

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 84

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

5957H.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation funding.

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 following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 30(b), to read as follows:

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system of connected state highways 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 those portions of the sales tax on motor vehicles and trailers which are not distributed to the state road fund pursuant to subsection 2 of this section 30(b) and further excepting all property taxes), less the (1) actual cost of collection of the department of revenue (but not to exceed three percent of the particular tax or fee collected), (2) actual cost of refunds for overpayments and erroneous payments of such taxes and fees and maintaining retirement programs as permitted by law and (3) actual cost of the state highway patrol in administering and enforcing any state motor vehicle laws and traffic

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.

12 regulations, shall be deposited in the state road fund which is hereby created within the state
13 treasury and stand appropriated without legislative action to be used and expended by the
14 highways and transportation commission for the following purposes, and no other:

15 First, to the payment of the principal and interest on any outstanding state road bonds.
16 The term state road bonds in this section 30(b) means any bonds or refunding bonds issued by
17 the highways and transportation commission to finance or refinance the construction or
18 reconstruction of the state highway system.

19 Second, to maintain a balance in the state road fund in the amount deemed necessary to
20 meet the payment of the principal and interest of any state road bonds for the next succeeding
21 twelve months.

22 The remaining balance in the state road fund shall be used and expended in the sole
23 discretion of and under the supervision and direction of the highways and transportation
24 commission for the following state highway system uses and purposes and no other:

25 (1) To complete and widen or otherwise improve and maintain the state highway system
26 heretofore designated and laid out under existing laws;

27 (2) To reimburse the various counties and other political subdivisions of the state, except
28 incorporated cities and towns, for money expended by them in the construction or acquisition
29 of roads and bridges now or hereafter taken over by the highways and transportation commission
30 as permanent parts of the state highway system, to the extent of the value to the state of such
31 roads and bridges at the time taken over, not exceeding in any case the amount expended by such
32 counties and subdivisions in the construction or acquisition of such roads and bridges, except
33 that the highways and transportation commission may, in its discretion, repay, or agree to repay,
34 any cash advanced by a county or subdivision to expedite state road construction or
35 improvement;

36 (3) In the discretion of the commission to plan, locate, relocate, establish, acquire,
37 construct and maintain the following:

38 (a) interstate and primary highways within the state;

39 (b) supplementary state highways and bridges in each county of the state;

40 (c) state highways and bridges in, to and through state parks, public areas and
41 reservations, and state institutions now or hereafter established to connect the same with the state
42 highways, and also national, state or local parkways, travelways, tourways, with coordinated
43 facilities;

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

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

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

50 (g) additional state highways, bridges and tunnels, either in congested traffic areas of the
51 state or where needed to facilitate and expedite the movement of through traffic.

52 (4) To acquire materials, equipment and buildings and to employ such personnel as
53 necessary for the purposes described in this subsection 1; and

54 (5) For such other purposes and contingencies relating and appertaining to the
55 construction and maintenance of such state highway system as the highways and transportation
56 commission may deem necessary and proper.

57 2. (1) The state sales tax upon the sale of motor vehicles, trailers, motorcycles, mopeds
58 and motortricycles at the rate provided by law on November 2, 2004, is levied and imposed by
59 this section until the rate is changed by law or constitutional amendment.

60 (2) One-half of the proceeds from the state sales tax on all motor vehicles, trailers,
61 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use
62 and shall be apportioned and distributed as follows: ten percent to the counties, fifteen percent
63 to the cities, two percent to be deposited in the state transportation fund, which is hereby created
64 within the state treasury to be used in a manner provided by law and seventy-three percent to be
65 deposited in the state road fund. The amounts apportioned and distributed to the counties and
66 cities shall be further allocated and used as provided in section 30(a) of this article. The amounts
67 allocated and distributed to the highways and transportation commission for the state road fund
68 shall be used as provided in subsection 1 of this section 30(b). The sales taxes which are
69 apportioned and distributed pursuant to this subdivision (2) shall not include those taxes levied
70 and imposed pursuant to sections 43(a) or 47(a) of this article. The term "proceeds from the state
71 sales tax" as used in this subdivision (2) shall mean and include all revenues received by the
72 department of revenue from the said sales tax, reduced only by refunds for overpayments and
73 erroneous payments of such tax as permitted by law and actual costs of collection by the
74 department of revenue (but not to exceed three percent of the amount collected).

75 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five percent of the
76 remaining one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
77 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection
78 2 of this section 30(b) shall be deposited in the state road bond fund which is hereby created
79 within the state treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of
80 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
81 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection
82 2 of this section 30(b) shall be deposited in the state road bond fund; (iii) from and after July 1,
83 2007, through June 30, 2008, seventy-five percent of the aforesaid one- half of the proceeds of

84 the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which
85 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the
86 state road bond fund; and (iv) from and after July 1, 2008, one hundred percent of the aforesaid
87 one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds
88 and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section
89 30(b) shall be deposited in the state road bond fund. Moneys deposited in the state road bond
90 fund are hereby dedicated to and shall only be used to fund the repayment of bonds issued by the
91 highways and transportation commission to fund the construction and reconstruction of the state
92 highway system or to fund refunding bonds, except that after January 1, 2009, that portion of the
93 moneys in the state road bond fund which the commissioner of administration and the highways
94 and transportation commission each certify is not needed to make payments upon said bonds or
95 to maintain an adequate reserve for making future payments upon said bonds may be
96 appropriated to the state road fund. The highways and transportation commission shall have
97 authority to issue state road bonds for the uses set forth in this subdivision (3). The net proceeds
98 received from the issuance of such bonds shall be paid into the state road fund and shall only be
99 used to fund construction or reconstruction of specific projects for parts of the state highway
100 system as determined by the highways and transportation commission. The moneys deposited
101 in the state road bond fund shall only be withdrawn by appropriation pursuant to this
102 constitution. No obligation for the payment of moneys so appropriated shall be paid unless the
103 commissioner of administration certifies it for payment and further certifies that the expenditure
104 is for a use which is specifically authorized by the provisions of this subdivision (3). The
105 proceeds of the sales tax which are subject to allocation and deposit into the state road bond fund
106 pursuant to this subdivision (3) shall not include the proceeds of the sales tax levied and imposed
107 pursuant to sections 43(a) or 47(a) of this article nor shall they include the proceeds of that
108 portion of the sales tax apportioned, distributed and dedicated to the school district trust fund on
109 November 2, 2004. The term "proceeds from the state sales tax" as used in this subdivision (3)
110 shall mean and include all revenues received by the department of revenue from the said sales
111 tax, reduced only by refunds for overpayments and erroneous payments of such tax as permitted
112 by law and actual costs of collection by the department of revenue (but not to exceed three
113 percent of the amount collected).

114 3. After January 1, 1980, any increase in state license fees and taxes on motor vehicles,
115 trailers, motorcycles, mopeds and motortricycles other than those taxes distributed pursuant to
116 subsection 2 of this section 30(b) shall be distributed as follows: ten percent to the counties,
117 fifteen percent to the cities and seventy-five percent to be deposited in the state road fund. The
118 amounts distributed shall be apportioned and distributed to the counties and cities as provided
119 in section 30(a) of this article, to be used for highway purposes.

120 4. The moneys apportioned or distributed under this section to the state road fund, the
121 state transportation fund, the state road bond fund, counties, cities, towns or villages shall not
122 be included within the definition of "total state revenues" as that term is used in section 17 of
123 Article X of this constitution nor be considered as an "expense of state government" as that term
124 is used in section 20 of article X of this constitution.

125 **5. In addition to all other registration fees required under state law, the department**
126 **of revenue shall charge and collect a "miles driven" fee to each owner registering or**
127 **renewing the registration of a motor vehicle as required under chapter 301, RSMo, in the**
128 **following amounts:**

129 **(1) Beginning January 1, 2015, fifty dollars for a one-year registration and one**
130 **hundred dollars for a two-year registration;**

131 **(2) Beginning January 1, 2017, one hundred dollars for a one-year registration and**
132 **two hundred dollars for a two-year registration;**

133 **(3) Beginning January 1, 2019, one hundred fifty dollars for a one-year registration**
134 **and three hundred dollars for a two-year registration;**

135 **(4) Beginning January 1, 2021, and thereafter, two hundred dollars for a one-year**
136 **registration and four hundred dollars for a two-year registration.**

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138 **The department of revenue shall prorate fees to adjust for registrations that span more**
139 **than one of the time periods listed in subdivisions (1) to (4) of this subsection. At the time**
140 **of the issuance of registration, an odometer reading shall be recorded by the department**
141 **of revenue which shall either be taken from the bill of sale or certificate of title of the**
142 **vehicle if newly acquired, or from the official odometer reading at the motor vehicle's most**
143 **recent safety inspection, or other method approved by the department to verify the vehicle**
144 **mileage. Upon registration renewal, the owner registering the motor vehicle shall be**
145 **entitled to a prorated credit against the miles driven fee for that registration period, minus**
146 **a fifty-dollar paperwork processing fee, adjusted at the rate of one cent per mile, if the**
147 **miles driven during the immediately preceding one-year registration period are less than**
148 **twenty thousand miles, or if the miles driven during the immediately preceding two-year**
149 **registration period are less than forty thousand miles. The odometer reading used to**
150 **determine credit eligibility shall be the official odometer reading recorded at the time of**
151 **the motor vehicle's most recent safety inspection; provided, however, that no global**
152 **positioning system or other technology that identifies and records the motor vehicle's**
153 **location at all times shall be used to monitor mileage traveled by any motor vehicle on any**
154 **road, highway, or street in this state for the purpose of imposing this fee or any state tax**
155 **on the mileage traveled by such motor vehicle. Revenue from this fee, less three percent**

156 which shall be distributed to the department of revenue for the cost of fee collection, shall
157 be deposited in the state highways and transportation fund and shall not be used for
158 bonding purposes without a vote of the people. The director of the department of revenue
159 may promulgate all necessary rules for the administration of this section under the
160 provisions of chapter 536, RSMo. The fees outlined in this subsection shall not apply to
161 motor vehicles with model years twenty-five years or greater at the time of registration or
162 renewal.

163 6. No toll roads in this state shall be operated or maintained on any existing
164 interstate highway corridors and rights-of-way for a minimum of twenty years after the
165 effective date of this amendment.

166 7. Upon voter approval of this amendment in a general election held in 2014, or at
167 a special election to be called by the governor for that purpose, the provisions of
168 subsections 5 and 6 of this section shall be authorized and continue until a general election
169 is held in 2024 or at a special election to be called by the governor for the purpose of
170 resubmitting the issue to the voters for approval. If a majority of the voters fail to approve
171 the continuance of the provisions of subsections 5 and 6 of this section, such subsections
172 shall terminate at the end of the second fiscal year after the election was held.

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