

13.3 Disqualification substitute.

1. If, for any reason, the attorney general be disqualified from appearing in any action or proceeding, the executive council shall appoint some suitable person for that purpose and defray the reasonable expense thereof from any unappropriated funds in the state treasury. The department involved in the action or proceeding shall be requested to recommend a suitable person to represent the department and when the executive council concurs in the recommendation, the person recommended shall be appointed.

2. If the governor or a department is represented by an attorney other than the attorney general in a court proceeding as provided in this section, at the conclusion of the court proceedings, the court shall review the fees charged to the state to determine if the fees are fair and reasonable. The executive council shall not reimburse attorneys' fees in excess of those determined by the court to be fair and reasonable.

[C24, 27, 31, 35, 39, § **150**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 13.3]

92 Acts, ch 1240, §12