



ATTORNEY GENERAL OF MISSOURI

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May 20, 1988

OPINION LETTER NO. 128-88

The Honorable Roy D. Blunt
Secretary of State
State Capitol Building
Jefferson City, Missouri 65101

Dear Secretary Blunt:

This letter is in response to your request for our review under Sections 116.332 and 116.334, RSMo 1986, for sufficiency as to form of an initiative petition relating to the amendment of Article IV, Section 30(a) of the Missouri Constitution. A copy of the initiative petition and the proposed amendment which you submitted to this office are attached for reference.

We approve the petition as to form. However, since the Secretary of State has been given final approval or rejection authority under Section 116.332, our approval of the form of the petition does not preclude you from rejecting the petition.

Inasmuch as our review is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. See Moore v. Brown, 165 S.W.2d 657 (Mo. banc 1942). Likewise, since our review is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view respecting the adequacy or inadequacy of the petition generally or of the objectives of its proponents.

Very truly yours,


WILLIAM L. WEBSTER
Attorney General

Enclosure

It is a class A misdemeanor for anyone to sign any initiative petition with any name other than his own, or knowingly to sign his name more than once for the same measure for the same election, or to sign a petition when he knows he is not a registered voter.

INITIATIVE PETITION

To the Honorable Roy D. Blunt, Secretary of State for the state of Missouri:

We the undersigned, registered voters of the state of Missouri and of _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 1988, and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and _____ the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI
COUNTY OF _____

I, _____, a Missouri registered voter and a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

Name (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS			CONGR. DIST.	NAME (Printed or typed)
		(Street) Town or Village)	(City,	ZIP CODE		
1. _____	__/__/__	_____	_____	_____	_____	_____
2. _____	__/__/__	_____	_____	_____	_____	_____
3. _____	__/__/__	_____	_____	_____	_____	_____
4. _____	__/__/__	_____	_____	_____	_____	_____
5. _____	__/__/__	_____	_____	_____	_____	_____
6. _____	__/__/__	_____	_____	_____	_____	_____
7. _____	__/__/__	_____	_____	_____	_____	_____
8. _____	__/__/__	_____	_____	_____	_____	_____
9. _____	__/__/__	_____	_____	_____	_____	_____
10. _____	__/__/__	_____	_____	_____	_____	_____
11. _____	__/__/__	_____	_____	_____	_____	_____
12. _____	__/__/__	_____	_____	_____	_____	_____
13. _____	__/__/__	_____	_____	_____	_____	_____
14. _____	__/__/__	_____	_____	_____	_____	_____
15. _____	__/__/__	_____	_____	_____	_____	_____
16. _____	__/__/__	_____	_____	_____	_____	_____
17. _____	__/__/__	_____	_____	_____	_____	_____
18. _____	__/__/__	_____	_____	_____	_____	_____
19. _____	__/__/__	_____	_____	_____	_____	_____
20. _____	__/__/__	_____	_____	_____	_____	_____

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signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County.

Signature of Affiant
(Person obtaining signatures)

Address of Affiant

Subscribed and sworn to before me this _____ day of _____, A.D., 19__.

Signature of Notary

Notary Public (Seal)

My commission expires _____

Constitutional Amendment to adjust the allocation of Funds to the County Aid Road Trust Fund to fifteen percent and to allocate to counties defined in Section 31 of Article VI of the Missouri Constitution a percentage of the increase in the Motor Fuel Tax which became effective after May 31, 1987.

CONSTITUTIONAL AMENDMENT

BE IT RESOLVED by the People of the State of Missouri that the Constitution be amended:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1988, or at a special election to be called by the Governor for that purpose, that 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(a), article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 30(a), to read as follows:

Section 30(a). 1. On and after the first day of the month next following the adoption of this section, a tax upon or measured by fuel used for propelling highway motor vehicles shall be levied and collected as provided by law. Any amount of the tax collected with respect to fuel not used for propelling highway motor vehicles shall be refunded by the state in the manner provided by law. The remaining net proceeds of the tax, after deducting costs of collection, apportionment, and making refunds, shall be apportioned between the counties, cities and the state as hereinafter provided and shall stand appropriated without legislative action for the following purposes:

(1) Fifteen Percent (15%) of the remaining net proceeds shall be deposited in a special trust fund known as the "County Aid Road Trust Fund" which shall be credited to the various counties of the state on the following basis: One-half on the ratio that the county road mileage of each county bears to the county road mileage of the entire state as determined by the last available report of the state highways and transportation commission and one-half on the ratio that the rural land valuation of each county bears to the rural land valuation of the entire state as determined by the last available report of the state tax commission, except that county road mileage in incorporated villages, towns or cities in the land valuation in incorporated villages, towns or cities shall be excluded

in such determination, except that, if the assessed valuation of rural lands in any county is less than five million dollars, the county shall be treated as having an assessed valuation of five million dollars provided however, that out of the net proceeds resulting from any increase in the rate of the motor fuel tax which became effective after May 31, 1987, there shall

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article V of the Missouri Constitution, an amount equal to four percent of the county aid road trust fund; provided further however, the four percent shall not apply to those funds allocated to the county aid road trust fund as a result of the percentage in effect prior to June 1, 1987. The funds credited to each county shall be used by the county solely for the construction, reconstruction, maintenance and repairs of roads, bridges and highways, and subject to such other provisions and restrictions as provided by law. In the absence of other controls provided by law, the state highways and transportation commission shall prescribe policy, rules and requirement for the expenditure of these funds by counties, including, among other things, highways and transportation commission approval of plans for projects on which the funds are to be used. In counties having the township form of county organization, the funds credited to such counties shall be expended solely under the control and supervision of the county court, and shall not be expended by the various townships located within such counties. "Rural land" as used in this section shall mean all land located within any county, except land in incorporated villages, towns, or cities.

(2) Fifteen percent of the remaining net proceeds shall be allocated to the various incorporated cities, towns and villages within the state having a population of more than one hundred according to the last preceding federal decennial census, 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 January 1, 1980, on account of road and street purposes, and the use thereof being subject to such other provisions and restrictions as provided by law. The amount apportionable to each city, town or village shall be based on the ratio that the population of the city, town or village bears to the population of all incorporated cities, towns or villages in the state having a like population, as shown by the last federal decennial census, provided that any city, town or village which had a motor fuel tax prior to the adoption of this section shall annually receive not less than an amount equal to the net revenue derived therefrom in the year 1960; and

(3) All the remaining net proceeds in excess of the allocations to counties, and to cities, towns and villages under this section shall be allocated to the state and shall be disbursed as provided in section 30(a) and (b) of Article IV of this Constitution.

2. The director of revenue of the state shall make the division and apportionment of the funds monthly in the manner required hereby.

3. Except for taxes or licenses which may be imposed uniformly on all merchants or manufacturers based upon sales, or which uniformly apply ad valorem

to the stocks of merchants or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee upon, measured by or with respect to the importation, receipt, manufacture, storage, transportation, sale or use, on or after the first day of the month next following the adoption of this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is approved by a vote of the people of any city, town or village subsequent to the adoption of this section, by a two-thirds majority. All funds collected shall 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 January 1, 1980, on account of road and street purposes.