

2011 DRAFTING REQUEST

Senate Joint Resolution

Received: **09/21/2010**

Received By: **rchampag**

Wanted: **As time permits**

Companion to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

May Contact:

Drafter: **rchampag**

Subject: **Constitutional Amendments**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

County Executive's Partial Veto Power (2nd Consideration)

Instructions:

Prepare SJR 11 for 2nd consideration.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rchampag 09/21/2010	csicilia 09/22/2010	rschluet 09/22/2010	_____	lparisi 09/22/2010	lparisi 03/01/2011	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Joint Resolution

Received: **09/21/2010**

Received By: **rchampag**

Wanted: **As time permits**

Companion to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

May Contact:

Drafter: **rchampag**

Subject: **Constitutional Amendments**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

County Executive's Partial Veto Power (2nd Consideration)

Instructions:

Prepare SJR 11 for 2nd consideration.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rchampag 09/21/2010	csicilia 09/22/2010	rschluet 09/22/2010	_____	lparisi 09/22/2010		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Joint Resolution

Received: 09/21/2010

Received By: **rchampag**

Wanted: **As time permits**

Companion to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

May Contact:

Drafter: **rchampag**

Subject: **Constitutional Amendments**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

County Executive's Partial Veto Power (2nd Consideration)

Instructions:

Prepare SJR 11 for 2nd consideration.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?

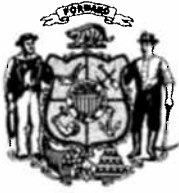
rchampag

Legis 9/22/10

9/22/10

FE Sent For:

<END>



2009 SENATE JOINT RESOLUTION 11

February 5, 2009 – Introduced by Senators CARPENTER, LEHMAN and HARSDORF, cosponsored by Representatives PASCH, VAN AKKEREN, LOTHIAN and TOWNSEND. Referred to Committee on Ethics Reform and Government Operations.

1 **To renumber** section 23a of article IV; and **to create** section 23a (2) of article IV of
2 the constitution; **relating to:** veto power of county executive over
3 appropriations (first consideration).

Analysis by the Legislative Reference Bureau

The constitution grants the chief executive of a county the power to approve appropriations contained in resolutions or ordinances in whole or part. This executive power is similar to that granted the governor with respect to appropriations bills. In fact, in 1984, the attorney general opined that the county executive's veto power over appropriations "is not dissimilar to that of the Governor" (OAG 27-84). This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, provides that, in approving an appropriation in part, the county executive may not create a new word by rejecting individual letters in the words of the resolution or ordinance and may not create a new sentence by combining parts of two or more sentences of the resolution or ordinance. These are the identical restrictions that are currently placed on the governor in the exercise of his or her veto power over appropriations bills. ✓

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:**

1 **SECTION 1.** Section 23a of article IV of the constitution is renumbered 23a (1)
2 of article IV of the constitution.

3 **SECTION 2.** Section 23a (2) of article IV of the constitution is created to read:

4 [Article IV] Section 23a (2) In approving an appropriation in part under sub.
5 (1), the chief executive may not create a new word by rejecting individual letters in
6 the words of the resolution or ordinance and may not create a new sentence by
7 combining parts of 2 or more sentences of the resolution or ordinance.

8 **SECTION 3. Numbering of new provisions.** The new subsection (2) of section
9 23a of article IV of the constitution created in this joint resolution shall be designated
10 by the next higher open whole subsection number in that section in that article if,
11 before the ratification by the people of the amendment proposed in this joint
12 resolution, any other ratified amendment has created a subsection (2) of section 23a
13 of article IV of the constitution of this state. If one or more joint resolutions create
14 a subsection (2) of section 23a of article IV simultaneously with the ratification by
15 the people of the amendment proposed in this joint resolution, the subsections
16 created shall be numbered and placed in a sequence so that the subsections created
17 by the joint resolution having the lowest enrolled joint resolution number have the
18 numbers designated in that joint resolution and the subsections created by the other
19 joint resolutions have numbers that are in the same ascending order as are the
20 numbers of the enrolled joint resolutions creating the subsections.

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

24

(END)



2011 SENATE JOINT RESOLUTION

Gen Cat

1 **Relating to:** veto power of county executive over appropriations (second
2 consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given second consideration by the 2011 legislature for submittal to the voters in April 2011, was first considered by the 2009 legislature in 2009 Senate Joint Resolution 11, which became 2009 Enrolled Joint Resolution 27.

The proposed constitutional amendment provides that, in approving an appropriation in part, the chief executive of a county may not create a new word by rejecting individual letters in the words of the resolution or ordinance and may not create a new sentence by combining parts of two or more sentences of the resolution or ordinance. Currently, in exercising the partial veto power, the chief executive of a county may approve appropriations contained in resolutions or ordinances in whole or part without restriction. *

PROCEDURE FOR SECOND CONSIDERATION

When a proposed constitutional amendment is before the legislature on second consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that second consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on second

Ask me if you are not sure how to do this. (JS)

LPS: Turn off line numbers for these components and change the components to "Read Only".

consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

1 Whereas, the 2009 legislature in regular session considered a proposed
2 amendment to the constitution in 2009 Senate Joint Resolution 11, which became
3 2009 Enrolled Joint Resolution 27, and agreed to it by a majority of the members
4 elected to each of the 2 houses, which proposed amendment reads as follows:

5 **SECTION 1.** Section 23a of article IV of the constitution is
6 renumbered 23a (1) of article IV of the constitution.

7 **SECTION 2.** Section 23a (2) of article IV of the constitution is created
8 to read:

9 [Article IV] Section 23a (2) In approving an appropriation in part
10 under sub. (1), the chief executive may not create a new word by rejecting
11 individual letters in the words of the resolution or ordinance and may not
12 create a new sentence by combining parts of 2 or more sentences of the
13 resolution or ordinance.

14 **SECTION 3. Numbering of new provisions.** The new subsection
15 (2) of section 23a of article IV of the constitution created in this joint
16 resolution shall be designated by the next higher open whole subsection
17 number in that section in that article if, before the ratification by the
18 people of the amendment proposed in this joint resolution, any other
19 ratified amendment has created a subsection (2) of section 23a of article
20 IV of the constitution of this state. If one or more joint resolutions create
21 a subsection (2) of section 23a of article IV simultaneously with the
22 ratification by the people of the amendment proposed in this joint
23 resolution, the subsections created shall be numbered and placed in a
24 sequence so that the subsections created by the joint resolution having the
25 lowest enrolled joint resolution number have the numbers designated in
26 that joint resolution and the subsections created by the other joint
27 resolutions have numbers that are in the same ascending order as are the
28 numbers of the enrolled joint resolutions creating the subsections.

29 *Now, therefore, be it resolved by the senate, the assembly concurring,*

30 **That** the foregoing proposed amendment to the constitution is agreed to by the 2011
31 legislature; and, be it further

32 **Resolved, That** the foregoing proposed amendment to the constitution be
33 submitted to a vote of the people at the election to be held on the first Tuesday of April,

LPS: make sure these line numbers are gone when you proof the draft

change space below to 0

change space below to 0.06

1 2011; and, be it further

2 **Resolved, That** the question concerning ratification of the foregoing proposed
3 amendment to the constitution be stated on the ballot as follows:

4 **QUESTION 1: "Partial veto.** Shall section 23a[✓] of article IV of the constitution
5 be renumbered to 23a (1) of article IV, and shall section 23a[✓] (2) of article IV of the
6 constitution be created[✓], to provide that, in approving an appropriation in part, the
7 chief executive of a county may not create a new word by rejecting individual letters
8 in the words of a resolution or ordinance and may not create a new sentence by
9 combining parts of two or more sentences of the resolution or ordinance?"

10

(END)

d-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0105/1dn

RAC: /...

g's

- date -

Senator Carpenter:

For the sake of putting a date in the joint resolution, I provided that the amendment is to be submitted to the voters at the spring election in 2011. If you wish a different date, please advise and I will redraft. Also, you may wish to review the question to make certain it reads as you intend.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0105/1dn
RAC:cjs:rs

September 22, 2010

Senator Carpenter:

For the sake of putting a date in the joint resolution, I provided that the amendment is to be submitted to the voters at the spring election in 2011. If you wish a different date, please advise and I will redraft. Also, you may wish to review the question to make certain it reads as you intend.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov

Parisi, Lori

From: Ewy, Stuart
Sent: Tuesday, March 01, 2011 2:54 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-0105/1 Topic: County Executive's Partial Veto Power (2nd Consideration)

Please Jacket LRB 11-0105/1 for the SENATE.