

SECOND REGULAR SESSION

HOUSE BILL NO. 2623

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

6038H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 226.200, RSMo, and to enact in lieu thereof one new section relating to the state highways and transportation department fund.

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

Section A. Section 226.200, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.200, to read as follows:

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 **and 4** 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;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (3) Of maintaining the state transportation department;
19 (4) Of any workers' compensation for state transportation department employees;
20 (5) Of the share of the transportation department in any retirement program for state
21 employees, only as may be provided by law; and
22 (6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

23 3. Beginning in fiscal year 2004, the total amount of appropriations from the state
24 highways and transportation department fund for all state offices and departments, except for the
25 highway patrol, and actual costs incurred by the office of administration for or on behalf of the
26 highway patrol and employees of the department of transportation, shall not exceed the total
27 amount appropriated for such offices and departments from said fund for fiscal year 2001.
28 Appropriations to the highway patrol from the state highways and transportation department fund
29 shall be made in accordance with Article IV, Section 30(b) of the Missouri Constitution.
30 Appropriations allocated from the state highways and transportation department fund to the
31 highway patrol shall only be used by the highway patrol to administer and enforce state motor
32 vehicle laws or traffic regulations. Beginning July 1, 2007, any activities or functions conducted
33 by the highway patrol not related to enforcing or administering state motor vehicle laws or traffic
34 regulations shall not be funded by the state highways and transportation department fund, but
35 shall be funded from general revenue or any other applicable source. Any current funding from
36 the highways and transportation department fund used for activities not related to enforcing state
37 motor vehicle laws or traffic regulations shall expire on June 30, 2007. The state auditor shall
38 annually audit and examine the appropriations made to the highway patrol to determine whether
39 such appropriations are actually being used for administering and enforcing state motor vehicle
40 laws and traffic regulations pursuant to the constitution. The state auditor shall submit its annual
41 findings to the general assembly by January fifteenth of each year.

42 **4. Beginning July 1, 2017, compensation of employees and expenses of the highway**
43 **patrol shall not be funded by the state highways and transportation department fund, but**
44 **shall be funded from general revenue or any other applicable source. The provisions of**
45 **this subsection shall not apply to compensation paid to highway patrol officers licensed**
46 **under chapter 590 and to communications personnel employed by the highway patrol; such**
47 **compensation shall continue to be funded by the state highways and transportation**
48 **department fund.**

49 **5.** The provisions of subsection 3 **and 4** of this section shall not apply to appropriations
50 from the state highways and transportation department fund to the highways and transportation
51 commission and the state transportation department or to appropriations to the office of
52 administration for department of transportation employee fringe benefits and OASDHI payments,
53 or to appropriations to the department of revenue for motor vehicle fuel tax refunds under

54 chapter 142 or to appropriations to the department of revenue for refunds or overpayments or
55 erroneous payments from the state highways and transportation department fund.

56 [5.] 6. All interest earned upon the state highways and transportation department fund
57 shall be deposited in and to the credit of such fund.

58 [6.] 7. Any balance remaining in said fund after payment of said costs shall be transferred
59 to the state road fund.

60 [7.] 8. Notwithstanding the provisions of subsection 2 of this section to the contrary, any
61 funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372 after
62 April 1, 1992, shall not be used for administrative purposes or administrative expenses of the
63 transportation department.

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