

Answer by letter-Patten

March 19, 1970

OPINION LETTER NO. 206

Honorable Joe D. Holt
State Representative
District No. 102
829 Center Avenue
Fulton, Missouri 65251



Dear Representative Holt:

This letter is in response to your request for an opinion on the following question:

"May funds received by the City . . . from the Motor Vehicle Fuel Tax under the Provisions of Article IV, Section Thirty (a) of the Constitution of Missouri, adopted March 6, 1962, be used for the payment of principle and interest on bonded indebtedness incurred since the effective date of said Constitutional amendment [sic] for the repair or construction of streets within the City?"

The aforementioned constitutional section, in subparagraph 2, states that the money is to be used:

". . . solely for construction, reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the payment of principal and interest on indebtedness incurred prior to the effective date of this section on account of road and street purposes, and the use thereof being subject to such other provisions and restrictions as provided by law. . . ." (Emphasis Added)

Honorable Joe D. Holt

The rule of construction to be followed in this case is that words used in the constitution are presumed to have been employed in their natural and ordinary meaning and no forced or unnatural construction is to be placed upon them. State ex rel. Randolph County v. Walden, 357 Mo. 167, 206 S.W.2d 979 (1947).

This office has previously issued an opinion, Opinion No. 223 to the Honorable John M. Dalton, June 12, 1962, in which this office stated that a municipality may not issue revenue bonds payable from that municipality's share of the proceeds of the aforementioned gasoline tax. It is the position of this office that the reasoning in the prior opinion mentioned here is dispositive of your question, and a city may not use its proceeds from the gasoline tax for the payment of principle and interest on indebtedness incurred after the effective date of Section 30(a), Article IV of the Missouri Constitution. This section clearly states that it may only be used to pay principle and interest on indebtedness incurred prior to the effective date of the constitutional section, March 6, 1962. No other provisions of the constitution give a city the power to pay indebtedness incurred after the aforementioned date out of such funds.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 223
6-12-62, Dalton