

2009 DRAFTING REQUEST

Assembly Joint Resolution

Received: 12/13/2008

Received By: **smiller**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **denise solie**

This file may be shown to any legislator: **NO**

Drafter: **smiller**

May Contact:

Addl. Drafters:

Subject: **Constitutional Amendments**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transportation revenues to be deposited in Transportation Fund

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 12/18/2008	wjackson 01/09/2009		_____			
/1			jfrantze 01/09/2009	_____	cduerst 01/09/2009	mbarman 02/26/2009	

FE Sent For:

NO

<END>

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/?	smiller	1 wj 1/8	 1/9	 1/9			

FE Sent For:

<END>

Miller, Steve

From: Champagne, Rick
Sent: Wednesday, December 10, 2008 2:40 PM
To: Miller, Steve
Cc: Hanaman, Cathlene
Subject: FW: Drafting request & instructions for constitutional amendment

Attachments: 20081210125106964.pdf



2008121012510696
4.pdf (32 KB)

Steve:

Are you still handling constitutional amendments? If so, here is one from Rep. Gottlieb.

Rick

-----Original Message-----

From: Solie, Denise
Sent: Wednesday, December 10, 2008 2:10 PM
To: Champagne, Rick
Subject: Drafting request & instructions for constitutional amendment

Rick,

Attached is draft language for an amendment to the Wisconsin Constitution.

Please draft an Assembly Joint Resolution to create Article 11 of Section VIII.

Call me if questions. 7-2369. Thanks!

Denise Solie
Rep. Mark Gottlieb

1135

DRAFT
01-24-08

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 shall be deposited only in the Transportation Fund or with a trustee for the benefit of the Department of Transportation. All funds collected or received by the state from any source and deposited in the Transportation Fund shall not be lapsed, further transferred or appropriated to any program that is not directly

7 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 or that was not already lapsed, transferred or appropriated from the Transportation Fund as of December 31, 2007. In this section, motor vehicles do not include any all-terrain vehicles, snowmobiles or watercraft.

mn334667_2

Dec 17 -
Denise said these two
phrases could be swapped.



WLj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2009 ASSEMBLY JOINT RESOLUTION

in 12/18/08
Today please

Gen Cat

1 **Relating to:** creation of a department of transportation, creation of a transportation
2 fund, and deposit of funds into the transportation fund (first consideration).

Analysis by the Legislative Reference Bureau

Currently, the revenues generated by use of the state transportation system may be deposited into any fund as provided by law. This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, requires that such revenues be deposited into a transportation fund, and requires the legislature to create such a fund and a department of transportation.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

3 **Resolved by the assembly, the senate concurring, That:**

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

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

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

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

2 [Article VIII] Section 11. All funds collected by the state from any taxes or fees
3 levied or imposed for the licensing of motor vehicle operators, for the titling,
4 licensing, or registration of motor vehicles, for motor vehicle fuel, or for the use of
5 roadways, highways, or bridges, shall be deposited only in^{to} the transportation fund
6 or with a trustee for the benefit of the department of transportation or the holders
7 of transportation-related revenue bonds. None of the funds collected or received by
8 the state from any source and deposited in^{to} the transportation fund shall be lapsed,
9 further transferred, or appropriated to any program that is not directly administered
10 by the department of transportation in furtherance of the department's
11 responsibility for the planning, promotion, and protection of all transportation
12 systems in the state except funds that were already lapsed, transferred, or
13 appropriated from the transportation fund as of December 31, 2007. In this section,
14 the term "motor vehicle" does not include any all-terrain vehicles, snowmobiles, or
15 watercraft.

16 **SECTION 4. Numbering of new provisions.** (1) The new section 11 of article
17 VIII of the constitution created in this joint resolution shall be designated by the next
18 higher open whole subsection number in ~~that section in~~ that article if, before the
19 ratification by the people of the amendment proposed in this joint resolution, any
20 other ratified amendment has created a section 11 of article VIII of the constitution
21 of this state. If one or more joint resolutions create a section 11 of article VIII
22 simultaneously with the ratification by the people of the amendment proposed in this
23 joint resolution, the sections created shall be numbered and placed in a sequence so
24 that the sections created by the joint resolution having the lowest enrolled joint
25 resolution number have the numbers designated in that joint resolution and the

1 sections created by the other joint resolutions have numbers that are in the same
2 ascending order as are the numbers of the enrolled joint resolutions creating the
3 sections.

4 (2) The new subsection (2) of section 9 of article IV of the constitution created
5 in this joint resolution shall be designated by the next higher open whole subsection
6 number in that section in that article if, before the ratification by the people of the
7 amendment proposed in this joint resolution, any other ratified amendment has
8 created a subsection (2) of section 9 of article IV of the constitution of this state. If
9 one or more joint resolutions create a subsection (2) of section 9 of article IV
10 simultaneously with the ratification by the people of the amendment proposed in this
11 joint resolution, the subsections created shall be numbered and placed in a sequence
12 so that the subsections created by the joint resolution having the lowest enrolled joint
13 resolution number have the numbers designated in that joint resolution and the
14 subsections created by the other joint resolutions have numbers that are in the same
15 ascending order as are the numbers of the enrolled joint resolutions creating the
16 subsections.

17 ***Be it further resolved, That*** this proposed amendment be referred to the
18 legislature to be chosen at the next general election and that it be published for 3
19 months previous to the time of holding such election.

20 (END)

Barman, Mike

From: Solie, Denise
Sent: Thursday, February 26, 2009 8:10 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1135/1 Topic: Transportation revenues to be deposited in Transportation Fund

Please Jacket LRB 09-1135/1 for the ASSEMBLY.