

Whereas, the sentiments of Wisconsin residents are firmly in opposition to such plans because of the severe hazards of radioactive wastes and the need to ensure perpetual safeguards; now, therefore, be it

*Resolved by the assembly, the senate concurring, That* the legislature of the state of Wisconsin goes on record in opposition to a regional or national radioactive waste depository in Wisconsin because of the impact such a site would have on the health, economic welfare and environment of our citizenry and on the tourism and agricultural industries; and, be it further

*Resolved, That* the legislature gives clear notice to congress that the state of Wisconsin will not accept a high-level radioactive waste depository; and, be it further

*Resolved, That* the legislature demands that the U.S. department of energy shall inform the legislative and executive branches of state government as well as appropriate representatives of local government in Wisconsin of any and all actions taken by the department with respect to Wisconsin as a possible site for a regional or national radioactive waste depository and that all meetings between representatives of the U.S. department of energy and state and local officials shall be open to the public and shall comply with the Wisconsin open meetings law in sections 19.81 to 19.86 of the statutes; and, be it further

*Resolved, That* the legislature of the state of Wisconsin strongly urges congress and the president to recognize that Wisconsin must have the authority to make any final decision as to whether Wisconsin shall be the site of a regional or national radioactive waste depository; and, be it further

*Resolved, That* duly attested copies of this resolution be transmitted by the chief clerk to the president of the United States, the governor of this state, the U.S. department of energy, the U.S. nuclear regulatory commission, the U.S. environmental protection agency and the members of the U.S. senate and the U.S. house of representatives.

1981 Assembly Joint Resolution 35

Date published: March 4, 1982

## 1981 ENROLLED JOINT RESOLUTION 29

To amend sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 (1), (2), (3) and (5) of article XIV so as in effect to repeal said sections; and to amend sections 1 and 18 of article I, sections 3, 4, 5 and 30 of article IV, sections 1 and 2 of article X and section 16 (4) of article XIV of the constitution, relating to removal of obsolete provisions regarding transitions from territory to statehood, transitions in offices, legislative districting and elections, the school fund and masculine and feminine gender terminology (2nd consideration).

Whereas, the 1979 legislature in regular session proposed an amendment to the constitution by 1979 Assembly Joint Resolution 76 (Enrolled Joint Resolution 36) and agreed to it by a majority of the members elected to each of the 2 houses, which amendment reads as follows:

SECTION 1. Sections 1 and 18 of article I of the constitution are amended to read:

[Article I] Section 1. All ~~men~~ people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to serve these rights, governments are instituted ~~among men~~, deriving their just powers from the consent of the governed.

Section 18. The right of every ~~man~~ person to worship Almighty God according to the dictates of ~~his own~~ conscience shall never be infringed; nor shall any ~~man~~ person be compelled to attend, erect or support any place of worship, or to maintain any ministry, ~~against his~~ without consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.

SECTION 2. Section 3 of article IV of the constitution is amended to read:

[Article IV] Section 3. At ~~their~~ its first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants, ~~excluding soldiers, and officers of the United States army and navy.~~

SECTION 3. Sections 4 and 5 of article IV of the constitution are amended to read:

[Article IV] Section 4. The members of the assembly shall be chosen biennially, by single districts, on the Tuesday succeeding the first Monday of November ~~after the adoption of this amendment in even-numbered years,~~ by the qualified electors of the several districts, such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable.

Section 5. The senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen; and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even-numbered districts. ~~The senators elected or holding over at the time of the adoption of this amendment shall continue in office till their successors are duly elected and qualified; and after the adoption of this amendment all senators shall be chosen for the term of four~~ 4 years.

SECTION 4. Section 30 of article IV of the constitution is amended to read:

[Article IV] Section 30. ~~In all~~ All elections ~~to be made by the legislature the members thereof shall be by roll call vote viva-voce, and their votes shall be entered on in the journal journals.~~

SECTION 5. Section 1 of article X of the constitution is amended to read:

[Article X] Section 1. The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the supreme court, and shall hold ~~his office for four~~ 4 years from the succeeding first Monday in July. ~~The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday in July, 1905, and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law.~~

SECTION 6. Section 2 of article X of the constitution is amended to read:

[Article X] Section 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this state for educational purposes (except the lands heretofore granted for the purpose of a university) and all moneys and the clear proceeds of all property that may accrue to the state by forfeiture or escheat, ~~and all moneys which may be paid as an equivalent for exemption from military duty; and the clear proceeds of all fines collected in the several~~

counties for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the ~~five hundred thousand~~ 500,000 acres of land to which the state is entitled by the provisions of an act of congress, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the fourth day of September 4, ~~one thousand eight hundred and forty one~~ 1841; and also the ~~five per centum~~ 5 percent of the net proceeds of the public lands to which the state shall become entitled on her admission into the union (if congress shall consent to such appropriation of the ~~two~~ 2 grants last mentioned) shall be set apart as a separate fund to be called "the school fund," the interest of which and all other revenues derived from the school lands shall be exclusively applied to the following objects, to wit:

1. (1) To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

2. (2) The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

SECTION 7. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 (1), (2), (3) and (5) of article XIV of the constitution are amended so as in effect to repeal said sections:

[Article XIV] Section 3. ~~All fines, penalties, or forfeitures accruing to the territory of Wisconsin shall enure to the use of the state.~~

Section 4. ~~All recognizances heretofore taken, or which may be taken before the change from territorial to a permanent state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state; and all bonds executed to the governor of the territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state authority and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate, or property, real, personal or mixed, and all judgments, bonds, specialties, choses in action and claims or debts of whatsoever description of the territory of Wisconsin, shall enure to and vest in the state of Wisconsin, and may be sued for and recovered in the same manner and to the same extent by the state of Wisconsin as the same could have been by the territory of Wisconsin. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the territory of Wisconsin before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Wisconsin with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Wisconsin at the time of the change from a territorial to a state government may be continued and transferred to any court of the state which shall have jurisdiction of the subject matter thereof.~~

Section 5. ~~All officers, civil and military, now holding their offices under the authority of the United States or of the territory of Wisconsin shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.~~

Section 6. ~~The first session of the legislature of the state of Wisconsin shall commence on the first Monday in June next, and shall be held at the village of Madison, which shall be and remain the seat of government until otherwise provided by law.~~

Section 7. All county, precinct and township officers shall continue to hold their respective offices, unless removed by the competent authority, until the legislature shall, in conformity with the provisions of this constitution, provide for the holding of elections to fill such offices respectively.

Section 8. The president of this convention shall, immediately after its adjournment, cause a fair copy of this constitution, together with a copy of the act of the legislature of this territory, entitled "An act in relation to the formation of a state government in Wisconsin, and to change the time of holding the annual session of the legislature," approved October 27, 1847, providing for the calling of this convention, and also a copy of so much of the last census of this territory as exhibits the number of its inhabitants to be forwarded to the president of the United States to be laid before the congress of the United States at its present session.

Section 9. This constitution shall be submitted at an election to be held on the second Monday in March next, for ratification or rejection, to all white male persons of the age of twenty-one years or upwards, who shall then be residents of this territory and citizens of the United States, or shall have declared their intention to become such in conformity with the laws of congress on the subject of naturalization; and all persons having such qualifications shall be entitled to vote for or against the adoption of this constitution, and for all officers first elected under it. And if the constitution be ratified by the said electors it shall become the constitution of the state of Wisconsin. On such of the ballots as are for the constitution shall be written or printed the word "yes," and on such as are against the constitution the word "no." The election shall be conducted in the manner now prescribed by law, and the returns made by the clerks of the boards of supervisors or county commissioners (as the case may be) to the governor of the territory at any time before the tenth day of April next. And in the event of the ratification of this constitution by a majority of all the votes given, it shall be the duty of the governor of this territory to make proclamation of the same, and to transmit a digest of the returns to the senate and assembly of the state on the first day of their session. An election shall be held for governor, lieutenant governor, treasurer, attorney general, members of the state legislature, and members of congress, on the second Monday of May next; and no other or further notice of such election shall be required.

Section 10. Two members of congress shall also be elected on the second Monday of May next; and until otherwise provided by law, the counties of Milwaukee, Waukesha, Jefferson, Racine, Walworth, Rock, and Green shall constitute the first congressional district, and elect one member; and the counties of Washington, Sheboygan, Manitowoc, Calumet, Brown, Winnebago, Fond du Lac, Marquette, Sauk, Portage, Columbia, Dodge, Dane, Iowa, La Fayette, Grant, Richland, Crawford, Chippewa, St. Croix, and La Pointe shall constitute the second congressional district, and shall elect one member.

Section 11. The several elections provided for in this article shall be conducted according to the existing laws of the territory; provided, that no elector shall be entitled to vote except in the town, ward or precinct where he resides. The returns of election for senators and members of assembly shall be transmitted to the clerk of the board of supervisors or county commissioners, as the case may be; and the votes shall be canvassed and certificates of election issued as now provided by law. In the first senatorial district the returns of the election for senator shall be made to the proper officer in the county of Brown; in the second senatorial district to the proper officer in the county of Columbia; in the third senatorial district to the proper officer in the county of Crawford; in the fourth senatorial district to the proper officer in the county of Fond du Lac; and in the fifth senatorial district to the proper officer in the county of Iowa.—The

returns of election for state officers and members of congress shall be certified and transmitted to the speaker of the assembly, at the seat of government, in the same manner as the votes for delegate to congress are required to be certified and returned by the laws of the territory of Wisconsin, to the secretary of said territory, and in such time that they may be received on the first Monday in June next; and as soon as the legislature shall be organized the speaker of the assembly and the president of the senate shall, in the presence of both houses, examine the returns and declare who are duly elected to fill the several offices hereinbefore mentioned, and give to each of the persons elected a certificate of his election.

Section 12. Until there shall be a new apportionment, the senators and members of the assembly shall be apportioned among the several districts, as herein-after mentioned, and each district shall be entitled to elect one senator or member of the assembly, as the case may be.

Section 14. The senators first elected in the even-numbered senate districts, the governor, lieutenant governor and other state officers first elected under this constitution, shall enter upon the duties of their respective offices on the first Monday of June next, and shall continue in office for one year from the first Monday of January next; the senators first elected in the odd-numbered senate districts, and the members of the assembly first elected, shall enter upon their duties respectively on the first Monday of June next, and shall continue in office until the first Monday in January next.

Section 15. The oath of office may be administered by any judge or justice of the peace until the legislature shall otherwise direct.

Section 16. (1) The 1975/1977 amendment relating to a revised structure of the judicial branch shall take effect on August 1 of the year following the year of ratification by the voters.

(2) All county courts and the branches thereof in existence on the effective date of this amendment shall, as trial courts of general uniform statewide jurisdiction, continue after such effective date with the same jurisdiction, powers and duties conferred by law upon such courts and the branches and judges thereof until the legislature by law alters or abolishes such county courts and their jurisdiction, powers and duties.

(3) Subject to the jurisdiction established in section 14 of article VII, municipal courts and municipal court judges shall continue after the effective date of this amendment with the same jurisdiction, powers and duties as conferred upon such courts and judges as of the effective date until the legislature acts under sections 2 and 14 of article VII to alter or abolish such municipal courts and their jurisdiction, powers and duties.

(5) Prior to the effective date of this amendment the legislature shall by law establish one or more appeals court districts, provide for the election of appeals judges in such districts, and determine the jurisdiction of the court of appeals under section 21 of article I and section 5 of article VII as affected by this amendment, so that the court of appeals shall become operative on the effective date.

SECTION 8. Section 16 (4) of article XIV of the constitution is amended to read:

[Article XIV] Section 16 (4) . The terms of office of justices of the supreme court serving on the effective date August 1, 1978, shall expire on the July 31 next preceding the first Monday in January on which such terms would otherwise have expired, but such advancement of the date of term expiration shall not impair any retirement rights vested in any such justice if the term had expired on the first Monday in January.

*Now, therefore, be it resolved by the assembly, the senate concurring, That the foregoing amendment to the constitution is agreed to by the 1981 legislature; and, be it further*

*Resolved, That the foregoing amendment be submitted to a vote of the people at the election to be held on the first Tuesday of April, 1981; and, be it further*

see  
NOTE  
below

*Resolved, That the questions concerning ratification of the several separable issues contained in the foregoing amendment be stated on the ballot as follows:*

QUESTION 1: "Gender neutral wording. Shall sections 1 and 18 of article I and sections 1 and 2 of article X of the constitution be amended so as to replace masculine or feminine gender words with words of neutral gender?"

QUESTION 2: "Correction of redistricting provision. Shall section 3 of article IV of the constitution be amended so that the provision on legislative redistricting reflects the federal constitutional law on the treatment of residency of persons in the military for redistricting purposes?"

QUESTION 3: "Deletion of 1881 transitional provision. Shall sections 4 and 5 of article IV of the constitution be amended to replace the obsolete references to an 1881 amendment with words of continuing application concerning the date of election and terms of office of state legislators?"

QUESTION 4: "Election of legislative officers. Shall section 30 of article IV of the constitution be amended to clarify that all elections made by the legislature must be by roll call vote, and to remove a contradictory requirement?"

QUESTION 5: "Deletion of 1902 transitional provision. Shall section 1 of article X of the constitution be amended to remove an obsolete reference to the election and term of office of the state superintendent of public instruction in 1902?"

QUESTION 6: "Repeal of draft exemption purchase. Shall section 2 of article X of the constitution be amended to remove the obsolete reference to payment into the school fund of all moneys paid by draftees to purchase exemption from military service (e.g., under the 1863 federal conscription act, draftees could hire substitutes or buy an exemption from military service for \$300)?"

QUESTION 7: "Repeal of obsolete provisions relating to the 1848 transition from territory to statehood. Shall sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 of article XIV of the constitution be repealed so as to remove the obsolete provisions relating to the transition of Wisconsin from territory to statehood in 1848?"

QUESTION 8: "Repeal of obsolete provisions relating to the 1977 court reorganization. Shall subsections (1), (2), (3) and (5) of section 16 of article XIV of the constitution be repealed so as to remove the obsolete transitional provisions relating to implementation of the court reorganization amendments to the constitution ratified in 1977?"

QUESTION 9: "Adjustment of terms of office for justices of the supreme court. Shall subsection (4) of section 16 of article XIV of the constitution be amended to make specific the effective date of the provision concerning the terms of office for justices of the supreme court?"