



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0587/1
RAC:cjs

2023 SENATE JOINT RESOLUTION 5

January 27, 2023 – Introduced by Senators MARKLEIN, BALLWEG, CABRAL-GUEVARA, FELZKOWSKI, FEYEN, JAMES, QUINN, STROEBEL and TOMCZYK, cosponsored by Representatives WITTKE, SORTWELL, ARMSTRONG, BODDEN, BORN, BRANDTJEN, DITTRICH, EDMING, GREEN, GUNDRUM, KNODL, KURTZ, MOSES, MURPHY, MURSAU, NOVAK, O'CONNOR, PENTERMAN, RETTINGER, ROZAR, SAPIK, SCHUTT, SPIROS, TUSLER, DONOVAN and ALLEN. Referred to Committee on Universities and Revenue.

- 1 **To create** section 35 of article IV of the constitution; **relating to:** the appropriation
2 authority of the legislature and the allocation of moneys Wisconsin receives
3 from the federal government (second consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given second consideration by the 2023 legislature for submittal to the voters in April 2023, was first considered by the 2021 legislature in 2021 Senate Joint Resolution 84, which became 2021 Enrolled Joint Resolution 14.

Under current law under the statutes, the governor has authority to accept federal moneys on behalf of the state and to allocate federal moneys without the specific approval or participation of the legislature. This constitutional amendment prohibits the legislature from delegating its sole power to determine how moneys shall be appropriated and provides that the governor may not allocate 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.

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 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 2021 legislature in regular session considered a proposed
2 amendment to the constitution in 2021 Senate Joint Resolution 84, which became
3 2021 Enrolled Joint Resolution 14, and agreed to it by a majority of the members
4 elected to each of the two houses, which proposed amendment reads as follows:

SECTION 1. Section 35 of article IV of the constitution is created to read:

[Article IV] Section 35 (1) The legislature may not delegate its sole power to determine how moneys shall be appropriated.

(2) The governor may not allocate 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.

SECTION 2. Numbering of new provision. If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict.

5 *Now, therefore, be it resolved by the senate, the assembly concurring,*
6 *That* the foregoing proposed amendment to the constitution is agreed to by the 2023
7 legislature; and, be it further

8 *Resolved, That* the foregoing proposed amendment to the constitution be
9 submitted to a vote of the people at the election to be held on the first Tuesday of April
10 2023; and, be it further

11 *Resolved, That* the questions concerning ratification of the foregoing proposed
12 amendment to the constitution be stated on the ballot as follows:

