

NOTICE OF REFERENDUM ELECTION

NOVEMBER 4, 2014

NOTICE IS HEREBY GIVEN, that at an election to be held in the several towns, villages, wards, and election districts of the State of Wisconsin, on Tuesday, November 4, 2014, the following question will be submitted to a vote of the people pursuant to law:

2013 ENROLLED JOINT RESOLUTION 1

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 (second consideration).

Whereas, the 2011 legislature in regular session considered a proposed amendment to the constitution in 2011 Senate Joint Resolution 23, which became 2011 Enrolled Joint Resolution 4, and agreed to it by a majority of the members elected to each of the two houses, which proposed amendment reads as follows:

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.

Now, therefore, be it resolved by the assembly, the senate concurring, That the foregoing proposed amendment to the constitution is agreed to by the 2013 legislature; and, be it further

Resolved, That the foregoing proposed amendment to the constitution be submitted to a vote of the people at the election to be held on the Tuesday after the first Monday in November 2014; and, be it further

Resolved, That the question concerning ratification of the foregoing proposed amendment to the constitution be stated on the ballot as follows:

QUESTION 1: “Creation of a Transportation Fund. Shall section 9 (2) of article IV and section 11 of article VIII of the constitution be created to require that revenues generated by use of the state transportation system be deposited into a transportation fund administered by a department of transportation for the exclusive purpose of funding Wisconsin’s transportation systems and to prohibit any transfers or lapses from this fund?”

EXPLANATION

In general, funds collected in fees and taxes may be appropriated for any public purpose determined by the Legislature. Wisconsin’s transportation fund, which currently exists under statute, is designed to be the source of funding for all modes of transportation in the state. Wisconsin law requires that specific revenue streams such as taxes or fees related to motor vehicles, aircraft, and railroads be deposited into the transportation fund.

At times, the Legislature has transferred moneys initially deposited into the transportation fund to programs with non-transportation-related purposes. Such transfers have typically been to general revenue funds, which are used for state programs such as education, health care, and shared revenue. The Wisconsin Supreme Court has suggested that these transfers are permissible under current law.

In essence, the proposed amendment would change the Wisconsin Constitution to require that revenues generated by specified uses of the state transportation system be deposited into a transportation fund and expended only for transportation-related purposes.

A “yes” vote on this question would establish a department of transportation and a transportation fund in the state constitution. The current Department of Transportation and transportation fund exist only under statute. A “yes” vote would mean that all funds collected from taxes or fees in existence after December 31, 2010 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 would be deposited in the transportation fund or with certain authorized parties, such as a trustee for the benefit of the department of transportation. Funds in the transportation fund may not be lapsed, further transferred, or used for 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 with an appropriation from the statutory transportation fund as of December 31, 2010). The proposed amendment does not define “transportation systems.”

A “no” vote would mean that the Department of Transportation continues to be a statutory agency. It also would mean that monies collected from motor vehicle, aircraft, and railroad fees and taxes could be appropriated by the Legislature for transportation systems or for other programs as determined by the Legislature.

DONE in the City of Portage,
this 17th day of September, 2014.

Susan M. Moll, Columbia County Clerk
400 DeWitt Street, Portage, WI 53901