

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984

3107 SSA HCR 18 - HJR 7 8672

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

REVISED

II. FISCAL DETAIL

Bill/Resolution No.: CSHCR 18 State Affairs Agency Affected: Administration
 Title: Relating to Displaying of Flags Program Category Affected: _____
 Sponsor: State Affairs Committee BRU, Program of Subprogram(s) Affected: _____
 Requestor: State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	0	0	0	0
CAPITAL		0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
		0	0	0	0	0

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Bob Link *Rebecca Bush for* Phone: 465-2250
 Division: General Services & Supply Date: 3/16/83
 Approved by Commissioner: *Lisa Rudd* Date: 3/16/83
 Department: Administration

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor

TO: VF
FROM: ST
RE: HCR 18 -- State Affairs had CS.
DATE: January 30, 1984

HCR 18 is Milo Fritz's resolution on when state and federal flags should be flown.

We had a committee CS because the original resolution would have required a person to come in on days when there was no one working at the building for the express purpose of raising and lowering the flag.

The change in the CS clarifies that flags are to be flown only if a security or maintenance person is on regular duty-- not incurring any additional costs to the state.

Milo Fritz had no objection to the Senate State Affairs CS.

- The only Mtg we had on the bill was May 17, 1983.

- Please request a state affairs referral on HB 445.

STATE OF ALASKA
FISCAL NOTE

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 Sponsor: State Affairs Committee
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REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
		0	0	0	0	0

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AS44.09.030 DOCUMENT= 1 OF 1 PAGE = 1 OF 2
CHAPTER = 44.09
SECTION = 44.09.030
TITLE = 44

HEADINGS TITLE 44.
STATE GOVERNMENT.
CHAPTER 09.
STATE SEAL, FLAG, AND EMBLEMS.

CITATION SEC. 44.09.030.

CATCH LINE

DISPLAY OF FLAGS.

TEXT

(A) THE OFFICIAL FLAG OF THE STATE SHALL BE DISPLAYED WITH THE FLAG OF THE UNITED STATES ONLY FROM SUNRISE TO SUNSET, OR BETWEEN THE HOURS DESIGNATED BY PROPER AUTHORITY. HOWEVER, THE FLAG MAY BE DISPLAYED AFTER SUNSET UPON SPECIAL OCCASIONS WHEN IT IS DESIRED TO PRODUCE A PATRIOTIC EFFECT.

(B) THE FLAG OF THE UNITED STATES AND THE FLAG OF THE STATE OF ALASKA SHALL BE DISPLAYED DAILY, WEATHER PERMITTING, IN THE FOLLOWING PLACES:

(1) ON OR NEAR THE MAIN ADMINISTRATION BUILDING OF EVERY INSTITUTION UNDER THE AUTHORITY OR CONTROL OF THE STATE

AS44.09.030 DOCUMENT= 1 OF 1 PAGE = 2 OF 2
GOVERNMENT;

(2) IN OR NEAR EVERY SCHOOLHOUSE DURING SCHOOL DAYS.
HISTORY (SEC. 1-1-3 ACLA 1949; AM SEC. 1 CH 26 SLA 1955)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

HCR

532

Senator Bill Ray

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



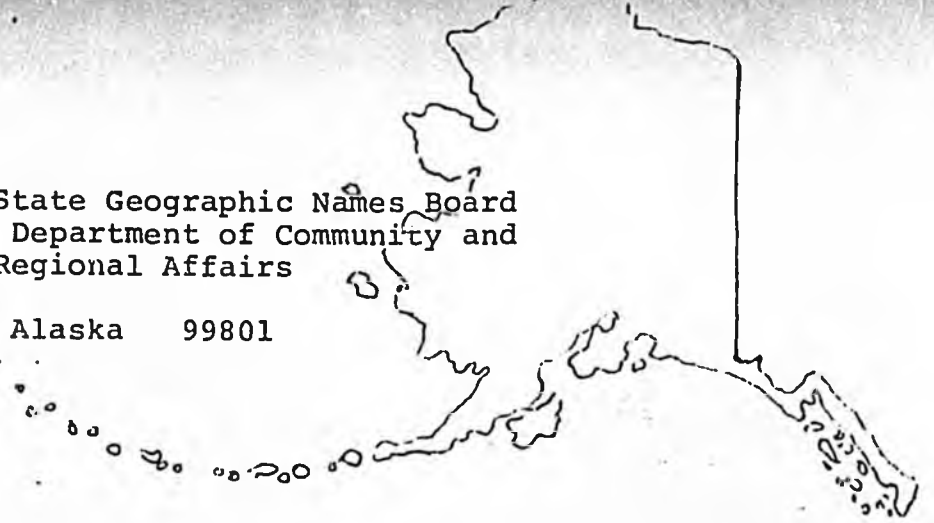
MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff
RE: HCR 53 Naming a lake "Ed Todd Lake"
DATE: May 3, 1984

HCR 53 requests the State Geographic Board to name a lake near Ketchikan "Ed Todd Lake."

Ed Todd was well a respected man in Ketchikan who lived in the state for 59 years before being killed in an airplane accident. He started an air service in 1944, and participated in many hours of search and rescue.

SEND TO: Alaska State Geographic Names Board
c/o The Department of Community and
Regional Affairs
Pouch B
Juneau, Alaska 99801



Proposed Name: ED TODD LAKE Borough: Ketchikan Gateway Borough

Spell phonetically if pronunciation not obvious: _____

Latitude 55 ° 33 ' 50 " North; Longitude 130 ° 36 ' 28 " West
Section 1 & 12, Township 73 South Range 97 East Copper Meridian
River

Distance and direction from prominent town or feature: _____

Approximately 100 miles east of Ketchikan and 2 to 3 miles north of Big

Goat Lake

Description of feature: Lake at 2800 level is approximately 1/2 mile

long and 1/2 mile wide, just north of Big Goat Lake

Basis of knowledge that the feature is unnamed: _____

According to the U.S.G.S. map, there is no name for this lake

Type of name selection:

(please mark with an "X" one of the below):

DESCRIPTIVE: state why this selection is appropriate:

LOCAL USAGE: state number of years known by this name: _____

State variant spelling and or usage if known: _____

Proposal form, page two

COMMEMORATIVE: (The Board will not consider a commemorative name selection until the one year anniversary of death.)

Full name of deceased: Edwin V. Todd

Date of individual's death: October 15, 1978

Last residence of the deceased: Ketchikan, Alaska

Length of stay in Alaska Approximately 40 years

Please give a brief biography of the individual. Please include contributions of the individual to City/State.

See attached House Concurrent Resolution

When proposing a COMMEMORATIVE NAME SELECTION to the Board it is imperative that the proposal be accompanied with support from the local area, i.e. city officials, borough assembly members, and other interest groups or individuals.

The Board requests that you contact the Native Corporation concerned for an opinion of the name selection. If you wish the Board to contact the Native Corporation for you, please request the Board Secretary to do so. Correspondence to the Native Corporation should be addressed ATNN: LAND OFFICER.

OTHER state reason:

We request the Board Secretary to contact the Native Corporation

THIS PROPOSAL MUST BE ACCOMPANIED WITH A MAP COPY OF THE AREA DESIGNATING THE APPROPRIATE FEATURE YOU WISH TO PROPOSE.

List identification aids that are enclosed with this proposal:

- Map copy designating feature
- Photographs
- Other information

PROPOSED BY: Representative Jack McBride

Alaska State Legislature

ADDRESS: Pouch V

Juneau, Alaska 99811

form approved 7/16/81

GUIDELINES FOR GEOGRAPHIC NAME PROPOSAL
STATE OF ALASKA

Historical Name:

The Board will consider approval if:

1. Authenticity of name can be established
2. Name is clearly associated with area proposed

Aboriginal Name:

The Board will consider approval if:

1. Name is, or was, in common local usage
2. Name can be spelled according to an established system of orthography
3. Name is pronounceable without considerable difficulty

Existing name applied to a related feature:

Board generally approves if, for example:

1. Name of a stream is applied to an unnamed lake or glacier from which the stream originates
2. Name of a mountain is applied to an unnamed glacier which is part of that mountain.

Descriptive Names:

The Board will consider approval if:

1. Name is relevant and most descriptive to the feature
2. Name is not in use elsewhere in the Region
3. Name is not frivolous
4. Name is in good taste

Commemorative: The Board will not consider a commemorative name proposal until the one year anniversary of death.

The Board will consider approval if:

1. The individual made highly significant contributions to Alaska.

THE BOARD DISCOURAGES BLANKET NAMING OF NATURAL FEATURES.

Form approved 7/16/81

TEMSCO

HELICOPTERS, INC.

P.O. BOX 5057 ■ KETCHIKAN, ALASKA 99901
HUGHES AUTHORIZED SERVICE STATION
FAA REPAIR STATION NO. 562-1

TELEPHONES

KETCHIKAN: (907)225-5141
OR 225-4583
PETERSBURG: (907)772-4780
WRANGELL: (907)874-2010

TELEX: 099-55204

March 15, 1984

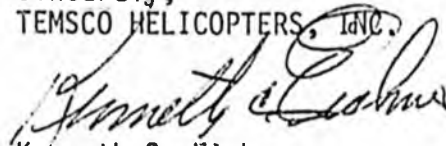
Representative Jack McBride
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Jack:

I wanted you to know that I heartily approve the proposal to name an area lake in memory of Ed Todd.

Ed was well respected in the aviation industry, and a legend in his own right.

Sincerely,
TEMSCO HELICOPTERS, INC.



Kenneth C. Eichner
President

KCE:crb



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

March 14, 1984

Jack McBride
Representative
State of Alaska
Pouch V
Juneau, Alaska 99811

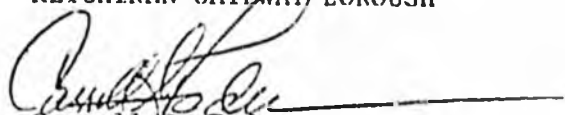
Dear Jack:

This past Saturday morning at a Special Assembly Meeting, our Borough Manager advised the members of the Assembly of your effort to rename "Little Goat Lake" in Misty Fjords to "Ed Todd Lake." I am pleased to send along this letter of support.

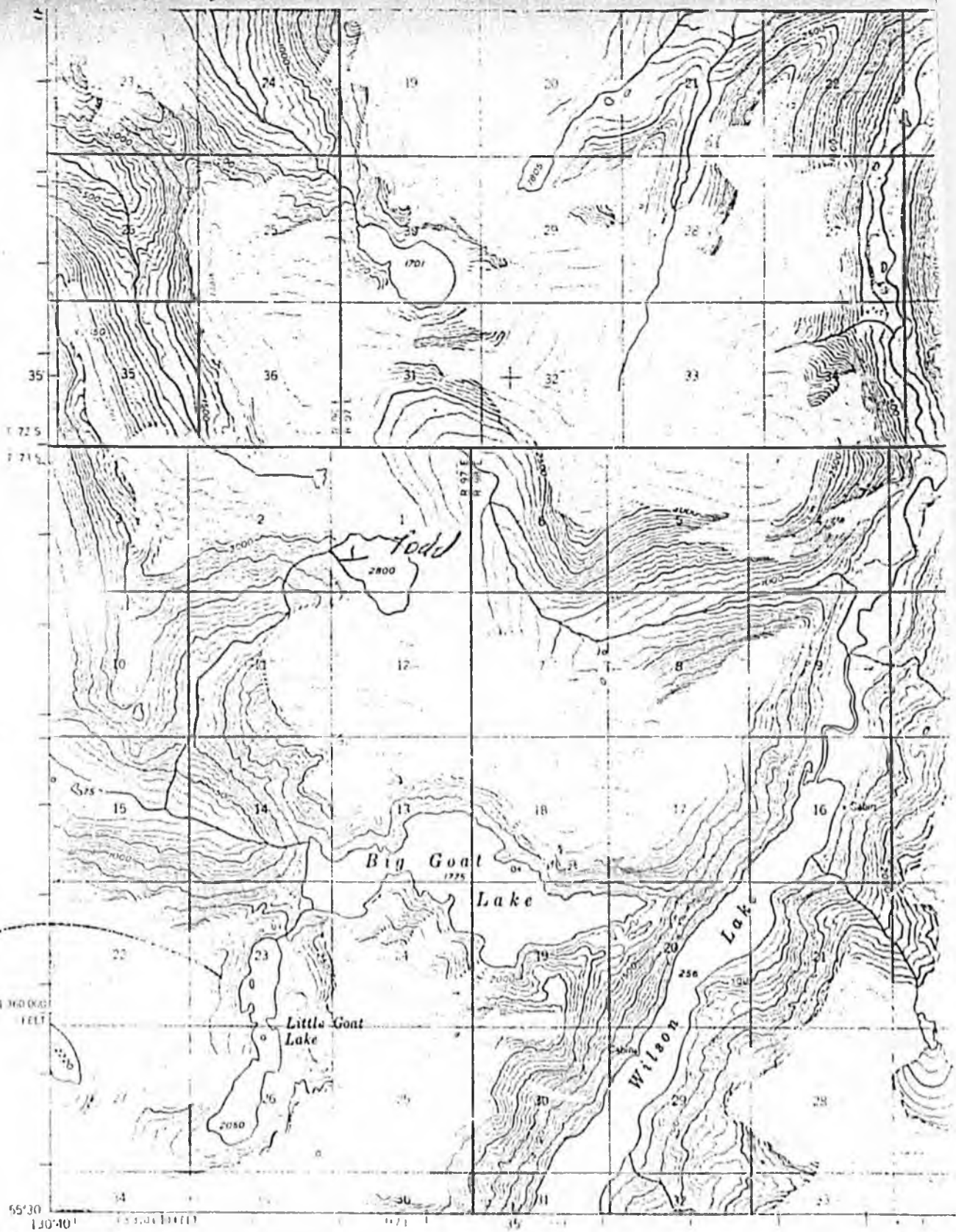
Best of luck with this very appropriate legislation and a "Thank You" for seeking this honor in memory of a very fine man.

Sincerely,

KETCHIKAN GATEWAY BOROUGH


Carroll E. Fader
Borough Mayor

JW/7/12



IKETCHIKAN B-31

Mapped, edited, and published by the Geological Survey

Control by 7275

Topography by photogrammetric methods from aerial photographs taken 1948; field annotated 1955. Map not field checked.

Selected hydrographic data compiled from USCGS

Chart 8078 (1943) and 8102 (1979-376) (1955)

This information is not intended for navigational purposes.

Universal Transverse Mercator projection, 1927 North American Datum

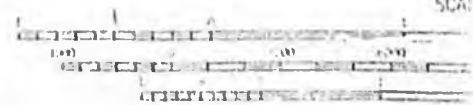
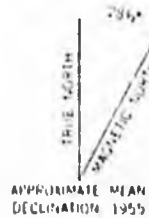
1000-foot grid based on Alaska coordinate system, zone 1

1500-meter Universal Transverse Mercator grid lines,

zone 9, shown in blue.

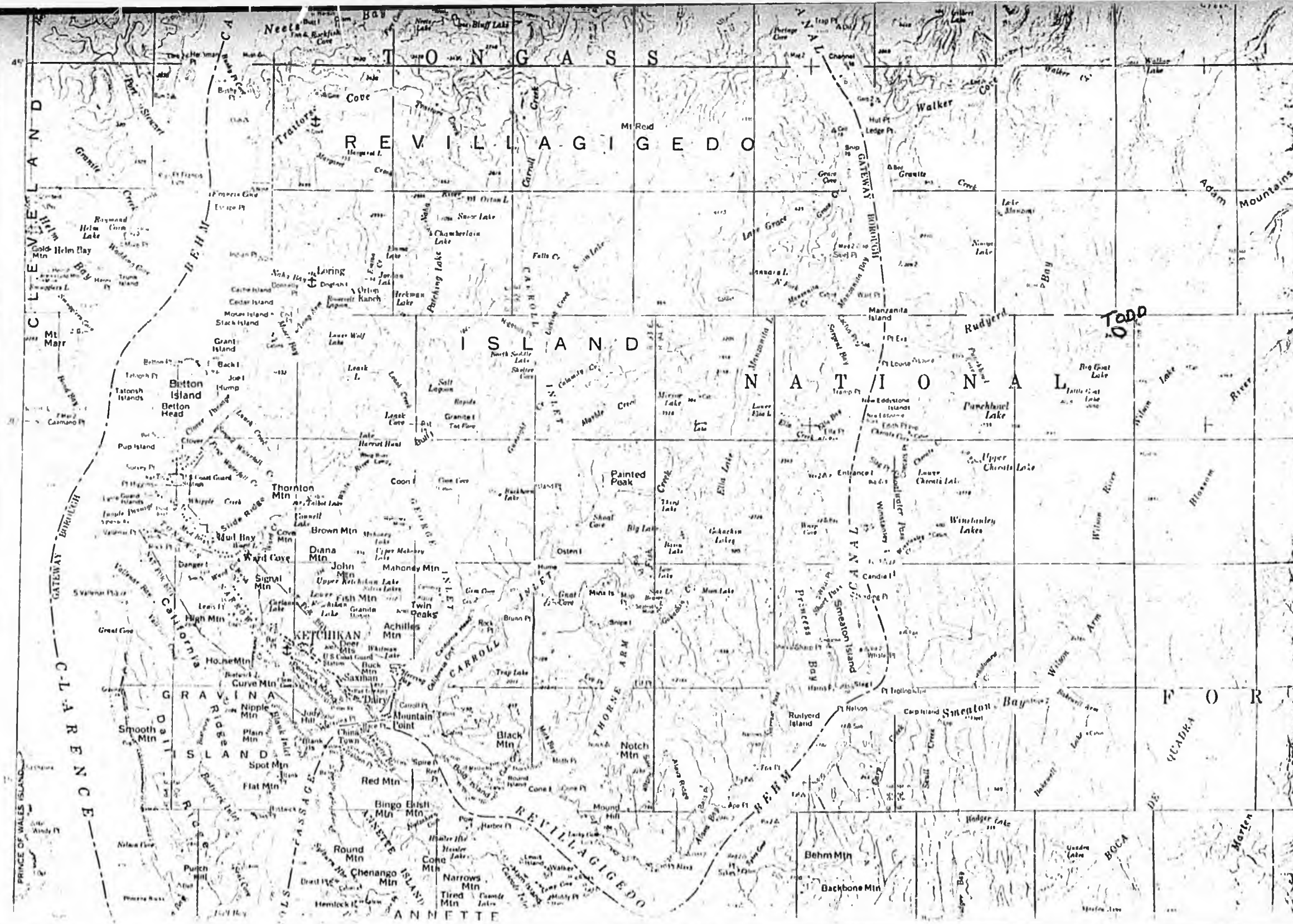
Land lines represent unsurveyed and unmarked locations predetermined by the State of Alaska, Division of Lands, Copper River Meridian.

Entire land area is within the Tongass National Forest.



CONTOUR
ELEVATION
DEPTH CURVES IN FEET
SHORELINE SHOWN REPRESENTS
THE MEAN RANGE OF

FOR SALE BY U. S.
FAIRBANKS, ALASKA DENVER 21
A FOLDER DESCRIBING TOPOGRAPHIC M



REVILLAGIGEDO

ISLAND

NATIONAL

TO DO

CLARENCE

PORTE

BOCA

MORZEN

ANNETTE

REVILLAGIGEDO

Behm Mtn
Backbone Mtn

GRAVINA
Smooth Mtn
Nipple Mtn
Plain Mtn
Spot Mtn
Flat Mtn

GRAVINA
Curve Mtn
Bark Mtn
Huckleberry Mtn
Saxibian

KETCHIKAN
Whitman Mtn
Huck Mtn
Station
Saxibian

MAHONDY
Mahondy Mtn
Upper Mahondy Lake
Lower Mahondy Lake
Twin Peaks

THORNE
Thorne Mtn
Upper Thorne Lake
Lower Thorne Lake
Achilles Mtn

BITTON
Bitton Island
Bitton Head
Pup Island

CLARENCE
Mt. Maier

CHAMBERLAIN
Chamberlain Lake
Punching Lake

WALKER
Walker Lake
Walker Pt.

GATEWAY
Gateway Mountain
Gateway Bay

WALKER
Walker Lake
Walker Pt.

TO DO

WINDSLEY
Windsley Lakes
Lower Christie Lake
Upper Christie Lake

SMOOTH
Smooth Mtn

SMOOTH
Smooth Mtn

SMOOTH
Smooth Mtn

SMOOTH
Smooth Mtn

HJR

2



FREE

Federation's Role in our Enterprise Economy

February 11, 1983

Senator Vic Fischer, Chairman
Senate State Affairs Committee
Pouch V
Juneau, Alaska 99811

re: SJR 2 and CSHJR 2

Dear Senator Fischer:

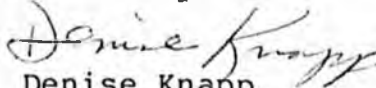
In January 1981, the Legislative Study Committee sponsored by the General Federation of Women's Clubs, Anchorage FREE Committee, completed a comprehensive study on legislative reform. One of the recommendations made in that report was that the length of the legislative sessions be limited. We still support that concept.

The Legislative Information Office reported that both SJR 2 and the committee substitute for HJR 2 were currently being considered by the Senate State Affairs Committee. In those deliberations, we ask that you consider the following recommendations.

First, we recommend that any extensions to the regular session include a "limited call" provision which would limit the legislature to addressing only those subjects specifically enumerated in the call for an extension. Second, we recommend that only one extension for a specific number of days not to exceed 10 consecutive days be permitted per legislative session. Third, we recommend that any extension require an affirmative vote of two-thirds of the membership of each house of the legislature. Fourth, we support a session limited to 120 consecutive calendar days.

Thank you for the opportunity to express our views on the length of legislative sessions. It is an area that increasingly concerns the public.

Sincerely,


Denise Knapp
Chairman



HJK-2
ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

January 31, 1983

MEMORANDUM

TO: Representative Joe Hayes
Attn: Jeff Day

FROM: Jonathan Sherwood
Research Staff

RE: Session Limits in Other States
Research Request 83-27

Jeff Day of your staff requested that we determine which states, among those that limit the length of their legislative sessions, have provisions for extending the session. We were also asked to determine the procedures by which sessions are extended in these states.

According to The Book of the States 1982-83, twenty-nine states limit the length of their legislative sessions.¹ Of these, eleven states, Arkansas, Florida, Hawaii, Kansas, Maryland, Maine, Mississippi, Nebraska, South Carolina, Virginia, and West Virginia, have a constitutional provision which enables the legislature to extend the length of the session.

A two-thirds² vote of each house of the legislature is required to extend the session in eight states: Arkansas, Hawaii, Kansas, Maine, Mississippi, South Carolina, Virginia, and West Virginia. In Florida and Maryland, a three-fifths vote of each house is required to extend the session. Four-fifths of the members of Nebraska's unicameral legislature must vote to extend its legislative session.

In six of the eleven states, the session may be extended indefinitely. Mississippi allows an unlimited number of thirty day extensions. Maryland and Virginia permit one thirty day extension. In Hawaii, the

¹ This does not include states which attempt to restrict the length of legislative sessions through indirect means, such as the termination of per diem and travel expenses after a certain date.

² In Maine and Mississippi, two-thirds of the members present must vote to extend the session. In all other states, two-thirds of the entire membership must vote to extend the session.

Representative Hayes
January 31, 1982
Page Two

session may only be extended for fifteen days. In Maine, the legislature may extend the session twice, for up to five days each time.

Two states have special provisions regarding the form in which the members of the legislature extend the session. South Carolina requires that the session be extended by a concurrent resolution and Hawaii requires that the session be extended by a petition from the members of the legislature.

We have attached a list from The Book of States 1982-83 which includes information on legislative session limits for all fifty states.³ In addition, we have attached the relevant sections of the constitutions of ten states which provide for the extension of the legislative session. We have not yet located the appropriate provision for South Carolina, but we will forward it to you as soon as we obtain the citation from South Carolina. We hope you will find this information useful. If you have any questions, or if we can be of further assistance to you, please do not hesitate to contact us.

JS/sj

Attachment:

The Book of the States, "Legislative Sessions: Legal Provisions"
Excerpts from State Constitutions, ten states.

³ The table fails to include Maine's provision for extending the length of the legislative session.

Table 15
LEGISLATIVE SESSIONS: LEGAL PROVISIONS

State or other jurisdiction	Regular sessions			Limitation on length of session	Legislature may call	Special sessions		
	Legislature convenes ^a	Year	Month			Day	Legislature may determine subject of session	Limitation on length of session
Alabama	Annual	Apr.	3rd Tues.(a,b)	30 L in 103 C	No	2/3 vote, each house	12 L in 30 C	
Alaska	Annual	Jan.	1st Tues. 2nd Tues.(c)	None	Vote 2/3 members	Yes(d)	30 C	
Arizona	Annual	Jan.	3rd Mon.(a)	None(f)	Petition 2/3 members, each house	Yes(d)	None	
Arkansas	Odd(f)	Jan.	2nd Mon.	60 C(f)	No	(g)	None(g)	
California	Even(h)	Dec.	1st Mon.	None	No	No	None	
Colorado	Annual(i)	Jan.	Wed. after 1st Tues.	None	Vote 2/3 members, each house	Yes(d)	None	
Connecticut	Annual(j)	Odd: Jan. Even: Feb.	Wed. after 1st Mon.	(j)	No	No	None	
Delaware	Annual(k)	Jan.	2nd Tues.	June 30	Joint call, presiding officers, both houses	Yes	None	
Florida	Annual	Apr.	Tues. after 1st Mon.(b)	60 C(f)	Joint call, presiding officers, both houses.	Yes	20 C(f)	
Georgia	Annual(k)	Jan.	2nd Mon.	40 L	Petition 2/3 members, each house	Yes(d)	(l)	
Hawaii	Annual(k)	Jan.	3rd Wed.	60 L(f)	Petition 2/3 members, each house	Yes	30 L(f)	
Idaho	Annual	Jan.	Mon. on or nearest 7th day	None	No	No	30 C	
Illinois	Annual(k)	Jan.	2nd Wed.	None	Joint call, presiding officers, both houses	Yes	None	
Indiana	Annual	Jan.	2nd Mon.(b)	Odd: 61 L or Apr. 30 Even: 30 L or March 13	No	Yes	30 L in 40 C	
Iowa	Annual(k)	Jan.	2nd Mon.	None(m)	Petition 2/3 members, each house	Yes	None	
Kansas	Annual(k)	Jan.	2nd Mon.	Odd: None; Even: 90 C(f)	Petition to governor of 2/3 members, each house	Yes	None	
Kentucky	Even	Jan.	Tues. after 1st Mon.	60 L	No	No	None	
Louisiana	Annual	Apr.	3rd Mon.	60 L in 83 C	Petition majority, each house	Yes(d)	30 C	
Maine	Even(h)	Dec.	1st Wed.	100 L	Vote of majority of each party, each house	Yes(d)	None	
Massachusetts	Annual	Jan.	1st Wed.	30 L	90 C(l,n)	Petition majority, each house	Yes	30 C
Michigan	Annual(k)	Jan.	1st Wed.	None	Yes	Yes	None	
Minnesota	Odd(o)	Jan.	Tues. after 1st Mon.	None	No	No	None	
Mississippi	Annual	Jan.	Tues. after 1st Mon.	120 L or 1st Mon. after 3rd Sat. in May	No	Yes	None	
Missouri	Annual	Jan.	Wed. after 1st Mon.	(l,p) Odd: June 30. Even: May 13.	No	No	60 C	
Montana	Odd	Jan.	1st Mon.(q)	90 L	Petition majority, each house	Yes	None	
Nebraska	Annual(k)	Jan.	1st Wed. after 1st Mon.	Odd: 90 L(f). Even: 60 L(f)	Petition 2/3 members	Yes	None	
Nevada	Odd	Jan.	3rd Mon.	60 C(m)	No	No	30 C(m)	
New Hampshire	Odd	Jan.	1st Wed. after 1st Tues.(b)	(m)	Yes	Yes	None(m)	
New Jersey	Annual	Jan.	2nd Tues.	None	Petition majority, each house	Yes	None	
New Mexico	Annual(i)	Jan.	3rd Tues.	Odd: 60 C; Even: 30 C	Petition 2/3 members, each house	Yes(d)	30 C	
New York	Annual(k)	Jan.	Wed. after 1st Mon.	None	Petition 2/3 members, each house	Yes(d)	None	
North Carolina	(j)(d)(e)	Jan.	Wed. after 2nd Mon.	None	Petition 2/3 members, each house	Yes	None	
North Dakota	Odd	Jan.	1st Tues. after 3rd day(b,q)	30 L	No	Yes	None	
Ohio	Annual	Jan.	1st Mon.(q)	None	Joint call, presiding officers, both houses	Yes	None	

.....	Odd	Jan.	1st Wed. after 1st Tues.(b)	30 C(m)	No	No	20 C(m)
New Jersey.....	Annual	Jan.	2nd Tues.	None	Yes	Yes	None(m)
New Mexico.....	Annual(l)	Jan.	3rd Tues.	Odd: 60 C; Even: 30 C	Petition majority, each house	Yes	None
New York.....	Annual(k)	Jan.	Wed. after 1st Mon.	None	Petition 1/3 members, each house	Yes(d)	30 C
North Carolina.....	Odd(o)	Jan.	Wed. after 2nd Mon.	None	Petition 2/3 members, each house	Yes(d)	None
North Dakota.....	Odd	Jan.	1st Tues. after 3rd day(b,q)	80 L	Petition 1/3 members, each house	Yes	None
Ohio.....	Annual	Jan.	1st Mon.(q)	None	No	Yes	None
					Joint call, presiding officers, both houses	Yes	None

Oklahoma.....	Annual(k)	Jan.	Tues. after 1st Mon.	90 L	Vote 2/3 members, each house	Yes	None
Oregon.....	Odd	Jan.	2nd Mon.	None	Petition majority, each house	Yes	None
Pennsylvania.....	Annual(k)	Jan.	1st Tues.	None	Petition majority, each house	No	None
Rhode Island.....	Annual(k)	Jan.	1st Tues.	60 L(m)	No	No	None
South Carolina.....	Annual(k)	Jan.	2nd Tues.(b)	1st Thurs. in June(f)	No	Yes	None
South Dakota.....	Annual	Jan.	Odd: Tues. after 1st Mon. Even: Tues. after 1st Mon.	40 L 35 L	No	No	None
Tennessee.....	Odd(o)	Jan.	1st Tues.(b)	90 L(m)	Petition 2/3 members, each house	Yes	30(m)
Texas.....	Odd	Jan.	2nd Tues.	140 C	No	No	30 C
Utah.....	Annual(l)	Jan.	2nd Mon.	Odd: 60 C; Even: 20 C	No	No	30 C
Vermont.....	Odd(o)	Jan.	Wed. after 1st Mon.	None(m)	No	Yes	None
Virginia.....	Annual(k)	Jan.	2nd Wed.	Even: 60 C(f) Odd: 30 C(n)	Petition 2/3 members, each house	Yes	None
Washington.....	Annual	Jan.	2nd Mon.	Odd: 105 C; Even: 60 C	Petition, 2/3 members each house	Yes	30 C
West Virginia.....	Annual	Jan.	2nd Wed.(r)	60 C(f,n)	Petition 1/3 members, each house	Yes(s)	None
Wisconsin.....	Annual	Jan.	1st Tues. after Jan. 1(t)	None	No	No	None
Wyoming.....	Annual(l)	Jan. Feb.	Odd: 2nd Tues. Even: 2nd Tues.	40 L 20 L	No	Yes	None
American.....	Annual	Jan. July	2nd Mon. 2nd Mon.	45 L 45 L	No	No	None
Guam.....	Annual(k)	Jan.	1st Mon.(u)	None	No	No	None
Puerto Rico.....	Annual(k)	Jan.	2nd Mon.	Apr. 30(f)	No	No	20 C
Virgin Islands.....	Annual(k)	Jan.	2nd Mon.	75 L	No	No	15 C

*All states elect new legislatures in November of even-numbered years except Kentucky, Louisiana, Mississippi, New Jersey and Virginia. Alabama, Louisiana, Maryland and Mississippi elect all legislators at the same time to four-year terms.

†The following states provide for a special session only to consider bills vetoed after adjournment sine die: Connecticut, Hawaii, Louisiana, Missouri (even years only), Utah, Virginia and Washington.

Key: L—Legislative day
C—Calendar day
N—Natural day

(a) The year immediately following the quadrennial general election.

(b) Legislature meets in organizational session. Alabama: second Tuesday in January after annual election. Florida: fourteenth day following each general election. Indiana: third Tuesday after first Monday in November for one day only. New Hampshire: first Wednesday of December, even-numbered years. North Dakota: first Tuesday after first Monday in December in even years. South Carolina: first Tuesday after certification of the election of its members for no more than three days. Tennessee: first Tuesday in January for no more than 15 C days to organize and introduce bills; reconvenes on first Tuesday next following the conclusion of the organizational session, unless the General Assembly by joint resolution sets another date.

(c) During the election year.

(d) Only if legislature convenes itself. Special sessions called by the legislature are unlimited in scope in Arizona, Georgia, Maine and New Mexico.

(e) House and Senate rules require that regular sessions be adjourned sine die no later than the third Friday in April of each year.

(f) Session may be extended for an indefinite period of time by vote of members in both houses. Arkansas: 2/3 vote. Florida: 1/3 vote. Hawaii: petition of 2/3 membership for not more than 15 days. Kansas: 2/3 vote elected members. Maryland: 1/3 vote for 30 additional days. Mississippi: 2/3 vote of those present may extend for 30 C days, no limit on extensions. Nebraska: 4/5 vote. South Carolina: concurrent resolution, 2/3 vote, both houses. Virginia: 2/3 members, each house, for up to 30 days. West Virginia: 2/3 vote. Puerto Rico: joint resolution.

(g) After the legislature has disposed of the subject(s) in the governor's call, it may by a 2/3 vote of members of both houses take up subject(s) of its own choosing in a session of up to 15 days.

(h) Regular sessions commence in December of each even-numbered year following the general election. California: the legislature continues in session until November 30 of the next even-numbered year. It may recess from time to time and may be recalled into regular session.

(i) Second session of legislature is basically limited to budget and fiscal matters. Exceptions: Colorado—Items on governor's call; Maine—legislation; in the governor's call, study committee legislation and initiated measures; New Mexico—legislature may consider bills vetoed by the governor at the preceding session; Utah—legislature may consider non-budget matters after 2/3 vote of each house.

(j) Odd years: not later than first Wednesday after first Monday in June; even years: not later than first Wednesday after first Monday in May.

(k) The legislature meets in two annual sessions, each adjourning sine die. Bills carry over from first to second session. Delaware, Illinois, Virgin Islands: legislature adjourns sine die at end of second year only; Puerto Rico: four annual sessions.

(l) Limited to 70 days if called by governor and 30 days if called at petition of legislature, except for impeachment proceedings.

(m) Indirect restrictions only since legislator's pay, per diem, or daily allowance stops, but session may continue. Iowa: limit on per diem expenses, 120 days first session, 100 days second session. Nevada: limit on pay only. New Hampshire: constitutional limit on expenses of 90 days or July 1, whichever occurs first, 15 days salary and expenses for special sessions. Tennessee: constitutional limit on per diem and travel allowance only, excluding organizational session.

(n) Governor must extend until the general appropriation is passed.

(o) The legislature may divide and in practice has divided the session to meet in even years also. (p) The first session of a new legislature. Every other even year of the gubernatorial term is limited to 15 C days; odd years 90 C days.

(q) If the first day falls on a legal holiday: Montana—following Wednesday; North Dakota—or falls on January 2, a date to be selected by the Legislative Council between Jan. 2 and Jan. 11; Ohio—the day after.

(r) Following each gubernatorial election, the legislature convenes on the second Wednesday of January to organize but recesses until the second Wednesday in February for the start of the 60-day session.

(s) According to a 1955 attorney general's opinion, when the legislature has petitioned to the governor to be called into session, it may then act on any matter.

(t) The legislature by joint resolution establishes the session schedule of activity for the remainder of the biennium at the beginning of the odd-numbered year. These dates may be subject to change.

(u) The legislature meets on the first Monday of each month following its initial session in January.

§ 15. Privileges of members.—The members of the General Assembly shall, in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

§ 16. Per diem and mileage of general assembly.—Each member of the General Assembly shall receive six dollars per day for his services during the first sixty days of any regular session of the General Assembly, and if any regular session shall be extended, such member shall serve without further per diem. Each member of the General Assembly shall also receive ten cents per mile for each mile traveled in going to and returning from the seat of government, over the most direct and practicable route. When convened in extraordinary session by the Governor, they shall each receive three dollars per day for their services during the first fifteen days, and if such extraordinary session shall extend beyond fifteen days, they shall receive no further per diem. They shall be entitled to the same mileage for any extraordinary session as herein provided for regular sessions. The terms of all members of the General Assembly shall begin on the day of their election, and they shall receive no compensation, perquisite or allowance whatever, except as herein provided. [As amended by Amendment No. 5.]

Compiler's Notes.

Amendment No. 5 was declared to have been adopted by the speaker of the house of representatives February 10, 1913 (Acts 1913, p. 1525). The vote for the amendment being 103,246, the vote against the amendment being 33,397. The total number cast for governor being 169,649.

This amendment was superseded by paragraph 3 of Amendment No. 15, which fixed a regular salary of \$1,000 per year for members; \$1,100 for the speaker of the house; mileage at 5 cents, and a per diem of \$6.00 for special sessions.

Amendment No. 15 has in turn been superseded by Amendment No. 37, which fixes a regular salary of \$1,200 per year for members; \$1,350 for the speaker of the house; mileage at 5 cents, and a per diem of \$6.00 for special sessions.

Amendments.

Prior to its amendment, this section read: "§ 16. The members of the General Assembly shall receive such per diem pay and mileage for their services as shall be fixed by law. No member of either house shall, during the term for which he has been elected, receive any increase of pay for his services until any law passed during such term. The term of all members of the General Assembly shall begin on the day of their election."

An amendment adopted in 1902 (see Acts 1902, p. 412) deleted the word "per diem."

Cross-Reference.

Terms of office of members of general assembly begin January 1st after their election, Amendment No. 23, § 6.

NOTES TO DECISIONS

Holdover Committee.

Holdover committee is entitled to pay for necessary work after adjournment.

Russell v. Cone, 168 Ark. 989, 272 S. W. 678.

§ 17. Duration of sessions.—The regular biennial sessions shall not exceed sixty days in duration, unless by a vote of two-thirds of the members elected to each house of said General Assembly. Provided, that this section shall not apply to the first session of the General Assembly under this Constitution, or when impeachments are pending.

NOTES TO DECISIONS

Approval Not Required.

A concurrent resolution which has for its sole object the continuance of a session under this provision does not require

the approval of the governor. Trammell v. Bradley, 37 Ark. 374; Tipton v. Parker, 71 Ark. 193, 74 S. W. 298.

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agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(g) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(h) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset

and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (h)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

History.—Proposed by Initiative Petition filed with the Secretary of State July 29, 1976; adopted 1978.

ARTICLE III

LEGISLATURE

Sec.

- 1. Composition.
- 2. Members; officers.
- 3. Sessions of the legislature.
- 4. Quorum and procedure.
- 5. Investigations; witnesses.
- 6. Laws.
- 7. Passage of bills.
- 8. Executive approval and veto.
- 9. Effective date of laws.

Sec.

- 10. Special laws.
- 11. Prohibited special laws.
- 12. Appropriation bills.
- 13. Term of office.
- 14. Civil service system.
- 15. Terms and qualifications of legislators.
- 16. Legislative apportionment.
- 17. Impeachment.
- 18. Conflict of interest.

SECTION 1. Composition.—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

SECTION 2. Members; officers.—Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure. The legislature shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.

SECTION 3. Sessions of the legislature.—

(a) ORGANIZATION SESSIONS. On the

fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) REGULAR SESSIONS. A regular session of the legislature shall convene on the first Tuesday after the first Monday in April of each odd-numbered year, and on the first Tuesday after the first Monday in April, or such other date as may be fixed by law, of each even-numbered year.

(c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) LENGTH OF SESSIONS. A regular session of the legislature shall not exceed sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless

There shall be a commission on legislative salary, which shall be appointed by the governor on or before June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve. [Am Const Con 1968 and election Nov 5, 1968]

Cross References

Allowances, see chapter 24.
Salary, see Art. XVI, §7.

Attorney General Opinions

Legislature may make changes in allowances, applicable to the legislature enacting the changes. Att. Gen. Op. 75-1.

Legislature may increase its salary by enactment of law; since a legislature exists from date of or general election to date of next, increase enacted by one legislature may be made applicable to the next legislature notwithstanding that the Senate consists of holdovers. Att. Gen. Op. 75-2.

SESSIONS

Section 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January.

At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the legislature in special session. The governor may convene both houses or the senate alone in special session.

Regular sessions shall be limited to a period of sixty days, and special sessions shall be limited to a period of thirty days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session.

All sessions shall be held in the capital of the State. In case the capital shall be unsafe, the governor may direct that any session be held at some other place. [Am Const Con 1968 and election Nov 5, 1968]

Cross References

Applicability of open meeting requirements, see §92-10.
Capital, see Art. XIII, §2.
Holidays, see §§8-1 and 2.

Attorney General Opinions

Urgency measure. Matters foreign to urgency statement cannot be inserted in bill. Att. Gen. Op. 62-17. Statement of urgency relating to pay raises for public officers and employees held sufficient. Att. Gen. Op. 62-19.

Bills to change fees payable to State agencies held to be revenue bills. Att. Gen. Op. 64-8.

Bills affecting the distribution of a portion of the general excise tax, consumption tax, compensating tax to the counties and thereby increasing the revenues to the State held to be revenue bills. Att. Gen. Op. 64-10.

No prohibition against the legislature passing an appropriation bill in which the proposed expenditures may exceed the anticipated state revenues. Att. Gen. Op. 64-16.

When national holiday falls on Saturday, the Saturday and the preceding Friday are considered holidays and are excluded in computing the number of days in a session. Att. Gen. Op. 64-1.

any office under the United States, his acceptance thereof shall vacate his seat."

Research and Practice Aids:

States—24 et seq., 47.
C.J.S. States §§ 29 et seq., 67.

CASE ANNOTATIONS

Annotations to original section:

1. Purpose is to create vacancy upon acceptance of specified offices. *The State, ex rel., Watson, v. Cobb*, 2 K. 37, 57.
2. Disability refers to time the person chosen. (Dissenting opinion.) *In re Cunn, Petitioner*, 50 K. 155, 267, 268, 32 P. 470, 948.
3. Act taxing leased railway cars (79-906 et seq.) held valid. *Associated Rly. Equipment Owners v. Wilson*, 167 K. 608, 609, 614, 620, 208 P.2d 604.
4. Separation of powers doctrine inherent in Kansas constitution; legislators cannot hold executive offices. *State, ex rel., v. State Office Building Commission*, 185 K. 563, 568, 573, 345 P.2d 674.

§ 6. This section was eliminated by the 1974 revision of this article.

Revisor's Note:

Original section 6 read as follows:

"§ 6. Same; convicts. No person convicted of embezzlement or misuse of the public funds shall have a seat in the legislature."

§ 7. This section was eliminated by the 1974 revision of this article.

Revisor's Note:

Original section 7 read as follows:

"§ 7. Oaths of state officers. All state officers before entering upon their respective duties shall take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of this state, and faithfully to discharge the duties of their respective offices."

CASE ANNOTATIONS

1. Cited in discussing separation of powers doctrine. (Dissenting opinion.) *State, ex rel., v. Fadely*, 180 K. 652, 680, 308 P.2d 537.

§ 8. Organization and sessions. The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an

even-numbered year, as if there had been such adjournment.

The legislature shall be organized currently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, six days excepted. Each house shall elect a presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of election returns and qualifications of its own members.

Revisor's Note:

Original section 8 read as follows:

"§ 8. Quorum; rules; judge of elections and qualifications. A majority of each house shall constitute a quorum. Each house shall establish its own rules; and shall be judge of the election returns and qualifications of its own members."

Research and Practice Aids:

States—24 et seq.
Hatcher's Digest, Legislature §§ 5, 10 to 12.
C.J.S. States § 29 et seq.

CASE ANNOTATIONS

Annotations to original section:

1. Legislature itself may provide more than majority for certain acts. *Prouty v. Stover, Lieut. Governor*, 11 K. 235, 255.
2. Legislature cannot delegate power to judge qualifications of its members. *The State, ex rel., v. Gillmore*, 20 K. 551, 554.
3. Legislature, sole right to judge elections and qualifications of members. *The State, ex rel., v. Tomlinson*, 20 K. 692, 703.
4. House of representatives cannot legally exceed 125 members; invalid statute. *The State, ex rel., v. Francis, Treas.*, 26 K. 724, 726.
5. Origin of clause relative to qualifications commented on. (Dissenting opinion.) *In re Cunn, Petitioner*, 50 K. 155, 218, 219, 251, 32 P. 470, 948.
6. Each house is the ultimate tribunal as to the qualifications of its own members. *Harris v. Shanahan*, 187 K. 183, 214, 387 P.2d 771.

Annotations to 1974 amendment:

7. Referred to in determining senate confirmation of

shall not extend farther than to removal from office, and disqualification to hold or any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Originally Section 7; later renumbered Section 6; now renumbered Section 7.

Notes of Decisions

1. In general

Section 451 of 30 M.R.S.A. which provides for the removal of a district attorney from office by the Governor and Executive Council, upon complaint and due notice and hearing, does not violate the "distribution of power" provisions of Art. 3; by conducting a "quasi-judicial" hearing the executive department does not exercise a function of the judicial department nor does it undertake the function of the legislature of removing a constitutional civil officer from office. Opinion of the Justices of Supreme Judicial Court Given Under the Provision of Section 3 of Article VI of the Constitution (1975) Me., 343 A.2d 196.

When the Constitution fixes the tenure of a civil office, it is beyond the power of the legislature to affect the tenure and persons holding such consti-

tutional offices may be removed only by means authorized by the Constitution itself. Id.

A civil officer whose tenure is constitutionally established may be removed only by impeachment or address of the legislature. Id.

A civil officer whose tenure is fixed by statute may be removed from an office in a manner other than by impeachment or address of the legislature. Id.

Where the Governor and the Executive Council had before them a complaint seeking removal of a district attorney which was filed by the Attorney General and the Governor and Council mutually agreed to act or refuse to act immediately, and the Governor and Council entertained doubts as to the constitutionality of 30 M.R.S.A. § 451 pursuant to which they were requested by the Attorney General to act, a "solemn occasion" existed which required the Supreme Judicial Court to answer the question submitted by the Governor concerning the validity of said statute pertaining to the removal of district attorneys. Id.

§ 8. To choose own officers

Section 8. The Senate shall choose their President, Secretary and other officers.

Originally Section 8; later renumbered Section 7; now renumbered Section 8.

PART THIRD

LEGISLATIVE POWER

§ 1. To meet biennially; power of Legislature to convene itself at other times

Section 1. The Legislature shall convene on the first Wednesday of December following the general election in what shall be designated the first regular session of the Legislature and shall further convene on the first Wednesday after the first Tuesday of January in the subsequent even-numbered year in what shall be designated the second regular session of the Legislature; provided, however, that the business of the second regular session of the Legislature shall be limited to budgetary matters; legislation in the Governor's cabinet; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors under the provisions of Article IV, Part Third, Section 18. The Legislature shall enact appropriate statutory limits on the length of the first regular session and of the second regular session. The Legislature may convene at such other times on the call of the President of the Senate and Speaker of the House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having been first polled. The Legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

§ 13, that vacancies in the membership of the General Assembly shall be filled by appointment of the Governor is not applicable to initial vacancies in the offices of county councilmen of a county which adopts a charter under the Home Rule Amendment because that amendment requires that the county council be an elective body. *County Comm'rs v. Supervisors of Elections*, 192 Md. 196, 63 A.2d 735 (1949).

Removal of member of House of Delegates from legislative district for which he was chosen would not justify determination that vacancy had occurred so long as the Delegate remains a resident of either Baltimore City or of the county or counties from which his legislative district was formed. 60 Op. Att'y Gen. 306 (1975).

This section does not require unanimity in selecting a nominee to fill a vacancy created by resignation. 62 Op. Att'y Gen. 442 (1977).

Duty of Governor where committee submits names of two or more qualified persons. — If a central committee should ignore the clear intent of this section and submit the

names of two or more qualified persons to the Governor, the Governor cannot ignore the names submitted by the committee. Rather, the Governor must appoint one of the persons to the vacancy. 62 Op. Att'y Gen. 241 (1977).

Duty of Governor not mandatory where committee fails to submit nominee. — Although the State Constitution provides that the Governor shall appoint a person within 15 days of the failure of the central committee to submit a nominee, that requirement cannot reasonably be construed as imposing a mandatory duty upon the Governor. 62 Op. Att'y Gen. 453 (1977).

Eligibility requirements for individuals who desire to be selected to fill a vacancy in the Senate or House of Delegates as a result of the resignation of an incumbent are contained in Md. Const., article III, § 9. 62 Op. Att'y Gen. 442 (1977).

Stated in *Tyler v. Board of Supvrs. of Elections*, 213 Md. 37, 131 A.2d 247 (1957).

Cited in *Covington v. Buffett*, 90 Md. 569, 45 A. 204 (1900); *Black v. Board of Supvrs. of Elections*, 232 Md. 74, 191 A.2d 580 (1963).

Section 14. Time of meetings of General Assembly; extraordinary session upon petition of members.

The General Assembly shall meet on the second Wednesday of January, nineteen hundred and seventy-one, and on the same day in every year thereafter, and at no other time, unless convened by Proclamation of the Governor. A Proclamation convening the General Assembly in extraordinary session must be issued by the Governor if a majority of the members elected to the Senate and a majority of the members elected to the House of Delegates join in a petition to the Governor requesting that he convene the General Assembly in extraordinary session, and the Governor shall convene the General Assembly on the date specified in the petition. This section does not affect the Governor's power to convene the General Assembly in extraordinary session pursuant to Section 16 of Article II of this Constitution. (1947, ch. 497, ratified Nov. 2, 1948; 1964, ch. 161, ratified Nov. 3, 1964; 1970, ch. 576, ratified Nov. 3, 1970.)

Cross reference. — See Editor's note to Md. Const., article II, § 1.

What session of General Assembly includes. — A "session" of the General Assembly includes only its regular session that commences in January and any extraordinary "session" proclaimed by the Governor, and does not include meetings of the Legislative Council or standing committees that are held at other

times during the year. 57 Op. Att'y Gen. 279 (1972).

Applied in *Richards Furn. Corp. v. Board of County Comm'rs*, 233 Md. 249, 196 A.2d 621 (1964); *Selinger v. Governor of Md.*, 266 Md. 431, 293 A.2d 817 (1972), cert. denied, 409 U.S. 1111, 93 S. Ct. 922, 34 L. Ed. 2d 693 (1973).

Cited in *Board of License Comm'rs v. R.N. & W. Corp.*, 20 Md. App. 278, 315 A.2d 107 (1974).

Section 15. Duration of sessions of General Assembly; compensation and allowances.

(1) The General Assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than ninety days in each year. The ninety days shall be consecutive unless otherwise provided by law. The General Assembly may extend its session beyond ninety days, but not exceeding an additional thirty days, by resolution concurred in by a three-fifths vote of the membership in each House. When the General Assembly is convened by Proclamation of the Governor, the session shall not continue longer than thirty days, but no additional compensation other than mileage and other allowances provided by law shall be paid members of the General Assembly for special session.

(2) Any compensation and allowances paid to members of the General Assembly shall be as established by a commission known as the General Assembly Compensation Commission. The Commission shall consist of nine members, five of whom shall be appointed by the Governor, two of whom shall be appointed by the President of the Senate, and two of whom shall be appointed by the Speaker of the House of Delegates. Members of the General Assembly and officers and employees of the Government of the State of Maryland or of any county, city, or other governmental unit of the State shall not be eligible for appointment to the Commission. Members of the Commission shall be appointed for terms of four years commencing on June 1 of each gubernatorial election year. Members of the Commission are eligible for re-appointment. Any member of the Commission may be removed by the Governor prior to the expiration of his term for official misconduct, incompetence, or neglect of duty. The members shall serve without compensation but shall be reimbursed for expenses incurred in carrying out their responsibilities under this section. Decisions of the Commission must be concurred in by at least five members.

(3) Within 15 days after the beginning of the regular session of the General Assembly in 1974 and within 15 days after the beginning of the regular session in each fourth year thereafter, the Commission by formal resolution shall submit its determinations for compensation and allowances to the General Assembly. The General Assembly may reduce or reject, but shall not increase any item in the resolution. The resolution, with any reductions that shall have been concurred in by joint resolution of the General Assembly, shall take effect and have the force of law as of the beginning of the term of office of the next General Assembly. Rates of compensation and pensions shall be uniform for all members of the General Assembly, except that the officers of the Senate and the House of Delegates may receive higher compensation as determined by the General Assembly Compensation Commission. The provisions of the Compensation Commission resolution shall continue in force until superseded by any succeeding resolution.

(4) In no event shall the compensation and allowances be less than they were prior to the establishment of the Compensation Commission. (1920, ch. 319, rejected Nov. 2, 1920; 1927, ch. 379, rejected Nov. 6, 1928; 1929, ch. 348,

rejected Nov. 5, 1929; 1930, ch. 319, rejected Nov. 5, 1930; 1931, ch. 319, rejected Nov. 5, 1931; 1932, ch. 319, rejected Nov. 2, 1948; 1962, ch. 3, 1964; 1966, ch. 3, 1970; 1976, ch. 541

Cross references. — Md. Const., article II, § 17 of the General Assembly Commission Determining Compensation and Allowances of Members of the General Assembly" set out in Maryland Law Review, 10 Maryland Law Review, 107 (1964).
Court of Appeals of Maryland, "Performance — Part I: Decision-Making," see 10 Maryland Law Review, 107 (1978).

Meaning of term "session." — See Warfield v. Vandiver, 10 Maryland Law Review, 107 (1905).

What session of the General Assembly includes. — A "session" of the General Assembly includes only its recesses in January and February. "session" proclaimed by the Governor does not include meetings of or standing committees during the year. (1972).

Constitutional limitations. — See Richards v. County Comm'rs, 233 Md. 621 (1964).

The powers of the General Assembly are as broad as those of the County Comm'rs, 233 Md. 621 (1964).

And cannot be limited by the Board of County Commissioners. — See Richards v. Board of County Comm'rs, 233 Md. 621 (1964).

Duration of special session, the public interest. — The public interest may require the legislature to remain in session for a 30-day limit, as long as proper legislation is passed before it. Richards v. Board of County Comm'rs, 233 Md. 621 (1964).

No prohibition against "nonemergency local bills." — The public interest may require the passage of a "nonemergency local bill" at a special session. Richards v. Board of County Comm'rs, 233 Md. 621 (1964).

The General Assembly may pass a resolution from passing article 27 because it was a non-emergency local bill. Richards v. Board of County Comm'rs, 233 Md. 621 (1964).

Court, carries with it an indorsement of the legislature of such construction. *Womack v Central Lumber Co.* 131 M 201, 94 So 2.

If the legislature subsequently covers the entire scheme dealt with in former acts, the former act will be repealed by the later one. A later statute, although not repugnant to the provisions of a former one, but clearly intended to prescribe the only rule in the case provided for, repeals the former statute. *State ex rel. Knox v Wyoming Mfg. Co.* 133 M 249, 103 So 11, citing *Mobile & O. R. Co. v Weiner*, 49 M 725 and *Myers v Marshall County*, 55 M 344.

Where there are irreconcilable conflicts between two statutes enacted at the same session, the one last approved will prevail. *Green v Hudson*, 139 M 471, 104 So 171.

Where there is such repugnancy between statutes, the former will be construed repealed by implication. *Dugger*

v Panola County, 139 M 552, 104 So 459.

The last act of the legislature amending a statute prevails. *Miller v Tucker*, 142 M 146, 105 So 774, citing *Lang v Harrison County*, 114 M 341, 75 So 126.

While the intent of a statute is to be determined from its language if its meaning is clear and unmistakable, yet if its language is capable of more than one meaning, the purpose and spirit of the statute, as gathered from all its provisions and history, must be ascertained and declared by the court. *Robertson v Texas Oil Co.* 141 M 356, 106 So 449.

A tax levied under an unconstitutional law and paid under a protest may be recovered back. *Pearl River County v Lacey Lumber Co.* 124 M 85, 86 So 755.

For definition of "preamble" see *Dean v Senatobia*, 142 M 815, 103 So 178.

Section 34. The house of representatives shall consist of members chosen every four years by the qualified electors of the several counties and representative districts.

SOURCES: 1869 art IV § 2.

Editor's Note—

Chapter 18, Laws of 1962 1st Extraordinary Session, which proposed to amend this section of the constitution, was not approved by the electorate.

Cross references—

As to apportionment of house of representatives, see section 254.

Section 35. The senate shall consist of members chosen every four years by the qualified electors of the several districts.

SOURCES: 1869 art IV § 4.

Cross references—

As to apportionment of senate, see section 255.

Section 36. The Legislature shall meet at the seat of government in regular session on the Tuesday after the first Monday of January of the year A.D., 1970, and annually thereafter, unless sooner convened by the Governor; provided, however, that such sessions shall be limited to a period of one hundred twenty-five (125) calendar days for regular 1972 session and every fourth year thereafter, but ninety (90) calendar days for every other regular

session thereafter. Provided further that the House of Representatives, by resolution with the Senate concurring therein, and by a two-thirds (2/3) vote of those present and voting in each house, may extend such limited session for a period of thirty (30) days with no limit on the number of extensions to each session.

SOURCES: 1869 art IV § 6; 1912 ch 414; 1968, ch 634.

Editor's Note—

The amendment to Section 36 of Article 4 of the Constitution of 1890 set out above was proposed by House Concurrent Resolution No. 36 of the 1968 regular session of the Legislature, and upon ratification by the electorate on June 4, 1968, was inserted by a proclamation of the Secretary of State on June 13, 1968, by virtue of the authority vested in him by Section 273 of the Constitution. See Section 273.

Cross references—

For governor's power to convene legislature, see section 121.

ALR Annotations—

Power of legislature or branch thereof as to time of assembling, and length of session. 56 ALR 721.

Section 37. Elections for members of the legislature shall be held in the several counties and districts as provided by law.

SOURCES: 1869 art IV § 8.

Cross references—

As to elections for state and county officers, see section 102.

Section 38. Each house shall elect its own officers, and shall judge of the qualifications, return and election of its own members.

SOURCES: 1869 art IV § 10.

Cross references—

As to officers of legislature, see section 99.

JUDICIAL DECISIONS

The term "house" means one distinguished from the other. *Green v Welch*, branch of the legislature as distinguished from the other. 32 M 650.

Section 39. The senate shall choose a president pro tempore to act in the absence or disability of its presiding officer.

SOURCES: 1869 art IV § 11.

Cross references—

As to officers of legislature, see section 99.

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lished lines may be followed at the discretion of the Legislature. (Amended, 1934, 1962, 1966.)

Sec. 6. The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law. (Amended, 1934, 1970.)

Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem. (Amended, 1934, 1960, 1962, 1966, 1968.)

Sec. 8. No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he is elected or on the date of his appointment he is a registered voter, has attained the age of twenty-one years and has resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States or of this State. And no person elected as aforesaid shall hold his office after he shall have removed from such district. (Amended, 1972.)

Sec. 9. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void. (Amended, 1972.)

Sec. 10. Beginning with the year 1971, regular sessions of the Legislature shall be held annually, commencing at 12:00 o'clock (noon)

on the first Tuesday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior. (Amended, 1934, 1970.)

Sec. 11. The Legislature shall keep a journal of its proceedings and publish them (except such parts as may require secrecy) and the yeas and nays of the members on any question, shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the Committees of the Whole, shall be open, unless when the business shall be such as ought to be kept secret. (Amended, 1934.)

Sec. 12. Repealed, 1934.

Sec. 13. The style of all bills shall be, "Be it enacted by the people of the State of Nebraska," and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected and the yeas and nays on the question of final passage of any bill shall be entered upon the journal. (Amended, 1912, 1920, 1972.)

Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been

No person holding a salaried office under the government of the Commonwealth, and no judge of any court, attorney for the Commonwealth, sheriff, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court shall be a member of either house of the General Assembly during his continuance in office; and his qualification as a member shall vacate any such office held by him. No person holding any office or post of profit or emolument under the United States government, or who is in the employment of such government, shall be eligible to either house.

Cross references. — As to disabilities for holding office and qualifications of voters, see §§ 2.1-30, 24.1-41, 24.1-42 and art. II, § 1, of the Constitution. For qualifications of officers, see art. II, § 5, of the Constitution.

A retired naval officer is not ineligible, under this section, to a seat in the General Assembly, as he is not holding a federal office. Galt v. Hobbs, 7 Va. L. Reg. (n.s.) 255 (1921).

§ 5. Compensation; election to civil office of profit. — The members of the General Assembly shall receive such salary and allowances as may be prescribed by law, but no increase in salary shall take effect for a given member until after the end of the term for which he was elected. No member during the term for which he shall have been elected shall be elected by the General Assembly to any civil office of profit in the Commonwealth.

Cross reference. — For statutes concerning salaries of members of the General Assembly, see §§ 14.1-17.1, 14.1-18.

A member of the State Corporation Commission is elected by the General

A member of the House of Delegates is a State officer within the meaning of § 22-92, and, therefore, cannot act as district school trustee. Commonwealth v. Barrett, 14 Va. L. Reg. 271 (1908).

Applied in Howell v. C & P Tel. Co., 215 Va. 549, 211 S.E.2d 265 (1975).

Assembly, and a member of the State may not during his term of office as elected a member of the Commission. Gilmer, 183 Va. 367, 32 S.E.2d 88 (1944). See art. IX, § 1, of the Constitution.

§ 6. Legislative sessions. — The General Assembly shall meet once each year on the second Wednesday in January. No regular session of the General Assembly convened in an even-numbered year shall continue longer than sixty days; no regular session of the General Assembly convened in an odd-numbered year shall continue longer than thirty days; but with the concurrence of two-thirds of the members elected to each house, any regular session may be extended for a period not exceeding thirty days. Neither house shall, without the consent of the other, adjourn to another place, nor for more than three days.

The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house.

Cross reference. — For statutory provisions as to time and place of meeting, see § 30-1.

Proposed amendment. — An amendment to this section was proposed and agreed to by the General Assembly at the 1979 Session (Acts 1979, c. 742), and referred to the 1980 Session. The amendment, if ratified, will add "Except as herein provided for reconvened sessions" at the beginning of the second sentence of the first paragraph, and will add a third paragraph, reading: "The General Assembly shall reconvene on the sixth Wednesday after

adjournment of each regular or special session for the purpose of considering bills which may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills which may have been returned by the Governor with his objections. No other business shall be considered at a reconvened session. Such reconvened session shall not continue longer than three days unless the session be extended, for a period not exceeding seven additional days, upon the vote of the majority of the members elected to each house."

Proposed amendment. — An amendment proposed and agreed to by the General Assembly at the 1977 Session and referred to the 1978 Session was agreed to at that session. The 1978 act agreeing to it was held unconstitutional.

§ 7. Organization. — Each house shall choose its own Speaker and shall exercise the powers of each body a president pro tempore and shall make its own rules of procedure. Between sessions of the House of Delegates are elected and vacancies which may exist while the Governor is absent. Each house shall judge its own members and may punish them to such extent as two-thirds of its electors may require.

Cross reference. — See art. IV, § 1, of the Constitution, and art. IV, § 1, of the Constitution.

§ 8. Quorum. — A majority of the members elected to each house shall constitute a quorum to do business, and no business shall be done in either house in any manner and under any circumstances unless a quorum is present. If the Governor by proclamation cannot be convened, the General Assembly shall nevertheless constitute a quorum.

§ 9. Immunity. — No member shall be liable in any civil or criminal case except for treason, during the sessions of the General Assembly. No member shall be arrested under any process or during the fifteen days before or after the session.

Cross reference. — For statutes regarding privileges of the General Assembly, see §§ 30-6, 30-7.

§ 10. Journal of Proceedings. — The members of each house shall be sworn to support the Constitution and to do no act contrary to it. The members of each house shall be sworn to support the laws of the Commonwealth. The members of each house shall be sworn to support the laws of the Commonwealth. The members of each house shall be sworn to support the laws of the Commonwealth. The members of each house shall be sworn to support the laws of the Commonwealth.

Seat of Government

§ 20. The seat of government shall be at Charleston, until otherwise provided by law.

Cited in *Slack v. Jacob*, 8 W. Va. 612 (1875).

Provisions for Assembling of Legislature Other Than at the Seat of Government

§ 21. The governor may convene the legislature at another place, when, in his opinion, it cannot safely assemble at the seat of government, and the legislature may, when in session, adjourn to some other place, when in its opinion, the public safety or welfare, or the safety of the members, or their health shall require it.

Length of Legislative Session

§ 22. The regular session of the legislature held in the year one thousand nine hundred seventy-three and every fourth year thereafter shall, in addition to the meeting days preceding the adjournment provided for in section eighteen of this article, not exceed sixty calendar days computed from and including the second Wednesday of February, and the regular session held in all other years shall not exceed sixty calendar days computed from and including the second Wednesday of January. Any regular session may be extended by a concurrent resolution adopted by a two-thirds vote of the members elected to each house determined by yeas and nays and entered on the journals.

Editor's note. — This section originally read as follows: "No session of the legislature, after the first, shall continue longer than forty-five days, without the concurrence of two-thirds of the members elected to each house." By the first amendment, proposed by Senate Joint Resolution No. 3, Acts 1919, p. 498, submitted by Acts 1919, c. 127, and ratified on November 2, 1920 it was amended to read: "All sessions of the legislature, other than extraordinary sessions, shall continue in session for a period not exceeding fifteen days from date of convening, during which time no bills shall be passed or rejected, unless the same shall be necessary to provide for a public emergency, shall be specially recommended by the governor and passed by a vote of four-fifths of the members elected to each house; whereupon, a recess of both houses must be taken until the Wednesday after the second Monday of March following. On reassembling of the legislature, no bill shall be introduced in either house without a vote of three-fourths of all the members elected to each house taken by yeas and nays. The regular sessions shall not continue longer than forty-five days after reconvening, without the con-

currence of two-thirds of the members elected to each house."

By the second amendment, proposed by Senate Joint Resolution No. 9, Acts 1927, p. 350, submitted by Acts 1927, c. 28, and ratified on November 6, 1928, this section was amended to read: "All sessions of the legislature, other than extraordinary sessions, shall continue for a period of sixty days from the date of beginning. But all regular sessions may be extended by the concurrence of two-thirds of the members elected to each house."

By the third amendment, proposed by Senate Joint Resolution No. 4, Acts 1953, p. 612, submitted by Acts 1953, c. 31, and ratified on November 2, 1954, this section was amended to read: "The regular session of the legislature held in the year one thousand nine hundred fifty-five and every second year thereafter shall not exceed sixty days, and the regular session held in the year one thousand nine hundred fifty-six and every second year thereafter shall not exceed thirty days. During any thirty-day session the legislature shall consider no other business than the annual budget bill, except such as may be stated in a proclamation issued

by the governor at least ten days before the convening of the session, or such proclamation may be stated by the legislature by a two-thirds vote of the members of each house. All regular sessions may be extended by the concurrence of two-thirds of the members elected to each house."

The fourth amendment of this section, proposed by House Joint Resolution No. 1, submitted by Acts 1970, c. 22, and ratified on November 3, 1970. The amendment designated the "Legislative Session Amendment," rewrote this section.

When regular session expires, the legislature shall have a regular sixty-day session of the legislature for by this section and W. Va. Const., art. VI, § 18, unless extended pursuant to a resolution which expires by operation of law and law at midnight on the sixtieth day of the commencement thereof, subject to the provisions of W. Va. Const., art. VI, § 18, D, which authorizes an extension of the session by the governor for matters in the budget. State ex rel. Heck's Dis. Inc. v. Winters, 147 W. Va. 861, 132 S.E.2d 374 (1963).

Statute as to computing the duration of a legislative session is inapplicable in determining the duration of a legislative session. — Section 2-2-3, which provides that the "time within which a bill shall be done shall be computed by excluding the day on which it is introduced and including the last day of the session, if it is a Sunday, it shall also be excluded." This section is applicable to the determination of the permissible duration of the regular legislative session under this section. State ex rel. Heck's Dis. Inc. v. Winters, 147 W. Va. 861, 132 S.E.2d 374 (1963).

Legislative records are conclusive evidence of the time of adjournment. — When the minutes of the legislature show the time of adjournment and are clear and unambiguous, they are conclusive, and evidence cannot be admitted to show that the adjournment was not on the date of adjournment. *Capito v. Tolson*, 137 W. Va. 587, 64 S.E. 845, 22 L.R.A. 2d 101 (1909); State ex rel. Armbricht v. Tolson, 137 W. Va. 60, 70 S.E.2d 73 (1952); Heck's Dis. Centers, Inc. v. Winters, 147 W. Va. 861, 132 S.E.2d 374 (1963). See also *Heston*, 137 W. Va. 375, 71 S.E.2d 101 (1952).

And failure to comply with the requirements of this section, by ambiguity or omission in records, is not a ground for invalidity unless clearly proved. — A bill duly introduced, authenticated, and approved is validly enacted, even if it has not been passed by the legislature in conformity with the requirements of this section, unless the contrary appears from the journal of either house or other legislative records; and the legislature to comply with c

SESSION LIMITATIONS

Regular session limit

90 days
120 days
(or any other number)

Extensions (length)*

7 days
10 days
15 days
30 days
(or any other number)

Number of extensions

one
some other number
no limit

Authorization of extension

majority of each house
two-thirds vote of each house
majority of the full membership of legislature
two-thirds vote of the full membership of legislature

Scope of session extension

limited to subjects designated by concurrent resolution
no limit

* extensions are not special sessions for purpose of Article 9 of the Alaska Constitution

Lawmakers taking care of business in Juneau

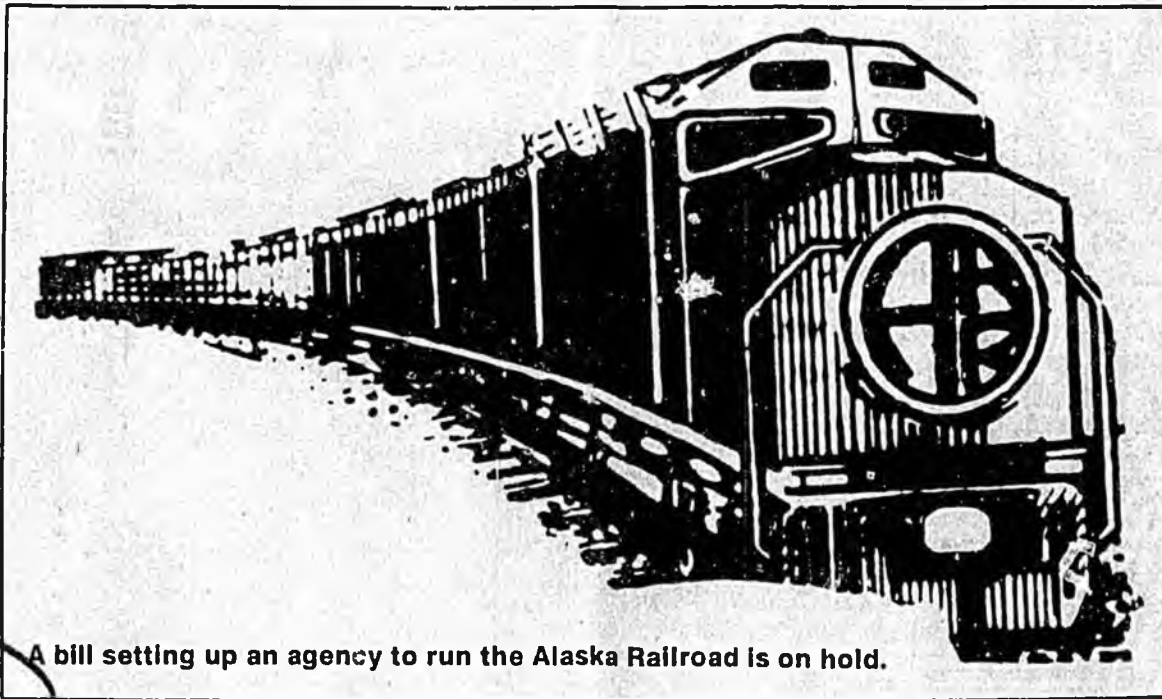
By **CHUCK KLEESCHULTE**
and **BETSY BRENNEMAN**
Daily News reporters

Lawmakers aren't yet in the home stretch, but at least they have rounded the far turn in their efforts to wrap up the 1983 legislature which, today enters its 108th day.

Before legislators pack up and head home, not expected for another month at least, they will decide the fate of dozens of issues, many vitally important to state business interests — or at least they will decide what not to decide until next year.

"Especially the House, but both bodies this year are very pro-business in their outlook," said House Speaker Joe Hayes, R-Anchorage. "The governor also has made a lot of statements which have shown his interest in promoting development of a stronger economy that can stand on its own without government subsidy. By the time we are through we should pass a number of bills of interest to the private sector."

Dave Ribacchi, acting chair of the Legislative Action Committee of the Anchorage Chamber of Commerce, agrees that this year's lawmakers have been attuned to business concerns, especially in the House. He said he worries, however, that the mix of the new administration of Gov. Bill Sheffield and the inexperience of 23 fresh-



A bill setting up an agency to run the Alaska Railroad is on hold.

man lawmakers might team to delay final action on many issues until next year.

The progress on some of our priorities has been a bit less than desirable just because of the newness of the administration and of some of the lawmakers. Their

hearts are in the right place, but that might not be enough this year," Ribacchi said.

While the budget has the greatest impact on business, lawmakers also are considering everything from tax incentives for gas facilities and mining development to a new

loan program for small business.

Along the way, lawmakers have to decide dozens of other issues. A sketch of which would go like this:

ENERGY

The bill which all sources agree has the best chance at passage is one proposed by Hayes. It will provide increased state tax credits for gas processing and mining developments (HB258).

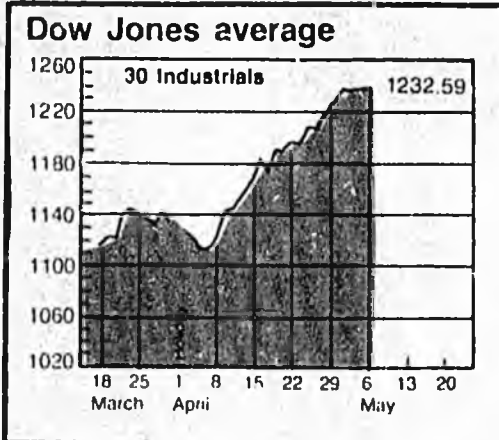
Under the bill, all developers of gas processing facilities south of the Arctic Circle and all miners will be able to write off 100 percent of permissible investments from their state corporate income tax bill, rather than the current 18 percent. The bill allows writeoffs for whatever industry currently can deduct from its federal taxes.

"At relatively little cost to the state, we can gain a tremendous stimulus to our economy. This will provide the incentive business needs to develop," said Hayes, who estimated that a proper investment climate could result in \$3 billion in mining development generating 6,000 jobs over the long run.

Hayes said the bill is not intended to push development of an all-Alaska route for a natural gas pipeline, although Northwest Alaska Pipeline Co., sponsor of the

See Page J-3, LAWMAKERS

index



Weekly stocks, Page J-6, J-7

J-2 DORFMAN:An investigation is under way of alleged stock sales based on inside information.

J-4 MONEY:The nation's basic money supply turned around in late April, rising \$1.4 billion.

Agriculture panel may give Sheffield a pain

Gov. Bill Sheffield may find himself between a rock and a hard place later this month when his agriculture task force issues its findings and recommendations on agriculture policy.

Nine of the 13 members of the task force are producers in the agriculture community and it is almost certain this group will push for extensive land clearing and farm development funding.

The group has already indicated it wants 500,000 acres of farm land made ready quickly. It further wants the Seward grain terminal at least partially completed and it wants Dick Lyon, commissioner of Commerce and Economic Development, removed from the farm scene altogether.

Many farmers feel that Sheffield has either tricked them or shunned his leadership role in farming matters.

They view Lyon as the either the messenger bearing bad tidings from the governor or as someone who is deviously misleading the governor and, in effect, running the show.

Sheffield had nothing but good news for the farmers on the campaign trail. Since he took



steve seplocha

office, the news has been mostly bad.

Lyon, with the governor's blessing, stopped work on the grain terminal. His logic was that the state cannot compete in world grain markets at this time and building a terminal primarily for export is a waste of money until the market develops.

The action was firm and drew rave reviews from many sectors of the business community and from critics of agriculture policy under the Hammond administration.

The governor, while standing firm on the

decision to close the terminal, reassured the farm community that he had not deserted them.

To prove his good intentions, he appointed the task force and said its input would help form that policy.

Sheffield's effigy was therefore granted a stay of execution as farmers funneled their wishes to the task force.

The report, due May 15, will certainly translate into more money than the administration feels is available, what with the drop in petro dollars.

There is every reason to believe that it will also represent a position almost the opposite of actions and statements attributed to Lyon during the past five months.

Finding a middle ground — palatable to farmers while remaining consistent with the administration's early track record — will probably be a challenge.

□ Steve Seplocha is The Daily News business editor

Lawmakers tackle measures that affect businesses ranging from agriculture to oil

Continued from Page J-1

Alaska gas line project, would have to change the location of its gas conditioning plant to Fairbanks from the North Slope to benefit from the bill's provisions.

The bill has a sporting chance of winning Senate approval. Senate sources confirm the bill has been flagged for movement by the leadership.

Two sets of key legislation which face a more problematic future are ratification of three royalty oil contracts to sell 53,000 barrels of state oil a day to Chevron and Tesoro.

The contracts have strong support from all business groups in the state and are a priority of Sheffield. They would provide Chevron 18,000 barrels a day of North Slope crude and Tesoro 27,000 barrels of North Slope and 8,000 barrels of Cook Inlet oil to keep the companies' Nikiski refineries running.

Tesoro plans a major expansion to produce aviation fuel if its contracts win approval.

The pacts aren't totally popular, however, because Charter Oil Co. has an option to buy 30 percent of Tesoro's stock. The state is suing Charter to recover lost income from a part royalty oil sale connected with the defunct Albetco refinery project.

Another controversial measure for which there is unanimous business and oil industry opposition would change the means by which the trans-Alaska oil pipeline is assessed. The measure would raise oil company taxes by \$80 million this year alone.

The bill, proposed by Sen. Frank Ferguson, D-Kotzebue, (SB203) would tax the pipeline on the basis of current year replacement costs minus depreciation, rather than the present method of reducing its value as Prudhoe Bay reserves decline.

The bill also would allocate the funds differently, giving the North Slope Borough at least \$13 million more next year. The Fairbanks North Star Borough and Valdez also would benefit while the state would lose revenue. Last week the bill was changed in committee to allocate 75 percent of any additional revenues among state municipalities, effectively turning it into a municipal revenue-sharing bill to gain more support.

ALASKA RAILROAD

One piece of legislation scheduled not to pass muster this year is a bill to set up an authority to run the Alaska Railroad if it is acquired by the state next year.

Senate President Jay Kerttula, D-Palmer, introduced legislation last year and again this year to create the authority that would be under the control of the state's Department of Transportation and Public Facilities.

The Alaska Railroad Transfer Advisory Commission, a citizens review group, recently submitted a report that largely backs Kerttula's proposed management system for the line, except that it proposes the railroad



A bill to revamp state's permit process has little chance of passage.

be run by an authority under a new department, separate from the transportation agency, that would turn the railroad over to private industry for operation.

Kerttula's bill leaves the ownership question to the future.

GENERAL BUSINESS

There is a host of general business legislation, including several measures that stand a chance of passage during the session.

The most likely to win approval is a bill to raise the preference Alaska businesses enjoy in bidding on state purchasing contracts. Currently, bids from Alaska firms can be accepted if they are less than 5 percent higher than Outside low bids.

Under the new bill, (HB106) that preference is raised to 15 percent. The change is proposed to give Alaska firms a better chance to win state contracts given the higher costs of business here.

A bill with a less certain future would create a new small business loan program (HB208). Proposed by Rep. Jim Duncan, D-Juneau, the bill would create a state loan authority to make loans of up to \$100,000 to small businessmen at rates 3 percent above the federal treasury discount rate.

While it would not provide subsidized money, it would make it easier for businessmen to get loans for new businesses, Duncan said.

Another bill standing a chance is one which will allow employees to voluntarily shift working hours among themselves without triggering overtime wage provisions (HB338).

A bill with a bleak future is one which would repeal the federal Davis-Bacon Act involving state-funded construction.

Currently union employees must be used, when available, on state construction; the



A bill to create a small-business loan program now faces an uncertain future.

state must make sure all contractors pay workers prevailing union wages for state-funded construction. Under the bill, that could be waived on some smaller rural projects.

Supporters argue it could have cut unemployment in the Bush by making construction more affordable and creating an incentive for the hiring of local, rather than Outside labor.

REGULATORY REFORM

An issue which is gaining widespread industry support — but has little real likelihood of passage this year, given its complexity — is a measure which would revamp the state's permit process (HB14).

The concept of instituting a mandatory deadline for issuing state permits has been around since 1978 but has repeatedly failed to pass because of disagreements between the oil industry and administration over technical aspects.

The bill would organize all state permits into three classes, most permits having to be issued within 30 or 65 days. The present proposal would designate a "lead" state agency responsible for issuing permits, helping to curb the current practice of an agency delaying a permit without clear legal authority at the urging of another agency.

DEVELOPMENT

The most hazy area facing lawmakers is what they should do with a host of expensive projects relating to economic development. On agriculture, lawmakers largely have been waiting for the recommendations of the Governor's Agricultural Task Force, whose proposals are expected to be released this week.

On road construction, such as consideration being given to the creation of an authority to facilitate construction of either

a Knik or Turnagain Arm crossing near Anchorage, lawmakers are sitting on a bill to create a \$50 million construction authority until they can assess the success of Sheffield's call last month for a joint state-private development venture to build a toll road across at least Knik Arm.

In regard to hydroelectric development, lawmakers are likely to appropriate enough funding to keep design work proceeding on the Susitna hydroelectric project. But most wind dropped from lawmaker sails for any more work on a long-range financing scheme for the dams this session when the Federal Energy Regulatory Commission last month, at least temporarily, rejected the state's application for a license to build the project, saying more economic feasibility work is needed.

AVIATION

Alaska air taxi operators are hoping for legislative action this session on at least two fronts — they likely will be battling .500 by session's end.

Air carriers would like to receive \$753,000 to fund an 18-month effort to develop lesson plans to teach Alaska pilots how to cope with unique Alaska flying conditions. The proposal, one from the new Alaska Aviation Safety Foundation, seems destined to fly after committee hearings last week.

The only issue is whether it will receive full funding.

Air carriers, however, stand almost no chance of winning passage this year of a state-backed insurance corporation designed to fund liability and hull insurance for air taxi operators.

FISHING & OTHERS

In the cracks are bills which would do everything from require the state to determine the value of fresh and frozen salmon — an important measure to implement pending salmon processor pricing settlements this summer — to bills to deregulate the cable television industry and interest rates.

One bill which prompted early business dissent — but opposition that might be softening — is a measure concerning hazardous and toxic substances in workplaces. Another bill in the same category is a measure calling for mandatory automobile liability insurance.

The hazardous and toxic substance bill will require businesses to post signs warning and training workers to safely handle all dangerous chemicals.

Initially, business howled when the bill covered some 59,000 substances including sand, sugar and wet hair. An ad hoc group late last week cut the list to 800 products, lessening opposition.

The mandatory auto liability bill, designed to force all motorists to get minimum insurance, originally was strongly opposed given the high costs of enforcement of the measure. Its future this session is still dim.

Other issues of concern to business, from funding of the state's existing loan programs to water and sewer improvement, will be decided as part of the budget process.

N O T I C E

CS FOR HOUSE JOINT RESOLUTION NO. 12 (Judiciary) am

Failed in House 3/3/82, and was printed and distributed.

On Reconsideration 3/10/82, CSHJR 12(Jud) am has passed the House, and is now being printed and distributed.

Please discard all other versions, and retain this one.

HJR

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FROM: PAT CORBETT ANC MINORITY OFFICE TO: SUZZANE TRYCK FISCHER'S OFFICE
TARGET: LBBJ SUBJ: AG HEARINGS PAGE 0001

M E M O R A N D U M

TO: SUZANNE TRYCK
SENATOR FISCHER'S OFFICE
FROM: PATRICIA CORBETT
ANCHORAGE MINORITY OFFICE
DATE: FEBRUARY 2, 1984
SUBJ: HB 456 ELECTED ATTORNEY GENERAL - HEARINGS
HAVE LINED UP THE FOLLOWING TO TESTIFY:

MORE _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG'84-00009209 PRTY 1 02/02/84 08:49:28 ORIG: LA10 IN= 0002 OUT= 0001
FROM: PAT CORBETT ANC MINORITY OFFICE TO: SUZZANE TRYCK FISCHER'S OFFICE
TARGET: LJBJSUBJ: AG HEARINGS PAGE 0002

RANDALL BURNS 272-7469
AK BAR ASSOCIATION
FRANK FLAVIN 264-0528
FOR HIMSELF (IS STAFF FOR COMM ON JUDICIAL CONDUCT)
JOHN HAVELOCK 786-1810W 337-8305H
FORMER AG UAA JUSTICE CENTER
JUDGE TOM STEWART 465-3426W 586-1220H
CONSTITUTIONAL CONVENTION DELEGATE
CONTACTED THE FOLLOWING. INTERESTED BUT CANNOT TESTIFY.
FORMER AG'S

MORE _ BACK _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG '84-00009209 PRTY 1 02/02/84 08:49:28 ORIG: LA10 IN= 0002 OUT= 0001
FROM: PAT CORBETT ANC MINORITY OFFICE TO: SUZZANE TRYCK FISCHER'S OFFICE
TARGET: LJJBJ SUBJ: AG HEARINGS PAGE 0003

EDGAR PAUL BOYKO 272-5464
WILL CONDON STEVE CALLED
JOHN RADER 272-3913W 243-5749H
AV GROSS HAVE NOT LOCATED HIM
JUDGES
ALLEN COMPTON 264-0554
VIC CARLSON 264-0418
JUSTIN RIPLEY 264-0414
TOM STEWART 465-3426
BEV CUTLER 745-4284 HAVE NOT CONTACTED
BUD CARPENETI 465-3420 YOUR CONTACT
COURT SYSTEM
CAROL BAEKEY 264-0554 MAGISTRATE SERVICES
ART SNOWDEN 264-0547 YOUR CONTACT IN JUNEAU
KARLA FORSYTH 264-0634 GENERAL COUNCIL

MORE _ BACK _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG '84-00009209 PRTY 1 02/02/84 08:49:28 ORIG: LA10 IN= 0002 OUT= 0001
FROM: PAT CORBETT ANC MINORITY OFFICE TO: SUZZANE TRYCK FISCHER'S OFFICE
TARGET: LJBK SUBJ: AG HEARINGS PAGE 0004

COURT SYSTEM CONT'D

FRAN BREMSEN 279-2526 JUDICIAL COUNCIL
FRANK FLAVIN 264-0528 COMM ON JUDICIAL CONDUCT
LAWYERS
TRIAL LAWYERS ASSOCIATION
GREG GREBE PRES 279-9571
AK BAR ASSOCIATION
KANDALL BURNS 272-7469
POLICE
AK PEACE OFFICERS ASSOCIATION
SGT KALAR PRES 283-7879

MORE _ BACK _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG '84-00009209 PRTY 1 02/02/84 08:49:28 ORIG: LA10 IN= 0002 OUT= 0001
FROM: PAT CORBETT ANC MINORITY OFFICE TO: SUZZANE TRYCK FISCHER'S OFFICE
TARGET: LJBK SUBJ: AG HEARINGS PAGE 0005

POLICE CONT'D

POLICE CHIEF ASSOCIATION

COL HENDERSON PRES 269-5584 (F&W PROTECTION IN DPS)

BRIAN S PORTER 264-4379

GENERAL PUBLIC & ORGANIZATIONS

AK LEGAL SERVICES

ROBERT HICKERSON 272-9431

ACLU349-5543 MESSAGE PHONE

NANCY GORDON 276-3550 AG FOR HUMAN RIGHTS

DOLORES WEILER

MORE _ BACK _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

MSG 84-00009209 PRTY 1 02/02/84 08:49:28 ORIG: LA10 IN= 0002 OUT= 0001
FROM: PAT CORBETT ANC MINORITY OFFICE TO: SUZZANE TRYCK FISCHER'S OFFICE
TARGET: LBJB SUBJ: AG HEARINGS PAGE 0006

GENERAL PUBLIC CONT'D
LEAQUE OF WOMEN VOTERS 274-8477
BLANCHE STEPHENS
HOLLI PLOOG561-1158
DIANE O'CONNELL
BEV ISENSON
GORDON SMITH
VIRGINIA SAMSON
JOHNNY ELLIS
END OF LIST

BACK _ NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 26, 1983

The Honorable Vic Fischer
Senator
Chairman, Senate State
Affairs Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: Elected AG

Dear Senator Fischer:

You have requested that the Department of Law respond to several aspects of CSSSHJR 7 (Jud). In particular, you have made inquiry regarding:

1. The fiscal impact CSSSHJR 7 (Jud) would have on state government operations;
2. A statement of my position on the proposed legislation;
3. Information on the pattern of elected attorneys general compared to appointed attorneys general in the United States;
4. Information on increased costs associated with utilizing "in-house" counsel for the executive agencies in addition to the elected attorney general.

Attached is a fiscal note and fiscal analysis prepared by my office with respect to CSSSHJR 7 (Jud). As with all fiscal notes, this represents a good faith estimate of the likely increase the proposed legislation would have on the operating budget. In preparing this fiscal note we used conservative estimates of the probable costs an elected attorney general would encompass. If anything, the costs may be higher.

I personally am opposed to CSSSHJR 7 (Jud). I have lived and practiced law in our state for most of my adult life. I am absolutely convinced that the needs of all Alaskans are best served by having an appointed attorney general. Election of a cabinet level official makes no more sense than a complete election of all commissioners.

Honorable Vic Fischer
Senator

May 26, 1983
Page 2

The Governor, as the state's principal executive officer, needs to have a responsive and reliable Department of Law. I think good management requires an appointed attorney general, but more importantly common sense suggests that the attorney general selection be made by appointment. In our vast state, with disparate interests and citizens, the administration of state government requires a strong governor. The last thing our state needs is an elected attorney general who may have a personal or political agenda which varies from the position of the Governor. The friction between the two elected officials can lead to a less responsive state bureaucracy with a diffuse accountability to the electorate.

I could relate anecdotes which illustrate this from other jurisdictions having elected attorneys general. Instead, I would rather provide a quotation from the National Municipal League:

All authorities on executive organization agree with the position embraced by the Model State Constitution for more than 40 years that administrative power and responsibility should be concentrated in a single popularly elected chief executive. There is growing recognition that the governor, as the representative of all the people, should be equipped with the constitutional status necessary to exercise constructive leadership as the chief lawmaker and political head of his state. 1/

Studies on administrative reorganization usually argue that fragmentation leads to irresponsibility, but a single chief executive can be held accountable through the electoral system and, as a consequence, can make the administration more responsive. In my opinion, the Governor of Alaska needs the flexibility and discretion that is implied in an appointed attorney general. Anything less will inevitably drive a wedge between the Governor and the Department of Law to the detriment of the citizens of our state.

You also requested comparative information on elected versus appointed attorneys general. Our research indicates that the Attorney General is popularly elected in forty-two states.

1/ National Municipal League, MODEL STATE CONSTITUTION (6th ed.) 65-66 (1963).

The Attorney General is appointed by the Governor in six states, three territories and the Commonwealth of Puerto Rico. In Maine, the Attorney General is selected by the Legislature while Tennessee's Attorney General is selected by the Supreme Court of that state. Historically, the Attorney General has been an appointive, rather than elective, official. In England, he was appointed by the Crown and only incidentally acquired elective status through a seat in Parliament. In Colonial America, Attorneys General were usually appointed by the Governor of the Colony. The Attorney General of the United States still serves at the pleasure of the President with the advice and consent of the Senate.

In response to your question on use and cost of additional counsel for the executive branch in states having elected attorneys general, I am of the opinion that this use (and cost) depends on the relationship between the Governor and the elected Attorney General. In a situation where an elected Attorney General and Governor are cooperative, cordial and share a similar political philosophy, the need for additional counsel will be reduced. Regrettably, this is not always the situation. A 1976 study by the National Governors' Conference explored the role of Governors' legal advisors. The study, which was based primarily on a questionnaire to these advisors, found problems in this relationship:

In many States the relationship between the Governor and the Attorney General is not a smooth one. In addition to whatever political differences there may be between them, there are several operational areas of potential conflict. These include conflicts over the extent to which the legal talent employed by state agencies should report to the Attorney General or to the agencies; concern that the Governor cannot easily deal with the Attorney General because the Attorney General normally provides "yes-no" answers rather than discussions of the legal risk of various options; and the possible frictions that may normally occur in an attorney-client situation. Nevertheless, all but two of the legal advisors reported that they seek informal opinions for the Governor from the Attorney General. 2/

2/ National Governors' Conference, Center for Policy Research and Analysis, LEGAL ADVICE FOR THE GOVERNOR, 7 (November, 1976).

Honorable Vic Fischer
Senator

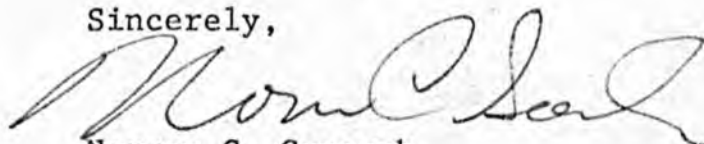
May 26, 1983
Page 4

While I cannot estimate the actual use and cost of additional counsel to oversee the elected Attorney General on behalf of the Governor, I am convinced there will be some additional use by the Governor's office even in the best of times. I sadly regret that the citizens of our state will be required to pay for this additional layer of bureaucracy.

In addition, the heads of executive departments will hire their own attorneys. Thus, there will be a proliferation of special counsel on the staff of major departments. Historically, such counsel have been employed by executive branch agencies to give department heads a "second" opinion in controversial matters in states having an elected attorney general. Such counsel usually do not have the authority to litigate, but they do provide legal advice to department heads and submit amicus briefs in litigation affecting their department's programs. It is not unusual in these states to see four or five separate briefs filed in a single matter, in addition to the attorney general's brief, representing the varying viewpoints of different agencies. Thus, the courts and the public will be confused about state policy on many issues. In addition, the cost for such counsel could easily exceed \$1.0 million annually, within just a few years.

As always, I would be delighted to answer any additional questions you may have.

Sincerely,



Norman C. Gorsuch
Attorney General

NCG:vrh

Attachment

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSSSHJR No. 7(Judiciary)
 Title: "...election of the Attorney General."
 Sponsor: House Judiciary (Orig.-Uehling)
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category: Affected: General Govt.
 BRU, Program of Subprogram(s) Affected:
Legal Services, Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING			*		*	*
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			*	*	*	*
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME			*	*	*	*
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

* Because expenditures would not begin until the latter part of FY 85, actual costs cannot be determined at this time. Please see Analysis.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues Director Phone: 465-3672
 Division: Administrative Services Division Date: May 26, 1983
 Approved by Commissioner: Richard I. Pegues/for Date: May 26, 1983
 Department: Department of Law

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

CSSSHJR No. 7 (Judiciary)
Analysis

This resolution provides for a ballot proposition that would, if approved by the voters, amend the state's constitution by changing the position of attorney general from an appointed office to an elected office. The proposed amendments would also remove the governor's organizational and supervisory controls over any function or unit of government headed by the attorney general.

These controls are normally maintained through executive branch procedural requirements imposed on other executive branch agencies by the Department of Administration and the Office of Management and Budget. The controls are exercised by requiring that other departments obtain OMB's and Administration's approval for: purchasing, leasing and supply; professional services contracting; duplicating services; personnel administration and labor relations; equal employment opportunity programs; data processing, information management and telecommunications services; records management; preaudit accounting services; and budget preparation and budget management.

It will be very expensive for an elected attorney general to provide all or most of these services in-house. Although an attorney general may decide to use some of the centrally provided services, key areas such as: personnel; professional services contracting; purchasing, supply and leasing; data processing; and budget preparation and management, would have to be provided in-house if the attorney general's functions are to be at least reasonably free of the governor's supervision. In addition, it is more than likely that attorney timekeeping would be required throughout the Civil Division because most client agencies would not share the same priorities and program goals of an elected attorney general and they would undoubtedly insist that all interagency-funded legal services provided on their behalf be accurately documented and fully substantiated.

Additional costs, expressed in FY 83 dollars, that will provide for complete independence from the organizational and supervisory control of the governor are shown below. Even if the attorney general were to forego a part of this independence, the savings would only amount to 20 or 30% of the total cost because of the necessity to retain in-house control over the essential support services that determine a department's freedom of action.

<u>Function</u>	<u>Positions</u>	<u>Salary/ Benefits</u>	<u>Other Position Costs</u>	<u>Total</u>
Director's Office	(1) Budget Analyst R19		Travel 2,500	
	(1) Admin. Officer R17		Contractual 24,100	
	(1) Clk. Typist R8		Commod.-ongoing 5,400	
			Commod.-one-time 4,500	
			Equip.-one-time 18,100	
	(3)	113,805	54,600	168,405
Personnel	(1) Personnel Mgr. R21		Travel 2,500	
	(2) Personnel Analysts R16		Contractual 54,200	
	(1) Training Officer R18		Commod.-ongoing 14,400	
	(2) Personnel Tech.'s R12		Commod.-one-time 12,000	
	(1) Payroll Clerk R10		Equip.-one-time 24,100	
	(1) Clk. Typist R8			
	(8)	255,307	107,200	362,507
Property/Supply	(1) Materials Mgr. R21		Travel 2,500	
	(1) Purchasing Agent R18		Contractual 9,600	
	(1) Supply Officer R16		Commod.-ongoing 7,200	
	(1) Clk. Typist R8		Commod.-one-time 6,000	
			Equip.-one-time 19,300	
	(4)	161,843	54,600	216,443
Finance/Accounting	(1) Finance Officer R21		Travel 2,500	
	(1) Acct. Supervisor R16		Contractual 19,900	
	(1) Acct. Clerk R10		Commod.-ongoing 5,400	
			Commod.-one-time 4,500	
			Equip.-one-time 3,600	
	(3)	120,427	35,900	156,327

Attorney Timekeeping

(1) Accountant R18		Travel	1,800	
(3) DP Clerks R11/R9		Contractual	33,000	
		Commod.-ongoing	7,200	
		Commod.-one-time	6,000	
		Equip.-one-time	16,000	
(4)	111,023		64,000	175,023

Records Management

(1) Records Analyst R18		Travel	1,800	
(1) Records Supervisor R15		Contractual	81,200	
(1) Records Handler R12		Commod.-ongoing	9,000	
(2) Microfilm Operators R10/R14		Commod.-one-time	7,500	
		Equip.-one-time	81,000	
(5)	180,432		180,500	360,932

Data Processing/Communications

(1) DP Mgr. R21		Travel	2,500	
(1) Programmer Analyst R18		Contractual	319,900	
(1) DP/Comm. Sys. Supvr. R18		Commod.-ongoing	5,400	
		Commod.-one-time	4,500	
		Equip.-one-time	41,600	
(3)	142,116		373,900	516,016

Duplication Svcs.

(1) Duplication Mgr. R19		Travel	1,000	
(1) Printing Tech. R17		Contractual	74,500	
(2) Machine Operators R12		Commod.-ongoing	57,200	
		Commod.-one-time	6,000	
		Equip.-one-time	154,800	
(4)	163,768		293,500	457,268

TOTAL

(34)	1,248,721		1,164,200	2,412,921
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Non-salary costs include anticipated space rental of 6,000 sq. ft. for the additional staff of 34, at \$2.00 per sq. ft., per month, plus 2,000 sq. ft. each, for records management and duplication services. Also costed in is \$200 per month per employee for contractual services to cover telephone, copying and postage. Ongoing commodities are estimated at \$150 per month, per employee. New position costs include \$1,500 per employee for one-time commodities (furniture and equipment costing less than \$500 per item), and \$1,200 per employee for new position equipment costing more than \$500 per item. Special items include \$15,000 for employee recruitment advertising for non-attorney job applicants, \$5,000 for personnel system printing, and \$20,000 for a data processing program to maintain EEO statistics. Word processors will cost \$14,500 each for a total cost of \$48,000. Records management equipment include storage devices and microfilm/graphics equipment totalling \$75,000. Duplication equipment will cost approximately \$150,000. DP terminals for both the DP section and the timekeeping section will cost \$50,000. Data processing computer-time should be at \$150,000 per year and an additional \$150,000 is included to maintain and enhance the department's work management, timekeeping, opinion indexing, Westlaw and PROMIS systems.

The total additional cost of \$2,412,921 is an enormous increase over the department's current administrative overhead of \$449,800 projected for FY 84. It is, however, part of the price that must be paid if the proposal to have an elected attorney general is adopted by the electorate during the 1984 general election.

Another major cost area that will eventually occur as a result of changing from an appointed to an elected attorney general, will be a proliferation of special counsel on the staff of major departments. Historically, such counsel have been employed by executive branch agencies to give department heads a "second" opinion in controversial matters in states having an elected attorney general. Such counsel usually do not have the authority to litigate, but they do provide legal advice to department heads and submit amicus briefs in litigation affecting their department's programs. It is not unusual in these states to see four or five separate briefs filed in a single matter, in addition to the attorney general's brief, representing the varying viewpoints of different agencies. Costs for just a single special counsel, including secretarial assistance, total about \$150,000 per year in 1983 dollars. Although it is impossible, at this time, to accurately say how extensive the use of in-house counsel will be if there is an elected attorney general, the additional cost for such counsel could easily exceed \$1.0 million annually, within just a few years.

Testimony of

JUDGE THOMAS B. STEWART

before the

SENATE STATE AFFAIRS COMMITTEE

HJR 7:
Constitutional Amendment
Election of the Attorney General

May 26, 1983

Members Present:

Senator Vic Fischer, Chairman
Senator Tim Kelly
Senator Bill Ray
Senator Pat Rodey
Senator Arliss Sturgulewski

TRANSCRIPT OF PROCEEDINGS

SENATOR FISCHER:

We next have Judge Tom Stewart with us. I might just, as a matter of introduction, say that Judge Stewart was a member of the Legislature in the 1950s, helped organize the Alaska Constitutional Convention, served as a secretary for the Convention, subsequently served in the State Senate, has been a very prominent judge, and is now before us. Tom?

JUDGE STEWART:

Thank you, Mr. Chairman. The question of an elected Attorney General, I think should be looked at from several different aspects of the issue. I would begin with a question of history, and it's kind of a truism that those who do not look at history are condemned to its errors. The history of this issue, just in Alaska, is that we had an elected Attorney General for forty-six years, from 1913 until 1959. The people who considered whether as a state we should continue to have an elected Attorney General included twenty-seven former members of the Legislature who had functioned under an elected Attorney General for many years in their combined experience, including an Attorney General who was elected, Ralph J. Rivers, and who came to the convention convinced that the Attorney General should be elected, and upon the basis of the debate there and the information that he learned from it, voted against the election of the Attorney General. The appointed Attorney General decision was ultimately made. Look to the history of other states, and I recall very clearly when a gentleman named Thomas

E. Dewey, who was the Governor of New York, came to Alaska in the late 1940s or the early 1950s, and met with political leaders in Alaska, and one specific word of advice that he made after his years of experience as Governor of New York and a leading prosecutor was: "Whatever you do, do not elect the Attorney General in your state."

Now, another aspect besides history, and we'll touch a little bit on the history of election of attorneys general in other states, but I think before doing so I would like to look a little bit at the nature of his functions. By nature, it's an error to label the Attorney General the attorney for the people. In fact he is not that. He is the attorney for the executive branch of the government. A governor is the Governor for the people, but not the Attorney General. A citizen cannot go up to his office and say, "I want an opinion." He will of necessity say to you: "we don't give opinions for the citizens; we give opinions for the executive branch and its agencies."

And I might pause a moment there; there's been an unfortunate history in Alaska that the Legislature has somehow looked to the opinions of the Attorney General as guidance for the meaning of the laws. In my judgment that's a serious error. The Legislature should have its own attorney. It should not look to the Attorney General.

Now, the Attorney General is like any other professional attorney. He is an attorney. His professional duty is to his client. His professional duty is to help his client realize his client's needs, not to make an independent judgment of what he thinks is right or wrong in

terms of his client's needs, but what his client thinks his needs are, and as a professional person, he should be looking to that.

Now, there's a mistaken view. Perhaps you might believe that somehow the Attorney General's opinions, which are published, are usually, hopefully, well considered, thought out, researched, and detailed--somehow have the quality of a judicial opinion. They do not. They are fundamentally different in nature, because they are not framed on an adversary basis. They are not based upon two sides genuinely, seriously opposed to one another, summoning every argument on the opposite sides. Rather they are framed like any other attorney's opinion, based on what he thinks his client's interests are. He's an advocate of that side, where a judge sits and listens to both sides. A judge, in effect, listens to cross examination. He listens to the argument, to the criticism of the argument, and to the counter criticism of the argument. The Attorney General has none of that in the framing of his opinions, and his opinions should not be viewed as if they had behind them the adversary process, which is fundamental to a judicial opinion or decision.

It's an error to think that the Attorney General can somehow satisfy pressing, immediate political concerns about a particular issue. What gives him the ability to try to read in what the newspapers are printing, or what he sees on TV, or what some constituents are saying, that that is the opinion of the majority of the people? He is not elected to determine what the policy of the government should be. I mean, he's not chosen to do that, whether elected or otherwise. He's chosen

to be the legal advisor to the executive branch, and he should not frame his opinions based on current political views. That's the Governor's choice. The Governor is the one that is chosen to fix the policy of the executive branch of the government, or it's the Legislature's choice in making the laws. Now, it would be a sorry state of affairs if the Attorney General framed his opinions, not on what his client desires to do to answer the public need, but what somehow is his reading of political opinion and then to color his professional legal opinion based on that kind of a view.

I have substantial personal experience. I served under an elected Attorney General for better than three years -- under two of them: under elected Attorney General Ralph J. Rivers and under elected Attorney General J. Gerold Williams. What the Attorney General decides cuts across the whole spectrum of the executive branch. He advises each and every department, and believe me, gentlemen and ladies, from what I saw in the operation of that office, his opinions, when he is elected, are colored by what he thinks that commissioner should do on a specific issue when he is going to be answering to the people in an election, rather than on what the policy of the executive branch will be in general.

If the Attorney General is elected you have built in conflict with the Governor. Wherever they have different personal views, there is going to be an expression of opinion and the Attorney General will determine what he thinks will help him politically, and not what will help the Governor on the other side; so that his opinions are going to

be

affected by his personal posture in the eyes of the electorate, rather than on what the right legal decision should be for the benefit of the executive branch. An elected Attorney General has a constant ambition to be the Governor, and is, therefore, necessarily in conflict with the elected Governor.

The problem of putting this issue to the vote of the people is that it's an issue that should not be viewed as an independent question. The question is not just whether the Attorney General should be elected. The question is what kind of an executive branch do you want? Now, you hear it commonly said that under our constitution we have a strong Governor. I suggest to you that that's a mistaken characterization. What you have is an accountable Governor, a Governor who can be held to account for the conduct of the entire executive branch. His strength is a function of the Legislature: what kind of laws the Legislature passes, what kind of limitations the Legislature puts on his authority. If you put an independent elected officer there, whose functions will cut across the entire executive branch, you can no longer hold the Governor accountable for what he does, because he may try to take action and the Attorney General can thwart it by his opinion.

Another reason why it should not go to the electorate is because there is an inadequate opportunity to debate this issue. You cannot put it in the perspective of what kind of an executive branch do you want. It's, as I say, an issue that should not

and cannot rationally be considered independently of that larger question of the nature of the executive branch, and if you put it in the form of the resolution that's before you today, that's not what will be before the voters to consider and to look at.

In my judgment, there is no sound argument in saying that forty-five states have elected attorneys general. If you get an elected Attorney General, believe me, you will not change it. You can never, as it were, take away an elected Attorney General from the electorate. I suggest to you that before you consider this serious question, that you should invite some governors from some other states where this system functions to testify to you what happens in their states. Invite the Governor of New York, invite the Governor of California, invite the Governor of Washington, and see what they say to you about how an independent person in that office frustrates the capacity of the executive branch to operate.

Now, let me turn back to history just a little bit. There was some mention made previously about the Attorney General of the United States, and in history the form of our state government is patterned from the federal government. I don't think you've ever heard a serious voice raised that the Attorney General of the United States should be elected. He is the advisor to the President and to the executive branch as such. He is the supervisor of the prosecutors for the nation. But I don't think you hear any responsible, reliable voice on the national scene say that somehow the government of the United States would be better if the Attorney General were elected. And the

history of that idea is two hundred years old.

Now, I'd just like to quote to you a few sentences from the Federalist Papers, number 70, written by Alexander Hamilton in 1783. It was addressed to the people of the State of New York at the time in the Federalist Papers: "There is an idea which is not without its advocates that a vigorous executive is inconsistent with the genius of republican government." Now, I would remind you, republican government is representative government. It is a government where you, the elected representatives, are asked to make wise decisions, decisions that the electorate cannot in its forum make, but which take the kind of consideration that you people can give it. "Enlightened well-wishers to this species of government must at least hope that the supposition is destitute of foundation." "Energy in the executive is a leading character in the definition of good government." Now, energy is the capacity to make a decision and carry it out. If you elect the Attorney General, you will deprive the Governor of that energy. His energy will go to fighting with the enemy within his own ranks. His energy will be directed to the intrafamily warfare within his cabinet generated by having an independent and conflicting voice there.

The situation is not unlike having two governments in one city, like the City of Anchorage and the Borough of Anchorage, the City of Juneau and the Borough of Juneau. If you look to the history of our local governments, most of our major communities have wisely consolidated those into one, so that the energy of the people that run them is not in fighting between people in their own community

but in addressing the principal problems. And I say to you that you will deprive the executive branch of its capacity for energy, for making effective decisions, if you saddle the Governor with an opponent within his system.

I don't want to prolong the discussion, but I'm utterly, totally convinced that to allow this to happen, and if you put it to the vote of the people it's likely to happen, because you can't adequately debate it in that forum, you can't put it in its perspective. If you allow it to happen, you will have forever damaged the quality of Alaskan government.

SENATOR FISCHER:

Tom, thank you very much for your solid statement. Are there any questions or comments? Senator Ray?

SENATOR RAY:

Judge Stewart, you brought up something that's been on my mind for a good length of time, and that is the problem with the Attorney General's opinions, and why the Legislature seeks his opinions and puts a great deal of credibility toward them. For the last, oh, at least ten years or more, it would appear to me that most attorneys general have thwarted the will of the Legislature. When we pass a bill that has not been appreciated by the Administration, or the Attorney General finds that the Administration doesn't want to administer, he writes a letter saying it's unconstitutional and, therefore, saying that he is sworn to uphold the laws of the State of Alaska, that he is advising the Administration not to administer it. This is contrary to the

Constitution of the State of Alaska. It says that he cannot do that. He must seek judicial counsel, and the judiciary makes the determination, and you have validated that for me today; and in our times of acquaintance and friendship, I want to thank you most for that statement you made right there. But how can we approach the Attorney General, or how do we overcome that? That's why we seek the opinions, and that's why a lot of times we're more or less bound by them, or we are asking them, rather than just to have our--we must come to a compromise position rather than just to have our bills go down the tube or not be administered.

JUDGE STEWART:

May I respond, Mr. Chairman?

SENATOR FISCHER:

Certainly, Tom.

JUDGE STEWART:

I think you're absolutely right, and it seems to me, as I began, you should look at history. How does it happen that the Attorney General has such a pervasive influence in the Alaskan government? Well, when we were a young territory, a small territory, the Attorney General was the only legal officer to look to. The Legislature had no staff, and there grew up an aura, somehow, of something sacrosanct about the Attorney General, and it should not be. He should be no more and no less than a legal advisor to the Governor. Now, the Governor might be a better lawyer than the Attorney General. You might very well have a Governor who's a lawyer and who's elected, who

knows more about the law, who does his research more carefully, is a better professional person than the Attorney General. He should be able to look at the Attorney General's opinion and say, "thank you, Mr. Attorney General, you're good and I want to keep you on, but I'm not going to pay any attention to that opinion because I don't think it's any good." He should be free to do that. The Legislature should never be bound by the Attorney General in any way. My advice, apart from this thing, is to hire yourself counsel: a counsel to the Senate and a counsel to the House; and rely on them for your legal opinions about the validity of your legislation, not the Attorney General, because his duty is elsewhere.

SENATOR RAY:

But, isn't there some way? You see, where we're thwarted a lot of times is that he will advise the Governor that in his opinion it's unconstitutional, and that, therefore, the Governor should not administer it. And a lot of times, by the time an individual legislator, who knows he's in the right, he does not have the wherewithal to bring court action.

JUDGE STEWART:

To take this to the court?

SENATOR RAY:

Yeah. And a lot of times when they do, by the time the two years that it would take to get before the courts, in a lot of instances, it's a moot question. The guy has lost. So you just more or less seek a compromise position with the Administration in order to resolve and

get a half a loaf, rather than to take the whole thing.

JUDGE STEWART:

There's nothing that I know of in the constitution that says the Governor has to follow the opinion of the Attorney General. Just because the Attorney General says it's unconstitutional does not make it so. I know of no way you can answer that question that you put, Senator Ray, without persuading the Governor in the particular instance that he should not follow the opinion of the Attorney General in that instance--or to go get another opinion if you can, to have the Attorney General take another look at it.

SENATOR RAY:

Well, if there is nothing that makes that opinion sacrosanct, that says the Governor can't support the legislation if he wants to ...

SENATOR RODEY:

Well, it might be in his best political interest to have the Attorney General say that and ...

JUDGE STEWART:

That may very well be.

SENATOR RAY:

In fact he might even seek that opinion out so that he can avoid doing what is politically distasteful to him.

JUDGE STEWART:

If that's the case, I think you have no alternative but to summon some resource to get yourself into court. I'd be glad to answer any other ...

SENATOR FISCHER:

Thank you, Tom.

SENATOR STURGULEWSKI:

Mr. Chairman, just a comment, that this is a most provocative discussion of how the Attorney General has evolved and just in the few years that I've been here, why, you see us going to [Legislative] Legal Services when we want one opinion, we go to the Attorney General for another. I think this is worthy of some exploration. It seems to me, one, you could, of course, go to court more often to challenge that opinion, but I almost think it would have to be, to bring change, an evolutionary kind of a thing where you would, in fact, either give the status to your current legal services or hire independent counsel that would be available for advice and you start going there as opposed to what we do now, which is more and more to go to the Attorney General for their opinion. But that is interesting and it would be interesting maybe to see a catalog of things that you might do to bring about the kind of change that will bring more balance there. We use the Attorney General as the final word in a lot of cases.

SENATOR FISCHER:

Senator Ray?

SENATOR RAY:

Because we're forced to. We're forced to reach a compromise position because otherwise he will say in his opinion it's unconstitutional and then the Governor will say, okay, and it's not administered; and then we're up to the wall unless we have the financial resources, the

backing of somebody to get it into court in a rapid fashion and then have the court act upon it.

SENATOR STURGULEWSKI:

Your asking what?

SENATOR RAY:

See, well, I even had the crazy idea one time of asking for advisory opinions from the Supreme Court or from the Superior Court - just advisory opinions on matters of great state interest and just have them give an opinion of whether it was constitutional or not, and they didn't want to do it.

JUDGE STEWART:

Mr. Chairman, may I just add one note, without extending your time, in response to Senator Sturgulewski's comments? I think it might be useful for you to look to the pattern of some other states. Now, the Legislative Affairs Agency is one thing that does its research, and it has its attorney that advises it as a staff. What I'm talking about is counsel to the Senate ...

SENATOR STURGULEWSKI:

That's right. We haven't done that.

JUDGE STEWART:

... and counsel to the House, and you will find that pattern in other states. I happen to know quite well an excellent counsel to the California State Senate, and the nature of the function of his office is very important in the success of legislation in that state, and to giving the - of necessity - the majority in the Senate that chooses him, legal

opinions.

SENATOR FISCHER:

Senator Ray?

SENATOR RAY:

Then, again, Tom, we've been, at various and odd times, in the Legislature, either one house or the other, or both acting in concert, have hired outside counsel in particular areas of interest or to answer specific questions, but then we're always criticized by the public or by those critics of the Legislature who declaim to the public that the Legislature spends its money, they have hired these people to do thus and such, and it gives the appearance that the Legislature is a bunch of spendthrifts when they have legal officers they could go to like the Attorney General which they in error believe is available to us to tell us what is constitutional and what isn't.

JUDGE STEWART:

I appreciate the opportunity to appear, Mr. Chairman.

SENATOR FISCHER:

I really appreciate your testifying.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



May 26, 1983
3:00pm

Butrovich room
Capitol Bldg.

Members Present

Senators Vic Fischer, Chair
Senator Rodey
Senator Ray
Senator Sturgulewski
Senator Kelly

HB 39, Relating to political campaign tax contribution credit

Bob Manners, NEA Alaska, testified in favor of continuing the current political contribution tax credit unchanged. He recommended that the bill be signed do not pass.

A CS was before the committee which was not adopted by the committee. Instead, the version that was passed by the House was addressed.

Senator Rodey stated that he was opposed to the bill in any form.

Tom Casher, I.B.E.W., testified against the bill. He said that it was not a good bill for the working people of Alaska.

Cherie Shelley, APEA, concurred with the previous two witnesses.

Senator Ray moved and asked unanimous consent to move the House version of the bill out of committee with individual recommendations.

The bill was moved out of committee with individual recommendations.

HJR 7, Relating to the Election of the Attorney General
TELECONFERENCE PORTION OF THE HEARING

Representative Rick Uehling, sponsor of the bill, testified in favor of the bill. He stated that the reasons for introducing the bill were that if an Attorney General were elected by the people, that person would be more responsible to the people.

Senator Ray asked Rep. Uehling a hypothetical question concerning the working relationship between the Governor and the Attorney General if

they were of different political parties.

Rep. Uehling stated that he felt that the two officials would be able to work together, and that the Attorney General would still be able to serve the people.

Senator Vic Fischer related the experiences of other states that have elected Attorney Generals. Often times, he said, the office becomes a political stepping stone.

Judge Tom Stewart testified against this resolution (the transcription is included with the minutes of this meeting).

John Havelock, Director of Legal Studies at the University of Alaska and former Attorney General, also testified against this resolution. He stated that the Attorney General is the Chief prosecutor of the state, and that the Attorney General is the Attorney to the Governor. This he gave as one reason why the Attorney General should not be elected.

Art Robeson, President fo the Tanana Bar Association, testified that the Alaska Bar is about 9-1 against electing an Attorney General.

Senator Sturgulewski made a motion to move the resolution out of committee with individual recommendations

There was no objection. The resolution moved out of committee.

The meeting adjourned at 4.15pm.

JBy.

Sydney Dyck,
Researcher

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
BUREAU ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 14, 1983

SUBJECT: Elected attorney general
(SSHJR 7)

TO: Representative Rick Uehling

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

Sections 1, 2 and 3 of this bill are correlative amendments necessary to conform existing material in the constitution to the new material added. It is easier to follow if the analysis of these follows the new material.

The material in Sec. 4 is the new material which is added to Article III of the Constitution. It consists of new sections 28 - 34.

Sec. 28 provides there shall be an attorney general and establishes qualifications. The attorney general must be:

- (1) at least 30 years of age;
- (2) a qualified voter;
- (3) a resident for the five years immediately preceding filing;
- (4) a United States citizen for seven years;
- (5) licensed to practice law in this state; and
- (6) possess other qualifications prescribed by law.

Sec. 29 provides for election of the attorney general. The ballot is nonpartisan and candidates file for office. The initial election is the primary and the two highest voter getters at the primary appear on the general election

Grants Pass, Oregon
February 19, 1983

TO MY FRIENDS IN THE ALASKA LEGISLATURE:

Almost thirty years ago I proposed that the state of Alaska elect its attorney general. Although my proposal was finally rejected by the Constitutional Convention in 1956, I have never abandoned my conviction that the attorney general should be "the people's attorney," elected by and responsible to the citizens of Alaska.

For that reason, I am pleased to support House Joint Resolution 7, which proposes an amendment to the state constitution providing for the election of the attorney general. HJR 7, if approved by both houses, would allow the electorate to determine the nature of the state's highest law enforcement officer.

I urge every legislator to fully consider this important bill. If you decide that your constituents deserve a truly impartial attorney general who is ultimately responsible to the people, then I encourage you to support the passage of HJR 7.

Thank you for your attention.

Respectfully,



FRANK BARR

Delegate, Alaska Constitutional
Convention (1955-56)

STATE ADMINISTRATIVE OFFICIALS: METHODS OF SELECTION

district in which election

of official sought to be

in for officer sought to be

rd and qualified to vote at

id district or local officials

d qualified to vote at the

late offering for the office

one in the last general elec-

officer was elected

ion for office of official

districts of less than 1,000

electoral district of officer

il election is required, ex-

which case 15% of the

election in that district is

ting official sought to be

n for governor

se court justice

unit of government

overnor within the district

ure or petition of legisla-

onal election. Referendum

case in last gubernatorial

"yes"

ction or by 2/3 vote of

State or other jurisdiction	Governor	Lt. governor	Secretary of state	Attorney general	Treasurer	Adjutant general	Administration	Agriculture	Hunting	Budget	Civil rights	Commerce	Community affairs	Comptroller	Consumer affairs	Corrections	Data processing
Alabama	CE	CE	CE	CE	CE	G	...	CE	G	CS	...	G	G	AG	(a-1)	G	CS
Alaska	CE	CE	(a-1)	GB	(a-3)	GB	...	A	A	A	G	GB	GB	AG	A	A	A
Arizona	CE	CE	CE	CE	CE	G	G	B	G	L	G	G	...	AG	(a-1)	GS	AG
Arkansas	CE	CE	CE	CE	CE	G	(a-10)	(a-11)	AG	AG	...	(a-12)	G	(a-10)	(a-1)	GS	GS
California	CE	CE	CE	CE	CE	G	(b)	GS	GS	GS	G	GS	GS	CE	GS	GS	C
Colorado	CE	CE	CE	CE	CE	G	...	GS	A	GS	...	A	A	A	(a-1)	GS	(a-8)
Connecticut	CE	CE	CE	CE	CE	G	CE	CE	CE	A	A	GE	A	CE	CE	GE	A
Delaware	CE	CE	CE	CE	CE	GS	GS	GS	GS	GS	GS	AG	AG	A	AG	GS	AG
Florida	CE	CE	CE	CE	CE	GS	GS	CE	CE	A	GS	GS	GS	A	A	GS	...
Georgia	CE	CE	CE	CE	A	G	GS	CE	GS	G	...	B	G	CE	A	B	A
Hawaii	CE	CE	(a-1)	GS	...	GS	...	GS	(a-25)	GS	...	(a-7)	...	GS	(a-25)	(a-3)	(a-22)
Idaho	CE	CE	CE	CE	CE	G	GS	GS	GS	G	BGS	G	(a-11)	G	BGS	(a-5)	(a-5)
Illinois	CE	CE	CE	CE	CE	G	GS	GS	GS	G	GS	GS	CE	(a-1)	GS	A	A
Indiana	CE	CE	CE	SE	CE	G	G	(a-4)	G	G	(a-4)	A	...	AT	G	A	A
Iowa	CE	CE	CE	CE	CE	GS	...	SE	GS	(a-3)	GS	GS	A	GS	(a-1)	(a-3)	CS
Kansas	CE	CE	CE	CE	SE	GS	GS	B	GS	CS	B	GS	A	A	A	GS	A
Kentucky	CE	CE	CE	CE	CE	G	G	G	AG	B	G	G	(a-10)	A	AG	AG	AG
Louisiana	CE	CE	CE	CE	CE	GS	G	CE	GS	GS	...	GS	CS	(a-8)	GS	CS	CS
Maine	CE	CE	CE	CE	CE	GLS	GLS	GLS	AG	B	(a-27)	G	AG	GLS	AG	CS	CS
Maryland	CE	CE	CE	CE	CE	GS	...	AGS	GS	GS	A	AG	CE	A	AGS	AGS	(a-5)
Massachusetts	CE	CE	CE	CE	CE	G	G	G	G	AG	AT	G	G	G	G	G	A
Michigan	CE	CE	CE	CE	CE	GS	GS	B	GS	(a-8)	B	GS	...	(a-1)	B	(a-8)	(a-8)
Minnesota	CE	CE	CE	CE	CE	G	GS	GS	BS	GS	GS	(a-11)	A	GS	GS	A	A
Mississippi	CE	CE	CE	CE	CE	GS	...	SE	GS	B	...	(a-29)	B	(a-30)	A	B	B
Missouri	CE	CE	CE	CE	CE	GS	GS	GS	AS	A	B	A	(a-11)	A	GS	GS	A
Montana	CE	CE	CE	CE	A	G	GS	GS	(a-11)	G	G	G	(a-11)	A	G	A	A
Nebraska	CE	CE	CE	CE	CE	G	GS	GS	GS	A	B	GS	(a-11)	A	(a-1)	GS	A
Nevada	CE	CE	CE	CE	CE	G	GS	GS	A	(a-8)	G	G	G	CE	A	G	A
New Hampshire	CE	...	CE	CE	CE	GC	(a-5)	GC	CC	A	B	GOC	GOC	GOC	(a-1)	GOC	B
New Jersey	CE	...	GS	GS	GS	GS	...	BC	GS	GS	A	GS	GS	GS	GS	GS	A
New Mexico	CE	CE	CE	CE	CE	GS	GS	(b)	GS	G	G	GS	AG	G	(a-1)	A	A
New York	CE	CE	CE	CE	A	G	...	GS	G	G	G	GS	GS	CE	GS	GS	(a-6)
North Carolina	CE	CE	CE	CE	CE	G	G	CE	GS	AG	(a-8)	G	A	(a-22)	A	G	AG
North Dakota	CE	CE	CE	CE	CE	G	A	CE	GS	A	...	G	A	A	A	GS	A
Ohio	CE	CE	CE	CE	CE	G	GS	GS	A	CS	GS	GS	(a-11)	(a-21)	(a-1)	GS	A
Oklahoma	CE	CE	GS	CE	CE	GS	GS	GS	G	B	G	G	A	AG	B	B	...
Oregon	CE	CE	CE	SE	CE	G	GS	GS	AG	A	A	GS	A	A	A	AG	A
Pennsylvania	CE	CE	CE	CE	CE	GS	G	GS	GS	U	GS	GS	CS	A	AG	AG	AG
Rhode Island	CE	CE	CE	CE	CE	G	(a-12)	G	CS	B	B	GS	GS	A	BS	GS	A
South Carolina	CE	CE	CE	CE	CE	CE	(a-22)	SE	B	ll	B	(a-27)	A	CE	B	CS	(a-22)
South Dakota	CE	CE	CE	CE	CE	GS	G	GS	A	G	GS	GS	(a-27)	CE	(a-1)	AG	A
Tennessee	CE	CE	CE	SC	CL	(a-10)	G	G	A	B	G	(a-11)	CL	A	G	A	A
Texas	CE	CE	CE	CE	CE	GS	...	SE	BS	G	...	(a-27)	GS	A	B	B	B
Utah	CE	CE	CE	CE	CE	G	GS	GS	GS	G	...	GS	GS	AG	BA	AG	AG
Utah	CE	CE	CE	SE	CE	SL	GS	GS	GS	GS	(a-1)	A	GS	(a-10)	(a-1)	GS	CS
Virginia	CE	CE	GB	CE	GB	GB	GB	B	GB	...	GB	A	GB	(a-29)	GB	GB	GB
Washington	CE	CE	CE	CE	CE	GS	(a-6)	GS	A	GS	B	GS	(a-11)	(a-22)	(a-1)	GS	B
West Virginia	CE	CE	CE	CE	CE	(a-10)	CE	GS	A	GS	A	GS	A	(a-10)	(a-1)	GS	A
Wisconsin	CE	CE	CE	CE	CE	G	GS	B	CS	(a-8)	A	GS	(a-11)	(a-8)	(a-1)	A	(a-8)
Wyoming	CE	...	CE	CE	CE	G	G	B	G	G	...	(a-27)	(a-27)	G	(a-1)	BC	A
Guam	CE	CE	...	GS	A	...	GS	GS	(a-38)	GS	...	GS	G	(a-8)	A	GS	A
Puerto Rico	CE	...	GB	GS	GS	...	GS	GS	(a-21)	G	G	G	A	G	GS	GS	...
Virgin Islands	CE	CE	...	GS	...	...	(b)	GS	(a-4)	G	GS	GS	(b)	...	GS	GS	(b)

Note: Salary figures for these officials may be found in Table 18.

Key:

- CE — Constitutional, elected
- CL — Constitutional, elected by legislature
- SE — Statutory, elected
- SL — Statutory, elected by legislature
- L — Selected by legislature or one of its organs
- SC — Statutory, elected by state supreme court

Appointed by:

- G — Governor
- GS — Governor
- GB — Governor
- GE — Governor
- GC — Governor
- GD — Governor
- GLS — Governor
- GLG — Governor & Lt. governor
- GOC — Governor & council or cabinet
- LG — Lieutenant governor

Approved by:

- ...
- Senate
- Both houses
- Either house
- Council
- Departmental board
- Appropriate legislative committee & senate
- ...

Appointed by:

- AGS — Agency head
- ASH — Agency head
- B — Board or commission
- BG — Board
- BGC — Board
- BGS — Board
- BS — Board or commission
- BA — Board or commission
- CS — Civil Service
- ACB — Nominated by audit committee

Approved by:

- ...
- Board
- Governor
- Governor & council
- Senate
- Appropriate legislative committee & senate
- Governor & senate
- Senate president & house speaker
- ...
- Governor
- Governor & council
- Governor & senate
- Senate
- Agency head
- ...
- Both houses

Table 6
ATTORNEYS GENERAL AND SECRETARIES OF STATE:
QUALIFICATIONS FOR OFFICE

State or other jurisdiction	Attorneys General						Secretaries of State			
	Minimum age	U.S. citizen (years)	State resident (years)	Qualified voter	Licensed attorney (years)	Membership in the state bar (years)	Minimum age	U.S. citizen (years)	State resident (years)	Qualified voter
Alabama	25	7	5	...	...	...	25	7	5	*
Alaska	...	*	...	...	...	...	(a)	(a)	(a)	(a)
Arizona	25	10	5	...	...	...	25	10	5	*
Arkansas	...	*	*	*(b)	...	...	...	*	*	*(b)
California	18	...	*	...	*(c)	*(c)	...	...	...	*(b)
Colorado	25	*	2	...	...	...	25	*	2	*
Connecticut	21	*	6 mos.	*	10	10	21	*	*	*
Delaware	...	...	...	...	...	...	...	...	...	...
Florida	30	*	7	*	5	5	30	*	7	*
Georgia	25	10	6	*	7	6	25	10	6	...
Hawaii	...	*	1	...	...	...	(a)	(a)	(a)	(a)
Idaho	30	*	2	*	*	*	25	*	2	...
Illinois	25	*	3	...	...	...	25	*	3	...
Indiana	...	*	*	*(b)	*	...	...	...	...	*(b)
Iowa	...	...	...	...	...	...	...	...	*	...
Kansas	...	*	...	...	*	*	...	...	...	*(b)
Kentucky	30	2	2	...	8	5	30	...	2	...
Louisiana	25	5	5	*	5	5	25	5	5	*
Maine	...	...	10	*(b)	10	10(d)	...	...	...	...
Maryland	...	...	...	...	...	...	...	...	...	...
Massachusetts	...	*	5	*	*	*	18	*	5	*
Michigan	18	*	30 days	*	*	*	*	*	30 days	*(b)
Minnesota	21	3 mos.	30 days	*	...	...	21	*	*	*
Mississippi	26	*	5	*	5	5	25	5	5	*
Missouri	...	...	...	...	...	...	...	...	...	...
Montana	25	*	2	...	5	5(d)	25	2	2	...
Nebraska	21(c)	...	*(d)	...	*(d)	...	18	*	*	...
Nevada	25	2	2	*	...	...	18	2	2	*
New Hampshire	...	...	...	...	*	*	...	...	...	...
New Jersey	18(f)	...	*	...	*	*	...	...	...	...
New Mexico	30	*	5	...	*	*	30	*	5	*
New York	30	*	5	...	*(d)	...	...	...	...	...
North Carolina	21	*	30 days	*	...	...	21	*	1	*
North Dakota	25	*	*	...	...	...	25	...	30 days	*
Ohio	18	30 days	30 days	*	...	...	...	...	...	*(b)
Oklahoma	31	*	10	*	...	...	31	*	10	*
Oregon	...	...	...	*(b)	...	...	18	*	*	*
Pennsylvania(g)	30	*	7	*(d)	*(d)	*	...	...	...	...
Rhode Island	18	30 days	30 days	*	...	...	18	30 days	30 days	*
South Carolina	...	...	*	*(b)	...	...	21	*	1	*
South Dakota	...	*	*	*(b)	*	*	...	...	...	...
Tennessee	...	...	...	...	...	...	...	...	...	...
Texas	...	*	...	...	*	*	...	*	*	...
Utah	25	*	5	*	*	*	(a)	(a)	(a)	(a)
Vermont	...	...	...	...	...	...	...	...	...	*(b)
Virginia	...	...	*	*(b)	*	...	...	...	...	...
Washington	...	*	*	*(b)	*	*	...	*	*	*(b)
West Virginia	25	5	5	*	...	...	18	5	5	*
Wisconsin	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	*	...	4	4	25	*	*	*
American Samoa	...	...	...	...	...	...	(a)	(a)	(a)	(a)
Guam	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	(a)	(a)	(a)	(a)
Northern Mariana Is.	...	...	...	...	5(d)	...	(a)	(a)	(a)	(a)
Puerto Rico	21(c)	...	...	...	*(d)	*(d)	...	...	...	...
Virgin Islands	...	*	...	...	*(h)	...	(a)	(a)	(a)	(a)

N.A.—Not available.
(a) No secretary of state.
(b) Although there may be no specific requirement for minimum age of U.S. citizen, it can be inferred that the individual must be 18 years old and a U.S. citizen since he or she must be a qualified voter. In addition, some states have residency requirements to be a qualified voter and these can be found in the table "Qualifications for Voting."
(c) No statute specifically requires this, but the State Bar Act can be construed as making this a qualification.
(d) Implied.

(e) Implied, since the attorney general must represent the state in all legal matters and, therefore, must be an attorney. To be an attorney in Nebraska and Puerto Rico, one must be at least 21 years old.
(f) Implied, since the attorney general must be a practicing attorney and to be an attorney in New Jersey, one must be at least 18 years old.
(g) These qualifications took effect for the first time with the attorney general entering office in 1981.
(h) Must be admitted to practice before highest court of a state or territory.

Alabama
Alaska(c)
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii(c)
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah(c)
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming
American S
Puerto Rico

Table 9

ATTORNEYS GENERAL: PROSECUTORIAL AND ADVISORY DUTIES

State or other jurisdiction	Authority to initiate local prosecutions	May intervene in local prosecutions	May assist local prosecutor	May supersede local prosecutor	Issues advisory opinions			Reviews legislation	
					To state executive officials	To legislators	To local prosecutors	On the interpretation of statutes	On the constitutionality of bills or ordinances	Prior to passage	Before signing
Alabama	A	A,D	A,D	A	*	*	*	*	*
Alaska	A(a)	A(a)	A(a)	A(a)	*	*	*	*	*
Arizona	A,B,C,D,F	B,D	B,D	B	*	*	*	*	*
Arkansas		D	D		*	*	*	*	*
California	A, E	A,D,E	A,B,D	A	*	*	*	*	*
Colorado	B,F	B	D,F(b)	B	*	*	*	*	*
Connecticut	...	...	...	...	*	*	*	*	*
Delaware	(c)	(c)	(c)	(c)	*	*	*	*	*
Florida	F	D	D		*	*	*	*	*
Georgia	A,B,F	A,B,D,G	A,B,D,F	B	*	*	*	*	*
Hawaii	E	A,D,G	A,D	A,G	*	*	*	*	*
Idaho	A,D,F	A	A,D	A	*	*	*	*	*
Illinois	A,D,E,F,G	A,D,E	A,D	F	*	*	*	*	(d)
Indiana	F(b)	...	A,D,E,F	G	*	*	*	*	*
Iowa	D,F	D	D		*	*	*	*	*
Kansas	B,C,D,F	D	D	A,F	*	*	*	*	*
Kentucky	A,B	B,D	b,D,F	G	*	*	*	*	*
Louisiana	G	G	D	G	*	*	*	*	*
Maine	A	A	A	A	*	*	*	*	*
Maryland	B,C,F	B,C,D	B,C,D	B,C	*	*	*	*	*
Massachusetts	A,B,C,D,E,F,G	A,B,C,D,E,G	A,B,C,D,E	A,B,C,E	*	*	*	*	*
Michigan	A	A	A	A	*	*	*	*	*
Minnesota	B	B,D,G	A,B,D	B	*	*	*	*	(d)
Mississippi	B,E,F	...	B,F		*	*	*	*	*
Missouri	F	...	D		*	*	*	*	*
Montana	C,F	A,B,C,D	A,B,C,D,F	A,C	*	(c)	*	*	*
Nebraska	A	A	A,D	A	*	*	*	*	*
Nevada	D,F,G(f)	D(f)	(f,g)	G,F	*	*	*	*	*
New Hampshire	A	A	A	A	*	*	*	*	*
New Jersey	A	A,B,D,G	A,D	A,B,D,G	*	*	*	*	*
New Mexico	A,B,E,F,G	B,D,G	D	B	*	*	*	*	*
New York	B,F	B	D	B	*	*	*	*	*
North Carolina	...	D	D		*	*	*	*	*
North Dakota	A,G	A,D	A,D	A	*	*	*	*	(d)
Ohio	B,C,F	B,F	F	B,C	*	(c)	*	*	*
Oklahoma	B,C	B,C	B,C	B,C	*	*	*	*	*
Oregon	B,F	B,D	B,D	B	*	*	*	(d)	(d)
Pennsylvania	A,D,G	D,G	D	G	*	*	*	*	*
Rhode Island	A	D	D		*	*	*	*	*
South Carolina	A	A,D	A,D	A	*	*	*	*	*
South Dakota	A(h)	A	A	A	*	*	*	*	*
Tennessee	D,F,G(b)	D,G(b)	D	F	*	*	*	(d)	(d)
Texas	F	D	D		*	*	*	*	*
Utah	A,B,D,E,F,G	E,G	D,E	E	*	*	*	(d)	(d)
Vermont	A	A	A	A	*	*	*	*	*
Virginia	B,F	A,B,D,F	B,D,F	B	*	*	*	*	*
Washington	B,D,G	B,D,G	D	L	*	*	*	*	*
West Virginia	...	D	D		*	*	*	(i)	(i)
Wisconsin	B,C,F	B,C,D	D	B,C(j)	*	*	*	(i)	(i)
Wyoming	B,D(b)	B,D	B,D		*	*	*	*	*
American Samoa	A,E	A,E	A,E	A,E	*	*	*	*	*
N. Mariana Is.	A				*	*	*	*	*
Puerto Rico	A,B,E	A,B,E	A,E	A,B,E	*	*	*	*	*
Virgin Islands	A				*	*	*	*	*

Key:
 A—On own initiative.
 B—On request of governor.
 C—On request of legislature.
 D—On request of local prosecutor.
 E—When in state's interest.
 F—Under certain statutes for specific crimes.
 G—On authorization of court or other body.
 (a) Local prosecutors serve at pleasure of attorney general.
 (b) Certain statutes provide for concurrent jurisdiction with local prosecutions.

(c) No local prosecutions or prosecutors.
 (d) Only when requested by governor or legislature.
 (e) To legislative leadership only or to legislature as a whole.
 (f) In connection with grand jury cases.
 (g) Will prosecute as a matter of practice when requested.
 (h) Has concurrent jurisdiction with states' attorneys.
 (i) No legal authority, but sometimes informally reviews laws at request of legislature.
 (j) If the governor removes the district attorney for cause.

THE GOVERNORS

Table 10

ATTORNEYS GENERAL: CONSUMER PROTECTION ACTIVITIES
AND SUBPOENA AND ANTITRUST POWERS

State or other jurisdiction	May commence civil proceedings	May commence criminal proceedings	Represents the state before regulatory agencies	Administers consumer protection programs	Handles consumer complaints	Subpoena powers (a)	Antitrust duties
Alabama	*	*	...	*	*	*	A, B
Alaska	*	*	*	*	*	*	B, C
Arizona	*	*	*	*	A, B, D
Arkansas	*	...	*	*	*	*	B, C, D
California	*	...	*	*	*	*	B, C, D
Colorado	*	*	*	*	*	*	B, C, D(b)
Connecticut	*	...	*	*	...	*	A, B, D
Delaware	*	*	*	*	*	*	A, B, C
Florida	*	*	...	*	*	*	A, B, C, D
Georgia	*	*	...	*	*	*	B, C, D
Hawaii	*	*	*	*	...	*	A, B, C, D
Idaho	*	...	*	*	...	*	D
Illinois	*	*	*	*	*	*	A, B, D
Indiana	*	*	*	...	B, C, D
Iowa	*	*	*	*	*	*	A, B, C, D
Kansas	*	*	*	*	*	*	B, C, D
Kentucky	*	*	*	*	*	*(c)	A, B, D
Louisiana	*	*	*	*	*	*	B, C
Maine	*	*	*	*	*	*	B, C
Maryland	*	*	*	*	*	*	B, C, D
Massachusetts	*	*	*	*	*	*	A, B, C, D
Michigan	*	*	*	*	*	*	A, B, C, D
Minnesota	*	...	*	*	*	*	B, D
Mississippi	*	...	*	*	*	*	B, C
Missouri	*	*	*	*	A, B, C, D
Montana	*	*	*	*	B, C, D
Nebraska	*	...	*	*	*	*	A, B, C(d), D
Nevada	*	...	*	*	*	*	A, B, C, D
New Hampshire	*	*	*	*	*	*	B, C, D
New Jersey	*	*	*	*	*	*	A, B, C, D
New Mexico	*	*	*	*	*	*	A, C
New York	*	*	...	*	*	*	A, B, C, D
North Carolina	*	*	*	*	*	*	A, B, C, D
North Dakota	*	*	...	*	*	*	C, D
Ohio	*	*	*	*	*	*	B, C, D
Oklahoma	*	...	*(e)	*	*	*	B, D
Oregon	*	*	*(c)	*	*	*	A, B, C, D
Pennsylvania	*	...	*	*	*	*	D
Rhode Island	*	*	*	*	*	*	A, B, C, D
South Carolina	*	*	*	...	*	*	A, B, C, D
South Dakota	*	*	...	*	*	*	A, B, C, D
Tennessee	*	*	*(c)	*	*	*	A, B, C, D
Texas	*	...	*	*	*	*	B, D
Utah	*	*(d)	*(d)	...	*(f)	*	*(g), B, C, D(g)
Vermont	*	*	*	*	*	*	A, B, C, D
Virginia	*	*(e)	*	*(f)	*(f)	*	A, B, C, D
Washington	*	...	*	*	*	*	A, B, D
West Virginia	*	...	*	*	*	*	A, B, D
Wisconsin	*	...	*	*	*	*	A, B, C, D
Wyoming	*	*	*
American Samoa	*	*	*	*	...
Northern Mariana Is.	*	*	*	*	*	*	B, C, D
Puerto Rico	*	*	*	*(e)	*(e)	*	A, B, C
Virgin Islands	*	*(h)	*	...	...	*	A, B(i), C, D

Key:
A—Has parens patriae authority to commence suits on behalf of consumers in state antitrust damage actions in state courts.
B—May initiate damage actions on behalf of state in state courts.
C—May commence criminal proceedings.
D—May represent cities, counties and other governmental entities in recovering civil damages under federal or state law.
(a) In this column only: * indicates broad powers and • indicates limited powers.
(b) Only under Rule 23 of the Rules of Civil Procedure.

(c) When permitted to intervene.
(d) Attorney general has exclusive authority.
(e) Limited.
(f) Attorney general handles legal matters only with no administrative handling of complaints.
(g) Opinion only, since there are no controlling precedents.
(h) May always prosecute in inferior courts. May prosecute in District Court by request or consent of U.S. Attorney General.
(i) May initiate damage actions on behalf of territory in District Court.

THE GOVERNORS

Table 11

ATTORNEYS GENERAL: DUTIES TO ADMINISTRATIVE AGENCIES AND MISCELLANEOUS DUTIES

State or other jurisdiction	Serves as counsel for state	Appears for state in criminal appeals	Issues official advice	Interprets statutes or regulations	Duties to administrative agencies				
					Conducts litigation		Prepares or reviews legal documents	Represents the public before the agency	Involved in rule-making	Reviews rules for legality
			In behalf of agency	Against agency					
Alabama	A, B, C	* (a)	*	*	*	*	*	*	* (b)
Alaska	A, B, C	*	*	*	*	*	*	*	*
Arizona	A, B, C	* (c,d)	*	*	*	*	*	*	*
Arkansas	A, B, C	* (a)	*	*	*	*	*	*	*
California	A, B, C	* (a)	*	*	*	*	*	*	*
Colorado	A, B, C	* (e)	*	*	*	*	*	*	*
Connecticut	A, B, C	*	*	*	*	*	*	*	*
Delaware	A, B, C	* (a)	*	*	*	*	*	*	*
Florida	A, B, C	* (a)	*	*	*	*	*	*	*
Georgia	A, B, C	* (b,c)	*	*	*	*	*	*	*
Hawaii	A, B	* (b,c)	*	*	*	*	*	*	*
Idaho	A, B, C	* (a)	*	*	*	*	*	*	*
Illinois	A, B*, C	* (b,c,e)	*	*	*	*	*	*	*
Indiana	A, B, C	* (a)	*	*	*	*	*	*	*
Iowa	A, B, C	* (a)	*	*	*	*	*	*	*
Kansas	A, B, C	* (a)	*	*	*	*	*	*	*
Kentucky	A, B*, C	*	*	*	*	*	*	*	*
Louisiana	A, B, C	* (c)	*	*	*	*	*	*	*
Maine	A, B, C	* (b,d)	*	*	*	*	*	*	*
Maryland	A, B, C	*	*	*	*	* (b)	*	*	*
Massachusetts	A, B, C	* (b,c,d)	*	*	*	*	*	*	*
Michigan	A, B, C	* (b,c,d)	*	*	*	*	*	*	*
Minnesota	A, B, C	* (c)	*	*	*	*	*	*	*
Mississippi	A, B, C	*	*	*	*	*	*	*	*
Missouri	A, B, C	*	*	*	*	*	*	*	*
Montana	A, B, C	*	*	*	*	*	*	*	*
Nebraska	A, B, C	*	*	*	*	*	*	*	*
Nevada	A, B, C	* (d)	*	*	*	*	*	*	*
New Hampshire	A, B, C	* (a)	*	*	*	*	*	*	*
New Jersey	A, B, C	* (d)	*	*	*	*	*	*	*
New Mexico	A, B, C	* (a)	*	*	*	*	*	*	*
New York	A, B, C	* (b)	*	*	*	*	*	*	*
North Carolina	A, B, C	*	*	*	*	*	*	* (b)	*
North Dakota	A, B, C	* (b)	*	*	*	*	*	*	*
Ohio	A, B, C	*	*	*	*	*	*	*	*
Oklahoma	A, B, C	* (b)	*	*	*	*	*	*	*
Oregon	A, B, C	*	*	*	*	*	*	*	*
Pennsylvania	A, B, C	* (c)	*	*	*	*	*	*	*
Rhode Island	A, B, C	* (e)	*	*	*	*	*	*	*
South Carolina	A, B, C	* (d)	*	*	*	*	*	*	*
South Dakota	A, B, C	* (a)	*	*	*	*	*	*	*
Tennessee	A, B, C	* (a)	*	*	*	*	*	* (b)	*
Texas	A, B, C	* (c)	*	*	*	*	*	*	*
Utah	A, B, C	* (a)	*	*	*	*	*	*	*
Vermont	A, B, C	* (b)	*	*	*	*	*	* (b)	*
Virginia	A, B, C	* (a)	*	*	*	*	*	*	*
Washington	A, B, C	* (c,f)	*	*	*	*	*	*	*
West Virginia	A, B, C	* (a)	*	*	*	* (f)	*	*	*
Wisconsin	A, B, C	* (b)	*	*	*	*	*	* (b)	*
Wyoming	A, B, C	* (a)	*	*	*	*	*	*	*
American Samoa	A, B, C	* (a)	*	*	*	*	*	*	*
Northern Mariana Is.	A, B, C	* (g)	*	*	*	*	*	*	*
Puerto Rico	A, B, C	*	*	*	*	*	*	*	*
Virgin Islands	A, B, C(h)	*	*	*	*	*	*	*	*

Key: A—Defend state law when challenged on federal constitutional grounds.
 B—Conduct litigation on behalf of state in federal and other states' courts.
 C—Prosecute actions against another state in U.S. Supreme Court.
 *Only in federal courts.
 (a) Attorney general has exclusive jurisdiction.

(b) In certain cases only.
 (c) When assuming the local prosecutor in the appeal.
 (d) Can appear on own discretion.
 (e) In certain courts only.
 (f) If authorized by the governor.
 (g) Because there are no local prosecutors.
 (h) Except in cases in which the U.S. Attorney is representing the Government of the Virgin Islands.

Elected Attorney General; Will of the People

The framers of the State Constitution, we believe, were wise to provide for a strong chief executive but we believe they were not wise in making the state attorney general appointive, rather than elective. Down through the years, it appears to us, that the various attorneys general, by and large, have not acted primarily in accordance with the will of the people, but the will of their bosses, the governors. All too often they have slanted their legal opinions, which are binding unless overturned by the courts, to further the political aims of their bosses, the governors. And in so doing, we believe they have often allowed the governors to take illegal and unconstitutional steps. At the same time all too often an attorney general has slanted a legal opinion against the will of the majority, simply because his boss, the governor, is opposed to it.

This has resulted in a situation where the governor has become not just powerful, but almost omnipotent. Not only is he able to use the State Department of Law to further his policies and programs, however meritorious, but to block policies and programs with which he does not agree. The governor is powerful enough without making him overpowering. After more than two decades of statehood, it is apparent to us that the attorney general needs to be responsible to the people.

Some Alaskans — as the Anchorage Daily News has argued editorially — will contend that a switch to an elected attorney general will dilute accountability.

Said the News:

"The governor of Alaska is empowered by the constitution with strong executive authorities; that makes him the boss, accountable to the people and able to choose his own team in doing what he believes needs done. An elected AG obviously would have his own, possible separate agenda, and teamwork between that office and the governorship might fall apart. Both the governor and the AG could justify inaction by a merry-go-round finger pointing and accusation, and citizens would never know who to look to for responsibility."

The trouble with the latter argument is that it has been rejected by 43 of the 50 states as without merit: they have elected attorneys general because they believe the governor should have to comply with the law as all citizens, should not be above the law or be able to bend the law in carrying out his policies and programs. While there have been conflicts between governors and elected attorneys general, these have been considered justifiable and accepted by the people as a small price to pay for avoiding possible political maneuvering of appointed attorneys general.

Alaska's present governor opposes the change to an elected attorney general. He says if an elected attorney general's view are at odds with the governor's, he could seriously threaten or even thwart the governor's programs. And, of course, the reverse is true of an appointed attorney general.

Attorney General Norm Gorsuch is opposed to an elected attorney general saying such would undermine accountability and an attorney general running for office and collecting campaign funds would open the way to conflicts of interest. Yet Gorsuch, an appointed attorney general, is under fire now for accompanying Governor Sheffield on a fundraising trip in the lower states in January.

Rep. Rick Uehling (R-Anchorage) has sponsored a joint resolution to ask voters to amend the Alaska Constitution to require would-be attorneys general to run for office on non-partisan primary and general-election ballots.

Uehling contends electing the attorney general would provide greater autonomy, freedom from political manipulation, and greater personal responsibility for the attorney general.

In a number of cases attorneys general have approved the wording on ballot propositions. After the voters have expressed their wishes on such ballot measures contrary to the wishes of the governor, they have been challenged as illegal or unconstitutional and thrown out. Examples are the call for a constitutional convention, the Beirne homestead initiative, and the recent Tundra Rebellion ballot proposition. On two big issues which faced the state, residency and local hire, state attorneys general have been dead wrong. Their cases have been overturned by the U.S. Supreme Court. Attorneys general have approved such horrible state contracts as the ill-fated Alpetco contract. And the list goes on and on.

But most disturbing regarding our appointive attorney general is a paragraph in a speech which Governor Sheffield gave to the State boards of Fish and Game recently in regard to their mission on the controversial subsistence issue.

Said the governor: "Your actions will be guided by the policies set by my office. You will be aided in that by the Attorney General's office, which will identify the legal avenues available for furthering those policies. The Attorney General's Office also will outline the scope of your authority, and will alert you if you are exceeding it. The opinions of the Attorney General are binding on all State agencies; actions which run counter to those opinions will not be defended by the State, and may expose you to personal liability." From this it appears that the power and influence of the attorney general, in much greater degree than previously, now extends not just to the Department of Law but to every nook and cranny of state government.

The Fish and Game Boards have been struggling with the subsistence issue since 1978. The problem has not been in the regulations but in the law which is claimed by many to be unconstitutional. There is little likelihood that the new boards are going to be able to achieve what the old Fish and Game boards were unable to do. The new boards may put a bandaid on the issue but it won't be solved until the problem of the law itself is properly addressed. The governor apparently doesn't want to look at the law and the attorney general, therefore, won't look at it. And the attorney general appears to be a tool of the governor in stifling dissent. This was also illustrated this week in the Supreme Court decision in the Joe Vogler case. The high court ruled, contrary to the argument by the attorney general, that there was no compelling state interest in favoring the two major political parties by putting unreasonable restrictions on small, upcoming political parties.

Yes, the time is long passed when Alaska can afford to continue with appointed attorneys general misused by our governors. It's time for Alaska to join the 44 other states in insisting that our attorney general answer primarily to the people, not the governor.

The Anchorage Times

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Associate Editor
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DREX HEIKES
Managing Editor

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Sunday, November 22, 1981

Weak arguments

RIGHT OFF THE BAT, there was a loud objection to the Anchorage Crime Commission's proposal that Alaska's attorney general and the local prosecuting attorneys should be elected. The complaints came from the appointed attorney general and one of his appointed district attorneys.

The flaws they see in the proposal are worthy of public review.

For one thing, they said, electing such officials would bring the justice system into politics. They would become subject to pressure from members of the public with axes to grind.

For another, they argue, lawyers would run for attorney general and district attorney in hopes of using the positions as stepping stones to higher political office.

BUT THOSE aren't necessarily flaws. On the contrary, it's possible to argue that those prospects would offer an enormous improvement in the way things are done in Alaska.

Take the second objection first. Under the Alaska constitution, only two state government officials are elected statewide — the governor and the lieutenant governor. Everybody else in the system, including the judges, is appointed by the governor or by department heads appointed by him.

The only other elected officials in Alaska are the city or borough mayors, elected locally; 60 members of the legislature, elected in local districts, and the three members of the state's congressional delegation, elected statewide.

Not much of a step ladder on

which people interested in public service can climb toward higher office.

An elected attorney general naturally would be looked upon as a potential candidate for governor or U.S. senator or congressman. What's wrong with that? It might be a powerful incentive for the one occupying that spot to do an outstanding job.

AS TO THE COMPLAINT that an elected attorney general might be subject to public pressure, again the advantages are compelling.

Why shouldn't the attorney general have to dance on a hot public griddle if the people become alarmed over deficiencies in the administration of justice?

The system as it now exists makes the attorney general the personal lawyer of the governor, his political defender and his legal arm in waging political warfare against the legislature and the public.

So long as he remains protected by the governor's skirts, the attorney general is immune from public pressure. All kinds of policies can be legitimized, even though they might infuriate wide segments of the public and frustrate the aspirations of the people.

Legal opinions issued by the attorney general bind state agencies. They can be tools of the governor to guide, maneuver, control and stop all kinds of enterprises — economic and otherwise.

An attorney general answering to the public through the political process would have the freedom to respond to public concerns in ways that are not possible now.

The Anchorage Times

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Thursday, July 2, 1981

Memo to politicians

STATE OFFICIALS who depend on votes of Alaskans for their public offices would be wise to arrange for the attorney general to be elected. A statewide poll by Dittman shows that public support is overwhelming.

In response to the simple question "Should the attorney general be elected?" 61 percent responded affirmatively and 27 percent preferred appointment.

That was the quick reaction from Alaskans scattered far and wide. The idea of electing that important official was favored by 73 percent of those in rural areas, 63 percent in Central Alaska (Fairbanks), 56 percent in Southcentral, 67 percent in Anchorage.

Only in Southeast Alaska was the response different. There it was 41 percent for appointment and 42 percent for election.

A SECOND QUESTION put to the same respondents built up still more the case in favor of the elective process.

It cited some of the powers that go with the office of attorney general. Upon hearing them, the respondents were 71 percent for and only 21 percent against.

That question put it this way: "If you knew that the attorney general of Alaska, who is appointed, also appoints all

state prosecutors and district attorneys throughout the state, would you support having the attorney general remain an appointed position or would you support the attorney general becoming an elected position?"

Those favoring election gained 10 points while those for appointment lost 6 points.

TWO MESSAGES are handed to the politicians in that poll. The first is that a substantial majority of Alaskans want their attorney general elected, not appointed. The second is that the proposal gains strength when Alaskans are reminded of the power that lies in the office.

A politician can readily see the significance. He is disappointing his constituents if he ignores the proposal and he may discover his reelection in jeopardy if the day comes when candidate campaigns against him on that issue.

In rural areas the final lineup was 85 percent for election. In Central Alaska 75 percent. In Southcentral 71 percent and in Anchorage 74 percent. Even in Southeast Alaska many voters changed their minds on the second question. The final tally there was 54 percent for election and only 34 percent for appointment.

The Anchorage Times

Editorial

The better way

AN ELECTED attorney general is in the public interest and a resolution to that effect now making its way through the legislative process should be approved.

The person who holds this important office in state government should be responsible to the people.

At it now stands, the attorney general is appointed by the governor, is a member of the governor's household and the opinions he hands down are reflections of the governor's point of view, not the people's.

THE RECORD SHOWS that attorneys general in the past few years have nearly always fallen in line with the governor's whims. It is a cozy arrangement.

The present governor doesn't want the change. That is understandable. He has said he opposes the idea of an elective attorney general because "if his own views are at cross-

winds with the governor's, he could seriously threaten or even thwart the governor's programs."

And the man who currently sits in the attorney general's chair says he doesn't want to alter the system. He says it would diffuse the executive branch's accountability to the public. He also says he thinks that having to run for office would involve collecting campaign funds, opening the way to conflicts of interest.

NEITHER objection overrides the argument that the attorney general should be responsible to the people and not to the governor.

Nor do they address the fact that an elected attorney general can do a lot more toward keeping members of the administration honest.

Forty-three of the 50 states have an elected attorney general. Alaska should become the 44th.

Elected Attorney General; Will of the People

The framers of the State Constitution, we believe, were wise to provide for a strong chief executive but we believe they were not wise in making the state attorney general appointive, rather than elective. Down through the years, it appears to us, that the various attorneys general, by and large, have not acted primarily in accordance with the will of the people, but the will of their bosses, the governors. All too often they have slanted their legal opinions, which are binding unless overturned by the courts, to further the political aims of their bosses, the governors. And in so doing, we believe they have often allowed the governors to take illegal and unconstitutional steps. At the same time all too often an attorney general has slanted a legal opinion against the will of the majority, simply because his boss, the governor, is opposed to it.

This has resulted in a situation where the governor has become not just powerful, but almost omnipotent. Not only is he able to use the State Department of Law to further his policies and programs, however meritorious, but to block policies and programs with which he does not agree. The governor is powerful enough without making him overpowering. After more than two decades of statehood, it is apparent to us that the attorney general needs to be responsible to the people.

Some Alaskans — as the Anchorage Daily News has argued editorially — will contend that a switch to an elected attorney general will dilute accountability.

Said the News:

"The governor of Alaska is empowered by the constitution with strong executive authorities; that makes him the boss, accountable to the people and able to choose his own team in doing what he believes needs done. An elected AG obviously would have his own, possible separate agenda, and teamwork between that office and the governorship might fall apart. Both the governor and the AG could justify inaction by a merry-go-round finger pointing and accusation, and citizens would never know who to look to for responsibility."

The trouble with the latter argument is that it has been rejected by 43 of the 50 states as without merit: they have elected attorneys general because they believe the governor should have to comply with the law as all citizens, should not be above the law or be able to bend the law in carrying out his policies and programs. While there have been conflicts between governors and elected attorneys general, these have been considered justifiable and accepted by the people as a small price to pay for avoiding possible political maneuvering of appointed attorneys general.

Alaska's present governor opposes the change to an elected attorney general. He says if an elected attorney general's view are at odds with the governor's, he could seriously threaten or even thwart the governor's programs. And, of course, the reverse is true of an appointed attorney general.

Attorney General Norm Gorsuch is opposed to an elected attorney general saying such would undermine accountability and an attorney general running for office and collecting campaign funds would open the way to conflicts of interest. Yet Gorsuch, an appointed attorney general, is under fire now for accompanying Governor Sheffield on a fundraising trip in the lower states in January.

Rep. Rick Uehling (R-Anchorage) has sponsored a joint resolution to ask voters to amend the Alaska Constitution to require would-be attorneys general to run for office on non-partisan primary and general-election ballots.

Uehling contends electing the attorney general would provide greater autonomy, freedom from political manipulation, and greater personal responsibility for the attorney general.

In a number of cases attorneys general have approved a wording on ballot propositions. After the voters have expressed their wishes on such ballot measures contrary to the wishes of the governor, they have been challenged as illegal or unconstitutional and thrown out. Examples are the call for a constitutional convention, the Beime homestead initiative, and the recent Tundra Rebellion ballot proposition. On two big issues which faced the state, residency and local hire, state attorneys general have been dead wrong. Their cases have been overturned by the U.S. Supreme Court. Attorneys general have approved such horrible state contracts as the ill-fated Alpetco contract. And the list goes on and on.

But most disturbing regarding our appointive attorney general is a paragraph in a speech which Governor Sheffield gave to the State boards of Fish and Game recently in regard to their mission on the controversial subsistence issue.

Said the governor: "Your actions will be guided by the policies set by my office. You will be aided in that by the Attorney General's office, which will identify the legal avenues available for furthering those policies. The Attorney General's Office also will outline the scope of your authority, and will alert you if you are exceeding it. The opinions of the Attorney General are binding on all State agencies; actions which run counter to those opinions will not be defended by the State, and may expose you to personal liability." From this it appears that the power and influence of the attorney general, in much greater degree than previously, now extends not just to the Department of Law but to every nook and cranny of state government.

The Fish and Game Boards have been struggling with the subsistence issue since 1978. The problem has not been in the regulations but in the law which is claimed by many to be unconstitutional. There is little likelihood that the new boards are going to be able to achieve what the old Fish and Game boards were unable to do. The new boards may put a bandaid on the issue but it won't be solved until the problem of the law itself is properly addressed. The governor apparently doesn't want to look at the law and the attorney general, therefore, won't look at it. And the attorney general appears to be a tool of the governor in stifling dissent. This was also illustrated this week in the Supreme Court decision in the Joe Vogler case. The high court ruled, contrary to the argument by the attorney general, that there was no compelling state interest in favoring the two major political parties by putting unreasonable restrictions on small, upcoming political parties.

Yes, the time is long passed when Alaska can afford to continue with appointed attorneys general misused by our governors. It's time for Alaska to join the 44 other states in insisting that our attorney general answer primarily to the people, not the governor.

Opinion

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Attorney general election needed

The recent proposals to provide for the election of Alaska's attorney general have drawn praise, curiosity and criticism from voters and politicians.

The post is currently filled by an appointee of the governor. The proposed change in state law would have the attorney general stand for election every four years.

The election proposal seems a worthy one.

Currently the system of appointment is good for the governor and his administration. Governors may appoint people who may share similar political philosophies and

views of the state constitution. It is not surprising that many in the Sheffield administration feel the current system is the best one. For their needs, it is.

But does an appointed attorney general best serve the people of the state? Without implying criticism of Attorney General Norman Gorsuch, the answer is no.

An elected attorney general would be more accountable to the people. Like the governor, lieutenant governor and legislators, he should be held to answer to the voters of Alaska. The process of accountability is now shielded by the governor's office.

There are arguments against the plan which claim an election would throw the enforcement of Alaska's laws into the political arena. The attorney general is already a political appointment, a status that leaves it deep in political muck to begin with. Law enforcement, be it

in the form of maintaining simple fishing regulations or investigating public officials and white collar crime, already has its political aspect.

That aspect is not likely to change with the election of the attorney general. The actions of the person holding the office would, however, be held up to greater public scrutiny than under the present system of appointment.

The Anchorage Times

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Another good reason

ONE WAY for Alaska to avoid having legislative lawyers sue administration lawyers is to elect an attorney general who is beholden to neither.

Add that to a long list of reasons to make the attorney general one of the very limited number of elected officials in the State of Alaska. As a matter of fact, there are only two — the governor and the lieutenant governor. Commissioners who head the various administrative departments are appointed by the governor.

This extremely restricted opportunity for the people to elect the public officials who presumably serve them is a unique provision of the Alaska Constitution. It was deliberately adopted, for the reason that those who were here at the time the new state was created wanted a powerful chief executive.

They wanted leadership and accountability. When it came to steering this new ship of state, those Alaskans back in the middle '50s wanted a single captain on the bridge.

IT WAS a good idea. There was need for a powerful hand at the helm of a state with little income, a small population and a million needs. The governor had marching orders to assemble a team and get the show on the road — with the concurrence, of course, of the legislative branch.

It had a fine beginning. For the most part, the executive and legislative branches worked in concert toward a common goal during years of

economic struggle.

But not even the visionary constitutional delegates, and the voters who applauded their work in those dimming last days of the territory, could have perceived the day when Alaska would be rolling in money and a single field could produce a trillion dollars worth of oil.

The coming of that wealth produced a Mount St. Helens eruption in the Juneau bureaucracy. Not only did executive agencies swell in size and number, the legislature ballooned as well. It added offices and staffs and interim agencies and even went so far as to hire its own legal counsel, separate from the attorney general's office.

OVER THE YEARS, the attorney general became more the lawyer of the governor than of the state government as a whole. That produced an adversary situation with the legislators who often wanted a different legal opinion than they could expect from the Department of Law.

Their answer was to hire lawyers who would provide opinions supporting the legislature's interests. The result is that public funds are used to finance one set of state lawyers doing battle with another set.

An independent attorney general's office, headed by an elected chief not beholden either to the governor or the legislature, could provide both with unbiased and unfettered legal guidance. The people, as well as state officials, would be better served.