



2009 ASSEMBLY JOINT RESOLUTION 36

March 24, 2009 – Introduced by Representatives GOTTLIEB, PETROWSKI, J. FITZGERALD, BALLWEG, BROOKS, DAVIS, HONADEL, HUEBSCH, KERKMAN, KESTELL, KNODL, LEMAHIEU, LOTHIAN, MEYER, MONTGOMERY, MURSAU, MURTHA, NASS, NERISON, NYGREN, RIPP, STONE, STRACHOTA, SUDER, TOWNSEND, VOS, ZIPPERER, BIES, SPANBAUER and KAUFERT, cosponsored by Senators HOPPER, DARLING, OLSEN, PLALE and SCHULTZ. Referred to Joint Committee on Finance.

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 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.

5 **Resolved by the assembly, the senate 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 shall be deposited only into the transportation fund
8 or with a trustee for the benefit of the department of transportation or the holders
9 of transportation-related revenue bonds. None of the funds collected or received by
10 the state from any source and deposited into the transportation fund shall be lapsed,
11 further transferred, or appropriated to any program that is not directly administered
12 by the department of transportation in furtherance of the department's
13 responsibility for the planning, promotion, and protection of all transportation
14 systems in the state except funds that were already lapsed, transferred, or
15 appropriated from the transportation fund as of December 31, 2007. In this section,
16 the term "motor vehicle" does not include any all-terrain vehicles, snowmobiles, or
17 watercraft.

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

1 created by the joint resolution having the lowest enrolled joint resolution number
2 have the numbers designated in that joint resolution and the sections created by the
3 other joint resolutions have numbers that are in the same ascending order as are the
4 numbers of the enrolled joint resolutions creating the sections.

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

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

21 (END)