



DAVID CRAIG

STATE SENATOR

Senate Committee on Insurance, Financial Services, Government Oversight and Courts
Public Hearing, October 15, 2019
Senate Joint Resolution 59
Senator David Craig, 28th Senate District

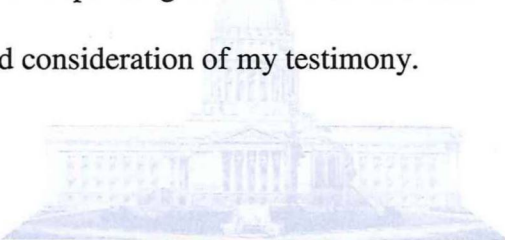
Vice-Chairman Stroebel and members of the Committee, thank you for taking the time to hear my testimony on behalf of my constituents in the 28th Senate District regarding Senate Joint Resolution 59 (the State Budget Protection Act) relating to prohibiting the governor from using the partial veto to increase state expenditures.

It is well established legal doctrine and common knowledge that the Legislature is the policy-making body in Wisconsin and has the sole power to appropriate all moneys expended by the State. In other words, the power to create laws as well as spend funds lies totally within the State Assembly and Senate's sphere of authority. *See Wisconsin Constitution, Article IV – Legislative Branch.* In fact, the concept of the “the power of the purse” originated in the U.S. Constitution and was included by our Founding Fathers as a “balance of power” mechanism used to keep the executive branch of government in “check”.

However, due to the unique power of the partial veto being vested in the Governor, various chief executives of Wisconsin have sought to infringe on the exclusive realm of the Legislature. In recognition that the Governor's partial veto authority is not omnipotent, both the Wisconsin Supreme Court and the Legislature have placed limits on how far the Governor may wade in the waters of lawmaking and expenditure of state funds. *See State ex rel. Wisconsin Senate v. Thompson (1988) (addressing the “Vanna White” Veto) and 2005 SJR 33 (addressing the “Frankenstein Veto”).*

With that said, and to ensure that both the legislative and executive branches of government stay within their constitutionally-provided realm of authority, I, along with Rep. Kuglitsch, have drafted the State Budget Protection Act resolution to constitutionally reinforce the legal tenet that the partial veto provision in the Wisconsin Constitution prohibits the governor from using a partial veto to increase expenditures in any appropriations bill that has already been enrolled (adopted by both houses of the State Legislature). The history of the partial veto has been to pare back the limits of the executive branch's authority and return power over the appropriation and expenditure process back to the legislature. By passing this resolution the legislature will continue the historical trend to prevent gubernatorial intervention into the legislative purview, regardless of which political party holds the executive branch, and would shield taxpayers from further unauthorized spending increases in the future.

Thank you for your attention and consideration of my testimony.





AFP Testimony in Support of the State Budget Protection Act

Chairman Craig and Members of the Committee on Insurance, Financial Services, Government Oversight and Courts:

Thank you for the opportunity to provide comments in support of Senate Joint Resolution 59, the State Budget Protection Act. On behalf of Americans for Prosperity - Wisconsin (AFP - WI), we urge you to support the State Budget Protection Act, authored by Senator Dave Craig and Representative Mike Kuglitsch. This proposed constitutional amendment will protect legislative intent in the budget process, reinforce the separation of powers and help control our state's spending by clarifying the Governor's partial veto authority.

With the stroke of a pen the governor was able to use the partial vetoes in the current budget to increase state expenditures by \$100 million with no legislative input or oversight. The State Budget Protection Act will prohibit the use of a partial veto to increase expenditures in any appropriations bill – a necessary limitation to the current veto authority to preserve the legislature's power of the purse through the separation of powers. This limitation will also help control our state's spending moving forward.

The budgeting process, through the biennial budget or other appropriation bills, deserves as much transparency and oversight as possible. Allowing for one person in our state to unilaterally increase expenditures by \$100 million is a dangerous precedent to set and must be limited as much and as soon as possible. The State Budget Protection Act is a needed constitutional amendment to protect our state's spending and the legislative intent of the budget process.

AFP-WI thanks Senator Craig and Representative Kuglitsch for authoring this important legislation and fully endorses the proposed constitutional amendment. Thank you to Chairman Craig and Members of the Committee on Insurance, Financial Services, Government Oversight and Courts for taking the time to hear this important constitutional amendment today. AFP-WI strongly encourages you to support this amendment moving forward.

Sincerely,

Megan Novak
Legislative Director
Americans for Prosperity – Wisconsin