1995 ASSEMBLY JOINT RESOLUTION 15

January 26, 1995 – Introduced by Representatives JENSEN, BALDWIN, AINSWORTH, BALDUS, BOCK, COLEMAN, DOBYNS, DUFF, FREESE, GOETSCH, GREEN, GROTHMAN, HAHN, HANSON, HUBER, HUEBSCH, JOHNSRUD, KLUSMAN, LADWIG, LA FAVE, LEHMAN, KAUFERT, MURAT, MUSSER, PLACHE, RYBA, SCHNEIDERS, MORRIS-TATUM, VRAKAS, WALKER, WARD, WASSERMAN, ZIEGELBAUER, ZUKOWSKI and SERATTI, cosponsored by Senators HUELSMAN, RISSER, BURKE, COWLES, ROSENZWEIG, SCHULTZ and WEEDEN. Referred to Committee on Judiciary.

1 ***To amend*** section 10 (1) of article VII of the constitution; **relating to:** permitting

2 a judge to assume a nonjudicial office of public trust after vacating the judicial

3 office during that term of office (2nd consideration).

Analysis by the Legislative Reference Bureau

This constitutional amendment, to be given 2nd consideration by the 1995 legislature for submittal to the voters in April 1995, was considered by the 1993 legislature as 1993 Assembly Joint Resolution 81 (1993 Enrolled Joint Resolution 20).

EXPLANATION OF PROPOSAL

The state constitution prohibits any justice of the supreme court or judge of any court of record from holding any other office of public trust, except a judicial office, during the term for which elected.

This constitutional amendment permits a justice or judge to be elected or appointed to a different office of public trust if the justice or judge vacates the judicial office before assuming the different office.

PROCEDURE FOR 2ND CONSIDERATION

When a constitutional amendment is before the current legislature on 2nd consideration, any change in the text approved by the preceding legislature reverts the proposal to first consideration status so that 2nd consideration approval would have to be given by the next legislature before the proposal could be submitted to the people for ratification [see joint rule 57 (2) (b)].

The decision of whether to approve a proposed constitutional amendment on 2nd consideration is up to the legislature. If the legislature approves a proposed constitutional amendment on 2nd consideration, it must also set the date for submitting the constitutional amendment to the people for ratification and must determine the question or questions to be printed on the ballot.

1995 – 1996 Legislature   – 2 –   LRB–1936/1
PJD:kmg:aj
SECTION 1

1995 SPRING ELECTION

Because of the time required for publication of election notices and distribution of election supplies, the elections board estimates that this joint resolution would have to pass both houses no later than February 21, 1995, to be placed on the ballot for the April 4, 1995, spring election.

1   Whereas, the 1993 legislature in regular session proposed an amendment to

2   the constitution by 1993 Assembly Joint Resolution 81 (1993 Enrolled Joint

3   Resolution 20) and agreed to it by a majority of the members elected to each of the

4   2 houses, which amendment reads as follows:

         SECTION 1. Section 10 (1) of article VII of the constitution is amended to read:

         [Article VII] Section 10 (1) No justice of the supreme court or judge of any court of record shall hold any other office of public trust, except a judicial office~~, during the term for which elected~~. No person shall be eligible to the office of judge who shall not, at the time of election or appointment, be a qualified elector within the jurisdiction for which chosen.

5   ***Now, therefore, be it resolved by the assembly, the Senate concurring,***

6   ***That*** the foregoing amendment to the constitution is agreed to by the 1995

7   legislature; and, be it further

8   ***Resolved, That*** the foregoing amendment be submitted to a vote of the people

9   at the election to be held on the first Tuesday of April, 1995; and, be it further

10   ***Resolved, That*** the question concerning ratification of the foregoing

11   amendment be stated on the ballot as follows:

12   **QUESTION 1:** "***Eligibility of judges for nonjudicial office.*** Shall section 10

13   (1) of article VII of the constitution be amended to permit a judge to assume a

14   nonjudicial office of public trust after vacating the judicial office during that term of

15   office?"

16   **(END)**