

1 IN THE HOUSE

BY LISKA, BUSSELL AND WARD

2

HOUSE JOINT RESOLUTION NO. 34

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

Proposing amendments to the Constitution

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of the State of Alaska relating to the

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election of prosecuting attorneys.

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

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\* Section 1. Article III, sec. 23, Constitution of the State of Alaska

10 is amended to read:

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SECTION 23. REORGANIZATION. (a) Except as provided in (b) of

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this section, the [THE] governor may make changes in the organization

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of the executive branch or in the assignment of functions among its

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units which he considers necessary for efficient administration.

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Where these changes require the force of law, they shall be set forth

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in executive orders. The legislature shall have sixty days of a

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regular session, or a full session if of shorter duration, to disap-

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prove these executive orders. Unless disapproved by resolution con-

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curred in by a majority of the members in joint session, these orders

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become effective at a date thereafter to be designated by the gover-

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nor.

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(b) The governor shall make no change in the organization or

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function of any unit of the executive branch which is headed by a

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prosecuting attorney.

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\* Sec. 2. Article III, sec. 24, Constitution of the State of Alaska is

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amended to read:

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SECTION 24. SUPERVISION. Except for any unit of the executive

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branch which is headed by a prosecuting attorney, each [EACH] princi-

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pal department shall be under the supervision of the governor.

1 \* Sec. 3. Article III, sec. 25, Constitution of the State of Alaska is  
2 amended to read:

3 SECTION 25. DEPARTMENT HEADS. The head of each principal de-  
4 partment shall be a single executive unless otherwise provided by law.  
5 He shall be appointed by the governor, subject to confirmation by a  
6 majority of the members of the legislature in joint session, and shall  
7 serve at the pleasure of the governor, except as otherwise provided in  
8 this article with respect to the lieutenant governor and prosecuting  
9 attorneys [SECRETARY OF STATE]. The heads of all principal depart-  
10 ments shall be citizens of the United States.

11 \* Sec. 4. Article III, Constitution of the State of Alaska is amended  
12 by adding new sections to read:

13 SECTION 28. PROSECUTING ATTORNEYS. In each judicial district  
14 there shall be a prosecuting attorney elected by the qualified voters  
15 of that district in a general election, whose term of office shall be  
16 four years. Prosecuting attorneys shall be citizens of the United  
17 States and of the State, licensed to practice law in the State, and  
18 possessing any additional qualifications prescribed by law. Salaries  
19 of prosecuting attorneys shall be prescribed by law. Prosecuting  
20 attorneys shall prosecute all cases involving violation of state law  
21 and perform other duties as prescribed by law.

22 SECTION 29. VACANCY. In case of a vacancy in the office of a  
23 prosecuting attorney for any reason, a successor shall be elected for  
24 the remainder of the unexpired term at the first general election  
25 occurring not less than six months after the office becomes vacant.  
26 The governor may appoint a qualified person to fill the office between  
27 the date it becomes vacant and the date it is filled by election.

28 SECTION 30. ELECTION OF PROSECUTING ATTORNEYS. Prosecuting  
29 attorneys shall be chosen by the qualified voters of the State on

1 nonpartisan ballots in each judicial district. Candidates for pros-  
2 ecuting attorney shall file for the office as prescribed by law. The  
3 candidates receiving the greatest and the second greatest number of  
4 votes on a nonpartisan ballot in each judicial district at the primary  
5 election shall be candidates in the general election. The candidate  
6 receiving the greatest number of votes on a nonpartisan ballot in each  
7 judicial district at the general election shall be prosecuting attor-  
8 ney for that district.

9 SECTION 31. ELECTION AND TERM OF NEWLY ESTABLISHED ELECTED STATE  
10 OFFICES. The first election for a state office required by the con-  
11 stitution to be elected shall occur at the first general election  
12 occurring after the office is established under the constitution. If  
13 a vacancy occurs in the office before the first general election held  
14 after the office is established under the constitution, the office  
15 shall be filled under the law as it existed before the office was  
16 established under the constitution. Except as otherwise provided in  
17 the constitution, the term of office of a state office required by the  
18 constitution to be elected begins at noon on the first Monday in  
19 December following the general election for that office and it expires  
20 at noon on the first Monday in December four years later.

21 \* Sec. 5. The amendments proposed by this resolution shall be placed  
22 before the voters of the state at the next general election in conformity  
23 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
24 tion laws of the state.