

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE JOINT RESOLUTIONS  
NOS. 15 & 13**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Transportation, March 15, 2001, with recommendation that the House Committee Substitute for House Joint Resolutions Nos. 15 & 13 Do Pass.

TED WEDEL, Chief Clerk

1029L.02C

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**AN ACT**

Submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), 31 and 32 of article IV of the Constitution of Missouri, relating to the powers and duties of the state transportation commission and adopting five new sections in lieu thereof relating to the same subject.

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

That at the next general election to be held in the state of Missouri, on Tuesday next  
2 following the first Monday in November, 2002, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to article IV of the Constitution of the state of  
5 Missouri:

Section A. Sections 29, 30(a), 30(b), 30(c), 31 and 32, article IV, Constitution of  
2 Missouri, are repealed and five new sections adopted in lieu thereof, to be known as sections 29,  
3 30(a), 30(b), 30(c) and 31, to read as follows:

Section 29. [The] **1. A secretary of transportation appointed by the governor shall**  
2 **be in charge of the** department of [highways and] transportation [shall be in charge of a  
3 highways and transportation commission].

4 **2. A transportation commission appointed by the governor, by and with the advice**  
5 **and consent of the senate, shall consist of nine members appointed to six-year terms, with**

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

6 **one member residing in each of the state's congressional districts. The commissioner of the**  
7 **office of administration, the director of the department of economic development, the**  
8 **director of the department of agriculture and the director of the department of natural**  
9 **resources shall serve as nonvoting ex officio members of the transportation commission.**

10 **3. The secretary of transportation shall present to the transportation commission,**  
11 **for its approval or rejection, a statewide transportation improvement program for the state**  
12 **on not less than an annual basis. Meetings of the commission shall be held at the discretion**  
13 **of the secretary but shall be held no less than quarterly. A statewide transportation**  
14 **improvement program which has been approved by the transportation commission shall**  
15 **not be modified unless such modification has been approved by the transportation**  
16 **commission.**

17 **4. The [number,] qualifications[,] and compensation [and terms] of the members of the**  
18 **[highways and] transportation commission shall be fixed by law, and not more than [one-half]**  
19 **five of its members shall be of the same political party, excluding ex officio members of the**  
20 **transportation commission. The selection and removal by the secretary of all employees of**  
21 **the department of transportation shall be without regard to political affiliation.**

22 **5. The [highways and transportation commission] secretary shall have authority over**  
23 **all state transportation programs and facilities as provided by law, including, but not limited to,**  
24 **bridges, highways, aviation, railroads, mass transportation, ports, and waterborne commerce, and**  
25 **shall have authority to limit access to, from and across state highways where the public interest**  
26 **and safety may require.**

27 **6. The present members of the [highway] highways and transportation commission**  
28 **shall serve as members of the [highways and] transportation commission for the remainder of**  
29 **the terms for which they were appointed.**

30 **7. All references to the highway commission or the highways and transportation**  
31 **commission and the department of highways or the department of highways and**  
32 **transportation in this constitution and in the statutes shall mean the [highways and**  
33 **transportation commission] secretary and the department of [highways and] transportation.**

Section 30(a). 1. On and after the first day of the month next following the adoption of  
2 this section, a tax upon or measured by fuel used for propelling highway motor vehicles shall be  
3 levied and collected as provided by law. Any amount of the tax collected with respect to fuel  
4 not used for propelling highway motor vehicles shall be refunded by the state in the manner  
5 provided by law. The remaining net proceeds of the tax[,] after [deducting costs of collection,  
6 apportionment and] making refunds shall be apportioned between the counties, cities and the  
7 state as hereinafter provided and shall stand appropriated without legislative action for the  
8 following purposes:

9           (1) Ten percent of the remaining net proceeds shall be deposited in a special trust fund  
10 known as the "County Aid Road Trust Fund". In addition, beginning July 1, 1994, an additional  
11 five percent of the remaining net proceeds which is derived from the difference between the  
12 amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate  
13 in effect on and after July 1, 1994, shall also be deposited in the county aid road trust fund, and  
14 of such monies generated by the additional five percent, five percent shall be credited solely to  
15 cities not within any county in this state. After such credit to cities not within any county, the  
16 proceeds in the county aid road trust fund shall be credited to the various counties of the state  
17 on the following basis: One-half on the ratio that the county road mileage of each county bears  
18 to the county road mileage of the entire state as determined by the last available report of the  
19 state [highways and] transportation commission and one-half on the ratio that the rural land  
20 valuation of each county bears to the rural land valuation of the entire state as determined by the  
21 last available report of the state tax commission, except that county road mileage in incorporated  
22 villages, towns or cities and the land valuation in incorporated villages, towns or cities shall be  
23 excluded in such determination, except that, if the assessed valuation of rural lands in any county  
24 is less than five million dollars, the county shall be treated as having an assessed valuation of  
25 five million dollars. The funds credited to each county shall be used by the county solely for the  
26 construction, reconstruction, maintenance and repairs of roads, bridges and highways, and  
27 subject to such other provisions and restrictions as provided by law. The monies generated by  
28 the additional five percent of the remaining net proceeds which is derived from the difference  
29 between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992,  
30 and the tax rate in effect on and after July 1, 1994, shall not be used for equipment, machinery,  
31 salaries, fringe benefits or capital improvements, other than roads and bridges. In the absence  
32 of other controls provided by law, the [state highways and transportation commission] **secretary**  
33 shall prescribe policy, rules and requirement for the expenditure of these funds by counties,  
34 including, among other things, [highways and transportation commission] **the secretary's**  
35 approval of plans for projects on which the funds are to be used. In counties having the township  
36 form of county organization, the funds credited to such counties shall be expended solely under  
37 the control and supervision of the county court, and shall not be expended by the various  
38 townships located within such counties. "Rural land" as used in this section shall mean all land  
39 located within any county, except land in incorporated villages, towns, or cities.

40           (2) Fifteen percent of the remaining net proceeds shall be allocated to the various  
41 incorporated cities, towns and villages within the state solely for construction, reconstruction,  
42 maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the  
43 payment of principal and interest on indebtedness incurred prior to January 1, 1980, on account  
44 of road and street purposes, and the use thereof being subject to such other provisions and

45 restrictions as provided by law. The amount apportionable to each city, town or village shall be  
46 based on the ratio that the population of the city, town or village bears to the population of all  
47 incorporated cities, towns or villages in the state having a like population, as shown by the last  
48 federal decennial census, provided that any city, town or village which had a motor fuel tax prior  
49 to the adoption of this section shall annually receive not less than an amount equal to the net  
50 revenue derived therefrom in the year 1960; and

51 (3) All the remaining net proceeds in excess of the allocations to counties, and to cities,  
52 towns and villages under this section shall be allocated to the state and shall be disbursed as  
53 provided in section 30(a) and (b) of Article IV of this Constitution.

54 2. The director of revenue of the state shall make the division and apportionment of the  
55 funds monthly in the manner required hereby.

56 3. Except for taxes or licenses which may be imposed uniformly on all merchants or  
57 manufacturers based upon sales, or which uniformly apply ad valorem to the stocks of merchants  
58 or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee  
59 upon, measured by or with respect to the importation, receipt, manufacture, storage,  
60 transportation, sale or use, on or after the first day of the month next following the adoption of  
61 this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is  
62 approved by a vote of the people of any city, town or village subsequent to the adoption of this  
63 section, by a two-thirds majority. All funds collected shall be used solely for construction,  
64 reconstruction, maintenance, repair, policing, signing, lighting, and cleaning roads and streets  
65 and for the payment of principal and interest on indebtedness incurred prior to January 1, 1980,  
66 on account of road and street purposes.

67 4. Beginning on July 1, 1993, the net proceeds of fuel taxes allocated under this section  
68 to counties and to cities, towns and villages shall not be included within the definition of "total  
69 state revenues" in section 17 of article X of this constitution.

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system  
2 of connected state highways all state revenue derived from highway users as an incident to their  
3 use or right to use the highways of the state, including all state license fees and taxes upon motor  
4 vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the  
5 manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor  
6 vehicles and trailers, except as hereinafter provided, and all property taxes), less the cost [(1) of  
7 collection thereof, (2)] of maintaining the highway related activities of the [highways and]  
8 transportation commission and department including any [workers' compensation and retirement]  
9 **department of transportation fringe benefit** programs, [(3) and of administering and enforcing  
10 any state motor vehicle laws or traffic regulations, and] less refunds and that portion of the fuel  
11 tax revenue to be allocated to counties and to cities, towns and villages [under] **pursuant to**

12 section 30(a) of Article IV of this Constitution, shall be credited to the state road fund and stand  
13 appropriated without legislative action for the following purposes, and no other:

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

15 Second, any balance in excess of the amount necessary to meet the payment of the  
16 principal and interest of any state road bonds for the next succeeding twelve months shall be  
17 credited to the state road fund and shall be expended under the supervision and direction of the  
18 [commission] **secretary** for the following purposes:

19 (1) To complete and widen or otherwise improve and maintain the state system of  
20 highways heretofore designated and laid out under existing laws;

21 (2) To reimburse the various counties and other political subdivisions of the state, except  
22 incorporated cities and towns, for money expended by them in the construction or acquisition  
23 of roads and bridges now or hereafter taken over by the state as permanent parts of the system  
24 of state highways, to the extent of the value to the state of such roads and bridges at the time  
25 taken over, not exceeding in any case the amount expended by such counties and subdivisions  
26 in the construction or acquisition of such roads and bridges, except that the [highways and  
27 transportation commission] **secretary** may, in [its] **the secretary's** discretion, repay, or agree to  
28 repay, any cash advanced by a county or subdivision to expedite state road construction or  
29 improvement;

30 (3) In the discretion of the [commission] **secretary** to locate, relocate, establish, acquire,  
31 construct and maintain the following:

32 (a) supplementary state highways and bridges in each county of the state as hereinafter  
33 provided;

34 (b) state highways and bridges in, to and through state parks, public areas and  
35 reservations, and state institutions now or hereafter established, and connect the same with the  
36 state highways; and also national, state or local parkways, travelways, tourways, with  
37 coordinated facilities;

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

40 (d) any highway within the state when necessary to comply with any federal law or  
41 requirement which is or shall become a condition to the receipt of federal funds;

42 (e) any highway in any city or town which is found necessary as a continuation of any  
43 state or federal highway, or any connection therewith, into and through such city or town; and

44 (f) additional state highways, bridges and tunnels, outside the corporate limits of cities  
45 having a population in excess of one hundred fifty thousand, either in congested traffic areas of  
46 the state or where needed to facilitate and expedite the movement of through traffic.

47 (4) To acquire materials, equipment and buildings necessary for the purposes herein

48 described; and

49 (5) For such other purposes and contingencies relating and appertaining to the  
50 construction and maintenance of such highways and bridges as the [highways and transportation  
51 commission] **secretary** may deem necessary and proper.

52 2. One-half of the proceeds from the state sales tax on all motor vehicles, trailers,  
53 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use  
54 and shall be distributed as follows: ten percent to the counties, fifteen percent to the cities, one  
55 percent to the state transportation fund, which is hereby created to be used in a manner provided  
56 by law and seventy-four percent to the state road fund. The amounts distributed shall be  
57 allocated as provided in section 30(a) of this article, to be used for highway and transportation  
58 purposes.

59 3. Notwithstanding the provisions of subsection 1 of this section, any increase in state  
60 license fees and taxes on motor vehicles, trailers, motorcycles, mopeds and motortricycles over  
61 and above those in effect upon adoption of this section shall be distributed as follows: ten  
62 percent to the counties, fifteen percent to the cities and seventy-five to the state road fund. The  
63 amounts distributed shall be allocated as provided in section 30(a) of this article, to be used for  
64 highway and transportation purposes.

Section 30(c). The [highways and transportation commission] **secretary** shall have  
2 authority to locate, relocate, establish, acquire, construct, maintain, control, and as provided by  
3 law to operate, develop or fund public facilities as part of any state transportation program such  
4 as but not limited to aviation, mass transportation, railroads, ports, and waterborne commerce,  
5 provided that funds other than those designated for highway purposes in this constitution are  
6 made available for such purposes.

Section 31. Any state highway authorized herein to be located in any municipality may  
2 be constructed without limitations concerning the distance between houses or other buildings  
3 abutting such highway or concerning the width or type of construction. The [commission]  
4 **secretary** may enter into contracts with cities, counties or other political subdivisions for and  
5 concerning the maintenance of, and regulation of traffic on any state highway within such cities,  
6 counties or subdivision.

[Section 32. The funds which are allotted by the commission to the  
2 construction or acquisition of supplementary state highways and bridges in each of  
3 the counties of the state shall be apportioned to the several counties as follows:  
4 One-fourth in the ratio that the area of each county bears to the area of the state,  
5 one-fourth in the ratio of the population, and two-fourths on such basis as the  
6 commission may deem to be for the best interest of highway users; provided the areas  
7 and population of cities having a population of 150,000 or more shall not be  
8 considered in making such apportionment, and the latest available United States  
9 decennial census shall be used; provided further, that if traffic on any supplementary

10 state highway becomes such that a higher type than ordinary supplementary highway  
11 construction shall be required, then the commission may construct such higher type  
12 and charge such extra cost to unallotted state highway funds. Supplementary state  
13 highways shall be selected by mutual agreement of the commission and the local  
14 officials having charge of or jurisdiction over roads in the territory through which  
15 such supplementary state highways are to be constructed.]