

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 23
97TH GENERAL ASSEMBLY

1168H.04C

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads, and the state transportation system.

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Section A. Section 30(d), article IV, Constitution of Missouri, is repealed and two new sections adopted in lieu thereof, to be known as sections 30(d) and 30(e), to read as follows:

Section 30(d). 1. No state revenues derived from highway users which are [to be allocated] **imposed, collected, apportioned**, distributed or deposited in the state road fund pursuant to either section 30(a) or section 30(b) shall be diverted from the highway purposes and uses specified in subsection 1 of section 30(b). No state revenues derived from highway users which are [to be allocated] **imposed, collected, apportioned**, distributed or deposited in the state road bond fund pursuant to subdivision (3) of subsection 2 of section 30(b) shall be diverted from the highway purposes and uses specified in said subdivision (3). **No state revenues which are imposed, collected, apportioned, distributed or deposited into the state road fund or transportation sales tax fund pursuant to section 30(e) of this article shall be diverted from the state highway system purposes and uses and the state transportation system purposes and uses specified in section 30(e) of this article.**

2. All of the provisions of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** shall be self executing. All of the provisions of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** are severable. If any provision of sections 29, 30(a), 30(b), 30(c) [and] , 30(d), **and 30(e)** is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of these sections shall be

and remain valid.

3. The provisions of [sections 29, 30(a), 30(b), 30(c) and 30(d)] **this section and section 30(e)** shall become effective on [July 1, 2005] **January 1, 2015**.

Section 30(e). 1. To provide additional moneys for state highway system purposes and uses, city streets, county roads and state transportation system purposes and uses:

First, an additional state sales tax of one percent is hereby levied and imposed upon all sellers for the privilege of selling and leasing tangible personal property or rendering taxable services at retail in this state upon the sales and services which are now or are hereafter listed and set forth in, and, except as to the amount of the tax, subject to the provisions of and to be collected as provided in the "Sales Tax Law" and subject to the rules adopted in connection therewith; and

Second, an additional state use tax of one percent is hereby levied and imposed for the privilege of storing, using or consuming within this state any article of tangible personal property and, except as to the amount of the tax, subject to the provisions of and to be collected as set forth and provided in the "Compensating Use Tax Law", and, subject to the rules adopted in connection therewith; and an additional state use tax of one percent is hereby levied and imposed on all new or used motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors that are purchased or acquired for use on the highways and waterways of this state as set forth and as provided by law and, except as to the amount of the tax, subject to the provisions of and to be collected as set forth in state law and the rules and regulations promulgated in connection therewith.

2. The proceeds from the additional state sales and use taxes imposed under this section shall be collected, apportioned, distributed and deposited by the department of revenue as provided in this section. The term "proceeds from the additional state sales and use taxes" used in this subsection shall mean and include all proceeds collected by the department of revenue reduced only by refunds for overpayments and erroneous payments of such taxes as permitted by law.

3. The proceeds from the additional state sales and use taxes imposed under this section shall be apportioned, distributed and deposited by the director of revenue as follows:

(1) Five percent of the proceeds, which shall be considered nonstate funds under section 15 of this article, shall be deposited into a special trust fund known as the "County Aid Transportation Fund", which is hereby created in the state treasury. Moneys in the county aid transportation fund shall be apportioned and distributed to the various counties of the state based on the county road mileage and assessed rural land valuation calculations in subdivision (1) of subsection 1 of section 30(a) of this article, except that five percent of these moneys shall be apportioned and distributed solely to cities not within any county in this state. Moneys in this fund shall be expended in the sole discretion of the various counties for any of the county road and bridge purposes and uses provided in subdivision (1) of subsection 1 of section 30(a) of this article, any state highway system purposes and uses authorized under section 30(b) of this article, or for any county transportation system purposes and uses as set forth in subdivision (4) of this subsection; and

(2) Five percent of the proceeds, which shall be considered nonstate funds under section 15 of this article, shall be deposited into a special trust fund known as the "Municipal Aid Transportation Fund", which is hereby created within the state treasury. Moneys in the municipal aid transportation fund shall be apportioned and distributed to the various incorporated cities, towns, and villages in the state based on the population ratio calculations in subdivision (2) of subsection 1 of section 30(a) of this article. Moneys in this fund shall be expended in the sole discretion of the various incorporated cities, towns, and villages for any of the city road, street and bridge purposes and uses provided in subdivision (2) of subsection 1 of section 30(a) of this article, any state highway system purposes and uses authorized under section 30(b) of this article, or for any city transportation system purposes and uses as set forth in subdivision (4) of this subsection;

(3) Ninety percent of the proceeds shall be deposited into a special trust fund known as the "Transportation Sales Tax Fund", which is hereby created within the state treasury. Moneys in the transportation sales tax fund shall stand appropriated without legislative action to be used and expended in the sole discretion of the highways and transportation commission for the following purposes and uses, and no other:

(a) For deposit into the state road fund for state highway system purposes and uses authorized under section 30(b) of this article; or

(b) For state transportation system purposes and uses as set forth in subdivision (4) of this subsection;

(4) The term "transportation system purposes and uses" shall include authority for the commission, any county, or city to plan, locate, relocate, establish, acquire, construct, maintain, control, operate, develop and fund public transportation facilities such as, but not limited to, aviation, mass transportation, transportation of elderly and handicapped, railroads, ports, waterborne commerce, intermodal connections, bicycle and pedestrian improvements;

(5) The unexpended balance remaining in the county aid transportation fund, the municipal aid transportation fund, and the transportation sales tax fund at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, shall not be transferred and placed to the credit of the ordinary revenue fund of the state;

(6) The moneys apportioned or distributed under this section to the transportation sales tax fund, county aid transportation fund, and municipal aid transportation fund shall not be included within the definition of "total state revenues" as that term is used in section 17 of article X of this constitution nor be considered as an "expense of state government" as that term is used in section 20 of article X of this constitution.

4. (1) Unless approved by the voters of this state, the general assembly, counties, and municipalities are prohibited from increasing or decreasing the tax upon or measured by motor fuel used to propel highway motor vehicles from the rate of the tax authorized by the law on January 1, 2013, while this section is in effect.

(2) Unless approved by voters of this state, the state highways and transportation commission shall not own or operate a toll highway or toll bridge on a state highway or bridge that is in existence on the effective date of this amendment while the sales and use tax authorized by this section is in effect.

(3) Commencing in the second fiscal year following voter approval of this section, the commission shall annually submit a report to the governor and general assembly. The report shall include the status of state highway system and state transportation system projects, programs, and facilities that were approved by the commission and funded from the proceeds of the additional state sales and use taxes levied, imposed, and collected under this section.

(4) Upon voter approval of the temporary one percent state sales and use taxes in this section at a general election held in 2014, or at a special election to be called by the governor, this section shall be effective and continue until a general election is held in 2024, or at a special election to be called by the governor, to resubmit this section to the voters for approval. The secretary of state shall prepare the ballot measure for such ten-year resubmission. If approved by voters at the ten-year resubmission election required by this subsection, this section shall continue to be effective for an additional temporary ten-year period. Every ten years thereafter, the secretary of state shall resubmit to voters for approval the issue of whether to approve this section. If at any subsequent election the majority of voters do not approve this section, then this section shall terminate on December thirty-first of the calendar year when the last election was held.

Section B. Pursuant to section 116.155, RSMo, and other applicable constitutional provisions and laws of this state authorizing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in section A shall be as follows:

"Shall the Missouri constitution be amended to enact a temporary state sales and use tax of one percent to be dedicated and used solely to fund state and local highways, roads, bridges and transportation projects for ten years, while prohibiting increases to the gasoline tax without voter approval?"

Section C. Pursuant to section 116.155, RSMo, and other applicable constitutional provisions and the laws of this state authorizing the general assembly to adopt a fiscal note summary for the submission of a joint resolution to the voters of this state, the official fiscal note summary of the amendment proposed by section A shall be as follows:

"Additional revenue is estimated to be \$713 million annually to the state department of transportation and \$79 million annually to the various cities and counties. Implementation costs are expected to be minimal. The revenue will only be used for transportation purposes."

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