

for twenty or thirty years, should this individual become disabled as a result of heart or lung disease, it would be presumed to be work related and the officer would be entitled to receive full benefits. It is well known that heavy tobacco use is a major cause of emphysema, lung cancer, and heart disease, and our public policy should not be expected to support nor condone it.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2496 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1184
APPELLATE COURT JUDGES
H.F. 2471

AN ACT concerning the number of supreme court justices and court of appeals judges, and including a contingent effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 602.4101, subsection 1, Code 1997, is amended to read as follows:

1. The supreme court consists of ~~nine~~ seven justices. A majority of the justices sitting constitutes a quorum, but less fewer than three justices is not a quorum.

Sec. 2. Section 602.5102, subsection 1, Code 1997, is amended to read as follows:

1. The court of appeals consists of ~~six~~ nine judges; three judges of the court of appeals constitute a quorum.

Sec. 3. **TRANSITION TO SEVEN-MEMBER SUPREME COURT.** Notwithstanding section 602.4101, the supreme court shall consist of eight or nine justices until the number of justices is reduced to seven, by attrition, commencing with any vacancy in the supreme court occurring on or after July 1, 1999. For purposes of this subsection, "vacancy" means the death, resignation, or removal of a justice on the supreme court, or the expiration of a term as a justice on the supreme court following a failure to file a declaration of candidacy pursuant to section 46.20 or a failure to be retained in office pursuant to a judicial election.

Sec. 4. **CONTINGENT EFFECTIVE DATE.** This Act takes effect on July 1, 1999, if an appropriation to the judicial department for the fiscal year beginning July 1, 1999, provides for the authorization and funding of nine judges of the court of appeals.

Approved May 13, 1998