

CS FOR HOUSE BILL NO. 132(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/31/04

Referred: Resources, Judiciary, Finance

Sponsor(s): REPRESENTATIVE WEYHRAUCH

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the attorney general; requiring the attorney general to**
2 **report to the legislature about all judicial proceedings affecting the state's management**
3 **or jurisdiction of the natural resources of the state; amending Rule 24(c), Alaska Rules**
4 **of Civil Procedure; and 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; **and**

11 **(C) of known pending judicial proceedings that affect the**
12 **state's management or jurisdiction of the natural resources of the state,**
13 **including those that diminish or cede to another government or sovereign**
14 **the state's management or jurisdiction of the natural resources of the**
15 **state;**

16 (8) perform all other duties required by law or **that** [WHICH] usually
17 pertain to the office of attorney general in a state; and

18 (9) prepare, publish, and revise as it becomes useful or necessary to do
19 so an information pamphlet on landlord and tenant rights and the means of making
20 complaints to appropriate public agencies concerning landlord and tenant rights; the
21 contents of the pamphlet and any revision shall be approved by the Department of
22 Law before publication.

23 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 DIRECT COURT RULE AMENDMENT. Rule 24(c), Alaska Rules of Civil
26 Procedure, is amended to read:

27 (c) **Procedure.** A person desiring to intervene shall serve a motion to
28 intervene upon the parties as provided in Rule 5. The motion shall state the ground
29 therefore and shall be accompanied by a pleading setting forth the claim or defense for
30 which intervention is sought. When **(1)** the constitutionality of a state statute affecting
31 the public interest is drawn in question, **or (2) the state's management or**

1 **jurisdiction of the natural resources of the state may be affected**, in any action to
 2 which the state or an officer, agency, or employee thereof is not a party, the court shall
 3 notify the Attorney General of Alaska of such fact, and the state shall be permitted to
 4 intervene in the action.

5 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 6 read:

7 DIRECT COURT RULE AMENDMENT. Rule 514, Alaska Rules of
 8 Appellate Procedure, is amended to read:

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