



2011 SENATE JOINT RESOLUTION 23

April 20, 2011 – 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. 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).

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.

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.

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

4 (END)