

HOUSE JOINT RESOLUTION Q

March 16, 2011, Introduced by Rep. Opsommer and referred to the Committee on Transportation.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 9 and 10 of article IX, to provide for the disposition of certain regulatory fees for transportation purposes, to provide for certain conditions concerning public-private agreements, and to dedicate a certain percentage of sales tax revenue to road construction, maintenance, and repair.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for the disposition of certain regulatory fees for transportation purposes, to provide for certain conditions concerning public-private agreements, and to dedicate a certain percentage of sales tax revenue to road construction,

maintenance, and repair, is proposed, agreed to, and submitted to the people of the state:

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ARTICLE IX

Sec. 9. All specific taxes, except general sales and use taxes and **CERTAIN** regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and to propel aircraft and **SPECIFIC TAXES AND LICENSE AND REGULATORY FEES AND OTHER MONEY RECEIVED AND COLLECTED IN SECTIONS 801 THROUGH 810 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.801 TO 257.810,** on registered motor vehicles and aircraft shall, after the payment of necessary collection expenses, be used exclusively for transportation purposes as set forth in this section.

THE INCREASE IN FEES IMPLEMENTED BY 1987 PA 232 IN SECTIONS 309, 312E, 314E, 320E, 321A, 811, 812, 819, AND 820 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.309, 257.312E, 257.314E, 257.320E, 257.321A, 257.811, 257.812, 257.819, AND 257.820, SHALL BE DEPOSITED IN THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND OR USED FOR HIGHWAY, ROAD, OR STREET PROJECTS DESIGNED PRIMARILY FOR THE USE OF MOTOR VEHICLES USING TIRES.

Not less than 90 percent of the specific taxes, except general sales and use taxes and regulatory fees, imposed directly or indirectly on fuels sold or used to propel motor vehicles upon highways and on registered motor vehicles shall, after the payment of necessary collection expenses, be used exclusively for the transportation purposes of planning, administering, constructing, reconstructing, financing, and maintaining state, county, city, and village roads, streets, and bridges designed primarily for the use

1 of motor vehicles using tires, and reasonable appurtenances to
2 those state, county, city, and village roads, streets, and bridges.

3 The balance, if any, of the specific taxes, except general
4 sales and use taxes and regulatory fees, imposed directly or
5 indirectly on fuels sold or used to propel motor vehicles upon
6 highways and on registered motor vehicles, after the payment of
7 necessary collection expenses; 100 percent of the specific taxes,
8 except general sales and use taxes and regulatory fees, imposed
9 directly or indirectly on fuels sold or used to propel aircraft and
10 on registered aircraft, after the payment of necessary collection
11 expenses; and not more than 25 percent of the general sales taxes,
12 imposed directly or indirectly on fuels sold to propel motor
13 vehicles upon highways, on the sale of motor vehicles, and on the
14 sale of the parts and accessories of motor vehicles, after the
15 payment of necessary collection expenses; shall be used exclusively
16 for the transportation purposes of comprehensive transportation
17 purposes as defined by law.

18 The legislature may authorize the incurrence of indebtedness
19 and the issuance of obligations pledging the taxes allocated or
20 authorized to be allocated by this section, which obligations shall
21 not be construed to be evidences of state indebtedness under this
22 constitution.

23 **ALL REVENUE, GIFTS, LOANS, CASH, CONTRIBUTIONS, WHETHER**
24 **CONTRIBUTIONS IN KIND OR CONTRIBUTIONS AS MONEY, DEVISES, BEQUESTS**
25 **FROM PUBLIC OR PRIVATE SOURCES, FINANCING, AND ASSISTANCE RECEIVED**
26 **BY THE STATE TRANSPORTATION DEPARTMENT OR OTHER PUBLIC BODY, PUBLIC**
27 **AGENCY, GOVERNMENTAL AUTHORITY, COMMISSION, INTERGOVERNMENTAL**

1 ENTITY, OR INTERNATIONAL COMPACT ENTITY NAMED IN OR DERIVED FROM A
2 TRANSPORTATION-RELATED PUBLIC-PRIVATE PARTNERSHIP AGREEMENT
3 AUTHORIZED UNDER THE LAW, ASSOCIATED INTERLOCAL AGREEMENT
4 AUTHORIZED UNDER THE LAW, OR OTHER ASSOCIATED AGREEMENT AUTHORIZED
5 UNDER THE LAW, SHALL BE USED EXCLUSIVELY FOR TRANSPORTATION-RELATED
6 PURPOSES AND SHALL NOT BE USED FOR NONTRANSPORTATION-RELATED
7 PURPOSES.

8 ALL REVENUE, GIFTS, LOANS, CASH, CONTRIBUTIONS, WHETHER
9 CONTRIBUTIONS IN KIND OR CONTRIBUTIONS AS MONEY, DEVISES, BEQUESTS
10 FROM PUBLIC OR PRIVATE SOURCES, FINANCING, AND ASSISTANCE SHALL BE
11 USED FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE
12 SPECIFIC TRANSPORTATION-RELATED PROJECT NAMED IN A PUBLIC-PRIVATE
13 PARTNERSHIP AGREEMENT AUTHORIZED UNDER THE LAW OR ASSOCIATED
14 AGREEMENT AUTHORIZED UNDER THE LAW, AS WELL AS FOR THE REPAYMENT OF
15 ANY TRANSPORTATION-PROJECT-RELATED DEBT OR TRANSPORTATION-PROJECT-
16 RELATED OBLIGATIONS NAMED IN A LAWFULLY AUTHORIZED PUBLIC-PRIVATE
17 PARTNERSHIP AGREEMENT OR LAWFULLY AUTHORIZED ASSOCIATED AGREEMENT.

18 REVENUE, GIFTS, LOANS, CASH, CONTRIBUTIONS, WHETHER
19 CONTRIBUTIONS IN KIND OR CONTRIBUTIONS AS MONEY, DEVISES, BEQUESTS
20 FROM PUBLIC OR PRIVATE SOURCES, FINANCING, AND ASSISTANCE RECEIVED
21 SHALL NOT BE USED FOR ANY OTHER PURPOSE OR APPROPRIATED BY ANY
22 LEGISLATIVE BODY, WITH THE EXCEPTION OF SURPLUS MONEY TRANSFERRED
23 AFTER TRANSPORTATION-PROJECT-RELATED DEBTS AND OBLIGATIONS HAVE
24 BEEN FULLY EXTINGUISHED, WHICH SHALL ONLY BE APPROPRIATED BY THE
25 LEGISLATURE BY THE PASSAGE OF LAW AND FOR TRANSPORTATION-RELATED
26 PURPOSES.

27 ANY SURPLUS MONEY LAWFULLY TRANSFERRED AS THE RESULT OF A

1 HIGHWAY-, ROAD-, OR BRIDGE-RELATED PUBLIC-PRIVATE PARTNERSHIP
2 AGREEMENT SHALL ONLY BE USED FOR TRANSPORTATION-RELATED
3 INFRASTRUCTURE DESIGNED PRIMARILY FOR THE USE OF MOTOR VEHICLES
4 USING TIRES.

5 THE STATE TRANSPORTATION DEPARTMENT OR OTHER PUBLIC BODY,
6 PUBLIC AGENCY, GOVERNMENTAL AUTHORITY, COMMISSION,
7 INTERGOVERNMENTAL ENTITY, OR INTERNATIONAL COMPACT ENTITY SHALL NOT
8 ENTER ANY AGREEMENT THAT WOULD PROHIBIT OR IMPAIR THE EARLY
9 REPAYMENT OF DEBT OR OBLIGATIONS OR DENY THE APPLICATION OF
10 MICHIGAN LAW TO THE STATE TRANSPORTATION DEPARTMENT OR OTHER PUBLIC
11 BODY, PUBLIC AGENCY, GOVERNMENTAL AUTHORITY, COMMISSION,
12 INTERGOVERNMENTAL ENTITY, OR INTERNATIONAL COMPACT ENTITY.

13 NO REVENUE-GENERATING TRANSPORTATION-RELATED PUBLIC-PRIVATE
14 PARTNERSHIP AGREEMENT SHALL BE EXTENDED OR RENEWED EXCEPT BY THE
15 PASSAGE OF LAW AFTER AT LEAST 75% OF THE ORIGINAL PUBLIC-PRIVATE
16 PARTNERSHIP CONTRACT PERIOD HAS TRANSPIRED.

17 Sec. 10. ~~Fifteen~~-SEVENTEEN percent of all taxes imposed on
18 retailers on taxable sales at retail of tangible personal property
19 at a rate of not more than 4% shall be used exclusively for
20 assistance to townships, cities and villages, on a population basis
21 as provided by law. In determining population the legislature may
22 exclude any portion of the total number of persons who are wards,
23 patients or convicts in any tax supported institution.

24 SIX PERCENT OF ALL TAXES IMPOSED ON RETAILERS ON TAXABLE SALES
25 AT RETAIL OF TANGIBLE PERSONAL PROPERTY AT A RATE OF NOT MORE THAN
26 4% SHALL BE USED EXCLUSIVELY FOR ROAD CONSTRUCTION, MAINTENANCE,
27 AND REPAIR AS PROVIDED BY LAW.

1 Resolved further, That the foregoing amendment shall be
2 submitted to the people of the state at the next general election
3 in the manner provided by law.