



2005 ASSEMBLY JOINT RESOLUTION 7

January 25, 2005 - Introduced by Representative SCHNEIDER, cosponsored by Senator CARPENTER. Referred to Committee on Campaigns and Elections.

1 ***To renumber and amend*** section 13 of article IV; and ***to create*** section 13 (1) and
2 (2) (b) to (g) of article IV of the constitution; **relating to:** appointment of
3 temporary acting senators and representatives to the assembly for legislators
4 performing ordered military duty (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, permits the appointment of temporary acting senators and representatives to the assembly for legislators performing ordered military duty.

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

Resolved by the assembly, the senate concurring, That:

5 **SECTION 1.** Section 13 of article IV of the constitution is renumbered section 13
6 (2) (a) of article IV and amended to read:

7 [Article IV] Section 13 (2) (a) No person being a member of congress, or holding
8 any military or civil office under the United States, shall be eligible to a seat in the
9 legislature; and if any person shall, after his election as a member of the legislature,
10

1 be elected to congress, or be appointed to any office, civil or military, under the
2 government of the United States, his or her acceptance thereof shall vacate his or her
3 seat. However, a legislator performing ordered military duty does not vacate his or
4 her seat. This restriction shall not prohibit a legislator from accepting short periods
5 of active duty as a member of the reserve or national guard or from serving in the
6 armed forces during any emergency declared by the executive for 30 days or less.

7 **SECTION 2.** Section 13 (1) and (2) (b) to (g) of article IV of the constitution are
8 created to read:

9 [Article IV] Section 13 (1) In this section:

10 (a) “Armed forces of the United States” means the United States Army, the
11 United States Navy, the United States Air Force, the United States Marine Corps,
12 the United States Coast Guard, any reserve component of any of those services, or
13 the national guard.

14 (b) “Ordered military duty” means any military duty performed in the armed
15 forces of the United States as a result of being called to duty, drafted, or activated,
16 including attendance at any service school conducted by the armed forces of the
17 United States as a voluntary member of the national guard or of any reserve
18 component of the armed forces of the United States pursuant to orders issued by
19 competent state or federal authority.

20 (2) (b) A legislator who will begin performing ordered military duty for more
21 than 30 days may appoint an individual to act temporarily for him or her during his
22 absence while on the ordered military duty, subject to approval of the appointment
23 by a vote of a majority of the members elected to that house of the legislature.

24 (c) A temporary acting legislator must be:

1 1. If the legislator is a member of a political party, a member of the same
2 political party as the legislator for whom he or she is acting; and

3 2. Qualified for office under paragraph (a), sections 6 and 12 of this article, and
4 section 3 of article XIII as if he or she were a legislator.

5 (d) A temporary acting legislator begins acting on the date specified in writing
6 by the legislator as the date the legislator will begin performing the ordered military
7 duty.

8 (e) A temporary acting legislator may act until the legislator is no longer on the
9 ordered military duty or until end of the term of office of the legislator for whom he
10 or she is acting or until the legislator revokes the appointment, whichever comes
11 first.

12 (f) A temporary acting legislator has all the powers and privileges, and may
13 carry out all the duties, regularly exercised by the legislator for whom he or she is
14 acting. A temporary acting legislator is entitled to the same amount of
15 compensation, payable in the same manner and from the same source, as the
16 legislator for whom he or she is acting.

17 (g) A temporary acting legislator is ineligible to be nominated for or elected to
18 the office of legislator of the district in which he or she serves as temporary acting
19 legislator, but is ineligible only at the first election for that office held after being so
20 appointed.

21 **SECTION 3. Numbering of new provision.** The new subsection (2) of section
22 13 of article IV of the constitution created in this joint resolution shall be designated
23 by the next higher open whole subsection number in that section in that article if,
24 before the ratification by the people of the amendment proposed in this joint
25 resolution, any other ratified amendment has created a subsection (2) of section 13

1 of article IV of the constitution of this state. If one or more joint resolutions create
2 a subsection (2) of section 13 of article IV simultaneously with the ratification by the
3 people of the amendment proposed in this joint resolution, the subsections created
4 shall be numbered and placed in a sequence so that the subsections created by the
5 joint resolution having the lowest enrolled joint resolution number have the numbers
6 designated in that joint resolution and the subsections created by the other joint
7 resolutions have numbers that are in the same ascending order as are the numbers
8 of the enrolled joint resolutions creating the subsections.

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

12 (END)