



Alaska State Legislature

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Senate Bill 165 Sponsor Statement — Version A

“An Act relating to legal representation of public officers in ethics complaints.”

SB 165 would prohibit the Department of Law, including the Attorney General, from representing or advising a public officer or former public officer in a complaint filed under the Executive Branch Ethics Act. While State employees may be represented or recompensed by the State for cases filed against them in an official capacity, it is a conflict of interest for the Department of Law to represent top officials who are accused of acting unethically. The essence of an ethics complaint is that a public official is acting outside their official capacity. It would be inappropriate to use taxpayer money to defend the Governor, Lieutenant Governor, and Attorney General if they act unethically.

Until November of 2023, the Department of Law did not defend ethics complaints against executive branch officials. Consistent with the 2009 opinion from Attorney General Dan Sullivan, public officials could request reimbursement from executive branch agencies in cases of exoneration. SB 165 would return to this prior practice.

In 2023, the Governor changed regulation 9 AAC 52.140 to allow the Department of Law, which is already overloaded and understaffed, to represent the Governor, the Lieutenant Governor, and the Attorney General in ethics cases brought against them. During the public comment period for that regulation change, the Department received 120 and emails and letters in opposition to the proposed change and none in favor.

SB 165 would reverse the regulations and ensure that public officials are held accountable if they violate the ethics laws.