

SPONSOR SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 10

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATORS GREEN, Halford, Taylor, Sharp, Donley

Introduced: 2/10/97

Referred: Judiciary

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to the**
2 **election and the duties of the attorney general.**

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

4 * **Section 1.** Article III, sec. 23, Constitution of the State of Alaska, is amended to read:

5 **Section 23. Reorganization. (a) Except as provided in (b) of this section,**
6 **the** [THE] governor may make changes in the organization of the executive branch or
7 in the assignment of functions among its units which he considers necessary for
8 efficient administration. Where these changes require the force of law, they shall be
9 set forth in executive orders. The legislature shall have sixty days of a regular session,
10 or a full session if of shorter duration, to disapprove these executive orders. Unless
11 disapproved by resolution concurred in by a majority of the members in joint session,
12 these orders become effective at a date thereafter to be designated by the governor.

13 * **Sec. 2.** Article III, sec. 23, Constitution of the State of Alaska, is amended by adding a
14 new subsection to read:

15 (b) The governor may not make a change in the organization or function of
16 a unit of the executive branch that is headed by the attorney general.

1 * **Sec. 3.** Article III, sec. 24, Constitution of the State of Alaska, is amended to read:

2 **Section 24. Supervision.** Except for the unit of the executive branch that
 3 is headed by the attorney general, each [EACH] principal department shall be under
 4 the supervision of the governor.

5 * **Sec. 4.** Article III, sec. 25, Constitution of the State of Alaska, is amended to read:

6 **Section 25. Department Heads.** The head of each principal department shall
 7 be a single executive unless otherwise provided by law. The head of a principal
 8 department [HE] shall be appointed by the governor, subject to confirmation by a
 9 majority of the members of the legislature in joint session, and shall serve at the
 10 pleasure of the governor, except as otherwise provided in this article with respect to
 11 the lieutenant governor and the attorney general [SECRETARY OF STATE]. The
 12 heads of all principal departments shall be citizens of the United States.

13 * **Sec. 5.** Article III, Constitution of the State of Alaska, is amended by adding new
 14 sections to read:

15 **Section 28. Attorney General: Qualifications, Compensation, and Duties.**

16 (a) There shall be an attorney general. The attorney general shall be at least thirty
 17 years of age and a qualified voter of the State and shall have been a resident of Alaska
 18 at least five years immediately preceding the filing for office and a citizen of the
 19 United States for at least seven years. The attorney general shall be licensed to
 20 practice law in the State and shall possess additional qualifications prescribed by law.

21 (b) The compensation of the attorney general shall be prescribed by law and
 22 may not be diminished during the term of office unless by general law applying to all
 23 salaried officers of the State.

24 (c) The attorney general shall defend the State in all civil actions in which the
 25 State, a State agency, a State public corporation, or a State public enterprise is named
 26 as a defendant party, shall prosecute violations of State criminal law, including
 27 infractions and violations, and shall perform other duties prescribed by law.

28 **Section 29. Attorney General: Election, Term of Office, and Vacancy.** (a)

29 The attorney general shall be nominated in the manner provided by law for nominating
 30 candidates for other elected offices. In the general election, the votes cast for a
 31 candidate for governor shall be considered as cast also for the candidate for attorney

1 general running jointly with the governor. The candidate whose name appears on the
2 ballot jointly with that of the successful candidate for governor shall be elected
3 attorney general.

4 (b) The term of office of the attorney general is four years, beginning at noon
5 on the first Monday in December after election under (a) of this section and ending
6 at noon on the first Monday in December four years later.

7 (c) A person who has been elected attorney general for two full successive
8 terms is not eligible to hold that office until one full term has intervened.

9 (d) In case of a vacancy in the office of attorney general for any reason, a
10 successor shall be elected for the remainder of the unexpired term at the first general
11 election occurring not less than six months after the office becomes vacant. The
12 governor may appoint a qualified person to fill the office between the date it becomes
13 vacant and the date it is filled by election.

14 (e) No person holding or who has at any time held the office of attorney
15 general during a term of office described in (b) of this section may hold the office of
16 governor or the office of lieutenant governor until one full term has intervened.

17 * **Sec. 6.** Article XV, Constitution of the State of Alaska, is amended by adding a new
18 section to read:

19 **Section 29. Initial Election of Attorney General.** The first election for an
20 attorney general required by the constitution to be elected shall occur at the first
21 general election at which a governor is to be elected occurring after the office of
22 attorney general is established under the constitution. A vacancy that occurs in the
23 office of attorney general before the first general election held at which an attorney
24 general shall be elected after the office is established under the constitution shall be
25 filled under the law as it existed before the office was established under the
26 constitution.

27 * **Sec. 7.** The amendments proposed by this resolution shall be placed before the voters of
28 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
29 State of Alaska, and the election laws of the state.