

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SJUD 12595

[Legislation](#) > 2007-2008 (110th Congress) > [H.R. 5057](#)

## H.R. 5057: Debbie Smith Reauthorization Act of 2008

### Bill Status

Introduced: Jan 17, 2008

Sponsor: Rep. Carolyn Maloney [D-NY]

Status: Introduced

[Go to Bill Status Page](#)

You are viewing the following version of this bill:

**Introduced in House:** This is the original text of the bill as it was written by its sponsor and submitted to the House for consideration.

### Text of Legislation

HR 5057 IH

110th CONGRESS

2d Session

H. R. 5057

To reauthorize the Debbie Smith DNA Backlog Grant Program.

IN THE HOUSE OF REPRESENTATIVES

January 17, 2008

Mrs. MALONEY of New York (for herself, Mr. CONYERS, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To reauthorize the Debbie Smith DNA Backlog Grant Program.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Debbie Smith Reauthorization Act of 2008'.

**SEC. 2. REAUTHORIZATION OF THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.**

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended--

(1) in subsection (c)(3)--

(A) by striking subparagraphs (A) through (D);

(B) by redesignating subparagraph (E) as subparagraph (A); and

(C) by inserting after subparagraph (A) (as so redesignated) the following new subparagraph:

'(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.'; and

(2) by amending subsection (j) to read as follows:

'(j) Authorization of Appropriations- There are authorized to be appropriated to the Attorney General for grants under subsection (a) of this section \$151,000,000 for each of the fiscal years 2009 through 2014.'

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## U.S. Code collection

TITLE 42 > CHAPTER 136 > SUBCHAPTER IX Part A > § 14135

### § 14135. The Debbie Smith DNA Backlog Grant Program

#### (a) Authorization of grants

The Attorney General

may make grants to eligible States or units of local government for use by the State or unit of local government for the following purposes:

- (1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples collected under applicable legal authority.
- (2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect.
- (3) To increase the capacity of laboratories owned by the State or by units of local government to carry out DNA analyses of samples specified in paragraph (1) or (2).
- (4) To collect DNA samples specified in paragraph (1).
- (5) To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

#### (b) Eligibility

For a State or unit of local government to be eligible to receive a grant under this section, the chief executive officer of the State or unit of local government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall, as required by the Attorney General—

- (1) provide assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;
- (2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 14132 (b)(3) of this title;
- (3) include a certification that the State or unit of local government has determined, by statute, rule, or regulation, those offenses under State law that

shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State or unit of local government shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) of this section and samples specified in subsection (a)(2) of this section;

(5) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(3) of this section;

(6) if submitted by a unit of local government, certify that the unit of local government has taken, or is taking, all necessary steps to ensure that it is eligible to include, directly or through a State law enforcement agency, all analyses of samples for which it has requested funding in the Combined DNA Index System; and

(7) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(4) of this section.

**(c) Formula for distribution of grants**

**(1) In general**

The Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among eligible States and units of local government that—

(A) maximizes the effective utilization of DNA technology to solve crimes and protect public safety; and

(B) allocates grants among eligible entities fairly and efficiently to address jurisdictions in which significant backlogs exist, by considering—

(i) the number of offender and casework samples awaiting DNA analysis in a jurisdiction;

(ii) the population in the jurisdiction; and

(iii) the number of part 1 violent crimes in the jurisdiction.

**(2) Minimum amount**

The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriation.

**(3) Limitation**

Grant amounts distributed under paragraph (1) shall be awarded to conduct DNA analyses of samples from casework or from victims of crime under subsection (a)(2) of this section in accordance with the following limitations:

(A) For fiscal year 2005, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

(B) For fiscal year 2006, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

(C) For fiscal year 2007, not less than 45 percent of the grant amounts

shall be awarded for purposes under subsection (a)(2) of this section.

(D) For fiscal year 2008, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

(E) For fiscal year 2009, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

**(d) Analysis of samples**

**(1) In general**

A plan pursuant to subsection (b)(1) of this section shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

(A) operated by the State or a unit of local government; or

(B) operated by a private entity pursuant to a contract with the State or a unit of local government.

**(2) Quality assurance standards**

(A) The Director of the Federal Bureau of Investigation shall maintain and make available to States and units of local government a description of quality assurance protocols and practices that the Director considers adequate to assure the quality of a forensic laboratory.

(B) For purposes of this section, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 14132 (b) of this title.

**(3) Use of vouchers or contracts for certain purposes**

**(A) In general**

A grant for the purposes specified in paragraph (1), (2), or (5) of subsection (a) of this section may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

**(B) Redemption**

A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

**(C) Payments**

The Attorney General may use amounts authorized under subsection (j) of this section to make payments to a laboratory described under subparagraph (B).

**(e) Restrictions on use of funds**

**(1) Nonsupplanting**

Funds made available pursuant to this section shall not be used to supplant State or local government funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local government sources for the purposes of this Act.

**(2) Administrative costs**

A State or unit of local government may not use more than 3 percent of the funds it receives from this section for administrative expenses.

**(f) Reports to the Attorney General**

Each State or unit of local government which receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section is expended, a report at such time and in such manner as the Attorney General may reasonably require, which contains—

- (1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and
- (2) such other information as the Attorney General may require.

**(g) Reports to Congress**

Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to the Congress a report that includes—

- (1) the aggregate amount of grants made under this section to each State or unit of local government for such fiscal year;
- (2) a summary of the information provided by States or units of local government receiving grants under this section; and
- (3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how such plan will ensure the effective use of DNA technology to solve crimes and protect public safety.

**(h) Expenditure records**

**(1) In general**

Each State or unit of local government which receives a grant under this section shall keep records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

**(2) Access**

Each State or unit of local government which receives a grant under this section shall make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.

**(i) Definition**

For purposes of this section, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

**(j) Authorization of appropriations**

Amounts are authorized to be appropriated to the Attorney General for grants under subsection (a) of this section as follows:

- (1) \$151,000,000 for fiscal year 2005;

- (2) \$151,000,000 for fiscal year 2006;
- (3) \$151,000,000 for fiscal year 2007;
- (4) \$151,000,000 for fiscal year 2008; and
- (5) \$151,000,000 for fiscal year 2009.

**(k) Use of funds for accreditation and audits**

The Attorney General may distribute not more than 1 percent of the grant amounts under subsection (j) of this section—

(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or reaccreditation;

(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community—

(A) to defray the costs of external audits of laboratories operated by such State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

(B) to assess compliance with any plans submitted to the National Institute of Justice, which detail the use of funds received by States or units of local government under this Act; and

(C) to support future capacity building efforts; and

(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

**(l) Use of funds for other forensic sciences**

The Attorney General may award a grant under this section to a State or unit of local government to alleviate a backlog of cases with respect to a forensic science other than DNA analysis if the State or unit of local government—

(1) certifies to the Attorney General that in such State or unit—

(A) all of the purposes set forth in subsection (a) of this section have been met;

(B) a significant backlog of casework is not waiting for DNA analysis; and

(C) there is no need for significant laboratory equipment, supplies, or additional personnel for timely DNA processing of casework or offender samples; and

(2) demonstrates to the Attorney General that such State or unit requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.

**(m) External audits and remedial efforts**

In the event that a laboratory operated by a State or unit of local government which has received funds under this Act has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of such audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with such standards, the State or unit of local government shall implement any such remediation as soon as practicable.

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# Alaska

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<b>Statistical Information</b>	<b>Total</b>
Offender Profiles	10,965
Forensic Samples	647
Number of CODIS Labs	1
NDIS Participating Labs	1
Investigations Aided	212

**[Back to Statistical Map](#)**

# sexual assault statistics

According to a study conducted by the National Victim Center, 1.3 women (age 18 and over) in the United States are forcibly raped each minute. That translates to 78 per hour, 1,871 per day, or 683,000 per year. - Rape in America: A Report to the Nation, National Victim Center, 1992.

According to the U.S. Department of Justice, nearly 6 out of 10 rape/sexual assault incidents are reported by victims to have occurred in their own home or at the home of a friend, relative, or neighbor. - Sex Offenses and Offenders: An Analysis of Data on Race and Sexual Assault, Bureau of Statistics, Office of Justice Programs, U.S. Dept. of Justice, 1997.

51% of the sexual assault cases studied in the Women's Safety Project survey were committed against young women between 16 and 21 years. old. - "Sexual Violence in Women's Safety Project, A Community-Based Survey," 1995.

In 29% of rapes, the offender used a weapon. - Violence Against Women, Bureau of Justice Statistics, U.S. Dept of Justice, 1994.

According to the U.S. Department of Justice, an estimated 91% of the victims of rape and sexual assault are female and 9% are male. Nearly 99% of the offenders they described in single-victim incidents are male. - Violence Against Women, Bureau of Justice Statistics, U.S. Dept of Justice, 1994.

Rape or sexual assault was the violent crime least often reported to law enforcement. - Crime Victimization 1999: Changes 1998-99 with Trends 1993-99, National Crime Victimization Survey, Bureau of Justice Statistics, U.S. Dept. of Justice, 2000.

13.3% of college women indicated that they had been forced to have sex in a dating situation. Journal of Interpersonal Violence, I. Johnson & R. Sigler, 2000.

Among developmentally disabled adults as many as 83% of the females and 32% of the males are victims of sexual assault. Sexual Assault Against Women with Disabilities, Disabled Women's Network, 1991.

The National Violence Against Women Survey found that rape is a crime committed primarily against youth. Of the women who reported being raped sometime in their lives, 21.6% were younger than age 12, 32.4% were ages 12 to 17, 29% were

**ages 18 to 24, and 16.6 % were over 25 years old. Thus, 54% of women victims were under age 18 at the time of the first rape and 83% were under the age of 25.** - *Prevalence, Incidence and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey,* National Institute of Justice, Office of Justice Programs, U.S. Dept. of Justice, 1998.

**4 out of 5 students (81%) have experienced some form of sexual harassment during their school years.** - *Prevalence, Incidence and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey,* National Institute of Justice, Office of Justice Programs, U.S. Dept. of Justice, 1998.

**77% of completed rapes are committed by someone who is known to the victim.** - *Bureau of Justice Statistics, U.S. Dept. of Justice.*



**Crystal Koeneman**

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**From:** Collins, Michelle L (DPS) [michelle.collins@alaska.gov]  
**Sent:** Friday, February 15, 2008 10:25 AM  
**To:** Crystal Koeneman  
**Subject:** RE: DNA Backlog Grant Program

Crystal,

They are currently vacant positions that already existed. I absolutely support federal funding for DNAI

Michelle L. Collins  
Criminalist IV, DNA/CODIS Supervisor  
AK State CODIS Administrator  
Alaska Scientific Crime Detection Laboratory  
5500 East Tudor Road  
Anchorage, AK 99507  
907-269-5620 phone  
907-338-6614 fax

**Please note that my e-mail address has changed. My new e-mail address is Michelle.Collins@alaska.gov**

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**From:** Crystal Koeneman [mailto:Crystal\_Koeneman@legis.state.ak.us]  
**Sent:** Friday, February 15, 2008 10:12 AM  
**To:** Collins, Michelle L (DPS)  
**Subject:** RE: DNA Backlog Grant Program

Michelle,

Thank you for getting back to me so quickly!!! I do have a few more questions...when you say that you are preparing to hire 2 more staff...are those currently vacant positions that are needing to be filled, or are they two new positions? Also, I was wondering if you supported HJR 34 - FEDERAL FUNDING FOR DNA TESTING. Please let me know!!! Thank you for your time!!!

*Crystal Koeneman  
Legislative Assistant ~ Rep. Bob Roses  
District 19, Northeast Anchorage, Alaska  
phone 907-465-4939 ~ fax 907-465-2418*

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**From:** Collins, Michelle L (DPS) [mailto:michelle.collins@alaska.gov]  
**Sent:** Friday, February 15, 2008 9:42 AM  
**To:** Crystal Koeneman  
**Subject:** DNA Backlog Grant Program

Crystal,

Alaska currently has about 400 backlogged DNA cases. We currently have only 2 full-time analysts, but are preparing to hire 2 more. I am attaching a spreadsheet summarizing the federal grants we have received in the past few years. If you have any additional questions, feel free to contact me directly.

Thanks,  
Michelle L. Collins

**Criminalist IV, DNA/CODIS Supervisor  
AK State CODIS Administrator  
Alaska Scientific Crime Detection Laboratory  
5500 East Tudor Road  
Anchorage, AK 99507  
907-269-5620 phone  
907-338-6614 fax**

**Please note that my e-mail address has changed. My new e-mail address is  
[Michelle.Collins@alaska.gov](mailto:Michelle.Collins@alaska.gov)**

<u>Federal Grant</u>	<u>Period</u>	<u>Purposes</u>	<u>Amount</u>	<u>Notes</u>
2007 DNA Convicted Offender Backlog	10/1/07- 9/30/08	DNA robotic software and in-house analysis supplies	\$ 160,000.00	Active
2006 DNA Convicted Offender Backlog	10/1/06- 9/30/08	Supplies for in-house analysis of convicted offender DNA	\$ 87,500.00	Active
2006 DNA Backlog Reduction	10/1/06- 9/30/08	Permanent Criminalist Salary, DNA supplies, Administrative Expenses	\$ 108,474.00	Active
2006 DNA Capacity Enhancement	10/1/06- 9/30/07	DNA Robots, DNA Microscope, Expert System Software, Onsite DNA staff training, CODIS Server, Workstations, Validation Supplies	\$ 212,026.00	Closed
2005 DNA Capacity Enhancement	10/1/05- 3/31/07	DNA equipment, supplies, Non-permanent Personnel Services for CODIS sample uploading	\$ 181,600.00	Closed
2004 DNA Backlog Reduction	8/1/04 - 7/31/07	Non-perm Criminalist Salary DNA Screening	\$ 194,620.00	Closed

HJR

37

Member

# Alaska State Legislature House of Representatives



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**Standing Committees:**  
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**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**

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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Judiciary  
State Affairs

*House Special Committee:*  
Ways & Means

*Finance Subcommittees:*  
Administration  
Courts

# Alaska State Legislature

## House of Representatives



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

**House District 20**

**Anchorage (Mountain View, Russian Jack, East Anchorage)  
House Minority Assistant Floor Leader**

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

DIVISION OF LEGAL AND RESEARCH 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 summation. 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*.