

HOUSE JOINT RESOLUTION NO. HJ0007

Constitutional amendment-overturn supreme court decisions.

Sponsored by: Representative(s) Edmonds

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
 2 Constitution to authorize the Wyoming legislature to review
 3 and void decisions entered by the Wyoming supreme court as
 4 specified; providing procedures for review of supreme court
 5 and legislative actions as specified.

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7 WHEREAS, the framers of our constitutional republican form
 8 of government concurred that a system of checks and
 9 balances be emplaced between separate branches; and

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11 WHEREAS, the Wyoming supreme court alone is presently
 12 immune from any nullificatory power being exercised against
 13 its rulings and edicts by either of the other branches.

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1 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
2 STATE OF WYOMING, two-thirds of all the members of the two
3 houses, voting separately, concurring therein:
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5 **Section 1.** The following proposal to create Wyoming
6 Constitution, Article 5, Section 30 is proposed for
7 submission to the electors of the State of Wyoming at the
8 next general election for approval or rejection to become
9 valid as a part of the Constitution if ratified by a
10 majority of the electors at the election:
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12 **Article 5, Section 30. Review of supreme court**
13 **decisions; procedures.**
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15 (a) The legislature may review any Wyoming supreme
16 court decision entered after January 1, 2017, if the
17 court's decision is based upon a provision of this
18 constitution. The legislature shall conduct its review and
19 enact legislation, as provided in this subsection, not
20 later than thirty-six (36) months after the supreme court
21 has published its decision. With the concurrence of two-
22 thirds (2/3) of the elected members of each house, the
23 legislature may enact legislation to void or annul the

1 court's decision, subject to review by the governor under
2 article 4, section 8.

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4 (b) Any law enacted under subsection (a) of this
5 section shall not be subject to review regarding its
6 compliance with this constitution by any state court.

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8 **Section 2.** That the Secretary of State shall endorse
9 the following statement on the proposed amendment:

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11 The adoption of this amendment would allow the Legislature
12 to review Wyoming Supreme Court decisions which are based
13 upon a Wyoming constitutional provision and enact
14 legislation to overturn those decisions. Any law enacted
15 under this provision would not be subject to further review
16 for compliance with the Wyoming constitution by a Wyoming
17 state court.

18

19

(END)