

Introduced: 2/4/72
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY RANDOLPH

2 HOUSE JOINT RESOLUTION NO. 104
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SEVENTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the state
6 constitution relating to the
7 selection of the attorney general
8 and district attorneys.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. Sec. 25, art. III of the Constitution of the State of
11 Alaska is amended to read:

12 SECTION 25. DEPARTMENT HEADS. The head of each principal depart-
13 ment shall be a single executive unless otherwise provided by law.
14 He shall be appointed by the governor, subject to confirmation by a
15 majority of the members of the legislature in joint session, and shall
16 serve at the pleasure of the governor, except as otherwise provided in
17 this article with respect to the secretary of state and the attorney
18 general. The heads of all principal departments shall be citizens of
19 the United States.

20 * Sec. 2. Art. III of the Constitution of the State of Alaska is amended
21 by adding new sections to read:

22 SECTION 28. QUALIFICATIONS OF ATTORNEY GENERAL. The attorney
23 general must be at least twenty-six years of age and a qualified voter
24 of the state. He must be licensed to practice law in the state and
25 must have been a resident of Alaska at least four years immediately
26 preceding his appointment.

27 SECTION 29. NOMINATION AND APPOINTMENT. The governor shall fill
28 the office of attorney general by appointing one of two or more persons
29 nominated by the judicial council.

1 SECTION 30. APPROVAL OR REJECTION. The attorney general shall be
2 subject to approval or rejection on a nonpartisan ballot at the first
3 general election held more than two years after his appointment.
4 Thereafter the attorney general shall be subject to approval or rejec-
5 tion in a like manner every fourth year.

6 SECTION 31. VACANCY. The office of attorney general becomes
7 vacant 90 days after the election at which he is rejected by a majority
8 of those voting on the question, or for which he fails to file his
9 declaration of candidacy to succeed himself.

10 SECTION 32. INCAPACITY. When the judicial council certifies
11 to the governor that the attorney general appears to be so incapacitated
12 as substantially to prevent him from performing his duties, the governor
13 shall appoint a board of three persons to inquire into the circumstances,
14 and may on the board's recommendation retire the attorney general.

15 SECTION 33. IMPEACHMENT. Impeachment of the attorney general
16 for malfeasance or misfeasance in the performance of his official
17 duties shall be according to procedure prescribed for civil officers.

18 SECTION 34. COMPENSATION. The attorney general shall receive
19 compensation equal to that prescribed by law for supreme court
20 justices.

21 SECTION 35. RESTRICTIONS. The attorney general while holding
22 office may not engage in the private practice of law, hold office in
23 a political party, or hold any other office or position of profit
24 under the United States, the State, or its political subdivisions.
25 The attorney general forfeits his position if he files for another
26 elective public office.

27 SECTION 36. DUTIES OF ATTORNEY GENERAL. The attorney general
28 shall designate at least one district attorney office for each
29 judicial district. He shall perform additional duties as delegated

1 to his office by the governor or as prescribed by law.

2 * Sec. 3. The amendments proposed by this resolution shall be placed
3 before the voters of the state at the next statewide election in conformity
4 with sec. 1, art. XIII of the Constitution of the State of Alaska, and the
5 state election laws.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29