

HOUSE JOINT RESOLUTION NO. 2

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GATTO AND GRUENBERG

Introduced: 1/20/09

Referred: State Affairs, Judiciary, Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska to avoid the use of**
2 **personal pronouns and similar references that denote masculine or feminine gender in**
3 **that document.**

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

5 * **Section 1.** Article I, sec. 9, Constitution of the State of Alaska, is amended to read:

6 **Section 9. Jeopardy and Self-Incrimination.** No person shall be put in
7 jeopardy twice for the same offense. No person shall be compelled in any criminal
8 proceeding to be a witness against oneself [HIMSELF].

9 * **Sec. 2.** Article I, sec. 11, Constitution of the State of Alaska, is amended to read:

10 **Section 11. Rights of Accused.** In all criminal prosecutions, the accused shall
11 have the right to a speedy and public trial, by an impartial jury of twelve, except that
12 the legislature may provide for a jury of not more than twelve nor less than six in
13 courts not of record. The accused is entitled to be informed of the nature and cause of
14 the accusation; to be released on bail, except for capital offenses when the proof is
15 evident or the presumption great; to be confronted with the witnesses against the

1 **accused** [HIM]; to have compulsory process for obtaining witnesses in **the accused's**
 2 [HIS] favor, and to have the assistance of counsel for **the accused's** [HIS] defense.

3 * **Sec. 3.** Article II, sec. 2, Constitution of the State of Alaska, is amended to read:

4 **Section 2. Members: Qualifications.** A member of the legislature shall be a
 5 qualified voter who has been a resident of Alaska for at least three years and of the
 6 district from which elected for at least one year, immediately preceding **the member's**
 7 [HIS] filing for office. A senator shall be at least twenty-five years of age and a
 8 representative at least twenty-one years of age.

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

10 **Section 5. Disqualifications.** No legislator may hold any other office or
 11 position of profit under the United States or the State. During the term for which
 12 elected and for one year thereafter, no legislator may be nominated, elected, or
 13 appointed to any other office or position of profit which has been created, or the salary
 14 or emoluments of which have been increased, while **the legislator** [HE] was a
 15 member. This section shall not prevent any person from seeking or holding the office
 16 of governor, secretary of state, or member of Congress. This section shall not apply to
 17 employment by or election to a constitutional convention.

18 * **Sec. 5.** Article II, sec. 9, Constitution of the State of Alaska, is amended to read:

19 **Section 9. Special Sessions.** Special sessions may be called by the governor or
 20 by vote of two-thirds of the legislators. The vote may be conducted by the legislative
 21 council or as prescribed by law. At special sessions called by the governor, legislation
 22 shall be limited to subjects designated in **the governor's** [HIS] proclamation calling
 23 the session, to subjects presented by **the governor** [HIM], and the reconsideration of
 24 bills vetoed by **the governor** [HIM] after adjournment of the last regular session.
 25 Special sessions are limited to thirty days.

26 * **Sec. 6.** Article II, sec. 10, Constitution of the State of Alaska, is amended to read:

27 **Section 10. Adjournment.** Neither house may adjourn or recess for longer
 28 than three days unless the other concurs. If the two houses cannot agree on the time of
 29 adjournment and either house certifies the disagreement to the governor, **the governor**
 30 [HE] may adjourn the legislature.

31 * **Sec. 7.** Article II, sec. 15, Constitution of the State of Alaska, is amended to read:

1 **Section 15. Veto.** The governor may veto bills passed by the legislature and [. HE] may, by veto, strike or reduce items in appropriation bills. The governor [HE] shall return any vetoed bill, with a statement of [HIS] objections, to the house of origin.

5 * **Sec. 8.** Article II, sec. 17, Constitution of the State of Alaska, is amended to read:

6 **Section 17. Bills Not Signed.** A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to the governor [HIM]. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after that [ITS] delivery [TO HIM], the bill becomes law.

11 * **Sec. 9.** Article III, sec. 2, Constitution of the State of Alaska, is amended to read:

12 **Section 2. Governor: Qualifications.** The governor shall be at least thirty years of age and a qualified voter of the State, [HE] shall have been a resident of Alaska at least seven years immediately preceding [HIS] filing for office, and [HE] shall have been a citizen of the United States for at least seven years.

16 * **Sec. 10.** Article III, sec. 4, Constitution of the State of Alaska, is amended to read:

17 **Section 4. Term of Office.** The term of office of the governor is four years, beginning at noon on the first Monday in December following the governor's [HIS] election and ending at noon on the first Monday in December four years later.

20 * **Sec. 11.** Article III, sec. 7, Constitution of the State of Alaska, is amended to read:

21 **Section 7. Lieutenant Governor - Duties.** There shall be a lieutenant governor who [HE] shall have the same qualifications as the governor and serve for the same term. The lieutenant governor [HE] shall perform such duties as may be prescribed by law and as may be delegated to the lieutenant governor [HIM] by the governor.

26 * **Sec. 12.** Article III, sec. 8, Constitution of the State of Alaska, is amended to read:

27 **Section 8. Election.** 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 the candidate for governor [HIM]. The candidate whose name appears on the ballot jointly with that of the

1 successful candidate for governor shall be elected lieutenant governor.

2 * **Sec. 13.** Article III, sec. 10, Constitution of the State of Alaska, is amended to read:

3 **Section 10. Succession: Failure to Qualify.** If the governor-elect dies,
4 resigns, or is disqualified, the lieutenant governor elected with the governor-elect
5 [HIM] shall succeed to the office of governor for the full term. If the governor-elect
6 fails to assume office for any other reason, the lieutenant governor elected with the
7 governor-elect [HIM] shall serve as acting governor, and shall succeed to the office if
8 the governor-elect does not assume the [HIS] office of governor within six months of
9 the beginning of the term.

10 * **Sec. 14.** Article III, sec. 12, Constitution of the State of Alaska, is amended to read:

11 **Section 12. Absence.** Whenever for a period of six months, a governor has
12 been continuously absent from office or has been unable to discharge the duties of the
13 governor's [HIS] office by reason of mental or physical disability, the office shall be
14 deemed vacant. The procedure for determining absence and disability shall be
15 prescribed by law.

16 * **Sec. 15.** Article III, sec. 14, Constitution of the State of Alaska, is amended to read:

17 **Section 14. Title and Authority.** When the lieutenant governor succeeds to
18 the office of governor, the lieutenant governor [HE] shall have the title, powers,
19 duties and emoluments of that office.

20 * **Sec. 16.** Article III, sec. 16, Constitution of the State of Alaska, is amended to read:

21 **Section 16. Governor's Authority.** The governor shall be responsible for the
22 faithful execution of the laws and [. HE] may, by appropriate court action or
23 proceeding brought in the name of the State, enforce compliance with any
24 constitutional or legislative mandate, or restrain violation of any constitutional or
25 legislative power, duty, or right by any officer, department, or agency of the State or
26 any of its political subdivisions. This authority shall not be construed to authorize any
27 action or proceeding against the legislature.

28 * **Sec. 17.** Article III, sec. 17, Constitution of the State of Alaska, is amended to read:

29 **Section 17. Convening Legislature.** Whenever the governor considers it in
30 the public interest, the governor [HE] may convene the legislature, either house, or
31 the two houses in joint session.

1 * **Sec. 18.** Article III, sec. 18, Constitution of the State of Alaska, is amended to read:

2 **Section 18. Messages to Legislature.** The governor shall, at the beginning of
3 each session, and may at other times, give the legislature information concerning the
4 affairs of the State and recommend the measures that the governor [HE] considers
5 necessary.

6 * **Sec. 19.** Article III, sec. 19, Constitution of the State of Alaska, is amended to read:

7 **Section 19. Military Authority.** The governor is commander-in-chief of the
8 armed forces of the State and [HE] may call out these forces to execute the laws,
9 suppress or prevent insurrection or lawless violence, or repel invasion. The governor,
10 as provided by law, shall appoint all general and flag officers of the armed forces of
11 the State, subject to confirmation by a majority of the members of the legislature in
12 joint session, and [HE] shall appoint and commission all other officers.

13 * **Sec. 20.** Article III, sec. 23, Constitution of the State of Alaska, is amended to read:

14 **Section 23. Reorganization.** The governor may make changes in the
15 organization of the executive branch or in the assignment of functions among its units
16 which the governor [HE] considers necessary for efficient administration. Where
17 these changes require the force of law, they shall be set forth in executive orders. The
18 legislature shall have sixty days of a regular session, or a full session if of shorter
19 duration, to disapprove these executive orders. Unless disapproved by resolution
20 concurred in by a majority of the members in joint session, these orders become
21 effective at a date thereafter to be designated by the governor.

22 * **Sec. 21.** Article III, sec. 25, Constitution of the State of Alaska, is amended to read:

23 **Section 25. Department Heads.** The head of each principal department shall
24 be a single executive unless otherwise provided by law. That executive [HE] shall be
25 appointed by the governor, subject to confirmation by a majority of the members of
26 the legislature in joint session, and shall serve at the pleasure of the governor, except
27 as otherwise provided in this article with respect to the secretary of state. The heads of
28 all principal departments shall be citizens of the United States.

29 * **Sec. 22.** Article IV, sec. 2(b), Constitution of the State of Alaska, is amended to read:

30 (b) The chief justice shall be selected from among the justices of the supreme
31 court by a majority vote of the justices. The [HIS] term of office as chief justice is

three years. A justice may serve more than one term as chief justice but [HE] may not serve consecutive terms in that office.

* **Sec. 23.** Article IV, sec. 6, Constitution of the State of Alaska, is amended to read:

Section 6. Approval or Rejection. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held more than three years after the justice's or judge's [HIS] appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

* **Sec. 24.** Article IV, sec. 7, Constitution of the State of Alaska, is amended to read:

Section 7. Vacancy. The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which the justice or judge [HE] is rejected by a majority of those voting on the question, or for which the justice or judge [HE] fails to file a [HIS] declaration of candidacy to remain in office under section 6 of this article [SUCCEED HIMSELF].

* **Sec. 25.** Article IV, sec. 8, Constitution of the State of Alaska, is amended to read:

Section 8. Judicial Council. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex-officio the seventh member and shall chair [CHAIRMAN OF] the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

* **Sec. 26.** Article IV, sec. 12, Constitution of the State of Alaska, is amended to read:

Section 12. Impeachment. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of the justice's or judge's [HIS]

1 official duties shall be according to procedure prescribed for civil officers.

2 * **Sec. 27.** Article IV, sec. 14, Constitution of the State of Alaska, is amended to read:

3 **Section 14. Restrictions.** Supreme court justices and superior court judges
4 while holding office may not practice law, hold office in a political party, or hold any
5 other office or position of profit under the United States, the State, or its political
6 subdivisions. Any supreme court justice or superior court judge filing for another
7 elective public office forfeits the justice's or judge's [HIS] judicial position.

8 * **Sec. 28.** Article IV, sec. 16, Constitution of the State of Alaska, is amended to read:

9 **Section 16. Court Administration.** The chief justice of the supreme court
10 shall be the administrative head of all courts and [. HE] may assign judges from one
11 court or division thereof to another for temporary service. The chief justice shall, with
12 the approval of the supreme court, appoint an administrative director to serve at the
13 pleasure of the supreme court and to supervise the administrative operations of the
14 judicial system.

15 * **Sec. 29.** Article V, sec. 1, Constitution of the State of Alaska, is amended to read:

16 **Section 1. Qualified Voters.** Every citizen of the United States who is at least
17 eighteen years of age, who meets registration residency requirements which may be
18 prescribed by law, and who is qualified to vote under this article, may vote in any state
19 or local election. A voter shall have been, immediately preceding the election, a thirty
20 day resident of the election district in which the voter [HE] seeks to vote, except that
21 for purposes of voting for President and Vice President of the United States other
22 residency requirements may be prescribed by law. Additional voting qualifications
23 may be prescribed by law for bond issue elections of political subdivisions.

24 * **Sec. 30.** Article V, sec. 2, Constitution of the State of Alaska, is amended to read:

25 **Section 2. Disqualifications.** No person may vote who has been convicted of a
26 felony involving moral turpitude unless the person's [HIS] civil rights have been
27 restored. No person may vote who has been judicially determined to be of unsound
28 mind unless the disability has been removed.

29 * **Sec. 31.** Article VI, sec. 9, Constitution of the State of Alaska, is amended to read:

30 **Section 9. Board Actions.** The board shall elect one of its members as its
31 chair [CHAIRMAN] and may employ temporary assistants. Concurrence of three

1 members of the Redistricting Board is required for actions of the Board, but a lesser
 2 number may conduct hearings. The board shall employ or contract for services of
 3 independent legal counsel.

4 * **Sec. 32.** Article VII, sec. 3, Constitution of the State of Alaska, is amended to read:

5 **Section 3. Board of Regents.** The University of Alaska shall be governed by a
 6 board of regents. The regents shall be appointed by the governor, subject to
 7 confirmation by a majority of the members of the legislature in joint session. The
 8 board shall, in accordance with law, formulate policy and appoint the president of the
 9 university, who [. HE] shall be the executive officer of the board.

10 * **Sec. 33.** Article VIII, sec. 15, Constitution of the State of Alaska, is amended to read:

11 **Section 15. No Exclusive Right of Fishery.** No exclusive right or special
 12 privilege of fishery shall be created or authorized in the natural waters of the State.
 13 This section does not restrict the power of the State to limit entry into any fishery for
 14 purposes of resource conservation, to prevent economic distress among persons who
 15 fish [FISHERMEN] and those dependent upon them for a livelihood and to promote
 16 the efficient development of aquaculture in the State.

17 * **Sec. 34.** Article VIII, sec. 16, Constitution of the State of Alaska, is amended to read:

18 **Section 16. Protection of Rights.** No person shall be involuntarily divested of
 19 the person's [HIS] right to the use of waters, the person's [HIS] interests in lands, or
 20 improvements affecting either, except for a superior beneficial use or public purpose
 21 and then only with just compensation and by operation of law.

22 * **Sec. 35.** Article IX, sec. 14, Constitution of the State of Alaska, is amended to read:

23 **Section 14. Legislative Post-Audit.** The legislature shall appoint an auditor to
 24 serve at its pleasure. The auditor [HE] shall be a certified public accountant, [. THE
 25 AUDITOR] shall conduct post-audits as prescribed by law, and shall report to the
 26 legislature and to the governor.

27 * **Sec. 36.** Article XI, sec. 2, Constitution of the State of Alaska, is amended to read:

28 **Section 2. Application.** An initiative or referendum is proposed by an
 29 application containing the bill to be initiated or the act to be referred. The application
 30 shall be signed by not less than one hundred qualified voters as sponsors, and shall be
 31 filed with the lieutenant governor. If the lieutenant governor [HE] finds the

1 application [IT] in proper form, the lieutenant governor [HE] shall so certify. Denial
2 of certification shall be subject to judicial review.

3 * **Sec. 37.** Article XV, sec. 8, Constitution of the State of Alaska, is amended to read:

4 **Section 8. United States Senators and Representative.** The officers to be
5 elected at the first general election shall include two senators and one representative to
6 serve in the Congress of the United States, unless senators and a representative have
7 been previously elected and seated. One senator shall be elected for the long term and
8 one senator for the short term, each term to expire on the third day of January in an
9 odd-numbered year to be determined by authority of the United States. The term of the
10 representative shall expire on the third day of January in the odd-numbered year
11 immediately following the person's [HIS] assuming office. If the first representative
12 is elected in an even-numbered year to take office in that year, a representative shall
13 be elected at the same time to fill the full term commencing on the third day of
14 January of the following year, and the same person may be elected for both terms.

15 * **Sec. 38.** Article XV, sec. 15, Constitution of the State of Alaska, is amended to read:

16 **Section 15. First Governor and Lieutenant Governor: Terms.** The
17 provisions of Section 5 of Article II shall not prohibit any member of the first state
18 legislature from holding any office or position created during the member's [HIS]
19 first term.

20 * **Sec. 39.** Article XV, sec. 16, Constitution of the State of Alaska, is amended to read:

21 **Section 16. First Judicial Council.** The first members of the judicial council
22 shall, notwithstanding Section 8 of Article IV, be appointed for terms as follows: three
23 attorney members for one, three, and five years respectively, and three non-attorney
24 members for two, four, and six years respectively. The six members so appointed
25 shall, in accordance with Section 5 of Article IV, submit to the governor nominations
26 to fill the initial vacancies on the superior court and the supreme court, including the
27 office of chief justice. After the initial vacancies on the superior and supreme courts
28 are filled, the chief justice shall assume the [HIS] seat on the judicial council reserved
29 for the chief justice.

30 * **Sec. 40.** The amendments proposed by this resolution shall be placed before the voters of
31 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the

1 State of Alaska, and the election laws of the state.