

1 IN THE SENATE BY SENATOR PHILLIPS

2 SENATE BILL NO. 49

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST 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  
4 LEGISLATURE. A person is qualified to be counsel to the  
5 legislature 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  
22 this chapter, and shall appear before a rules or judiciary  
23 committee to explain the opinion if requested to appear.  
24 The counsel to the legislature shall reside in the state  
25 capital during a legislative session.

26 Sec. 24.20.470. ✓ QUESTIONS 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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