



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

January 31, 2024

Senate Committee on Universities and Revenue Testimony on Senate Joint Resolution 5

Good Morning!

Thank you Chair Hutton and committee members for hearing Senate Joint Resolution (SJR) 5, which is second consideration of the Joint Resolution that amends the Wisconsin Constitution by prohibiting the governor from allocating any federal moneys the governor accepts on behalf of the state without the approval of the legislature by joint resolution or by legislative rule. It also provides that the legislature may not delegate its sole power to determine how moneys shall be appropriated.

This resolution increases accountability, efficiency, and transparency in the expenditure of funds received from the federal government by restoring the legislature's role in approving those expenditures.

The Wisconsin Constitution provides that the Legislature holds the power of the purse. Article VIII, Section 2 states in part, "No money shall be paid out of the treasury except in pursuance of an appropriation by law." The state Constitution clearly gives spending responsibility to the Assembly and Senate.

For much of Wisconsin's early history, lawmakers had the final say over the spending of all funds in the state treasury, no matter their source. However, legislators abandoned that important responsibility during the 1930s and 1940s as federal dollars began to compose a much larger share of state spending.

During that time, most authority over that growing pool of funds was given to the executive branch as past legislatures transferred to the governor unilateral authority to allocate funds received from the federal government through the enactment of several laws during and after the Great Depression era.

I believe the only permanent solution is to have the voters in Wisconsin approve an amendment to the state constitution that will restore the legislature's role in the allocation of federal funds.

We have already passed the deadline for the April ballot, so an amendment has been drafted for the resolution to place this on the November 2024 ballot.

Thank you again to the committee for hearing SJR 5 and your timely action on the resolution.



ROBERT WITTKÉ

STATE REPRESENTATIVE • 62nd ASSEMBLY DISTRICT

TESTIMONY: SENATE COMMITTEE ON UNIVERSITIES AND REVENUE

January 31, 2024

Chairman Hutton and Members,

Thank you for holding a public hearing on this important constitutional amendment, **SJR 5**, regarding expenditure of moneys Wisconsin receives from the federal government. This is the second consideration of the resolution.

As you are well aware, billions of federal dollars have poured into our state over the last few years. These supplemental federal funds were important to our state's economic wellbeing, but Governor Evers was the only one making the determination for allocation of all that money - without legislative consideration. SJR 5 would amend the Wisconsin Constitution by prohibiting the governor from allocating federal moneys without the approval of the legislature by joint resolution or by legislative rule, and it also provides that the legislature may not delegate its sole power to determine how moneys shall be appropriated.

SJR 5 would restore a balance to how Wisconsin manages supplemental federal money we receive. It was back in the 1930's when the Legislature changed their role in the dispersing of federal dollars and granted authority to the governor. While I cannot speak to the intent of the Legislature at that time, I would imagine the decision had much to do with the Great Depression, transportation and communication challenges. Times have changed and the influx of federal dollars calls for a different approach.

Passage of SJR 5 would mean a statewide referendum where voters would decide on two questions. First: Shall section 35 (1) of article IV of the constitution be created to provide that the legislature may not delegate its sole power to determine how moneys shall be appropriated? Second: Shall section 35 (2) of article IV of the constitution be created to prohibit the governor from allocating any federal moneys the governor accepts on behalf of the state without the approval of the legislature by joint resolution or as provided by legislative rule?

As my friend and former colleague, Dale Kooyenga, put it: "The Legislature should do their job as citizen legislators – as representative closest to the people – to give their input on where the state money should be used".

Thank you again for holding a hearing on **SJR 5**.



Testimony on SJR5 & AJR 6
Jennifer Giegerich, Government Affairs Director
January 31, 2024

Good morning Chair Hutton and members of the committee. My name is Jennifer Giegerich. I am the Government Affairs Director with Wisconsin Conservation Voters. We have offices in Madison, Milwaukee, and Green Bay, where we work with our network of over 40,000 members and supporters to engage voters to protect our environment. I appreciate the opportunity to testify on SJR5 & AJR 6.

Wisconsin communities regularly depend on a governor's authority to quickly deploy federal dollars to respond to emergencies. This funding can provide housing and emergency supplies to help a community immediately after a tornado or severe flooding, protect our drinking water, and more. It ensures we are taken care of when things happen that are out of our control.

SJR5 & AJR 6 would amend the Wisconsin Constitution to add another level of government process during times when we are most vulnerable and depend on efficiency and a smooth process to receive much needed support. Our current system of the governor and legislature working together to fashion a timely state budget, with known deadlines and a long deliberative process, is not effective when dealing with emergencies.

The current system allows for a governor to act quickly when it is required. Voters are not asking the legislature to formally change the constitution to create a new level of oversight in these limited circumstances. While there may be a theoretical argument to be made, the reality is it will create unnecessary burden and hoops to jump through for those waiting for funds to rebuild or communities dealing with significant public health issues. We ask you as legislators to oppose SJR5 & AJR6 to ensure Wisconsin is able to address the needs of our communities in a timely manner in times of crisis.

We appreciate the opportunity to testify today on SJR5 & AJR 6. Thank you for your time.

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For more information, contact Jennifer Giegerich at Jennifer@conservationvoters.org or 608-213-1406. Visit Wisconsin Conservation Voters at www.conservationvoters.org.