

**HJR**

**37**

Member

# Alaska State Legislature House of Representatives

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**Standing Committees:**  
Judiciary  
State Affairs

**House Special Committee:**  
Ways & Means

**Finance Subcommittees:**  
Administration  
Courts

**Representative Max F. Gruenberg, Jr.**  
**House District 20**  
Anchorage (Mountain View, Russian Jack, East Anchorage)  
House Minority Assistant Floor Leader

Email:  
rep.max.gruenberg@legis.state.ak.us

TO: Senator Hollis French  
Chair, Judiciary

FROM: *Max* Representative Max F. Gruenberg, Jr.

DATE: April 1, 2008

RE: HJR 37 - Const. AM: Sec. of State References

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Please consider this memorandum as a request for the Senate Judiciary Committee to schedule a hearing on HJR 37. Accompanying this memo are the following documents:

- ▶ Sponsor Statement
- ▶ HJR 37 - 25-LS1527\M
- ▶ Sectional Analysis
- ▶ Legal Memorandum with enclosure - Dated February 18, 2008
- ▶ News Article from The Council of State Governments
- ▶ Fiscal Note

Many thanks.

*Member*

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State Affairs

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## **SPONSOR STATEMENT FOR HJR37 BY: REPRESENTATIVE MAX F. GRUENBERG, JR.**

**TITLE:** "Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor."

In 1970 Alaska voters approved amendments to the state constitution changing the name of "Secretary of State" to "Lieutenant Governor." At that time, however, the drafting attorneys did not catch all of the references to "Secretary of State". HJR37 corrects the two remaining references to "Secretary of State" in the state constitution. The proposed amendments, if approved by the legislature, would be placed before the voters in the next general election.

*Member*

# Alaska State Legislature

## House of Representatives



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### Sectional Analysis for HJR37

**Section 1.** Amends Article II, sec. 5, Constitution of the State of Alaska

Adds: **lieutenant governor**

Removes: **[SECRETARY OF STATE]**

**Section 2.** Amends Article II, sec. 25 Constitution of the State of Alaska

Adds: **lieutenant governor**

Removes: **[SECRETARY OF STATE]**

These sections update by correcting the only two outdated references to "secretary of state" to "lieutenant governor" following the 1970 constitutional amendment that changed the name of that office.

**Section 3.** This section states that the constitutional amendments will be placed on the ballot at the next general election as required by Art. XIII, Sec. 1 of the Alaska Constitution. Two thirds of each House must approve the proposed amendments and a majority of the electorate voting must ratify it.

# LEGAL SERVICES

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## MEMORANDUM

March 10, 2008

**SUBJECT:** HJR 37, correcting obsolete references in the state constitution to "secretary of state" (Work Order No. 25-LS1527\C)

**TO:** Representative Max F. Gruenberg, Jr.

**FROM:** Jack Chenoweth  
Assistant Revisor

The joint resolution has been scheduled for a House State Affairs Committee hearing.

For whatever use you may choose to make of the material, set out below is a replication of my notes shared with the joint resolution's sponsor when this matter was last before the legislature in 2005.

\*

In 1970, the legislature proposed and the voters, by a margin of 71% - 29% (yes = 46,102; no = 18,781), approved a series of amendments to the state constitution that changed the name of the constitutional office of "secretary of state" to the office of "lieutenant governor." In the 1970 joint resolution that proposed the amendments, SJR 2, a copy of which accompanies this memo, the drafting attorneys of the time did not catch all the references to "secretary of state." They missed the two that appear in article II, section 5 and article III, section 25. By proposing amendments to delete in those two sections the obsolete references to secretary of state and substituting references to lieutenant governor, this House joint resolution would correct the oversight.

Unlike statutes, corrections of errors and omissions in the state constitution cannot be completed editorially. Under article XIII, section 1,

amendments. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor.

**Representative Max F. Gruenberg**  
**March 10, 2008**  
**Page 2**

Corrective changes of this kind might have been proposed by a constitutional convention called to make changes to the state constitution. However, when, at ten-year intervals since 1970, the proposals have been presented to the voters as referenda under article XIII, section 3, the voters have repeatedly failed to approve calls for state constitutional conventions. The voters defeated the calls for constitutional conventions in each of the 1972, 1982, 1992, and 2002 general elections.

JBC:med  
08-168.med

Enclosure



Alaska State Legislature

1970

Source:

SJR 2

SJR 2

**SENATE  
JOINT RESOLUTION**

Proposing that the Constitution of the State of Alaska be amended by changing the name of the secretary of state to lieutenant governor.

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

\* Section 1. Secs. 7, 8, 9, 10, 11, 13, 14 and 15, Art. III, Constitution of the State of Alaska, are amended to read:

**SECTION 7.** There shall be a lieutenant governor. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

**SECTION 8.** The lieutenant governor shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

**SECTION 9.** In case of the temporary absence of the governor from office, the lieutenant governor shall serve as acting governor.

**SECTION 10.** If the governor-elect dies, resigns, or is disqualified, the lieutenant governor elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

**SECTION 11.** In case of a vacancy in the office of governor for any reason, the lieutenant governor shall

succeed to the office for the remainder of the term.

SECTION 13. Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the lieutenant governor is unable to succeed to the office or act as governor. No election of a lieutenant governor shall be held except at the time of electing a governor.

SECTION 14. When the lieutenant governor succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office.

SECTION 15. The compensation of the governor and the lieutenant governor shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

\* Sec. 2. Secs. 2, 3, 4, 5 and 6, Art. XI, Constitution of the State of Alaska, are amended to read:

SECTION 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

SECTION 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the lieutenant governor.

SECTION 4. An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

SECTION 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

SECTION 6. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date.

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It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

Sec. 3. Secs. 1 and 3, Art. XIII, Constitution of the State of Alaska, are amended to read:

SECTION 1. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next statewide election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor.

SECTION 3. If during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The lieutenant governor shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

Sec. 4. Sec. 9, Art. IV, Constitution of the State of Alaska, is amended to read:

SECTION 9. The first governor and lieutenant governor shall hold office for a term beginning with the day on which they assume office and ending at noon on the first Monday in December of the even-numbered year following the next presidential election. This term shall count as a full term for purposes of determining eligibility for re-election only if it is four years or more in duration.

Sec. 5. The amendments proposed by this resolution shall be placed before the voters of the state at the next statewide election in conformity with sec. 1, art. XIII, of the Constitution of the State of Alaska, and the state election code.

## States Pursue Title of Lieutenant Governor

The last states without lieutenant governors may soon jump on the bandwagon. Two states, Tennessee and Arizona, are pursuing in this legislation session the creation of the lieutenant governor position as a statewide elected office. Rhode Island lawmakers are considering expanding powers of the lieutenant governor. Only five states do not have lieutenant governors.

In each case, lieutenant governor supporters say the position allows for gubernatorial succession that's clear to voters, while protecting the continuity of government.

However, in Arizona, Oregon and Wyoming, states without the lieutenant governor position, the secretary of state is first in line for gubernatorial succession.

"People who are voting for secretary of state should note they are also electing the person next in line for governor," Arizona

Sen. Chuck Gray told the Cronkite News Service.

An East Valley Tribune editorial agreed: "Arizonans always should keep in mind that the official who oversees the state election system suddenly could have power to veto legislation and control a large portion of state government, if the governor became unable to do the job."

Gubernatorial succession has happened five times in Arizona's 95-year history, most recently in 1997 when then-Secretary of State Jane Hull replaced Fife Symington. Voters may not realize that the secretary of state is next in line if the current governor dies or resigns since nearly all other states have a lieutenant governor, according to the East Valley Tribune editorial.

Four states place the senate president first in line to replace the governor, but

Tennessee and West Virginia give the title lieutenant governor to this officer in recognition of the vital succession duty. Yet, Tennessee this year is considering creating an office of lieutenant governor, which would be elected statewide.

"An elected lieutenant governor is a companion piece to any sort of sensible line of succession," Gov. Phil Bredesen, told *The Tennessean*. Only three officials are elected statewide in Tennessee, the governor and two U.S. senators.

New Hampshire and Maine are the other states where the senate president is first in line of succession and with no use of the lieutenant governor title. Voters in New Jersey approved creation of a statewide elected office of lieutenant governor in 2005; the first will be elected next year in 2009.

## States Lengthen School Days



In an effort to raise achievement in schools, some states are looking to lengthen the school day. A handful of states and cities, along with many charter schools, are seeking to add more hours, days and weeks to their school calendar, according to *The Washington Post*.

Massachusetts is spending \$13 million this year as part of a program to lengthen school days, according to Heidi Guarino, spokeswoman for the Massachusetts Department of Education. Ten schools made school days longer for the 2006-2007 school year and this school year, the number of schools increased to 19, Guarino said.

An additional 33 schools in 16 districts are in the pipeline and hope to convert to longer days in the future, according to *The Boston Globe*.

In most cases, the school days are expanded from six-hour days to eight- or nine-hour days.

The Commonwealth Readiness Project—the cornerstone of Gov. Deval Patrick's education priorities—issued an update in January 2008 that continued the recommendation of expanded teaching and learning time in Massachusetts.

"Expanded teaching and learning time, whether through full-day kindergarten, longer school days, summer learning programs or high-quality out-of-school or after-school programs, can provide increased opportunities that impact academic achievement, address out-of-school factors, such as health and nutrition and enhance support services including in-home resources and parenting skills," the report stated.

The Massachusetts report also said schools with longer days narrowed the achievement gap at a faster rate than the state and increased the number of students

at or above the proficiency level by 10.8 percent compared to the state rate of only 3.5 percent.

Sen. Edward M. Kennedy, chairman of the U.S. Senate's Health, Education, Labor and Pensions Committee, joined with Boston Mayor Thomas M. Menino, to celebrate expanded school day programs in Massachusetts at the Clarence R. Edwards Middle School in Charlestown in January. The middle school implemented the state's expanded learning time initiative in 2006.

"It gives students the time not only to master the basics, but also to expand their horizons through art, music, physical education and other activities. It gives teachers additional time for collaboration and planning to improve instruction," Kennedy said in a press release.

New York tacked on minutes a day for schools in 28 different school systems, *The Washington Post* reports. New Mexico is also spending slightly more than \$7 million to add 25 extra days at 29 schools where students need the most help, according to the *Post*.