



## 2005 ASSEMBLY JOINT RESOLUTION 56

September 26, 2005 – Introduced by Representatives BLACK, TRAVIS, LEHMAN, ZIEGELBAUER and HUBLER, cosponsored by Senator RISSER. Referred to Committee on Judiciary.

- 1     **To create** section 10 (1) (d) of article V, section 10 (1) (e) of article V and section 10  
2           (1) (f) of article V of the constitution; **relating to:** the veto procedure for  
3           appropriation bills (first consideration).

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### *Analysis by the Legislative Reference Bureau*

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, amends the Wisconsin Constitution in two ways. Article V, section 10 (1) (d), of the constitution allows the governor to reduce the dollar amount of an appropriation as shown in the bill, but prohibits the governor from increasing it. Article V, section 10 (1) (e), of the constitution prohibits the governor, when approving an appropriation bill in part, from approving any law that the legislature did not authorize as part of the enrolled bill. The changes apply beginning on January 3, 2011.

The governor's partial veto authority over appropriation bills is found in article V, section 10 (1) (b), of the constitution: "Appropriation bills may be approved in whole or in part by the governor, and the part approved shall become law." The Wisconsin Supreme Court has held that the appropriation bill text remaining after a partial veto must constitute a complete, entire, and workable law. An April 1990 constitutional amendment created article V, section 10 (1) (c), of the constitution, which limits the governor's partial veto authority as follows: "In approving an appropriation bill in part, the governor may not create a new word by rejecting individual letters in the words of the enrolled bill."

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

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

2           **SECTION 1.** Section 10 (1) (d) of article V of the constitution is created to read:

3           [Article V] Section 10 (1) (d) In approving an appropriation bill in part, the  
4           governor may reduce the dollar amount of an appropriation as shown in the bill, but  
5           may not increase it.

6           **SECTION 2.** Section 10 (1) (e) of article V of the constitution is created to read:

7           [Article V] Section 10 (1) (e) In approving an appropriation bill in part, the  
8           governor may not approve any law that the legislature did not authorize as part of  
9           the enrolled bill.

10          **SECTION 3.** Section 10 (1) (f) of article V of the constitution is created to read:

11          [Article V] Section 10 (1) (f) Paragraphs (d) and (e) apply beginning on January  
12          3, 2011.

13          **SECTION 4. Numbering of new provision.** The new paragraphs (d), (e), and  
14          (f) of subsection (1) of section 10 of article V of the constitution created in this joint  
15          resolution shall be designated by the next higher open whole paragraph letters in  
16          that subsection in that section in that article if, before the ratification by the people  
17          of the amendment proposed in this joint resolution, any other ratified amendment  
18          has created a paragraph (d), (e), or (f) of subsection (1) of section 10 of article V of the  
19          constitution of this state. If one or more joint resolutions create a paragraph (d), (e),  
20          or (f) of subsection (1) of section 10 of article V simultaneously with the ratification  
21          by the people of the amendment proposed in this joint resolution, the paragraphs  
22          created shall be lettered and placed in a sequence so that the paragraphs created by  
23          the joint resolution having the lowest enrolled joint resolution number have the

1 letters designated in that joint resolution and the paragraphs created by the other  
2 joint resolutions have letters that are in the same ascending order as are the letters  
3 of the enrolled joint resolutions creating the paragraphs.

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

7 (END)