



1999 ASSEMBLY JOINT RESOLUTION 96

December 30, 1999 - Introduced by Representatives HUBER, CULLEN, WALKER, MEYERHOFER, GUNDERSON, PLOUFF, KEDZIE, HEBL, BOCK, J. LEHMAN, STASKUNAS, RYBA, KREUSER, GRONEMUS and MILLER, cosponsored by Senators BURKE, HUELSMAN and DECKER. Referred to Committee on Judiciary and Personal Privacy.

1 **To renumber** section 4 (3) of article VII; and **to create** section 4 (3) (b) of article VII
2 of the constitution; **relating to:** temporary service in the supreme court (first
3 consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 1999 legislature on first consideration, authorizes the supreme court to assign on a temporary basis any person who has been elected to and is serving as a judge of the court of appeals to aid in the proper disposition of judicial business in the supreme court when it is necessary to provide 7 justices for the consideration of that business. The person must be assigned by lot.

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

4 **Resolved by the assembly, the senate concurring, That:**
5 **SECTION 1.** Section 4 (3) of article VII of the constitution is renumbered section
6 4 (3) (a) of article VII.
7 **SECTION 2.** Section 4 (3) (b) of article VII of the constitution is created to read:
8 [Article VII] Section 4 (3) (b) The supreme court may assign on a temporary
9 basis any person who has been elected to and is serving as a judge of the court of

1 appeals to aid in the proper disposition of judicial business in the supreme court
2 when it is necessary to provide 7 justices for the consideration of that business. The
3 person must be assigned by lot from all persons who are eligible to be assigned.

4 **SECTION 3. Numbering of new provision.** The new paragraph (b) of
5 subsection (3) of section 4 of article VII of the constitution created in this joint
6 resolution shall be designated by the next higher open whole paragraph letter in that
7 subsection in that section in that article if, before the ratification by the people of the
8 amendment proposed in this joint resolution, any other ratified amendment has
9 created a paragraph (b) of subsection (3) of section 4 of article VII of the constitution
10 of this state. If one or more joint resolutions create a paragraph (b) of subsection (3)
11 of section 4 of article VII simultaneously with the ratification by the people of the
12 amendment proposed in this joint resolution, the paragraphs created shall be
13 lettered and placed in a sequence so that the paragraphs created by the joint
14 resolution having the lowest enrolled joint resolution number have the letters
15 designated in that joint resolution and the paragraphs created by the other joint
16 resolutions have letters that are in the same ascending order as are the letters of the
17 enrolled joint resolutions creating the paragraphs.

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

21 (END)