



## 2009 SENATE JOINT RESOLUTION 18

March 13, 2009 – Introduced by Senators HOPPER, COWLES, DARLING, OLSEN, PLALE and SCHULTZ, cosponsored by Representatives GOTTLIEB, PETROWSKI, J. FITZGERALD, BALLWEG, BIES, BROOKS, DAVIS, GUNDERSON, HUEBSCH, HONADEL, KAUFERT, KERKMAN, KESTELL, KNODL, LEMAHIEU, LOTHIAN, MEYER, MONTGOMERY, MURSAU, MURTHA, NASS, NERISON, NYGREN, RIPP, SPANBAUER, STONE, STRACHOTA, SUDER, TOWNSEND, VOS and ZIPPERER. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

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 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.

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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 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)