

BY SENATORS B. PHILLIPS, McNEALY,
COGHILL, WALSH, BANFIELD, BEGICH
AND V. PHILLIPS

1 IN THE SENATE

2 SENATE BILL NO. 238

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to providing the legisla-
7 ture with impartial legal advice; and
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 24.20 is amended by adding new sections to
11 read:

12 ARTICLE 3. COUNSEL TO THE LEGISLATURE

13 Sec. 24.20.390. COUNSEL TO THE LEGISLATURE. There is
14 created in the legislative branch the position of counsel to
15 the legislature.

16 Sec. 24.20.400. APPOINTMENT. On the second day of the
17 first session of a legislature each presiding officer and
18 the majority and minority leaders of both houses shall meet
19 and select two nominees for counsel to the legislature.
20 Each nominee must be acceptable to five of the six legislative
21 leaders. The meeting continues without recess until two
22 nominees are selected.

23 Sec. 24.20.410. SELECTION. Within three days after
24 the legislative leaders nominate persons to be counsel to the
25 legislature, the legislature shall meet in joint session and,
26 by majority vote,

27 (1) decide whether or not to select a counsel to
28 the legislature for that legislature; and

29 (2) if the legislature decides to select a counsel

1 to the legislature, select from the nominees a person to be
2 counsel to the legislature.

3 Sec. 24.20.420. QUALIFICATIONS OF COUNSEL TO THE LEGIS-
4 LATURE. A person is qualified to be counsel to the legis-
5 lature who

6 (1) is licensed to practice law in the state;

7 (2) is not otherwise in the employ of any branch
8 of the state or federal government.

9 Sec. 24.20.430. COMPENSATION AND TERM OF OFFICE. (a)
10 The counsel to the legislature is entitled to \$10,000 for a
11 term of office and to transportation and per diem allowances.

12 (b) The term of office of a counsel to the legislature
13 is two years from the day he is selected by the legislature.

14 Sec. 24.20.440. STAFF. The counsel to the legislature
15 shall employ necessary clerical and legal staff.

16 Sec. 24.20.450. OFFICE SPACE. The Department of Admin-
17 istration shall provide for necessary office space for the
18 counsel to the legislature during a legislative session.

19 Sec. 24.20.460. DUTIES OF COUNSEL TO THE LEGISLATURE.
20 The counsel to the legislature shall give a written legal
21 opinion on a question presented to him under sec. 470 of this
22 chapter, and shall appear before a rules or judiciary com-
23 mittee to explain the opinion if requested to appear. The
24 counsel to the legislature shall be in the state capitol
25 during a legislative session.

26 Sec. 24.20.470. QUESTION THAT MAY BE REFERRED TO THE
27 COUNSEL TO THE LEGISLATURE. (a) The presiding officer of a
28 house or a rules or judiciary committee by majority vote of
29 the committee may, and a rules or judiciary committee chair-

1 man, when requested to do so by a member of the legislature,
2 shall, refer to the counsel to the legislature a question in
3 writing concerning

4 (1) the powers or duties of a house or of the
5 legislature;

6 (2) whether or not it is legal to seat a person
7 claiming to be a member of the legislature;

8 (3) the meaning of a uniform rule;

9 (4) constitutional problems a bill would present
10 if enacted;

11 (5) whether or not an executive or judicial action
12 that affects a bill or act or is affected by an act is proper
13 under the laws and the constitution.

14 * Sec. 2. The legislative leaders shall meet on the day after
15 the effective date of this Act to nominate two persons for counsel
16 to the legislature. The legislature, in joint session, shall
17 select a counsel to the legislature for the remainder of the
18 second session of the Third State Legislature within three days
19 after the legislative leaders make their nominations.

20 * Sec. 3. This Act takes effect on the day after its passage
21 and approval or on the day it becomes law without such approval.

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