

**HOUSE BILL NO. 132**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE WEYHRAUCH**

**Introduced: 2/26/03**

**Referred: State Affairs, Resources, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the duties of the attorney general; requiring the attorney general to**  
2 **participate in all actions affecting the management and jurisdiction of the natural**  
3 **resources of the state; amending Rule 24(c), Alaska Rules of Civil Procedure; and**  
4 **amending Rule 514, Alaska Rules of Appellate Procedure."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 44.23.020(b) is amended to read:

7 (b) The attorney general shall

8 (1) defend the Constitution of the State of Alaska and the Constitution  
9 of the United States of America;

10 (2) bring, prosecute, and defend all necessary and proper actions in the  
11 name of the state for the collection of revenue;

12 (3) represent the state in all civil actions in which the state is a party;

13 (4) prosecute all cases involving violation of state law, and file  
14 informations and prosecute all offenses against the revenue laws and other state laws

1 where there is no other provision for their prosecution;

2 (5) administer state legal services, including the furnishing of written  
3 legal opinions to the governor, the legislature, and all state officers and departments as  
4 the governor directs; and give legal advice on a law, proposed law, or proposed  
5 legislative measure upon request by the legislature or a member of the legislature;

6 (6) draft legal instruments for the state;

7 (7) make available a report to the legislature, through the governor, at  
8 each regular legislative session

9 (A) of the work and expenditures of the office; and

10 (B) on needed legislation or amendments to existing law;

11 (8) perform all other duties required by law or which usually pertain to  
12 the office of attorney general in a state; [AND]

13 (9) prepare, publish, and revise as it becomes useful or necessary to do  
14 so an information pamphlet on landlord and tenant rights and the means of making  
15 complaints to appropriate public agencies concerning landlord and tenant rights; the  
16 contents of the pamphlet and any revision shall be approved by the Department of  
17 Law, division of consumer protection, before publication; **and**

18 **(10) participate as a party in a judicial proceeding that affects the**  
19 **management and jurisdiction of the natural resources of the state and ensure by**  
20 **that participation that the management and jurisdiction of the natural resources**  
21 **of the state are not diminished or ceded to another government or sovereign; in**  
22 **fulfilling the requirements of this paragraph, the attorney general may enter into**  
23 **agreements with another government or sovereign if that agreement benefits the**  
24 **management of a natural resource of the state and if that agreement contains a**  
25 **provision that complies with this paragraph.**

26 \* **Sec. 2.** AS 44.23.020(d) is amended to read:

27 (d) The attorney general may, subject to **(b)(10) of this section and** the power  
28 of the legislature to enact laws and make appropriations, settle actions, cases, and  
29 offenses under (b) of this section.

30 \* **Sec. 3.** Rule 24(c), Alaska Rules of Civil Procedure, is amended to read:

31 (c) **Procedure.** A person desiring to intervene shall serve a motion to

1 intervene upon the parties as provided in Rule 5. The motion shall state the ground  
2 therefore and shall be accompanied by a pleading setting forth the claim or defense for  
3 which intervention is sought. When the **(1)** constitutionality of a state statute affecting  
4 the public interest is drawn in question, **or (2) the management or jurisdiction of the**  
5 **natural resources of the state may be affected,** in any action to which the state or an  
6 officer, agency, or employee thereof is not a party, the court shall notify the Attorney  
7 General of Alaska of such fact, and the state shall be permitted to intervene in the  
8 action.

9 \* **Sec. 4.** Rule 514, Alaska Rules of Appellate Procedure, is amended to read:

10 (f) **Notice of Question of Constitutionality of Statute or Appeal or**  
11 **Proceeding Affecting the Management or Jurisdiction of the Natural Resources**  
12 **of the State.** When the constitutionality of a state statute is drawn in question **or the**  
13 **management or jurisdiction of the natural resources of the state may be affected**  
14 in any appeal or other proceeding in the appellate courts to which the state or an  
15 officer, agency, or employee thereof is not a party, the party raising the question shall  
16 give immediate notice in writing to the court of the existence of the question. The  
17 clerk of court shall notify the Attorney General of Alaska of the case raising the  
18 question.