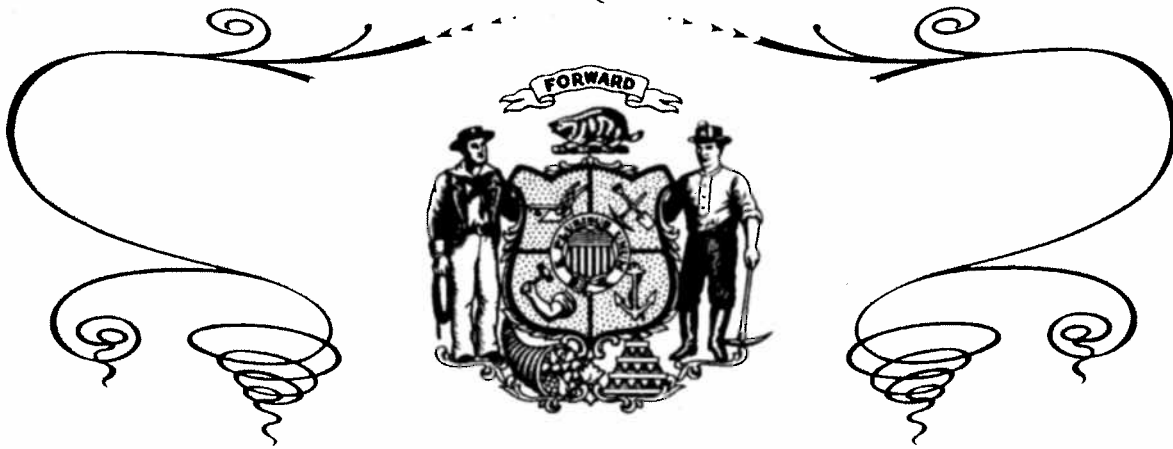


# State of Wisconsin



2011 Senate Joint Resolution 23

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## ENROLLED JOINT RESOLUTION

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

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

**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.

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

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Representative Jeff Fitzgerald  
Speaker of the Assembly

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Senator Michael G. Ellis  
President of the Senate

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Date

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Robert J. Marchant  
Senate Chief Clerk

SENATE JOINT RESOLUTION 23 (LRB -1117)

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

2011

- 04-20. S. Introduced by Senators **Hopper, Lazich, Olsen, Schultz, Leibham, Harsdorf** and **Hansen**; cosponsored by Representatives **Petrowski, Endsley, Knilans, Farrow, Kestell, Jacque, Ziegelbauer, Nygren, Nerison, Spanbauer, T. Larson, Petryk, Thiesfeldt, LeMahieu, Kleefisch, Strachota, Steineke, Bies, Kaufert, Brooks, Williams, Van Roy, Tranel, Klenke, Kerkman, Rivard, Honadel, Jorgensen** and **Zepnick**.
- 04-20. S. Read first time and referred to committee on Transportation and Elections ..... 228
- 05-10. S. Public hearing held.
- 05-12. S. Executive action taken.
- 05-12. S. Report adoption recommended by committee on Transportation and Elections, Ayes 4, Noes 0.
- 05-12. S. Available for scheduling.
- 05-16. S. Placed on calendar 5-17-2011 pursuant to Senate Rule 18(1).
- 05-17. S. Read a second time.
- 05-17. S. Ordered to a third reading.
- 05-17. S. Rules suspended.
- 05-17. S. Read a third time and **adopted**, Ayes 26, Noes 6.
- 05-17. S. Senator Kapanke added as a coauthor.
- 05-17. S. Ordered immediately messaged.
- 05-17. A. Received from Senate.
- 05-17. A. Read.
- 05-17. A. Rules suspended and taken up.
- 05-17. A. Read a second time.
- 05-17. A. Ordered to a third reading.
- 05-17. A. Rules suspended.
- 05-17. A. Read a third time and **concurred in**, Ayes 82, Noes 11, Paired 4.
- 05-17. A. Ordered immediately messaged.
- 05-18. S. Received from Assembly concurred in.

2011

Joint Resolution Passed by Both Houses

ENROLL JOINT RES

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ADOPTED DOCUMENTS:

Orig      \_\_\_ SubAmdt \_\_\_

11 - 1117 / 12

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

5-18-11  
Date

JR Mills  
Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide, Document Specific Procedures, Ch. 20, Engrossing and Enrolling*

***Make 24 copies of ENROLLED JOINT RESOLUTION and distribute copies.***

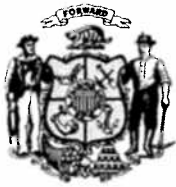
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- LPS file ..... 1 copy
- Index librarian ..... 1 copy
- Revising attorney ..... 1 copy

HOUSE OF ORGIN:

- Secretary of State's envelope containing 4 copies plus newspaper notice
- Original and all remaining copies plus bill jacket



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1117/2  
SRM:wj:rs

## 2011 SENATE JOINT RESOLUTION 23

April 20, 2011 – Introduced by Senators HOPPER, LAZICH, OLSEN, SCHULTZ, LEIBHAM, HARSDFORF and HANSEN, cosponsored by Representatives PETROWSKI, ENDSLEY, KNILANS, FARROW, KESTELL, JACQUE, ZIEGELBAUER, NYGREN, NERISON, SPANBAUER, T. LARSON, PETRYK, THIESFELDT, LEMAHIEU, KLEEFISCH, STRACHOTA, STEINEKE, BIES, KAUFERT, BROOKS, WILLIAMS, VAN ROY, TRANEL, KLENKE, KERKMAN, RIVARD, HONADEL, JORGENSEN and ZEPNICK. Referred to Committee on Transportation and Elections.

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).

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### *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 2011 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.

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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:

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

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

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

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

