Representative Lindsey Holmes

House Bill 262 Sponsor Statement
An Act exempting the Public Defender Agency and the office of public advocacy from certain provisions of the State Procurement Code; and providing for an effective date.

In response to issues raised by the 2012 audit of the Office of Public Advocacy, HB 262 seeks to provide clarity to the applicability of the Alaska Procurement Code (AS 36.30) to the Office of Public Advocacy and the Public Defender Agency.

OPA/PD provides the important service of defending indigent Alaskans against prosecution by the Department of Law. HB 262 levels the playing field between OPA and PD by providing the same exceptions in the Alaska Procurement Code enjoyed by the Department of Law. Under current statute when securing the services of expert witnesses or contract counsel OPA/PD are required to put out a formal request for procurement; the DOL is exempt from this requirement. This could potentially create a state of disadvantage when OPA/PD is defending the neediest Alaskans against the DOL.

The bill ensures that in no event, would OPA or PD need to seek permission from the DOL regarding procurement of services related to the representation of an indigent defendant in a criminal case. The need to get approval from an opposing party is not in line with best professional practices and could potentially impede in the defense.

Please join me in supporting this simple but important piece of legislation that creates an equal playing field between the OPA/PD and DOL.

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