



## 2013 SENATE JOINT RESOLUTION 4

January 18, 2013 - Introduced by Senators PETROWSKI, CARPENTER, LAZICH, DARLING, FARROW, GUDEX, HARSDORF, KEDZIE, LASEE, LEIBHAM, MOULTON, OLSEN and SCHULTZ, cosponsored by Representatives RIPP, KAHL, BERNIER, BIES, BROOKS, CZAJA, DANOU, DOYLE, ENDSLEY, HONADEL, JACQUE, JORGENSEN, KAUFERT, KERKMAN, KESTELL, KLENKE, LEMAHIEU, T. LARSON, MARKLEIN, MURPHY, MURSAU, NERISON, NYGREN, A. OTT, PETERSEN, PETRYK, PRIDEMORE, SCHRAA, SMITH, SPIROS, STONE, STEINEKE, STRACHOTA, TAUCHEN, THIESFELDT, TITTL, TRANEL, WEININGER, ZEPNICK and AUGUST. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1     **To renumber** section 9 of article IV; and **to create** section 9 (2) of article IV and  
2             section 11 of article VIII of the constitution; **relating to:** creation of a  
3             department of transportation, creation of a transportation fund, and deposit of  
4             funds into the transportation fund (second consideration).

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### *Analysis by the Legislative Reference Bureau*

#### **EXPLANATION OF PROPOSAL**

This proposed constitutional amendment, to be given second consideration by the 2013 legislature for submittal to the voters in November 2014, was first considered by the 2011 legislature in 2011 Senate Joint Resolution 23, which became 2011 Enrolled Joint Resolution 4.

The amendment requires that the revenues generated by use of the state transportation system be deposited into a transportation fund, and requires the legislature to create such a fund and a department of transportation.

#### **PROCEDURE FOR SECOND CONSIDERATION**

When a proposed constitutional amendment is before the legislature on second consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that second consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on second

consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

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1           Whereas, the 2011 legislature in regular session considered a proposed  
2 amendment to the constitution in 2011 Senate Joint Resolution 23, which became  
3 2011 Enrolled Joint Resolution 4, and agreed to it by a majority of the members  
4 elected to each of the two houses, which proposed amendment reads as follows:

**SECTION 1.** Section 9 of article IV of the constitution is renumbered section 9 (1) of article IV.

**SECTION 2.** Section 9 (2) of article IV of the constitution is created to read:

[Article IV] Section 9 (2) The legislature shall provide by law for the establishment of a department of transportation and a transportation fund.

**SECTION 3.** Section 11 of article VIII of the constitution is created to read:

[Article VIII] Section 11. All funds collected by the state from any taxes or fees levied or imposed for the licensing of motor vehicle operators, for the titling, licensing, or registration of motor vehicles, for motor vehicle fuel, or for the use of roadways, highways, or bridges, and from taxes and fees levied or imposed for aircraft, airline property, or aviation fuel or for railroads or railroad property shall be deposited only into the transportation fund or with a trustee for the benefit of the department of transportation or the holders of transportation-related revenue bonds, except for collections from taxes or fees in existence on December 31, 2010, that were not being deposited in the transportation fund on that date. None of the funds collected or received by the state from any source and deposited into the transportation fund shall be lapsed, further transferred, or appropriated to any program that is not directly administered by the department of transportation in furtherance of the department's responsibility for the planning, promotion, and protection of all transportation systems in the state except for programs for which there was an appropriation from the transportation fund on December 31, 2010. In this section, the term "motor vehicle" does not include any all-terrain vehicles, snowmobiles, or watercraft.

**SECTION 4. Numbering of new provision.** If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict.

