

CO-SPONSORSHIP MEMORANDUM

TO: All Legislature

FROM: Senator David Craig
Representative Mike Kuglitsch

RE: Co-Sponsorship LRB-3634/1 – State Budget Protection Act

DATE: July 8, 2019

DEADLINE: July 24, 2019

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 lie 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”).*

Now, in the most recent example of an executive branch “power grab”, Governor Evers has jumped head first into the waters of his predecessors by aggressively modifying the policy as well as increasing expenditures in the recently passed biennial budget by nearly \$100 Million; having done so with a simple strike of a pen and without any input from or approval by the Legislature. This unilateral abuse of power taken by the executive branch cannot go unchecked by the Legislature without seriously damaging the separation of powers doctrine in Wisconsin.

With that said and to ensure that both the legislative and executive branches of government stay within their constitutionally-provided realm of authority, we are circulating the attached Senate Joint Resolution which would further clarify the State's Constitution to prohibit the governor of Wisconsin from using a partial veto to increase expenditures in an enrolled appropriations bill. As the Wisconsin Legislature has done correctly before, it must now do again by adopting this legislation to protect and shield taxpayers from gubernatorial overreach and abuse.

Should you wish to be added on as a co-sponsor of this legislation, please reply to this email prior to 5pm, Friday, July 26, 2019. Should you have any questions, please feel free to contact Chad Taylor in Senator Craig's office (6-5400).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2019 legislature on first consideration, amends the Wisconsin Constitution to prohibit the governor, in exercising his or her partial veto power over an appropriations bill, from increasing state expenditures for any purpose over that provided in the enrolled bill. 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. A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.