2007 ASSEMBLY JOINT RESOLUTION 34

March 19, 2007 – Introduced by Representatives HINES, ALBERS, BALLWEG, BIES, GUNDERSON, HAHN, JESKEWITZ, KERKMAN, F. LASEE, MURSAU, MUSSER, SUDER, TOWNSEND, VAN ROY and VUKMIR, cosponsored by Senators BRESKE, HARSDORF, DARLING, KAPANKE, OLSEN, PLALE, ROESSLER, SCHULTZ and WIRCH. Referred to Committee on Ways and Means.

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

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2007 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.

Resolved by the assembly, the senate concurring, That:

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

[Article VIII] Section 11 (1) Beginning on the date of ratification of this subsection, the legislature may create by law 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.

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

(3) Moneys in any state fund, or program revenue appropriation account thereof, created before, on, or after the date of ratification of this subsection may not be lapsed, transferred, or expended in any manner that would conflict with the purpose for which the fund or account was created. 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.

SECTION 2. Numbering of new provision. The new section 11 of article VIII of the constitution created in this joint resolution shall be designated by the next higher open whole section number in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a section 11 of article VIII of the constitution of this state.
If one or more joint resolutions create a section 11 of article VIII simultaneously with
the ratification by the people of the amendment proposed in this joint resolution, the
sections created shall be numbered and placed in a sequence so that the sections
created by the joint resolution having the lowest enrolled joint resolution number
have the numbers designated in that joint resolution and the sections created by the
other joint resolutions have numbers that are in the same ascending order as are the
numbers of the enrolled joint resolutions creating the sections.

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

(END)