



2011 SENATE JOINT RESOLUTION 9

February 1, 2011 – Introduced by Senators HARSDORF, OLSEN, HOLPERIN, WANGGAARD, SCHULTZ, CARPENTER and LEIBHAM, cosponsored by Representatives TAUCHEN, STRACHOTA, JACQUE, AUGUST, STEINEKE, PRIDEMORE, KERKMAN, KESTELL, LEMAHIEU, NASS and BIES. Referred to Committee on Public Health, Human Services, and Revenue.

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 constitutional amendment, proposed to the 2011 legislature on first consideration, provides that the legislature may not 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, unless 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 moneys in a state fund, or program revenue appropriation account thereof, that is created by law 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 constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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 not 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, unless 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, that is created by law before, on, or after the date of ratification of this
14 subsection may not be lapsed, transferred, or expended in any manner that would
15 conflict with the purpose of the fund or account. If a state fund, or program revenue
16 appropriation account thereof, is abolished, all unencumbered moneys in the fund
17 or account as of the date the fund or account is abolished are transferred to the
18 general fund of the state.

19 **SECTION 2. Numbering of new provisions.** If another constitutional
20 amendment ratified by the people creates the number of any provision created in this
21 joint resolution, the chief of the legislative reference bureau shall determine the
22 sequencing and the numbering of the provisions whose numbers conflict.

