

2009 ASSEMBLY JOINT RESOLUTION 16

February 17, 2009 – Introduced by Representatives TAUCHEN, STRACHOTA, GOTTLIEB, RIPP, ZIEGELBAUER, NERISON, HONADEL, PETERSEN, SUDER, NYGREN, KAUFERT, MONTGOMERY, BIES, KESTELL, KNODL, BALLWEG, VAN ROY, A. OTT, DAVIS, LOTHIAN, PRIDEMORE, ZIPPERER, MURSAU, MURTHA, GUNDRUM, NASS, STONE, LEMAHIEU, BROOKS, KLEEFISCH, M. WILLIAMS, GUNDERSON, VOS, KRAMER, KERKMAN, ROTH and SPANBAUER, cosponsored by Senators PLALE, COWLES, CARPENTER, HOLPERIN, GROTHMAN, KANAVAS, A. LASEE, KEDZIE, HARSDFORF, OLSEN, KAPANKE, LAZICH, S. FITZGERALD, SCHULTZ, DARLING, LEIBHAM and HOPPER. Referred to Committee on Ways and Means.

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

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, provides that the legislature may abolish 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.

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 of the fund or account 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.

1 ***Resolved by the assembly, the senate 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 abolish 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 of the fund or account may not be changed
11 by law after the date of ratification of this section.

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 the
15 purpose of the fund or account. If a state fund, or program revenue appropriation
16 account thereof, is abolished, all unencumbered moneys in the fund or account as of
17 the date the fund or account is abolished are transferred to the general fund of the
18 state.

19 **SECTION 2. Numbering of new provision.** The new section 11 of article VIII
20 of the constitution created in this joint resolution shall be designated by the next
21 higher open whole section number in that article if, before the ratification by the
22 people of the amendment proposed in this joint resolution, any other ratified
23 amendment has created a section 11 of article VIII of the constitution of this state.

1 If one or more joint resolutions create a section 11 of article VIII simultaneously with
2 the ratification by the people of the amendment proposed in this joint resolution, the
3 sections created shall be numbered and placed in a sequence so that the sections
4 created by the joint resolution having the lowest enrolled joint resolution number
5 have the numbers designated in that joint resolution and the sections created by the
6 other joint resolutions have numbers that are in the same ascending order as are the
7 numbers of the enrolled joint resolutions creating the sections.

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

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(END)