



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0010/1
RAC/SRM/MES:kjf:rs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY JOINT RESOLUTION 2**

February 12, 2013 – Offered by Representatives PASCH, MASON, RICHARDS, RIEMER, KOLSTE, HESSELBEIN, SARGENT, GOYKE, JOHNSON, WACHS, OHNSTAD, BEWLEY, RINGHAND, C. TAYLOR, BILLINGS, CLARK, BERNARD SCHABER, ZAMARRIPA, HEBL, BERCEAU, SINICKI, POPE, KAHL, DANOU and DOYLE.

1 **To renumber** section 9 of article IV; and **to create** section 9 (2) of article IV, section
2 9 (3) of article IV, section 9 (4) of article IV, section 9 (5) of article IV and section
3 11 of article VIII of the constitution; **relating to:** creation of a department of
4 transportation, creation of a transportation fund, and deposit of funds into the
5 transportation fund; creation of a national mortgage settlement fund for
6 deposit of moneys from the National Mortgage Settlement of 2012; creation of
7 a public employee trust fund; and creation of a tax credit fund (first
8 consideration).

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

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

12 **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 9 (3) of article IV of the constitution is created to read:

4 [Article IV] Section 9 (3) The legislature shall provide by law for the
5 establishment of a national mortgage settlement fund. The national mortgage
6 settlement fund shall be established as a trust fund into which are deposited all
7 proceeds from the National Mortgage Settlement of 2012. The national mortgage
8 settlement fund is a public trust and shall be managed, administered, invested, and
9 otherwise dealt with solely for the purpose of ensuring that the expenditure of
10 moneys in the fund are used to assist homeowners and shall not be used for any other
11 purpose. If before the date of ratification of this section any proceeds from the
12 National Mortgage Settlement of 2012 have been expended by the state for purposes
13 other than to assist homeowners, the legislature shall by law transfer from the
14 general fund to the national settlement fund an amount equal to the funds expended
15 by the state for purposes other than to assist homeowners.

16 **SECTION 4.** Section 9 (4) of article IV of the constitution is created to read:

17 [Article IV] Section 9 (4) The legislature shall provide by law for the
18 establishment of a public employee trust fund. The public employee trust fund shall
19 be established to aid public employees in protecting themselves and their
20 beneficiaries against the financial hardships of old age, disability, death, illness, and
21 accident. The public employee trust fund is a public trust and shall be managed,
22 administered, invested, and otherwise dealt with solely for the purpose of ensuring
23 the fulfillment at the lowest possible cost of the benefit commitments to public
24 employees, as established by law, and shall not be used for any other purpose.

1 Revenues collected for and balances in the public employee trust fund shall be used
2 only for the purposes of the public employee trust fund.

3 **SECTION 5.** Section 9 (5) of article IV of the constitution is created to read:

4 [Article IV] Section 9 (5) The legislature shall provide by law for the
5 establishment of a refundable individual income tax credit that is calculated as a
6 percentage of the federal earned income tax credit, a refundable individual income
7 tax credit to provide relief to modest and moderate income individuals who own or
8 rent their homestead, and a tax credit fund. From funds collected by the state from
9 taxes imposed, that would otherwise be deposited into the general fund, an amount
10 that is sufficient to pay all eligible claims for the income tax credits described in this
11 subsection shall be deposited into the tax credit fund for the benefit of eligible
12 claimants of these refundable individual income tax credits. None of the funds
13 collected or received by the state from any source and deposited into the tax credit
14 fund shall be lapsed, further transferred, or appropriated to any program or used for
15 any purpose other than for the benefit of eligible claimants of these tax credits.
16 Revenues collected for and balances in the tax credit fund shall be used only for the
17 purposes of paying eligible claims for the tax credits described in this subsection.

18 **SECTION 6.** Section 11 of article VIII of the constitution is created to read:

19 [Article VIII] Section 11. All funds collected by the state from any taxes or fees
20 levied or imposed for the licensing of motor vehicle operators, for the titling,
21 licensing, or registration of motor vehicles, for motor vehicle fuel, or for the use of
22 roadways, highways, or bridges, and from taxes and fees levied or imposed for
23 aircraft, airline property, or aviation fuel or for railroads or railroad property shall
24 be deposited only into the transportation fund or with a trustee for the benefit of the
25 department of transportation or the holders of transportation-related revenue

1 bonds, except for collections from taxes or fees in existence on December 31, 2010,
2 that were not being deposited in the transportation fund on that date. None of the
3 funds collected or received by the state from any source and deposited into the
4 transportation fund shall be lapsed, further transferred, or appropriated to any
5 program that is not directly administered by the department of transportation in
6 furtherance of the department's responsibility for the planning, promotion, and
7 protection of all transportation systems in the state except for programs for which
8 there was an appropriation from the transportation fund on December 31, 2010. In
9 this section, the term "motor vehicle" does not include any all-terrain vehicles,
10 snowmobiles, or watercraft.

11 **SECTION 7. Numbering of new provision.** If another constitutional
12 amendment ratified by the people creates the number of any provision created in this
13 joint resolution, the chief of the legislative reference bureau shall determine the
14 sequencing and the numbering of the provisions whose numbers conflict.

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

18 (END)