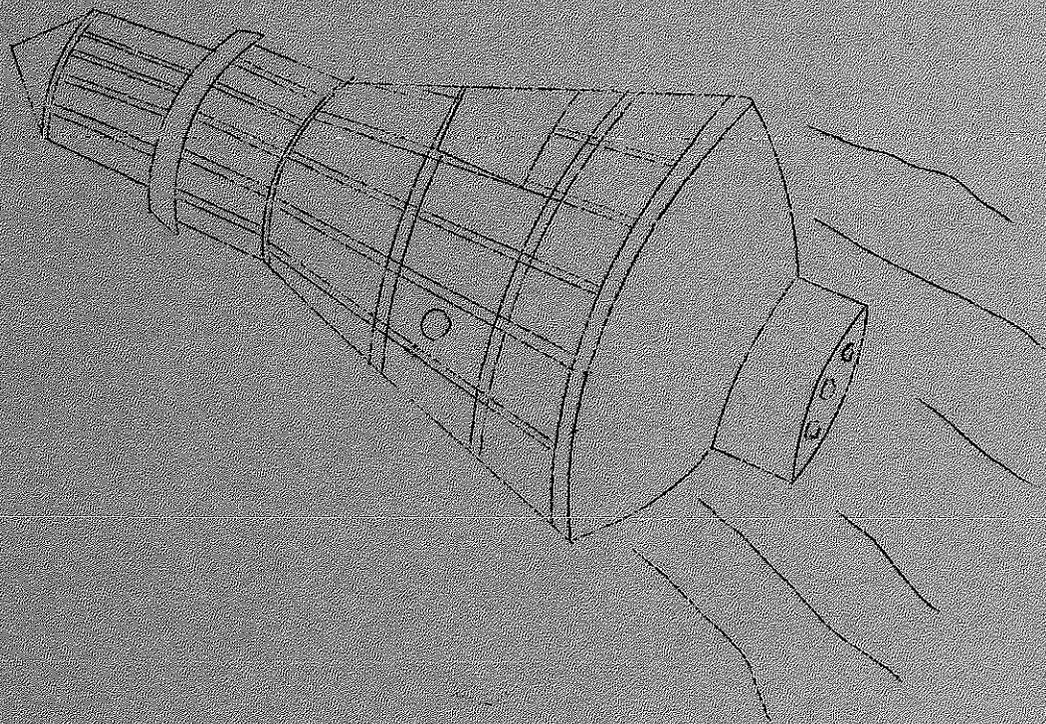


WISCONSIN LEGISLATIVE REFERENCE LIBRARY REPORT



DISPOSITION OF AMENDMENTS TO THE WISCONSIN CONSTITUTION
CONSIDERED BY THE 1961 LEGISLATURE

Wisconsin Legislative Reference Library
State Capitol
Madison, Wisconsin

INFORMATIONAL BULLETIN 214, April 1962

DISPOSITION OF AMENDMENTS TO THE WISCONSIN CONSTITUTION
CONSIDERED BY THE 1961 LEGISLATURE*

(Supplement 1 to RB-129 which had covered the 1941-1959 period)

TABLE OF CONTENTS

- PART I Introductory text; the development of the Wisconsin Constitution in 1961.
- PART II Disposition of amendments to the Wisconsin Constitution considered by the 1961 Legislature through January 12, 1962; by article and section, and within each section by subject.
- PART III Guide to the constitutional amendments considered by the 1961 Wisconsin Legislature; by subject matter, joint resolution, and section affected.

PART I. SUMMARY

The 1961 Wisconsin Legislature adjourned on January 12, 1962, to reconvene for one additional hour on January 9, 1963, prior to the convening of the 1963 Legislature.

While it was in session, the 1961 Legislature had before it a total of 73 joint resolutions dealing with constitutional amendments. Of these, 11 constituted 2nd considerations of proposals already passed by the Legislature of 1959, and 62 were 1st considerations.

The 1961 Wisconsin Legislature gave 2nd consideration approval to 8 proposed constitutional amendments. Six of these were submitted to the electorate in the election of April 4, 1961; 4 were adopted and 2 were rejected. Adopted were amendments dealing with debt limitation of school districts, continuity of civil government, municipal eminent domain proceedings, and the classification of personal property for taxation; rejected were amendments permitting salary increases during term for certain public officers, and repealing the sheriffs' 2-term limitation.

Two constitutional amendments are now pending to be submitted to the electorate in the election of November 1962. The first proposes to remove from the population apportionment formula, upon which the apportionment of the 2 houses of the Wisconsin Legislature is based, the exclusion "Indians not taxed." This exclusion has become meaningless inasmuch as Indians are taxed on their incomes like all other U.S. citizens. The other proposed amendment would invest the county executive of Milwaukee County with a veto power on county matters, similar to the veto power vested in the Governor for state matters.

Including the amendments voted on in 1961, the Wisconsin voters have now cast a total of 73 separate votes on constitutional questions at 46 separate elections since the document was adopted in 1848. The voters have ratified 70 changes to 38 sections (including 7 new sections created since 1848), and have rejected 26 changes to 18 sections (a total of 96 changes to 43 sections were submitted). Of those

adopted, the Supreme Court later invalidated 4 changes to 4 sections.

The frequency with which amendments to particular provisions were introduced during the 1961 Legislative Session is, to a degree, indicative of the current state-wide interest in constitutional matters. The areas in which the most numerous proposals for constitutional change were made during the 1961 session are illustrated by the following table:

<u>Subjects</u>	<u>No. of Proposals</u>
State officers; terms of office	17 (This large No. resulted from separate consideration of the 5 officers.)
County officers; method of selection	7
Legislature; apportionment	6
Constitution; amending process	4
Property tax	4
Municipal debt limit	4
County government; uniformity	3
Reorganization of state administrative branch	3
Others	25

PART II. DISPOSITION OF CONSTITUTIONAL AMENDMENTS CONSIDERED BY 1961 LEGISLATURE LISTED IN ORDER OF THE CONSTITUTIONAL ARTICLES INVOLVED

ARTICLE IV: LEGISLATIVE

Sec. 2: LEGISLATURE, HOW CONSTITUTED

Assembly membership maximum raised to 110

1961 AJR 85; by Mr. Hutnik, Rep.; A. returned to author, A.J. 2916.

1961 AJR 100; by Mr. Calvert, Rep., and 11 other Rep. Assemblymen; A. returned to authors, A.J. 2916. Raises Assembly maximum to 110--at least one member per county, no county with more than 10% of total representation, no corporate municipality with more than 50% of its county's representation. No action taken on Sub. Amdt. 1, A., to AJR 100, by Mr. Nowakowski, Dem., which apportioned Assemblymen in the ratio of each county's personal income tax returns to the total of such returns from all counties.

Sec. 3: APPORTIONMENT

Eliminate requirement for periodic apportionment of Senate

1961 SJR 24; by Sen. Knowles, Rep.; S. rejected with other bills en masse, prior to adjournment, A.J. 2675.

Apportionment by agency other than Legislature

1961 Sub. Amdt. 1, S., to SJR 24; by Sen. Lauri, Dem.; S. rejected without recorded vote, S.J. 2484. Assembly only to be reapportioned, and by Supreme Court instead of Legislature.

Apportionment by commission if Legislature fails to act

1961 AJR 13; by Mr. Risser, Dem.; A. rejected 49 to 37, A.J. 1091.

ARTICLE IV--continued

Sec. 3, Apportionment--continued

1961 SJR 38; by Sen. Moser and 3 other Dem. Senators; S. rejected 23 to 10, S.J. 564. If Legislature fails to act, then apportionment by commission consisting of Chief Justice or Associate Justice he designates, and 6 citizens appointed by the acting justice.

1961 Amdt. 1, S., to SJR 38; by Committee on Judiciary; S. rejected 19 to 13, S.J. 564. If Legislature fails to act, then apportionment by commission consisting of the Judiciary Committees of the Senate and Assembly.

Eliminate population basis for apportionment

1961 AJR 100; by Mr. Calvert, Rep., and 11 other Rep. Assemblymen; A. returned to authors, A.J. 2916. Assembly removed from provision for apportionment according to population. No action taken on Sub. Amdt. 1, A., to AJR 100, by Mr. Nowakowski, Dem., which eliminated population basis for apportionment in both houses.

Apportionment based on total population, excluding armed forces stationed in Wisconsin

1961 SJR 11; SECOND CONSIDERATION of 1959 SJR 12, JR 30; by Sen. Moser, Dem.; S. adopted 33 to 0, S.J. 218; A. concurred in as amended by Amdt. 1, A., to SJR 11, 91 to 0, A.J. 495; S. concurred in Amdt. 1, A., to SJR 11, 24 to 0, S.J. 673; enrolled as JR 32. To be submitted to the electorate at the election of November 1962. Removes Indians not taxed from the population exclusions for apportionment.

Sec. 4: ASSEMBLYMEN, HOW CHOSEN

Four-year terms for Assemblymen

1961 AJR 39; by Mr. Barron, Dem.; Amdt. 1, A. (effective date); A. adopted Amdt. 1, A., then rejected AJR 39 without recorded vote, A.J. 1168.

Sec. 5: SENATORS, HOW CHOSEN

Six-year terms for Senators

1961 AJR 38; by Mr. Barron, Dem.; A. rejected, no recorded vote, A.J. 1168.

Senate apportioned into permanent districts

1961 SJR 24; by Sen. Knowles, Rep.; S. rejected with other bills en masse, prior to adjournment, S.J. 2675. Sub. Amdt. 1, S., by Sen. Lauri, Dem., rejected without recorded vote, S.J. 2484. Both proposals called for permanent Senate districts based on 1950 census apportionment.

Sec. 22: POWERS OF COUNTY BOARDS

Optional systems of county government (substitute "governing bodies" for "boards of supervisors")

1961 AJR 4; by Mr. Belting, Rep.; A. rejected 72 to 25, A.J. 499.

1961 SJR 62; by Sen. Wilkie, Dem., and 2 other Dem. Senators; S. rejected 25 to 7, S.J. 1420.

ARTICLE IV--continued

Sec. 23: UNIFORM TOWN AND COUNTY GOVERNMENT

Elimination of uniformity requirement for county government

1961 AJR 4; by Mr. Belting, Rep.; A. rejected 72 to 25, A.J.499.

Optional systems of county government provided by Legislature
(acceptance in each county dependent upon approval by majority
vote)

1961 SJR 62; by Sen. Wilkie, Dem., and 2 other Dem. Senators; S. rejected 25 to 7, S.J. 1420. Sub. Amdt. 1, S., by Sen. Busby, Dem., excluded Milwaukee County from proposed optional systems; S. rejected without recorded vote, S.J. 1420.

Create constitutional office of Milwaukee County chief executive

1961 AJR 61; SECOND CONSIDERATION of 1959 Sub. Amdt. 1, A., to AJR 121, JR 68; by Mr. Kessler, Dem., and 16 other Dem. Assemblymen; A. adopted 82 to 1, A.J. 1367; S. concurred 29 to 1, S.J. 1548; enrolled as JR 64; to be submitted to the electorate at the election of November 1962. This proposal also provides for the creation of a new Sec. 23a of Art. IV, concerning veto powers of county executive officer.

1961 SJR 23; duplicate reintroduction of above; by Sen. Zaboriski, Dem., and 6 other Dem. Senators; withdrawn by authors, S.J. 1616.

Sec. 26: EXTRA COMPENSATION; SALARY CHANGES

Increase permitted during term

1961 SJR 6; SECOND CONSIDERATION of 1959 SJR 21, JR 29; by Sen. Panzer, Rep., and Sen. Wilkie, Dem.; S. adopted 24 to 9, S.J. 184; A. concurred 64 to 35, A.J. 201; enrolled as JR 11; rejected by the people in the election of April 1961. Change in compensation permitted for public officers, other than legislators, with terms of 4 years or more.

1961 SJR 76; by Legislative Procedure Com. at request of Sen. Wilkie, Dem., and Sen. Panzer, Rep.; S. adopted 21 to 8, S.J. 1439; A. concurred 63 to 24, A.J. 2327. Permits compensation during term for Supreme Court Justices and other court judges.

1961 Amdt. 1, A., to SJR 76; by Mr. Risser, Dem.; A. adopted 70 to 24, A.J. 1857; S. nonconcurrent without recorded vote, S.J. 2327. Compensation increase during term for Supreme Court Justices only.

PROPOSALS CONSIDERED BY THE 1961 LEGISLATURE TO CREATE ADDITIONAL
NEW SECTIONS OF ARTICLE IV

Veto powers for Milwaukee County chief executive

1961 AJR 61; SECOND CONSIDERATION of 1959 Sub. Amdt. 1, A., to AJR 121, JR 68; by Mr. Kessler, Dem., and 16 other Dem. Assemblymen; adopted Amdt. 1, A., changing referendum date, without recorded vote, A.J. 1280; A. adopted AJR 61 as amended 82 to 1, A.J. 1367; S. concurred 29 to 1, S.J. 1548; enrolled as JR 64. To create Sec. 23a. To be submitted to the electorate at the election of November 1962.

ARTICLE IV--continued

Proposals considered by the 1961 Legislature to create additional new sections of Article IV--continued

1961 SJR 23; duplicate reintroduction of above; by Sen. Zabor-ski, Dem., and 6 other Dem. Senators; withdrawn by authors, S.J. 1616.

Continuity of civil government in war emergency

1961 SJR 1; SECOND CONSIDERATION of 1959 AJR 48, JR 50; by Legislative Council; S. adopted 30 to 0, S.J. 156; A. concurred 89 to 7, A.J. 188; enrolled as JR 10. Provides for continuity of civil government in case of enemy attack. To create Sec. 34. Ratified by the people in the election of April 1961.

ARTICLE V: EXECUTIVE

Sec. 1: GOVERNOR; LIEUTENANT GOVERNOR; TERM

Governor: four-year term

1961 SJR 16; by Sen. Knowles, Rep.; S. adopted 23 to 10, S.J. 343; A. nonconcurrent, no roll call, A.J. 1180. Also provides 4-year term for Lt. Governor.

1961 AJR 21; by Mr. Barron, Dem.; A. adopted Amdt. 1, A. (changing effective date) without recorded vote, then re-jected AJR 21, 45 to 38, A.J. 1092.

1961 SJR 29; by Dem. Senators Cameron and Zaborski; withdrawn by authors, S.J. 469. Also provides 4-year term for Lt. Governor.

1961 AJR 50; by Mr. Barabe, Dem., and 10 other Dem. Assembly-men; A. rejected 51 to 38, A.J. 1169. Also provides 4-year term for Lt. Governor.

Lieutenant Governor: four-year term

1961 AJR 22; by Mr. Barron, Dem.; A. adopted Amdt. 1, A. (changing effective date) without recorded vote, then re-jected AJR 22, without recorded vote, A.J. 1092.

1961 SJR 16 see above, Governor.

1961 SJR 29 " " "

1961 AJR 50 " " "

Sec. 3: ELECTION

Change in wording (tied in with 4-year term proposals for Governor and Lt. Governor)

1961 AJR 21 see above, Art. V, Sec. 1

1961 AJR 22 " " " " " "

Joint election of Governor and Lt. Governor

1961 AJR 23; by Mr. Barron, Dem.; A. rejected 52 to 32, A.J. 1092. Provides for election of Governor and Lt. Governor by a single vote. In case of tied slates, next legisla-tive session will choose one slate by joint ballot of both houses.

ARTICLE V--continued

Sec. 8: LIEUTENANT GOVERNOR PRESIDENT OF SENATE; WHEN SECRETARY OF STATE TO BE GOVERNOR

Succession to governorship established by Legislature

1961 SJR 35; by Sen. Wilkie, Dem.; S. rejected 24 to 8, S.J. 544. Tied in with the proposal to repeal constitutional offices of Secy. of State and State Treasurer, this proposal removes provision for Secy. of State to be Governor when offices of Governor and Lt. Governor are both vacant; Legislature is to designate officer to fill such vacancy.

Sec. 10: GOVERNOR TO APPROVE OR VETO BILLS; PROCEEDINGS ON VETO
Item veto eliminated

1961 AJR 130; by Committee on Rules at request of Mr. Romell, Rep.; A. rejected, without recorded vote, A.J. 2909. Eliminates provision for partial veto of appropriation bills by Governor.

ARTICLE VI: ADMINISTRATIVE

Sec. 1: ELECTION OF SECRETARY OF STATE, TREASURER AND ATTORNEY GENERAL; TERM

Repeal of constitutional offices of Secretary of State and State Treasurer

1961 SJR 35; by Dem. Sens. Wilkie and Zaborski; S. rejected 24 to 8, S.J. 544.

Governor's cabinet instead of elective office for Secretary of State, Treasurer and Attorney General

1961 AJR 24; by Mr. Barron, Dem.; A. rejected without recorded vote, A.J. 1093. Proposes Governor-appointed cabinet type offices for Secy. of State, Treasurer and Attorney General.

Attorney General: four-year term

1961 AJR 34; by Mr. Barron, Dem.; A. adopted Amdt. 1, A. (changing effective date) without recorded vote, then rejected AJR 34 without recorded vote, A.J. 1094.

State Treasurer: four-year term

1961 AJR 35; by Mr. Barron, Dem.; A. adopted Amdt. 1, A. (changing effective date) without recorded vote, then rejected AJR 35, 69 to 12, A.J. 1095.

Secretary of State: four-year term

1961 AJR 36; by Mr. Barron, Dem.; A. adopted Amdt. 1, A. (changing effective date) without recorded vote, then rejected AJR 36, A.J. 1095.

PROPOSALS CONSIDERED BY 1961 LEGISLATURE TO CREATE SEPARATE NEW PARTS OF ARTICLE VI, Sec. 1

Secretary of State: four-year term

1961 SJR 17; by Sen. Knowles, Rep.; S. adopted 20 to 12, S.J. 341; A. nonconcurrent without recorded vote, A.J. 1180. To create Sec. 1a.

1961 SJR 28; by Dem. Sens. Cameron and Zaborski; withdrawn by authors, S.J. 469. To create Sec. 1a.

ARTICLE VI--continued

Proposals considered by 1961 legislature to create separate new parts of Article VI, Sec. 1--continued

1961 AJR 46; by Mr. Greco, Dem., and 7 other Dem. Assemblymen; A. rejected without recorded vote, A.J. 1168. To create Sec. 1a.

Attorney General: four-year term

1961 SJR 19; by Sen. Knowles, Rep.; S. adopted 23 to 10, S.J. 343; A. rejected without recorded vote, A.J. 1180. To create Sec. 1b.

1961 SJR 27; by Dem. Sens. Cameron and Zaborski; withdrawn by authors, S.J. 468. To create Sec. 1b.

1961 AJR 47; by Mr. Blaska, Dem., and 8 other Dem. Assemblymen; A. rejected without recorded vote, A.J. 1168. To create Sec. 1b.

State Treasurer: four-year term

1961 SJR 18; by Sen. Knowles, Rep.; S. adopted 19 to 12, S.J. 342; A. rejected without recorded vote, A.J. 1180. To create Sec. 1c.

1961 SJR 26; by Dem. Sens. Cameron and Zaborski; withdrawn by authors, S.J. 469. To create Sec. 1c.

1961 AJR 45; by Mr. Blaska, Dem., and 6 other Dem. Assemblymen; A. rejected without recorded vote, A.J. 1168. To create Sec. 1c.

Sec. 2: SECRETARY OF STATE; DUTIES, COMPENSATION

Abolish the constitutional office of Secretary of State

1961 SJR 35; by Dem. Sens. Wilkie and Zaborski; S. rejected 24 to 8, S.J. 544.

Sec. 3: TREASURER AND ATTORNEY GENERAL; DUTIES, COMPENSATION

Abolish the constitutional office of State Treasurer

1961 SJR 35; by Dem. Sens. Wilkie and Zaborski; S. rejected 24 to 8, S.J. 544.

Sec. 4: COUNTY OFFICERS; ELECTIONS, TERMS, REMOVAL; VACANCIES

Removing limitation on number of successive terms for sheriff

1961 AJR 7; SECOND CONSIDERATION of 1959 AJR 31, JR 48; by Mr. Gray, Dem., Mr. Terry, Rep., and Mr. Haase, Rep.; A. adopted 86 to 8, A.J. 126; S. concurred 26 to 5, S.J. 297; enrolled as JR 9. Rejected by the people in the election of April 1961.

1961 AJR 3; duplicate reintroduction of above; by Mr. Gray, Dem.; returned to author, A.J. 114.

Optional systems of county government; selection of county officers

1961 AJR 4; by Mr. Belting, Rep.; A. rejected 72 to 25, A.J. 499. Eliminates requirement that county officers be selected by county elections every 2 years.

1961 SJR 20; by Sen. Stalbaum, Rep.; S. rejected 18 to 14, S.J. 349. Removes surveyors from list of elective county officers.

1961 AJR 32; by Mr. Dionesopulos, Dem.; A. rejected 49 to 38, A.J. 1107. Removes surveyors from list of elective county officers.

ARTICLE VI--continued

Sec. 4, County officers; elections, terms, removal; vacancies -- cont.
1961 SJR 62; by Dem. Senators Wilkie, Stalbaum and Zaborski; S. rejected 25 to 7, S.J. 1420. County officers except D.A. may be selected by means other than elections, or their offices abolished.

Special system of county government for Milwaukee County; selection of officers

- 1961 AJR 61; SECOND CONSIDERATION of 1959 Sub. Amdt. 1, A. to AJR 121, JR 68; by Mr. Kessler, Dem. and 16 other Dem. Assemblymen; A. adopted Amdt. 1, A. (changing referendum date) without recorded vote, then adopted AJR 61, 82 to 1, A.J. 1367; S. concurred 29 to 1, S.J. 1548. Exempts proposed county chief executive officer from 2-term election requirement (4-year term established under Art. IV, Sec.23). To be submitted to the electorate at the election of November 1962.
- 1961 SJR 23; duplicate reintroduction of 1959 Sub. Amdt. 1, A. to AJR 121, JR 68; by Sen. Zaborski, Dem., and 6 other Dem. Senators; withdrawn by authors, S.J. 1616. See above, AJR 61.
- 1961 AJR 25; by Mr. McCormick, Dem., and 3 other Dem. Assemblymen; A. returned to authors, A.J. 610. Permits Milwaukee County to abolish or fill by other means any county elective office.
- 1961 Sub. Amdt. 1, A. to AJR 25; by Mr. Ryan, Dem.; no action. Permits 4-year terms for Milwaukee County elective officers.
- 1961 AJR 28; by Mr. McCormick, Dem., and 3 other Dem. Assemblymen; returned to author, A.J. 1093. Permits Milwaukee County to abolish or fill by other means the elective offices of coroner and surveyor.
- 1961 AJR 31; by Mr. Dionesopulos, Dem.; A. rejected 44 to 0, A.J. 1093. Abolishes elective office of coroner in Milwaukee County.
- 1961 Amdt. 1, A. to AJR 32; by Mr. Ryan, Dem.; removes surveyors from Milwaukee County list of elective officers. See above, Optional systems, AJR 32.

PROPOSALS CONSIDERED BY THE 1961 LEGISLATURE TO CREATE ADDITIONAL NEW SECTIONS OF ARTICLE VI

Reorganization of administrative branch

- 1961 SJR 45; by Dem. Senators Dean, Stalbaum and Wilkie; S. killed by adopting Amdt. 1, S., S.J. 863. Reorganize administrative branch into 20 principal departments, not counting temporary agencies and quasi-legislative and quasi-judicial agencies. To create Sec. 5.
- 1961 Amdt. 1, S. to SJR 45; by Sen. Wilkie, Dem.; S. rejected 20 to 11, S.J. 863. Same as SJR 45, except "quasi-legislative" and "quasi-judicial agencies" changed to "agencies that provide staff services for the legislature and courts." To create Sec. 5.
- 1961 SJR 44; by Sen. Dean, Dem., and 3 other Dem. Senators; S. rejected 20 to 11, S.J. 862. Permits Governor to reorganize administrative branch, by executive orders which become effective as law if not disapproved by legislative majority within 60 calendar days of closest session. To create Sec. 6.

ARTICLE VI--continued

Proposals considered by the 1961 Legislature to create additional new sections of Article VI--continued

1961 AJR 69; by Mr. Molinaro, Dem., and 8 other Dem. Assemblymen; A. rejected 52 to 45, A.J. 882. Same provisions as above, SJR 44. To create Sec. 6.

ARTICLE VII: JUDICIARY

Sec. 12: CLERKS OF CIRCUIT AND SUPREME COURTS

Optional systems of county government; selection of county clerks of Circuit Court by means other than election

1961 AJR 4; by Mr. Belting, Rep.; A. rejected 72 to 25, A.J. 499.

1961 SJR 62; by Dem. Senators Wilkie, Stalbaum and Zaborski; S. rejected 25 to 7, S.J. 1420.

Sec. 24: RETIREMENT AND ELIGIBILITY OF JUSTICES AND CIRCUIT COURT JUDGES

Section made applicable to judges of all courts of record

1961 SJR 7; by Sen. Panzer, Rep., and Sen. Wilkie, Dem.; S. adopted 25 to 3, S.J. 369; A. concurred 93 to 3, A.J. 494; enrolled as JR 29. Compulsory retirement at 70 made applicable to judges of all courts of record; retired judges may serve temporarily in any court except Supreme Court.

ARTICLE VIII: FINANCE

Sec. 1: RULE OF TAXATION UNIFORM; INCOME, PRIVILEGE AND OCCUPATION TAXES

Separate taxation of merchants' stock, manufacturers' stock, livestock

1961 SJR 34; SECOND CONSIDERATION of 1959 Sub. Amdt. 1, A. to AJR 120, JR 77; by Sen. Donnelly, Dem., and 3 other Dem. Senators; S. adopted 31 to 0, S.J. 308; A. concurred 92 to 2, A.J. 197; enrolled as JR 13. Provided option to tax merchants' and manufacturers' stocks, and livestock, not in uniformity with real and other personal property, but uniform within each class. Legislature may authorize the assessment of these special classes by averages. Ratified by the people in the election of April 1961.

1961 AJR 57; by Mr. Molinaro, Dem., and 10 other Dem. Assemblymen; A. rejected 51 to 41, A.J. 1989; duplicate reintroduction, see above, SJR 34.

Restrict uniformity clause to real property

1961 AJR 8; by Mr. Belting, Rep.; withdrawn by author, A.J. 243.

Reduce real estate taxes

1961 Amdt. 2, S. to SJR 13; by Sen. Laun, Rep.; S. ruled not germane, S.J. 766. Original resolution specified real estate occupied as private residence.

Reduce real estate tax on private residences

1961 SJR 13; by Sen. Leonard, Rep.; failed because of adoption of Amdt. 5, S.--see below. Legislature may provide for reduced real estate taxes on all private residences.

ARTICLE VIII--continued

Sec. 1, Rule of taxation uniform; income, privilege and occupation taxes--continued

- 1961 Amdt. 5, S. to SJR 13 as amended by Amdts. 1, S. and 4, S.; by Sen. Lauri, Dem.; S. adopted 24 to 6, S.J. 821; A. nonconcurrent, no recorded vote, A.J. 2004. Reduces real estate taxes on owner-occupied private residences; Amdt. 1, S. (Stalbaum, Dem., and Leonard, Rep.)--reduction must be without increasing tax on other general property or reducing revenue or tax base of local units; Amdt. 4, S. (Kendziorski, Dem.)--reduction shall be uniform.
- 1961 Amdt. 3, S. to SJR 13; by Sen. Stalbaum, Dem.; S. rejected 17 to 13, S.J. 802. Legislature may provide for uniform reduction of real estate taxes on private residences, except that homes of owner-occupants past 65 years may be treated differently.
- 1961 AJR 14; by Mr. Pommerening, Rep.; failed because of adoption of Amdt. 1, S.--see below. Legislature may provide for reduced taxes on real estate occupied as private residences.
- 1961 Amdt. 1, S. to AJR 14; by Sen. Leonard, Dem.; S. concurred in as amended, 19 to 11, S.J. 911; A. concurred in as amended without recorded vote, A.J. 846; enrolled as JR 44. Legislature may provide for reduced taxes on real estate occupied as private residences, without increasing burden on other general property, or reducing revenue or tax basis of local governments; any reduction must be uniform.

Sec. 3: CREDIT OF STATE

Credit of state used to guarantee industrial development loans

- 1961 SJR 69; by Dem. Senators Lauri and Thompson; S. rejected 15 to 13, S.J. 1438. Credit of the state shall not be given, except that for the purposes of fostering the physical location of industrial enterprises within the state, the legislators may insure the payment of mortgage loans on the real estate of such enterprises, and may also appropriate moneys and authorize the issuance of bonds not subject to constitutional debt limitations.

Sec. 9: EVIDENCES OF PUBLIC DEBT

State certificates of indebtedness for construction of state buildings

- 1961 SJR 40; by Sen. Lauri, Dem.; S. rejected 19 to 12, S.J. 703.
- 1961 AJR 44; by Mr. Barron, Dem., and 8 other Dem. Assemblymen; A. rejected 49 to 41, A.J. 1322.

Sec. 10: INTERNAL IMPROVEMENTS

Forestry

- 1961 AJR 133; by Mr. Pommerening, Rep., 3 other Rep. Assemblymen and 3 Dem. Assemblymen; A. adopted 91 to 0, A.J. 2698; S. concurred 25 to 2, S.J. 2614; enrolled as JR 90. Raises appropriation for forest improvement from 2/10 to 1/4 of one mill of taxable property of state determined by last assessment.

Industrial development

1961 SJR 68; by Dem. Senators Lauri and Thompson; S. rejected 17 to 13, S.J. 1436. State may contract debt for the development of private enterprise.

Navigation on inland waters

1961 SJR 43; by Sen. Hollander, Rep.; S. adopted 26 to 1, S.J. 650; A. concurred 78 to 1, A.J. 807. State may contract debt for the improvement of navigation on inland waters.

PROPOSALS CONSIDERED BY THE 1961 LEGISLATURE TO CREATE A NEW SEC. 11 OF ARTICLE VIII

Personal property tax abolished

1961 AJR 11; by Mr. Romell, Rep. and 2 other Rep. Assemblymen; A. adopted 68 to 20, A.J. 2066; S. nonconcurred without recorded vote, S.J. 2193. No ad valorem tax on personal property shall be levied or collected within the state.

Certificates of indebtedness for state buildings

1961 SJR 40; by Sen. Lauri, Dem.; S. rejected 19 to 12, S.J. 703. State may issue certificates of indebtedness for construction of state buildings, principal amount not to exceed 1% of equalized value of taxable property in state.

1961 Amdt. 1, S. to SJR 40; by Sen. Lorge, Rep.; S. rejected 16 to 15, S.J. 702. Provided that indebtedness incurred by building corporations and other methods be considered part of the total indebtedness allowed for construction of state buildings.

1961 AJR 44; by Mr. Barron, Dem., and 8 other Dem. Assemblymen; A. rejected 49 to 41, A.J. 1322. State may issue certificates of indebtedness for constructing state buildings, principal amount not to exceed 1% of equalized value of taxable property in state.

ARTICLE X: EDUCATION

Sec. 1: SUPERINTENDENT OF PUBLIC INSTRUCTION

Superintendent replaced by State Board of Education

1961 AJR 26; by Mr. Calvert, Rep.; A. returned to author, A.J. 1728. Abolishes elective office of State Superintendent of Public Instruction; creates 10-member State Board of Education, elected from congressional districts for 5-year terms, who appoint a State Superintendent as chief administrative officer.

PROPOSAL CONSIDERED BY 1961 LEGISLATURE TO CREATE SEPARATE NEW PART OF ARTICLE X, Sec. 1.

Create State Board of Education to assist State Superintendent

1961 AJR 17; by Mr. Uehling, Rep.; A. returned to author, A.J. 906. To create Sec. 1a.

Sec. 7: COMMISSIONERS OF PUBLIC LANDS

Board of Commissioners appointed by Governor

1961 SJR 35; by Dem. Sens. Wilkie and Zaborski; S. rejected 24 to 8, S.J. 544. Governor to appoint Board of Commissioners

for the sale of school and university lands, consisting of the Attorney General and 2 public members serving at his pleasure. (Part of proposal to abolish constitutional offices of Secretary of State and State Treasurer.)

Sec. 8: SALE OF PUBLIC LANDS

Amendment proposing change in section's wording

1961 SJR 35; by Sens. Wilkie, Dem., and Zaborski, Dem.; S. rejected 24 to 8, S.J. 544. Money to be payable "into the treasury" rather than "at the office of the treasurer" (this is part of a proposal to abolish the constitutional offices of Secretary of State and State Treasurer).

ARTICLE XI: CORPORATIONS

Sec. 2: PROPERTY TAKEN BY MUNICIPALITY

Determination of necessity " in the manner prescribed by the legislature"

1961 SJR 8; SECOND CONSIDERATION of 1959 AJR 22, JR 47; by Sen. Carr, Rep., 3 other Rep. Senators and 4 Dem. Senators; A. adopted 68 to 23, A.J. 150; S. concurred 30 to 0, S.J. 270; enrolled as JR 12. Ratified by the people at the election of April 1961.

Sec. 3: MUNICIPAL HOME RULE; DEBT LIMIT; TAX TO PAY DEBT

Debt limit of school districts and of cities authorized to issue school bonds

1961 AJR 1; SECOND CONSIDERATION of 1959 SJR 6, JR 35; by Legislative Council; A. adopted 88 to 8, A.J. 139; S. concurred 29 to 2, S.J. 320; enrolled as JR 8. Integrated aid (K-12) school districts debt limit: 10% of state equalized valuation. Ratified by the people at the election of April 1961.

Revision of section

1961 AJR 92; by Committee on Rules at request of Legislative Council; A. adopted 75 to 8, A.J. 1466; S. concurred 20 to 6, S.J. 1879; enrolled as JR 71. Revises Sec. 3 "so as to clarify it and make it consistent."

Legislature to prescribe method of determination of debt limit

1961 AJR 91; by Committee on Rules at request of Legislative Council; A. rejected without recorded vote, A.J. 1989.

1961 AJR 134; by Mr. Pommerening, Rep., 3 other Rep. Assemblymen and 2 Dem. Assemblymen; A. passed 86 to 1, A.J. 2699; S. concurred 23 to 1, S.J. 2624; enrolled as JR 91.

State equalized value to be basis for determining all municipal debt limits

1961 AJR 84; by Mr. Stalbaum, Rep.; A. adopted 67 to 0, A.J. 793; S. concurred 20 to 9, S.J. 1319; enrolled as JR 58.

ARTICLE XI--continued

Sec. 3a: ACQUISITION OF LANDS BY STATE AND SUBDIVISIONS; SALE OF EXCESS

Section renumbered

1961 AJR 134; by Mr. Pommerening, Rep., 3 other Rep. Assemblymen and 2 Dem. Assemblymen; A. passed 86 to 1, A.J. 2699; S. concurred 23 to 1, S.J. 2624; enrolled as JR 91. Renumbered Sec. 3b,* to allow for newly created Sec. 3a providing new debt limitation determination formula.

PROPOSAL CONSIDERED BY THE 1961 LEGISLATURE TO CREATE NEW SECTION OF ARTICLE XI

Debt limit formula revised because of new personal property tax

1961 AJR 134, as amended by Amdt. 1, S.; by Mr. Pommerening, Rep., 3 other Rep. Assemblymen and 2 Dem. Assemblymen (amendment by Sen. Potter, Rep., Port Edwards); A. passed original res. 86 to 1, A.J. 2624; S. concurred as amended, 23 to 1, S.J. 2624; A. concurred in Amdt. 1, S. without recorded vote, A.J. 2966; enrolled as JR 91. Beginning 1964 per centum debt limitations provided in Sec. 3, Art. XI to be modified by this formula: per centum for each govt. unit shall be divided by a fraction, the denominator to be the 1963 state equalized value of all taxable property in such govt. unit, and the numerator to be the figure determined for the denominator less the 1963 state equalized value of merchants' stock-in-trade, manufacturers' materials and finished products and livestock "and other general categories of personal property subject to assessment for general property purposes in 1963, but exempted from such assessments in 1964 or thereafter." The words in quotation marks were added by Amdt. 1, S. Creates new Sec. 3a (old Sec. 3a changed to 3b, see above).

ARTICLE XII: AMENDMENTS

Sec. 1: CONSTITUTIONAL AMENDMENTS

Permit reasonably related changes to be submitted as single amendments

1961 SJR 15; by Sen. Busby, Rep., 2 other Rep. Senators and 4 Dem. Senators; S. adopted 31 to 0, S.J. 281; A. concurred 77 to 18, A.J. 496; enrolled as JR 30.

Optional method for the initiation of constitutional amendments

1961 AJR 20; by Mr. Calvert, Rep., and 6 other Rep. Assemblymen; A. rejected 49 to 43, A.J. 407. Constitutional amendments may be submitted to the people if, within 3 years, the identical text has been adopted by a majority of the county boards of supervisors.

Referendum after passage by 2/3 vote in first legislative session

1961 AJR 49; by Mr. Barabe, Dem., and 8 other Dem. Assemblymen; A. rejected 50 to 44, A.J. 1994.

1961 SJR 14, as amended by Amdt. 1, S.; by Sen. Busby, Rep., 2 other Rep. Senators and 4 Dem. Senators (Amdt. 1, S. by Sen. Leonard, Rep.); S. adopted Amdt. 1, S., then refused 3rd reading of amended SJR 14, 14 to 17, S.J. 483. The amendment provided a waiting period of at least 180 days after passage of the proposed constitutional amendment before submitting to electorate.

ARTICLE XII--continued

Sec. 2: CONSTITUTIONAL CONVENTIONS

Organization and operation of a Constitutional Convention

1961 AJR 48; by Mr. Ward, Dem., and 6 other Dem. Assemblymen; A. rejected 50 to 43, A.J. 1993. Convention procedure; after convention call is ratified, delegates to be elected at next election from Senate districts plus 5 at large, by nonpartisan plurality. Secy. of State to call convention within 90 days after election, and preside until the group elects officers and adopts rules. Amendments passed by majority roll call vote to be submitted to people at next election. If entire Constitution revised it shall be considered as a single amendment.

PROPOSAL CONSIDERED BY 1961 LEGISLATURE TO CREATE NEW SECTION OF ARTICLE XII

Referendum every 10 years on question of calling a Constitutional Convention

1961 AJR 9; by Mr. Kessler, Dem.; A. rejected 50 to 41, A.J. 1992. To create Sec. 3.

ARTICLE XIII: MISCELLANEOUS PROVISIONS

Sec. 4: GREAT SEAL

Legislature to provide for custody of great seal

1961 SJR 35; by Dem. Senators Wilkie and Zaborski; S. rejected 24 to 8, S.J. 544. This was part of a proposal to abolish the constitutional office of Secretary of State.

PART III. GUIDE TO THE CONSTITUTIONAL AMENDMENTS CONSIDERED
BY THE 1961 WISCONSIN LEGISLATURE, BY SUBJECT
MATTER AND BY JOINT RESOLUTION

Subject of the Proposed Amendment	Year	Jt. Res.	Article and Section Affected

Apportionment: see Legis- lature, apportionment			
Constitution:			
Amending process	1961	SJR 14	XII--1
	1961	SJR 15	XII--1
	1961	AJR 20	XII--1
	1961	AJR 49	XII--1
Convention	1961	AJR 9	XII--3(create)
	1961	AJR 48	XII--2
County government:			
Uniformity	1961	SJR 23	IV--23
	1961	SJR 62	IV--22,23 VI--4 VII--12
	1961	AJR 4	IV--22,23 VI--4 VII--12
County officers:			
Create office of chief executive	1961	SJR 23	IV--23 IV--23a(create) VI--4
	1961	AJR 61	IV--23 IV--23a(create) VI--4
Method of selection	1961	SJR 20	VI--4
	1961	SJR 23	VI--4 IV--23
	1961	AJR 25	VI--4
	1961	AJR 28	VI--4
	1961	AJR 31	VI--4
	1961	AJR 32	VI--4
Terms of office	1961	AJR 25	VI--4
Elections:			
Joint election, Governor and Lt. Governor	1961	AJR 23	V--3
Internal improvements:			
Forest development	1961	AJR 133	VIII--10
Industrial development	1961	SJR 68	VIII--10
	1961	SJR 69	VIII--3
Navigation on inland waters	1961	SJR 43	VIII--10
Judges:			
Retirement	1961	SJR 7	VII--24
Judicial vacancies: how filled			
	1961	SJR 7	VII--24
Legislators:			
Terms of office	1961	AJR 38	IV--5
	1961	AJR 39	IV--4

Subject of the Proposed Amendment	Year	Jt. Res.	Article and Section Affected
Legislature, apportionment	1961	SJR 11	IV--3
	1961	SJR 24	IV--3,5
	1961	SJR 38	IV--3
	1961	AJR 13	IV--3
	1961	AJR 85	IV--2
	1961	AJR 100	IV--2,3
Municipal finance:			
Debt limit formula revised because of new personal property tax	1961	AJR 134	XI--3,3a(renumbered 3b),3a(create)
Debt limit section revised	1961	AJR 92	XI--3
Equalized value basis for all debt limits	1961	AJR 84	XI--3
General debt limits provided by Legislature	1961	AJR 91	XI--3
Municipalities, eminent domain	1961	SJR 8	XI--2
Public officials:			
Compensation changed during term	1961	SJR 6	IV--26
	1961	SJR 76	IV--26
Schools:			
Debt limit for school districts other than city system	1961	AJR 1	XI--3
State Board of Education	1961	AJR 17	X--1a(create)
	1961	AJR 26	X--1
Sheriffs, limitation of successive terms	1961	AJR 3	VI--4
	1961	AJR 7	VI--4
State finance:			
Debt limit for building and capital expenditures	1961	SJR 40	VIII--9,11(create)
	1961	AJR 44	VIII--9,11(create)
Executive item veto on appropriations	1961	AJR 130	V--10
State Government:			
Reorganization of administrative branch	1961	SJR 44	VI--6(create)
	1961	SJR 45	VI--5(create)
	1961	AJR 69	VI--6(create)
State officers:			
Abolition of offices	1961	SJR 35	V--8 VI--1,2,3 X--7,8
Elective office made appointive	1961	AJR 24	VI--1

Subject of the Proposed amendment	Year	Jt. Res.	Article and Section Affected
State Officers--continued			
Terms of office	1961	SJR 16	V--1
	1961	SJR 17	VI--1a(create)
	1961	SJR 18	VI--1c(create)
	1961	SJR 19	VI--1b(create)
	1961	SJR 26	VI--1c(create)
	1961	SJR 27	VI--1b(create)
	1961	SJR 28	VI--1a(create)
	1961	SJR 29	V--1
	1961	AJR 21	V--1,3
	1961	AJR 22	V--1,3
	1961	AJR 34	VI-1
	1961	AJR 35	VI--1
	1961	AJR 36	VI--1
	1961	AJR 45	VI--1c(create)
	1961	AJR 46	VI--1a(create)
	1961	AJR 47	VI--1b(create)
	1961	AJR 50	V--1
Taxation:			
Homestead exemptions	1961	SJR 13	VIII--1
	1961	AJR 14	VIII--1
Personal property tax abolished	1961	AJR 11	VIII--11(create)
Property reclassification	1961	SJR 34	VIII--1
	1961	AJR 57	VIII--1
Uniform assessment of real and personal property	1961	AJR 9	VIII--1
War emergency powers:			
State	1961	SJR 1	IV--34(create)