

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CRAWFORD

Introduced: 4/19/09

Referred: State Affairs, Judiciary Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to the office of**
2 **attorney general.**

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

4 * **Section 1.** Article III, sec. 15, Constitution of the State of Alaska, is amended to read:

5 **Section 15. Compensation.** The compensation of the governor, [AND] the
6 lieutenant governor, **and the attorney general** shall be prescribed by law and shall
7 not be diminished during their term of office, unless by general law applying to all
8 salaried officers of the State.

9 * **Sec. 2.** Article III, sec. 25, Constitution of the State of Alaska, is amended to read:

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

1 citizens of the United States.

2 * **Sec. 3.** Article III, Constitution of the State of Alaska, is amended by adding a new section
3 to read:

4 **Section 28. Attorney General.** (a) The governor shall appoint the attorney
5 general. The governor shall make the appointment from among three qualified persons
6 nominated by the judicial council whenever there is a vacancy under (d) of this
7 section. The attorney general is subject to legislative confirmation. The attorney
8 general shall be responsible to the people of the state and does not serve at the
9 pleasure of the governor. The attorney general shall perform the duties prescribed by
10 law.

11 (b) The attorney general shall, in the manner provided by law, be subject to
12 approval or rejection on a nonpartisan ballot at every general election, notwithstanding
13 a succession to the office of governor under Section 13 of this article, held after the
14 attorney general's appointment.

15 (c) A person is not eligible to serve as attorney general unless the person has
16 the qualifications prescribed by law for a superior court judge. A person who has
17 served as attorney general for four full or partial successive two-year terms shall not
18 again be eligible to hold that office until one full two-year term has intervened.

19 (d) The office of attorney general becomes vacant when the attorney general
20 dies, resigns, or is impeached and removed from office. The office also becomes
21 vacant ninety days after the general election at which the attorney general is rejected
22 by a majority of those voting on the question or ninety days after the general election
23 at which the attorney general fails to file a declaration of candidacy, or when the term
24 of a governor begins under Section 4 of this article in a general election year in which
25 the governor who appointed the attorney general is not a candidate for that office or
26 fails to receive the greatest number of votes for the office in the general election.

27 * **Sec. 4.** Article XV, Constitution of the State of Alaska, is amended by adding a new
28 section to read:

29 **Section 30. Transition Relating to Appointment of First Attorney General**
30 **Subject to Retention by Popular Vote.** The judicial council shall nominate three
31 qualified persons under Section 28(a) of Article III within 90 days of the effective date

1 of that section. The term of the incumbent attorney general serving on the effective
2 date of that section ends on the earlier of the thirtieth day after the judicial council
3 submits its nominations under this section or the appointment of an attorney general
4 by the governor under Section 28 of Article III.

5 * **Sec. 5.** The amendments proposed by this resolution shall be placed before the voters of
6 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
7 State of Alaska, and the election laws of the state.