

Offered: 2/20/86
Referred: Rules

Original sponsors: DeVries, Abood,
Faiks and Rodey

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE JOINT RESOLUTION NO. 9 (Judiciary) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

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

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.
15 Where these changes require the force of law, they shall be set forth
16 in executive orders. The legislature shall have sixty days of a
17 regular session, or a full session if of shorter duration, to disap-
18 prove these executive orders. Unless disapproved by resolution con-
19 curred in by a majority of the members in joint session, these orders
20 become effective at a date thereafter to be designated by the gover-
21 nor.

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

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

27 SECTION 24. SUPERVISION. Except for any unit of the executive
28 branch which is headed by the attorney general, each [EACH] principal
29 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 The head of a principal department [HE] shall be appointed by the
6 governor, subject to confirmation by a majority of the members of the
7 legislature in joint session, and shall serve at the pleasure of the
8 governor, except as otherwise provided in this article with respect to
9 the lieutenant governor and the attorney general [SECRETARY OF STATE].
10 The heads of all principal departments shall be citizens of the United
11 States.

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

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

22 SECTION 29. ELECTION OF ATTORNEY GENERAL. The attorney general
23 shall be chosen by the qualified voters of the state at a general
24 election. The candidate receiving the greatest number of votes shall
25 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. ELECTION TO OTHER EXECUTIVE OFFICES. A person who
7 has been elected attorney general is not eligible to hold office as
8 governor or lieutenant governor until one full term has intervened.

9 SECTION 33. COMPENSATION. The compensation of the attorney
10 general shall be prescribed by law and shall not be diminished during
11 the term of office, unless by general law applying to all salaried
12 officers of the state.

13 SECTION 34. DUTIES. The attorney general shall be the legal
14 adviser of state officers, shall represent the state in all civil
15 actions in which the state is a party, shall prosecute all violations
16 of state law, and shall perform other duties prescribed by law.

17 SECTION 35. ELECTION AND TERM OF ATTORNEY GENERAL. The first
18 election for an attorney general required by the constitution to be
19 elected shall occur at the first general election occurring after the
20 office is established under the constitution. If a vacancy occurs in
21 the office of attorney general before the first general election held
22 after the office is established under the constitution, the office
23 shall be filled under the law as it existed before the office was
24 established under the constitution. Except as otherwise provided in
25 the constitution, the term of office of attorney general required by
26 the constitution to be elected begins at noon on the first Monday in
27 December following the general election for that office and it expires
28 at noon on the first Monday in December four years later.

29 * Sec. 5. The amendments proposed by this resolution shall be placed

1 before the voters of the state at the next general election in conformity
2 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
3 tion laws of the state.