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1 IN THE HOUSE

2

HOUSE JOINT RESOLUTION NO. 42

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

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Proposing amendments to the Constitution
of the State of Alaska relating to the
election of the attorney general.

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

9 * Section 1. Article III, sec. 23, Constitution of the State of Alaska
10 is amended to read:

11 SECTION 23. REORGANIZATION. (a) Except as provided in (b) of
12 this section, the [THE] governor may make changes in the organization
13 of the executive branch or in the assignment of functions among its
14 units which he considers necessary for efficient administration. Where
15 these changes require the force of law, they shall be set forth in
16 executive orders. The legislature shall have sixty days of a regular
17 session, or a full session if of shorter duration, to disapprove these
18 executive orders. Unless disapproved by resolution concurred in by a
19 majority of the members in joint session, these orders become effec-
20 tive at a date thereafter to be designated by the governor.

21 (b) The governor may not make a change in the organization or
22 function of any unit of the executive branch which is headed by the
23 attorney general.

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

26 SECTION 24. SUPERVISION. Except for any unit of the executive
27 branch which is headed by the attorney general, each [EACH] principal
28 department shall be under the supervision of the governor.

29 * Sec. 3. Article III, sec. 25, Constitution of the State of Alaska is

1 amended to read:

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

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

13 SECTION 28. ATTORNEY GENERAL: QUALIFICATIONS. There shall be
14 an attorney general, who shall be at least thirty years of age and a
15 qualified voter of the State. The attorney general shall have been a
16 resident of the state at least five years immediately preceding the
17 filing for office and shall have been a citizen of the United States
18 for at least five years. The attorney general shall be licensed to
19 practice law in the State and shall possess additional qualifications
20 as may be prescribed by law.

21 SECTION 29. ELECTION OF ATTORNEY GENERAL. The attorney general
22 shall be chosen by the qualified voters of the State at a general
23 election. Candidates for attorney general shall file for the office
24 as prescribed by law for the Office of Governor. The candidate re-
25 ceiving the greatest number of votes shall be attorney general.

26 SECTION 30. LIMIT ON TENURE. A person who has been elected
27 attorney general for two full successive terms is not eligible to hold
28 that office until one full term has intervened.

29 SECTION 31. VACANCY. In case of a vacancy in the office of

1 attorney general for any reason, a successor shall be elected for the
2 remainder of the unexpired term at the first general election occur-
3 ring not less than six months after the office becomes vacant. The
4 governor may appoint a qualified person to fill the office between the
5 date it becomes vacant and the date it is filled by election.

6 SECTION 32. COMPENSATION. The compensation of the attorney
7 general shall be the same as that prescribed by law for the lieutenant
8 governor and shall not be diminished during the term of office, unless
9 by general law applying to all salaried officers of the State.

10 SECTION 33. DUTIES. The attorney general shall be the chief law
11 officer and legal counsel of the State government, and shall perform
12 other duties prescribed by law.

13 SECTION 34. ELECTION AND TERM OF ATTORNEY GENERAL. The first
14 election for an attorney general shall occur at the general election
15 in 1988. If a vacancy occurs in the office of attorney general before
16 then, the office shall be filled under the law as it existed before
17 the office was established under the constitution. Except as other-
18 wise provided in the constitution, the term of office of attorney
19 general required by the constitution to be elected begins at noon on
20 the first Monday in December 1988 and it expires at noon on the first
21 Monday in December four years later.

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