

HOUSE BILL NO. 201

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES LEDOUX, Josephson, Claman

Introduced: 1/21/20

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

*** Section 1.** AS 39.52 is amended by adding a new section to read:

Sec. 39.52.165. Reimbursement of legal expenses; representation of public officers. (a) Notwithstanding AS 39.52.110(a), 39.52.120(a), 39.52.130(a), and 39.52.150(a), a public officer or former public officer who is the subject of a complaint filed under this chapter may request and accept from an agency reimbursement of reasonable legal expenses that the officer incurs to defend against the complaint. A public officer or former public officer who accepts reimbursement under this section shall promptly repay all money received if the officer is not exonerated of all violations of this chapter alleged in the complaint.

(b) When authorizing reimbursement under this section before a complaint is resolved, the reimbursing agency shall execute a written agreement requiring the public officer or former public officer who is the subject of the complaint to promptly repay all money received if the officer is not exonerated of all violations of this

chapter alleged in the complaint.

(c) Notwithstanding AS 39.52.120(a) and (b)(3), a public officer who is authorized by an agency to approve reimbursement of reasonable legal expenses by that agency under this section may approve the reimbursement of the expenses of another public officer or a former public officer.

(d) Except for reimbursement of reasonable legal expenses under this section, the Department of Law, including the attorney general, may not represent, advise, or assist the governor, lieutenant governor, or another public officer or former public officer in a matter in which that public officer or former public officer is the subject of a complaint filed under this chapter.

(e) In this section,

(1) "exonerated" means dismissed under AS 39.52.310(d), 39.52.320, or 39.52.370(d), dismissed after an appeal taken under AS 39.52.370(f), or recommended for preventive action under AS 39.52.330; "exonerated" does not include dismissed or resolved with corrective action under AS 39.52.330;

(2) "reasonable legal expenses" means costs for professional services customarily performed by an attorney or delegated by an attorney for performance by an investigator, paralegal, or law clerk that, when based on the complexity of the matter, the amount of work performed, the number of hours worked, the rates or fees customarily charged in the state for similar professional services, and the potential harm to the public officer or the former public officer from allegations in the complaint, were necessarily incurred.

* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 39.52.165, enacted by sec. 1 of this Act, applies to requests for reimbursement made on or after the effective date of this Act and to contracts that take effect on or after the effective date of this Act.