

Fiscal Note

State of Alaska
2020 Legislative Session

Bill Version: HB 201
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB201-LAW-CIV-2-8-20
Title: DEFENSE OF PUB. OFFICER: ETHICS
COMPLAINT
Sponsor: LEDOUX
Requester: (H) JUD

Department: Department of Law
Appropriation: Civil Division Except Contracts Relating to
Interpretation of Janus v AFSCME
Allocation: Opinions, Appeals and Ethics
OMB Component Number: 2716

Expenditures/Revenues

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

	FY2021 Appropriation Requested	Included in Governor's FY2021 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2021	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2020) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2021) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - 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? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable. Initial version.

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Agency: Office of Management and Budget

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Date: 02/07/2020
Date: 02/08/20

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2020 LEGISLATIVE SESSION

BILL NO. HB 201

Analysis

This bill would make changes to the Executive Ethics Act by adding a new section related to reimbursement of legal representation and the representation of public officers. The new section, AS 39.52.165, would provide that a public officer or a former public officer who is the subject of a complaint may request and receive reimbursement for reasonable legal expenses from a state agency. The person would be required to execute a written agreement with the agency to repay all money received if the person is not exonerated of all violations alleged in the complaint. The section would define "exonerated" and "reasonable legal expenses" for the purposes of this section. The section would apply to requests for reimbursement and contracts that take effect on or after the effective date of the Act.

Subsection (d) of AS 39.52.165 would provide that the Department of Law may reimburse certain legal expenses for public officers who are the subject of an Executive Ethics Act complaint. This subsection also prohibits the Department of Law, including the attorney general, from representing, advising, or assisting a public officer or former public officer in a matter in which that person is the subject of an Executive Ethics Act complaint. This subsection specifies that the prohibition extends to the governor and lieutenant governor.

Since it is impossible to predict with any certainty how many complaints may arise related to department employees, the Department of Law does not anticipate any fiscal impacts related to implementing the reimbursement provision. As the Department of Law does not currently provide legal representation for public officers in Executive Ethics Act matters, the department does not anticipate any fiscal impacts related to the prohibition on representation if this bill becomes law.