 notwithstanding, any unexpended balance in the subaccounts
28 of the natural resources protection fund that exceeds the
29 preceding biennium's collections shall revert to the general
30 revenue fund of the state at the end of each biennium.

31 **Beginning July 1, 2026, any unexpended balance in the**
32 **subaccounts of the natural resources protection fund that**
33 **exceeds the preceding biennium's collections shall not**
34 **revert to the general revenue fund of the state at the end**
35 **of each biennium.** All interest earned on the natural
36 resources protection funds shall accrue to appropriate
37 subaccounts.

38 3. **Beginning July 1, 2026, and annually on July first**
39 **of each following year, the commissioner of administration**
40 **shall use taxable sales reports to estimate the amount of**
41 **state general revenue sales and use tax derived from**
42 **electric power distribution (NAICS code 221122, or its**
43 **successor) in the immediately preceding calendar year and**
44 **shall report such amount to the state treasurer. The state**
45 **treasurer shall transfer five percent of such general**
46 **revenue sales and use taxes to the air pollution permit fees**
47 **subaccount of the natural resources protection fund and such**
48 **funds, subject to appropriation by the general assembly,**
49 **shall be used by the department solely for the purpose of**
50 **funding the air pollution control program. Any provision of**
51 **law to the contrary notwithstanding, amounts transferred in**
52 **accordance with this subsection shall not revert to the**

53 **general revenue fund of the state at the end of each**
54 **biennium and shall be used solely for the purpose of funding**
55 **the air pollution control program.**

643.350. 1. A fee, not to exceed twenty-four dollars,
2 may be charged for an emissions inspection conducted under
3 the emissions inspection program established pursuant to
4 sections 643.300 to 643.355.

5 2. The fee shall be conspicuously posted on the
6 premises of each emissions inspection station.

7 3. The commission shall establish, by rule, the
8 portion of the fee amount to be remitted by the emission
9 inspection station to the director of revenue and the number
10 of days allowed for remitting fees.

11 4. The official emission inspection station shall
12 remit the portion of fees collected, as established by the
13 commission pursuant to this section, to the state treasurer
14 within the time period established by the commission. The
15 state treasurer shall deposit the fees received in the state
16 treasury to the credit of the "Missouri Air Emission
17 Reduction Fund", which is hereby created. Moneys in the
18 fund shall, subject to appropriation, be expended for the
19 administration and enforcement of sections 643.300 to
20 643.355 by the department of natural resources, the Missouri
21 highway patrol, and other appropriate agencies. Any balance
22 in the fund at the end of the biennium shall remain in the
23 fund and shall not be subject to the provisions of section
24 33.080. All interest earned by moneys in the fund shall
25 accrue to the fund. [If in the immediate previous fiscal
26 year, the state's net general revenue did not increase by
27 two percent or more, the state treasurer may deposit moneys,
28 except for gifts, donations, or bequests, received under
29 this section beginning January first of the current fiscal

30 year into the state general revenue fund. Otherwise, the
31 state treasurer shall deposit such moneys in accordance with
32 the provisions of this section.]

33 5. In addition to funds from the Missouri air emission
34 reduction fund, costs of capital or operations may be
35 supplemented, upon appropriation, from the general revenue
36 fund, the state highway department fund, federal funds or
37 other funds available for that purpose.

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