

SENATE JOINT RESOLUTION NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATOR DAVIS

Introduced: 1/19/11

Referred: Judiciary, Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to the office of**
2 **attorney general and creating the position of general counsel.**

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

4 * **Section 1.** Article III, sec. 15, Constitution of the State of Alaska, is amended to read:

5 **Section 15. Compensation.** The compensation of the governor, [AND] the
6 lieutenant governor, the attorney general, and the general counsel shall be
7 prescribed by law and shall not be diminished during their term of office, unless by
8 general law applying to all salaried officers of the State.

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

10 **Section 25. Department Heads.** The head of each principal department shall
11 be a single executive unless otherwise provided by law. The head of a principal
12 department [HE] shall be appointed by the governor, subject to confirmation by a
13 majority of the members of the legislature in joint session, and shall serve at the
14 pleasure of the governor, except as otherwise provided in this article with respect to
15 the lieutenant governor and the attorney general [SECRETARY OF STATE]. The
16 heads of all principal departments shall be citizens of the United States.

1 * **Sec. 3.** Article III, Constitution of the State of Alaska, is amended by adding new sections
2 to read:

3 **Section 28. Attorney General.** (a) The attorney general shall be elected in the
4 manner provided by the law by the qualified voters of the State at the same time and
5 for the same term as the governor. A person is not eligible to serve as attorney general
6 unless the person meets the qualifications for a superior court judge. The attorney
7 general shall represent the state and shall perform the duties that are in the public
8 interest as prescribed by law.

9 (b) No person who has been elected attorney general for two full successive
10 terms shall be again eligible to hold that office until one full term has intervened.

11 (c) In case of a vacancy in the office of attorney general for any reason, a
12 successor shall be elected for the remainder of the unexpired term at the first general
13 election occurring not less than six months after the office becomes vacant. The
14 governor may, subject to legislative confirmation, appoint a qualified person to fill the
15 office between the date it becomes vacant and the date it is filled by election.

16 **Section 29. General Counsel.** The general counsel shall be appointed by the
17 governor, subject to confirmation by a majority of the members of the legislature in
18 joint session, and shall serve at the pleasure of the governor. The general counsel shall
19 represent the governor and the departments of the executive branch and shall perform
20 the duties as prescribed by law. The general counsel shall be a citizen of the United
21 States.

22 * **Sec. 4.** Article XV, Constitution of the State of Alaska, is amended by adding a new
23 section to read:

24 **Section 30. Initial Election of Attorney General.** The first election for an
25 attorney general required by the constitution to be elected shall occur at the first
26 general election at which a governor is to be elected occurring after the requirement of
27 an elected attorney general is established under the constitution. A vacancy that occurs
28 in the office of attorney general before the first general election at which an attorney
29 general is elected shall be filled under the law as it existed before the office was
30 established under the constitution.

31 * **Sec. 5.** The amendments proposed by this resolution shall be placed before the voters of

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