

REVISED

## STATEMENT OF PURPOSE

RS28238C1 / H0101

This bill will provide flexibility for state agencies to employ attorneys other than the Attorney General's Office. Currently, only certain state agencies may choose their own attorneys to represent the State of Idaho on their behalf before courts, administrative tribunals and federal agencies. This bill will extend the right to choose legal counsel to all state offices, boards, commissions and entities. These entities may still choose to obtain legal services from the Attorney General. The Attorney General and the Board of Examiners will no longer be required to screen and prequalify attorneys who desire to perform contract legal services for the State of Idaho.

## FISCAL NOTE

The Attorney General currently has 127 DAGs with a personnel cost appropriation of \$16,648,411 allocated to these positions. There are also operating expenses built into the AGs budget for items like travel, bar membership dues, software subscriptions like lexus nexus, and continuing legal education credits. Total spending in operating was \$1.5 million last year, but these items listed above are less than half that amount, particularly because this includes the internet crimes against children program and special litigation program.

Not knowing how many agencies may decide to take advantage of this flexibility makes it difficult to put a fiscal note together. To start with, let us assume that 10% may decide to hire outside council which would be 13 lawyers. Then assume that the cost would be 50% higher which means an average cost of \$200,000 instead of \$130,000. This would create a fiscal impact of \$910,000. There is also the possibility of some saving because the legal advice can be used as needed and not be full-time staff. All budgets must be approved by JFAC and the legislature.

### Contact:

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**DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).**