

**HOUSE BILL NO. 201**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES JOSEPHSON, LeDoux, Claman**

**Introduced: 1/21/20**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

4 **Sec. 39.52.165. Reimbursement of legal expenses; representation of public**  
5 **officers.** (a) Notwithstanding AS 39.52.110(a), 39.52.120(a), 39.52.130(a), and  
6 39.52.150(a), a public officer or former public officer who is the subject of a  
7 complaint filed under this chapter may request and accept from an agency  
8 reimbursement of reasonable legal expenses that the officer incurs to defend against  
9 the complaint. A public officer or former public officer who accepts reimbursement  
10 under this section shall promptly repay all money received if the officer is not  
11 exonerated of all violations of this chapter alleged in the complaint.

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

1 chapter alleged in the complaint.

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

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

11 (e) In this section,

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

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

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

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