



1997 ASSEMBLY JOINT RESOLUTION 122

March 16, 1998 – Introduced by Representatives HUEBSCH, LADWIG, JENSEN, OWENS, HANDRICK, WALKER, OLSEN, GREEN, GOETSCH, GUNDERSON, SERATTI, OTT, OTTE, JESKEWITZ, KREIBICH, SYKORA, URBAN, F. LASEE, HAHN and SKINDRUD, cosponsored by Senator FARROW. Referred to Committee on Elections and Constitutional Law.

- 1 **To create** section 25 of article I of the constitution; **relating to:** the right of parents
2 to direct the upbringing and education of their children (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 1997 legislature on first consideration, creates a new section of article I of the state constitution. Article I contains the state constitution's declaration of rights. The new section of article I created by this constitutional amendment declares that:

“Section 25 (1) The right of parents to direct the upbringing and education of their children is a fundamental right.

(2) The state maintains a compelling interest in investigating, prosecuting and punishing child abuse and neglect as defined by statute.”.

As a constitutional amendment, the proposal requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

- 3 **Resolved by the assembly, the senate concurring, That:**
4 **SECTION 1.** Section 25 of article I of the constitution is created to read:
5 [Article I] Section 25 (1) The right of parents to direct the upbringing and
6 education of their children is a fundamental right.

1 (2) The state maintains a compelling interest in investigating, prosecuting and
2 punishing child abuse and neglect as defined by statute.

3 **SECTION 2.** Numbering of new provision. The new section 25 of article I of the
4 constitution created in this joint resolution shall be designated by the next higher
5 open whole section number in that article if, before the ratification by the people of
6 the amendment proposed in this joint resolution, any other ratified amendment has
7 created a section 25 of article I of the constitution of this state. If one or more joint
8 resolutions create a section 25 of article I simultaneously with the ratification by the
9 people of the amendment proposed in this joint resolution, the sections created shall
10 be numbered and placed in a sequence so that the sections created by the joint
11 resolution having the lowest enrolled joint resolution number have the numbers
12 designated in that joint resolution and the sections created by the other joint
13 resolutions have numbers that are in the same ascending order as are the numbers
14 of the enrolled joint resolutions creating the sections.

15 *Be it further resolved, That* this proposed amendment be referred to the
16 legislature to be chosen at the next general election and that it be published for 3
17 months previous to the time of holding such election.

18 (END)