



## 2005 SENATE JOINT RESOLUTION 21

April 5, 2005 – Introduced by Senators BRESKE, HARSDORF and GROTHMAN, cosponsored by Representatives HINES, HAHN, MUSSER, KREIBICH, AINSWORTH, BIES, GUNDERSON, JESKEWITZ, BALLWEG, WOOD, F. LASEE and PRIDEMORE.

1     **To create** section 11 of article VIII of the constitution; **relating to:** the creation of  
2             state funds and accounts and prohibiting the state from changing the purpose  
3             of any state fund or program revenue appropriation account (first  
4             consideration).

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### *Analysis by the Legislative Reference Bureau*

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, permits the creation of a state fund, or program revenue appropriation account thereof, other than a fund or account related solely to the issuance or payment of public debt or other obligation, only if two-thirds of all the members elected to each house concur therein.

Any state fund, or program revenue appropriation account thereof, created by law before, on, or after the date of ratification of this amendment remains in effect until abolished by law, and the purpose for which the fund or account was created may not be changed by law.

The proposal also provides that a state fund, or program revenue appropriation account thereof, created before, on, or after the date of ratification of this amendment may not be lapsed, transferred, or expended in any manner that would conflict with the purpose of the fund or account. If a state fund, or program revenue appropriation account thereof, is abolished, all unencumbered moneys in the fund or account as of the date the fund or account is abolished are transferred to the general fund of the state.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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

2           **SECTION 1.** Section 11 of article VIII of the constitution is created to read:

3           [Article VIII] Section 11 (1) Beginning on the date of ratification of this  
4 subsection, the legislature may create by law a state fund, or program revenue  
5 appropriation account thereof, other than a fund or account related solely to the  
6 issuance or payment of public debt or other obligation, only if two-thirds of all the  
7 members elected to each house concur therein.

8           (2) Any state fund, or program revenue appropriation account thereof, created  
9 by law before, on, or after the date of ratification of this subsection remains in effect  
10 until abolished by law, and the purpose for which the fund or account was created  
11 may not be changed by law.

12           (3) Moneys in any state fund, or program revenue appropriation account  
13 thereof, created before, on, or after the date of ratification of this subsection may not  
14 be lapsed, transferred, or expended in any manner that would conflict with sub. (2).  
15 If a state fund, or program revenue appropriation account thereof, is abolished, all  
16 unencumbered moneys in the fund or account as of the date the fund or account is  
17 abolished are transferred to the general fund of the state.

18           **SECTION 2. Numbering of new provision.** The new section 11 of article VIII  
19 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

1 the ratification by the people of the amendment proposed in this joint resolution, the  
2 sections created shall be numbered and placed in a sequence so that the sections  
3 created by the joint resolution having the lowest enrolled joint resolution number  
4 have the numbers designated in that joint resolution and the sections created by the  
5 other joint resolutions have numbers that are in the same ascending order as are the  
6 numbers of the enrolled joint resolutions creating the sections.

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

10 (END)