

Senate Joint Resolution 21

Sponsored by Senator EDWARDS; Representatives CLEM, MATTHEWS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Proposes amendment to Oregon Constitution to prohibit Legislative Assembly from transferring moneys from dedicated other funds account to General Fund, or to another fund or account, to be used for different purpose. Provides exceptions.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 16 to be added to and made a part of Article IX, such section to read:

SECTION 16. (1) The Legislative Assembly may not by law transfer moneys from an other funds account to another fund or account, including the General Fund, to be used for purposes other than the purposes prescribed by law for the other funds account, including general governmental purposes.

(2) Notwithstanding subsection (1) of this section:

(a) The Legislative Assembly may transfer moneys from an other funds account to another fund or account if the transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly;

(b) The Legislative Assembly may transfer moneys from an other funds account to another fund or account if the Governor declares an emergency;

(c) The Legislative Assembly may transfer moneys from an other funds account to another fund or account if the Legislative Assembly determines that the purposes for which moneys in the other funds account may be used have been modified by law;

(d) The Legislative Assembly may transfer moneys from an other funds account to another fund or account in response to a savings that is realized in an equal proportion among other state funds or accounts and that results from a statewide action identified by the Legislative Assembly by law; and

(e) The Legislative Assembly may abolish an other funds account and transfer moneys from the other funds account to another fund or account.

(3) Subsections (1) and (2) of this section do not apply to moneys in an other funds account that are:

(a) Lottery funds;

(b) Federal funds;

(c) Moneys from the General Fund that have been transferred to an other funds account;

or

(d) Tax revenues dedicated by law to an other funds account.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(4) As used in this section:**

2 **(a) "Other funds account" means a statutory fund or account that includes fees, moneys**
3 **or other revenues, including miscellaneous receipts, collected or received by a state agency**
4 **and dedicated or continuously appropriated to the state agency by law for purposes pre-**
5 **scribed by law.**

6 **(b) "State agency" means any elected or appointed officer, board, commission, depart-**
7 **ment, division, institution, branch or other agency of the state government.**

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9 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
10 **people for their approval or rejection at the next regular general election held throughout**
11 **this state.**

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