

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 262  
Fiscal Note Number: 1  
(H) Publish Date: 2/21/14

Identifier: HB262-DOA-OPA-02-14-14  
Title: PROCUREMENT EXEMPTION: PDA, OPA  
Sponsor: HOLMES  
Requester: House State of Affairs

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time								
Part-time								
Temporary								

## Change in Revenues

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 01/31/15

## Why this fiscal note differs from previous version:

Not applicable, initial version

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Division: <u>Office of Public Advocacy</u>	Date: <u>02/14/2014 05:00 PM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>02/14/14</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 262

**Analysis**

HB262, sponsored by Representative Holmes, would amend AS 36.30, the state procurement code, to permit the Office of Public Advocacy (OPA) and the Public Defender Agency (PDA) to contract for legal services on a non-competitive basis when the contract is (a) for less than \$100,000 and, (b) for legal services in matters where the affected agency has either been appointed by a court to represent a person, or in matters where the affected agency has or may have a conflict of interest, or has need to retain a professional (expert) witness.

The OPA and PDA would not have to obtain the prior approval of the Attorney General in cases where the Attorney General is an adverse party.

The bill is meant to allow OPA and the PDA to efficiently contract for legal and professional witness services, under \$100,000 per contract, on a non-competitive basis, while avoiding ethical conflicts posed by the current system, which requires either competitive contracts or the approval of the Attorney General to proceed on a non-competitive basis. The Attorney General is almost always an adverse party to OPA clients. HB262 would ensure separation of the Attorney General's role as an adverse party from the role of approving OPA and PDA legal and professional services contracts.

If enacted into law as presently drafted HB262 would likely reduce the administrative overhead costs associated with procuring legal and professional witness services for OPA and the PDA. OPA is anticipating that the adoption of this legislation will change the regulations and if so, changes will need to be in place six (6) months from the effective date of the bill or by January 2015 whichever is earlier. The Office of Public Advocacy submits a zero fiscal note.