



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Senate Joint Resolution 21

Senate Amendment 1

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Senate Joint Resolution 21 is a proposed constitutional amendment “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).” It would create SECTION 11 in Article VIII of the Wisconsin Constitution, and divide SECTION 11 into three subsections. The second and third subsections are at issue with respect to Senate Amendment 1. Subsection (2) states as follows:

(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.

The part of subsection (3) relevant to Senate Amendment 1 prohibits the lapse, transfer, or expenditure of moneys in any state fund, or program revenue appropriation account of a state fund, if such lapse, transfer, or expenditure would occur “in any manner that would conflict with sub. (2).”

Senate Amendment 1 replaces “sub. (2)” in the previous sentence with the words “the purpose for which the fund or account was created.” As a result, subsection (3) as amended by Senate Amendment 1 would prohibit the lapse, transfer, or expenditure of moneys in any state fund, or program revenue appropriation account of a state fund, if such lapse, transfer, or expenditure would occur “in any manner that would conflict with the purpose for which the fund or account was created.”

Legislative History

Senate Amendment 1 was offered by Senator Breske. On November 7, 2005, the Senate Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform recommended adoption of Senate Amendment 1, and adoption of Senate Joint Resolution 21 as amended, both on votes of Ayes, 4; Noes, 1.

MO:ksm