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State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY JOINT RESOLUTION

To amend section 10 (1) (c) of article V of the constitution; **relating to:** prohibiting partial vetoes of parts of bill sections (second 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 61, which became 2009 Enrolled Joint Resolution 40.

The proposed constitutional amendment amends the Wisconsin Constitution to prohibit the governor, in exercising his or her partial veto power over an appropriation bill, from partially vetoing parts of bill sections of an enrolled bill without rejecting the entire bill section. Currently, in exercising the partial veto power, the governor is limited only insofar as that he or she may not create a new word by rejecting individual letters in the words of the enrolled bill, and may not create a new sentence by combining parts of two or more sentences of the enrolled bill. The new restriction on the governor's partial veto power contained in this resolution subsumes and expands on the current restrictions in the constitution.

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.

Whereas, the 2009 legislature in regular session considered a proposed amendment to the constitution in 2009 Senate Joint Resolution 61, which became 2009 Enrolled Joint Resolution 40, and agreed to it by a majority of the members elected to each of the two houses, which proposed amendment reads as follows:

SECTION 1. Section 10 (1) (c) of article V of the constitution is amended to read:

[Article V] Section 10 (1) (c) 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, and may not create a new sentence by combining parts of 2 or more sentences reject a part of a bill section of the enrolled bill without rejecting the entire bill section.

Now, therefore, be it resolved by the assembly, the senate concurring, That the foregoing proposed amendment to the constitution is agreed to by the 2011 legislature; and, be it further

Resolved, That the foregoing proposed amendment to the constitution be submitted to a vote of the people at the election to be held on the first Tuesday of April 2011; and, be it further

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

QUESTION 1: "**Partial veto.** Shall section 10 (1) (c) of article V of the constitution be amended to prohibit the governor, in exercising his or her partial veto authority, from rejecting a part of a bill section of the enrolled bill without rejecting the entire bill section?"

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