

**1999 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 02/17/1999

Received By: dykmapj

Wanted: Soon

Identical to LRB: 97-1795/1

For: Sheldon Wasserman (608) 266-7671

By/Representing:

This file may be shown to any legislator: NO

Drafter: dykmapj

May Contact:

Alt. Drafters:

Subject: Constitutional Amendments  
Elections - miscellaneous

Extra Copies: JTK

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Eliminate office of lt. governor

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**Instructions:**

1997 AJR 47

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dykmapj 02/17/1999	jgeller 02/17/1999		_____			
/1			jfrantze 02/17/1999	_____	lrb_docadmin 02/17/1999	lrb_docadmin 11/03/1999	

FE Sent For:

<END>

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/?	dykmapj	1/1 3/17 jlg	2/2/17	2/6/17 rh			

FE Sent For:

<END>

**Dykman, Peter**

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**From:** Champagne, Rick  
**Sent:** Wednesday, February 17, 1999 8:39 AM  
**To:** Dykman, Peter  
**Subject:** Drafting Requests for Wasserman

Peter --

Sarah in Wasserman's office called in with two requests:

1. Redraft of 97-1795/1 (Elimination of Office of Lt. Gov.).
2. Redraft of 97-1796/1 (Adoption of unicameral legislature).

As these are both constitutional amendments, do you want to take care of these?

Rick

2242/1

JW JG

1999

~~XXXXXXXXXX~~  
SOON

**1997 ASSEMBLY JOINT RESOLUTION 47**

April 9, 1997 - Introduced by Representatives WASSERMAN, REYNOLDS, BALMGART and SPRINGER, cosponsored by Senators WIRCH and PLACHE. Referred to Committee on Elections and Constitutional Law.

space

1 **To amend** so as in effect **to repeal** section 10 (2) of article XIII; **to renumber** section  
2 10 (1) of article XIII; and **to amend** sections 1, 2, 3, 7 and 8 of article V and  
3 section 1 of article VII of the constitution; **relating to:** abolishing the office of  
4 lieutenant governor (first consideration).

**Analysis by the Legislative Reference Bureau**

1999

This proposed constitutional amendment, proposed to the ~~1997~~ legislature on first consideration, abolishes the office of lieutenant governor.

Presently, the constitution provides that, upon the governor's death, resignation or removal from office, the lieutenant governor becomes governor. It also provides that, if the governor is absent from the state, impeached, or, from mental or physical disease, becomes incapable of performing the duties of the office, the lieutenant governor serves as acting governor. This joint resolution provides that the speaker of the assembly, instead, shall become governor or acting governor under those circumstances.

A proposed constitutional amendment requires adoption by <sup>✓</sup>2 successive legislatures, and ratification by the people, before it can become effective.

5 **Resolved by the assembly, the senate concurring, That:**

6 **SECTION 1.** Section 1 of article V <sup>✓</sup> of the constitution is amended to read:

7 [Article V] Section 1. The executive power shall be vested in a governor who  
8 shall hold office for 4 years; ~~a lieutenant governor shall be elected at the same time~~  
9 ~~and for the same term.~~

1           **SECTION 2.** Section 2 of article V<sup>✓</sup> of the constitution is amended to read:

2           [Article V] Section 2. No person except a citizen of the United States and a  
3           qualified elector of the state shall be eligible to the office of governor<sup>✓</sup> or lieutenant  
4           governor.

5           **SECTION 3.** Section 3 of article V<sup>✓</sup> of the constitution is amended to read:

6           [Article V] Section 3. The governor and lieutenant governor<sup>✓</sup> shall be elected  
7           by the qualified electors of the state at the times and places of choosing members of  
8           the legislature. ~~They shall be chosen jointly, by the casting by each voter of a single~~  
9           ~~vote applicable to both offices beginning with the general election in 1970. The~~  
10          ~~persons respectively having person for whom the highest number of votes are cast~~  
11          ~~jointly for them for governor and lieutenant governor shall be elected; but in case two~~  
12          ~~or more slates persons shall have an equal and the highest number of votes for~~  
13          ~~governor and lieutenant governor, the two houses of the legislature, at its next~~  
14          ~~annual session shall forthwith, by joint ballot, choose one of the slates persons so~~  
15          ~~having an equal and the highest number of votes for governor and lieutenant~~  
16          ~~governor. The returns of election for governor and lieutenant governor shall be made~~  
17          ~~in such manner as shall be provided by law.~~

18          **SECTION 4.** Section 7<sup>✓</sup> of article V of the constitution is amended to read:

19          [Article V] Section 7 (1) Upon the governor's death, resignation or removal  
20          from office, the lieutenant governor speaker of the assembly<sup>✓</sup> shall become governor  
21          for the balance of the unexpired term.

22          (2) If the governor is absent from this state, impeached, or from mental or  
23          physical disease, becomes incapable of performing the duties of the office, the  
24          lieutenant governor speaker of the assembly<sup>✓</sup> shall serve as acting governor for the  
25          balance of the unexpired term or until the governor returns, the disability ceases or

1 the impeachment is vacated. But when the governor, with the consent of the  
2 legislature, shall be out of this state in time of war at the head of the state's military  
3 force, the governor shall continue as commander in chief of the military force.

4 **SECTION 5.** Section 8 of article V<sup>✓</sup> of the constitution is amended to read:

5 [Article V] Section 8 (1) If there is a vacancy in the office of ~~lieutenant governor~~  
6 speaker of the assembly<sup>✓</sup> and the governor dies, resigns or is removed from office, the  
7 secretary of state shall become governor for the balance of the unexpired term.

8 (2) If there is a vacancy in the office of ~~lieutenant governor~~ speaker of the  
9 assembly and the governor is absent from this state, impeached, or from mental or  
10 physical disease becomes incapable of performing the duties of the office, the  
11 secretary of state shall serve as acting governor for the balance of the unexpired term  
12 or until the governor returns, the disability ceases or the impeachment is vacated.

13 **SECTION 6.** Section 1 of article VII<sup>✓</sup> of the constitution is amended to read:

14 [Article VII] Section 1. (1) The court for the trial of impeachments shall be  
15 composed of the senate. The assembly shall have the power of impeaching all civil  
16 officers of this state for corrupt conduct in office, or for crimes and misdemeanors; but  
17 a majority of all the members elected shall concur in an impeachment. ~~On the trial~~  
18 ~~of an impeachment against the governor, the lieutenant governor shall not act as a~~  
19 ~~member of the court.~~ No judicial officer shall exercise his that office, after he shall  
20 have the judicial officer has been impeached, until his acquittal acquitted.

21 (2) Before the trial of an impeachment the members of the court shall take an  
22 oath or affirmation truly and impartially to try the impeachment according to  
23 evidence; and no person shall be convicted without the concurrence of two-thirds of  
24 the members present.





**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 2/17/99

**To:** Representative Wasserman

**Relating to LRB drafting number:** LRB-2242

**Topic**

Eliminate office of lt. governor

**Subject(s)**

Constitutional Amendments, Elections - miscellaneous

1. **JACKET** the draft for introduction

in the **Senate** \_\_\_\_ or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Attorney Peter J. Dykman, Deputy Chief  
Telephone: (608) 266-7098