

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 13

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAHAM.

Read 1st time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1434L.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 30(a), 30(b), 30(c), and 32 of article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to appropriations authority of the General Assembly.

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

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2004, 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 30(a), 30(b), 30(c), and 32, article IV, Constitution of Missouri, are
2 repealed and four new sections adopted in lieu thereof, to be known as sections 30(a), 30(b),
3 30(c), and 32, to read as follows:

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,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

6 apportionment and making refunds shall be apportioned between the counties, cities and the state
7 as hereinafter provided and shall [stand] **be** 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 of
32 other controls provided by law, the state highways and transportation commission shall prescribe
33 policy, rules and requirement for the expenditure of these funds by counties, including, among
34 other things, highways and transportation commission approval of plans for projects on which
35 the funds are to be used. In counties having the township form of county organization, the funds
36 credited to such counties shall be expended solely under the control and supervision of the
37 county court, and shall not be expended by the various townships located within such counties.
38 "Rural land" as used in this section shall mean all land located within any county, except land
39 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,
53 **subject to appropriation**, as 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 programs, (3) and of administering and enforcing any state motor vehicle laws or traffic
10 regulations, and less refunds and that portion of the fuel tax revenue to be allocated to counties
11 and to cities, towns and villages under section 30(a) of Article IV of this Constitution, shall be
12 credited to the state road fund and **[stand] be** appropriated **[without legislative action]** for the
13 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 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 may, in its discretion, repay, or agree to repay, any cash advanced by
28 a county or subdivision to expedite state road construction or improvement;

29 (3) In the discretion of the commission to locate, relocate, establish, acquire, construct
30 and maintain the following:

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

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

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

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

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

43 (f) additional state highways, bridges and tunnels, outside the corporate limits of cities
44 having a population in excess of one hundred fifty thousand, either in congested traffic areas of

45 the state or where needed to facilitate and expedite the movement of through traffic.

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

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

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

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

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

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

- 12 agreement of the commission and the local officials having charge of or jurisdiction over roads
- 13 in the territory through which such supplementary state highways are to be constructed.