



2023 SENATE JOINT RESOLUTION 109

February 7, 2024 - Introduced by Senators KNODL, NASS, BRADLEY, TOMCZYK and WANGGAARD, cosponsored by Representatives NEDWESKI, KITCHENS, SORTWELL, ARMSTRONG, BINSFELD, BODDEN, CALLAHAN, DITTRICH, DONOVAN, EDMING, GOEBEN, GREEN, GUNDRUM, GUSTAFSON, MACCO, MAGNAFICI, MAXEY, MOSES, MURPHY, O'CONNOR, PENTERMAN, PETRYK, RETTINGER, ROZAR, SAPIK, SCHRAA, SPIROS and STEFFEN. Referred to Committee on Government Operations.

1 **To amend** section 10 (1) (c) of article V of the constitution; **relating to:** prohibiting
2 the governor from using the partial veto to create or increase any tax or fee (first
3 consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2023 legislature on first consideration, amends the Wisconsin Constitution to restrict the governor, in exercising his or her partial veto power over an appropriation bill, from creating or increasing or authorizing the creation or increase of any tax or fee.

Currently, in exercising the partial veto power, the governor is limited only in that he or she may not create a new word by rejecting individual letters in the words of the enrolled bill and may not create a new sentence by combining parts of two or more sentences of the enrolled bill. In *Bartlett v. Evers*, 2020 WI 68, the Wisconsin Supreme Court further restricted the governor's partial veto power, but there was no agreement by the court on the reasons for the new restrictions. The new restriction on the governor's partial veto power contained in the amendment is in addition to the current restrictions in the constitution.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

4 **Resolved by the senate, the assembly concurring, That:**

5 **SECTION 1.** Section 10 (1) (c) of article V of the constitution is amended to read:

1 [Article V] Section 10 (1) (c) In approving an appropriation bill in part, the
2 governor may not create a new word by rejecting individual letters in the words of
3 the enrolled bill, ~~and~~ may not create a new sentence by combining parts of 2 or more
4 sentences of the enrolled bill, and may not create or increase or authorize the creation
5 or increase of any tax or fee.

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

9 (END)