



## 1997 ASSEMBLY JOINT RESOLUTION 40

March 20, 1997 - Introduced by Representatives KAUFERT, ZIEGELBAUER, DOBYNS, GREEN, GROTHMAN, HANDRICK, KELSO, LADWIG, F. LASEE, PORTER and SERATTI, cosponsored by Senators SCHULTZ and ZIEN. Referred to Committee on Elections and Constitutional Law.

1     **To renumber** section 2 of article V and section 1 of article VI; **to renumber and**  
2             **amend** section 6 of article IV; **to amend** section 1 of article X; and **to create**  
3             section 6 (2) of article IV, section 2 (2) of article V and section 1 (2) of article VI  
4             of the constitution; **relating to:** limiting the number of consecutive terms  
5             permitted for state constitutional officers and members of the state legislature  
6             (first consideration).

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### *Analysis by the Legislative Reference Bureau*

This proposed constitutional amendment, proposed to the 1997 legislature on first consideration, limits the governor, lieutenant governor, secretary of state, state treasurer, attorney general, superintendent of public instruction and members of the legislature to not more than 12 years of consecutive service in the same office. Time served in an initial partial term in the same office, or time served in a different office, is not counted as part of the 12-year limit. Terms are considered consecutive unless they are more than 2 years apart.

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

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7             **Resolved by the assembly, the senate concurring, That:**

8             **SECTION 1.** Section 6 of article IV of the constitution is renumbered section 6  
9             (1) of article IV and amended to read:

1 [Article IV] Section 6 (1) No person shall be eligible to the legislature who shall  
2 not have resided one year within the state, and be a qualified elector in the district  
3 which ~~he~~ the person may be chosen to represent.

4 **SECTION 2.** Section 6 (2) of article IV of the constitution is created to read:

5 [Article IV] Section 6 (2) Beginning with the terms commencing after 2000, a  
6 person may not serve more than 3 consecutive 4-year terms as a senator or more  
7 than 6 consecutive 2-year terms as a representative to the assembly. Time served  
8 during an initial partial term in the same house, or time served in the other house,  
9 shall not be counted as part of the 12-year limit. For purposes of this subsection,  
10 terms are consecutive unless they are more than 2 years apart.

11 **SECTION 3.** Section 2 of article V of the constitution is renumbered section 2 (1)  
12 of article V.

13 **SECTION 4.** Section 2 (2) of article V of the constitution is created to read:

14 [Article V] Section 2 (2) Beginning with the term commencing after 2000, a  
15 person may not serve more than 3 consecutive 4-year terms as governor or  
16 lieutenant governor. Time served during an initial partial term in the same state  
17 office, or time served in a different state office, shall not be counted as part of the  
18 12-year limit. For purposes of this subsection, terms are consecutive unless they are  
19 more than 2 years apart.

20 **SECTION 5.** Section 1 of article VI of the constitution is renumbered section 1  
21 (1) of article VI.

22 **SECTION 6.** Section 1 (2) of article VI of the constitution is created to read:

23 [Article VI] Section 1 (2) Beginning with the terms commencing after 2000, no  
24 person may serve more than 3 consecutive 4-year terms as secretary of state,  
25 treasurer or attorney general. Time served during an initial partial term in the same

1 state office, or time served in a different state office, shall not be counted as part of  
2 the 12-year limit. For purposes of this subsection, terms are consecutive unless they  
3 are more than 2 years apart.

4 **SECTION 7.** Section 1 of article X of the constitution is amended to read:

5 [Article X] Section 1 (1) The supervision of public instruction shall be vested  
6 in a state superintendent and such other officers as the legislature shall direct; and  
7 their qualifications, powers, duties and compensation shall be prescribed by law.

8 (2)(a) The state superintendent shall be chosen by the qualified electors of the  
9 state at the same time and in the same manner as members of the supreme court,  
10 and shall hold office for 4 years from the succeeding first Monday in July.

11 (b) Beginning with the term commencing after 2000, no person may serve more  
12 than 3 consecutive 4-year terms as state superintendent. Time served during an  
13 initial partial term in that state office, or time served in a different state office, shall  
14 not be counted as part of the 12-year limit. For purposes of this paragraph, terms  
15 are consecutive unless they are more than 2 years apart.

16 (3) The term of office, time and manner of electing or appointing all other  
17 officers of supervision of public instruction shall be fixed by law.

18 **SECTION 8. Numbering of new provisions.** (1) ARTICLE IV. The new  
19 subsection (2) of section 6 of article IV of the constitution created in this joint  
20 resolution shall be designated by the next higher open whole subsection number in  
21 that section in that article if, before the ratification by the people of the amendment  
22 proposed in this joint resolution, any other ratified amendment has created a  
23 subsection (2) of section 6 of article IV of the constitution of this state. If one or more  
24 joint resolutions create a subsection (2) of section 6 of article IV simultaneously with  
25 the ratification by the people of the amendment proposed in this joint resolution, the

1 subsections created shall be numbered and placed in a sequence so that the  
2 subsections created by the joint resolution having the lowest enrolled joint resolution  
3 number have the numbers designated in that joint resolution and the subsections  
4 created by the other joint resolutions have numbers that are in the same ascending  
5 order as are the numbers of the enrolled joint resolutions creating the subsections.

6 (2) ARTICLE V. The new subsection (2) of section 2 of article V of the constitution  
7 created in this joint resolution shall be designated by the next higher open whole  
8 subsection number in that section in that article if, before the ratification by the  
9 people of the amendment proposed in this joint resolution, any other ratified  
10 amendment has created a subsection (2) of section 2 of article V of the constitution  
11 of this state. If one or more joint resolutions create a subsection (2) of section 2 of  
12 article V simultaneously with the ratification by the people of the amendment  
13 proposed in this joint resolution, the subsections created shall be numbered and  
14 placed in a sequence so that the subsections created by the joint resolution having  
15 the lowest enrolled joint resolution number have the numbers designated in that  
16 joint resolution and the subsections created by the other joint resolutions have  
17 numbers that are in the same ascending order as are the numbers of the enrolled  
18 joint resolutions creating the subsections.

19 (3) ARTICLE VI. The new subsection (2) of section 1 of article VI of the  
20 constitution created in this joint resolution shall be designated by the next higher  
21 open whole subsection number in that section in that article if, before the ratification  
22 by the people of the amendment proposed in this joint resolution, any other ratified  
23 amendment has created a subsection (2) of section 1 of article VI of the constitution  
24 of this state. If one or more joint resolutions create a subsection (2) of section 1 of  
25 article VI simultaneously with the ratification by the people of the amendment

1 proposed in this joint resolution, the subsections created shall be numbered and  
2 placed in a sequence so that the subsections created by the joint resolution having  
3 the lowest enrolled joint resolution number have the numbers designated in that  
4 joint resolution and the subsections created by the other joint resolutions have  
5 numbers that are in the same ascending order as are the numbers of the enrolled  
6 joint resolutions creating the subsections.

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

10 (END)