

HOUSE BILL NO. 262

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HOLMES

Introduced: 1/17/14

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting the Public Defender Agency and the office of public advocacy from**
2 **certain provisions of the State Procurement Code; and providing for an effective date."**

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

4 *** Section 1.** AS 36.30.015 is amended by adding a new subsection to read:

5 (k) Notwithstanding (d) of this section, the Public Defender Agency and the
6 office of public advocacy are not required to obtain the approval of the attorney
7 general to contract for the services of legal counsel in a matter where the attorney
8 general is an adverse party.

9 *** Sec. 2.** AS 36.30.305(a) is amended to read:

10 (a) A construction contract under \$100,000, or a contract for supplies,
11 services, or professional services, may be awarded without competitive sealed bidding
12 or competitive sealed proposals, in accordance with regulations adopted by the
13 commissioner. A contract may be awarded under this section only when the chief
14 procurement officer determines in writing that a situation exists that makes

1 competitive sealed bidding or competitive sealed proposals impractical or contrary to
 2 the public interest, except that the attorney general, **the public defender, or the**
 3 **director of the office of public advocacy as provided in AS 36.30.015(k)** may make
 4 the determination for services of legal counsel, and the commissioner of transportation
 5 and public facilities may make the determination for construction contracts under
 6 \$100,000 or procurements for the state equipment fleet. Procurements under this
 7 section shall be made with competition that is practicable under the circumstance.
 8 Except for procurements of supplies, services, professional services, or construction
 9 that do not exceed the amount for small procurements under AS 36.30.320(a), as
 10 applicable, the authority to make a determination required by this section may not be
 11 delegated.

12 * **Sec. 3.** AS 36.30.850(b)(2) is amended to read:

13 (2) contracts for professional witnesses to provide for professional
 14 services or testimony relating to

15 (A) existing or probable lawsuits in which the state is or may
 16 become a party; **or**

17 (B) **litigation in which the Public Defender Agency or the**
 18 **office of public advocacy has been appointed to represent a person;**

19 * **Sec. 4.** AS 36.30.850(b)(31) is amended to read:

20 (31) contracts that are between the

21 (A) Department of Law and attorneys who are not employed by
 22 the state and that are for the review or prosecution of possible violations of the
 23 criminal law of the state in situations where the attorney general concludes that
 24 an actual or potential conflict of interest makes it inappropriate for the
 25 Department of Law to review or prosecute the possible violations; **and**

26 (B) **Public Defender Agency or the office of public advocacy**
 27 **and attorneys who are not employed by the state and that are for the**
 28 **review or defense of possible violations of the criminal law of the state in**
 29 **situations where the public defender or the director of the office of public**
 30 **advocacy concludes that an actual or potential conflict of interest makes it**
 31 **inappropriate for the Public Defender Agency or the office of public**

1 **advocacy to review or defend the possible violations;**

2 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).