



2011 SENATE JOINT RESOLUTION 23

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 (first consideration).

Analysis by the Legislative Reference Bureau

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

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

8 **SECTION 2.** Section 9 (2) of article IV of the constitution is created to read:
9 [Article IV] Section 9 (2) The legislature shall provide by law for the
10 establishment of a department of transportation and a transportation fund.

11 **SECTION 3.** Section 11 of article VIII of the constitution is created to read:
12 [Article VIII] Section 11. All funds collected by the state from any taxes or fees
13 levied or imposed for the licensing of motor vehicle operators, for the titling,

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

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

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

23 (END)