



2003 ASSEMBLY JOINT RESOLUTION 77

March 11, 2004 – Introduced by Representative BLACK. Referred to Committee on Rules.

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

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2003 legislature on first consideration, amends the Wisconsin Constitution in 2 ways. Wisconsin Const. art. V, s. 10 (1) (d) allows the governor to reduce the dollar amount of an appropriation as shown in the bill, but prohibits the governor from increasing it. Wisconsin Const. art. V, s. 10 (1) (e) 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 governor's partial veto authority over appropriation bills is found in Wisconsin Const. art. V, s. 10 (1) (b): "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 Wisconsin Const. art. V, s. 10 (1) (c), 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 2 successive legislatures, and ratification by the people, before it can become effective.

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

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

4 (END)