

August Constitutional Referenda to Decide Who Spends Federal Funds

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On Tuesday, August 13th, Wisconsin primary voters will decide whether to amend the state constitution to limit the Governor's current powers and give the legislature more control over funds received by the federal government. To amend the state constitution, an identical resolution must pass both chambers of the legislature in two consecutive sessions before going to statewide referendum.

According to Wisconsin Legislative Council, "Current statutes authorize the Governor to accept federal moneys on behalf of the state and to stipulate conditions on the acceptance of funds as necessary to safeguard the interests of the state. Generally, the Governor must designate a state agency to receive such funds, and the statutes require that agency to administer the funds pursuant to federal law. However, the Joint Committee on Finance must approve any transfer or expenditure of funds received under a block grant, as specified in the statutes."

In 2020 and 2021, Congress allocated nearly \$20 billion in pandemic aid to Wisconsin through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Consolidated Appropriations Act (CAA), and the American Rescue Plan Act (ARPA).

In accepting those funds, Governor Tony Evers was given sole discretion in allocating those dollars.

According to the nonpartisan Wisconsin Policy Forum, through Governor Evers' executive orders directly allocating funds, \$5.1 billion was spent on state relief, \$4 billion on unemployment, \$3.7 billion on education, \$2.7 billion on local relief, \$2 billion on health and family services, \$800 million on children and families, \$800 million on transportation, \$400 million on housing, \$100 million on utilities, and \$100 million on various other programs.

In January of 2022, Senator Dale Kooyenga (R-Brookfield), Senator Howard Marklein (R-Spring Green), Representative Robert Wittke (R-Racine), and Representative Terry Katsma (R-Oostburg) introduced Senate Joint Resolution 84 for its first consideration.

"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," they wrote. "However, legislators abandoned that important responsibility during the Great Depression era as federal dollars began to compose a much larger share of state spending. During that time, the Legislature enacted a series of laws giving most authority over federal funds to the executive branch."

They added, *"SJR 84 would return ultimate decision making responsibility to the legislature by requiring all initial appropriations of federal monies be approved by a joint committee of the legislature. By opening up billions of dollars in spending to the legislative process, lawmakers and the general public will have significantly more opportunity to have their voices heard and encourage a more accountable and efficient distribution of funds."*

The first consideration, Senate Joint Resolution 84, passed the Assembly 60-36 on February 23, 2022, and the Senate 20-11 on March 8, 2022. The second consideration, Assembly Joint Resolution 6, passed the Assembly 61-35 on February 22, 2024, and the Senate 22-10 on March 12, 2024.

According to data from the Wisconsin Ethics Commission, groups such as Wisconsin Manufacturers & Commerce and the Badger Institute were registered in favor of the resolution, while others such as the Wisconsin Public Health Association and League of Women Voters of Wisconsin were registered against.

Here are the questions as they will appear on voters' ballots:

QUESTION 1- State of Wisconsin Delegation of Appropriation Power Referendum

“Delegation of appropriation power. 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?”

QUESTION 2- State of Wisconsin Allocation of Federal Moneys Referendum

“Allocation of federal moneys. 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 approval of the legislature by joint resolution or as provided by legislative rule?”

The outcome of this referendum will significantly impact the spending authority in Wisconsin's government. Voters' decision will either maintain the Governor's current authority over the allocation of federal funds or return the power to the legislature after nearly a century, potentially increasing public input.

With the recent enactment of new legislative boundaries, be sure to review your ballot, voting status, and polling location by visiting myvote.wi.gov.