

13.7 Special counsel.

Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head thereof, or to a state board or commission. However, the executive council may employ legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section does not affect the general counsel for the utilities board of the department of commerce, the legal counsel of the department of workforce development, or the general counsel for the property assessment appeal board.

[S13, § 208-b; C24, 27, 31, 35, 39, § **152**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 13.7; 81 Acts, ch 22, § 1]

83 Acts, ch 127, § 1; 96 Acts, ch 1186, § 23; 2005 Acts, ch 150, §120

For future repeal, effective July 1, 2013, of 2005 amendments to this section, see 2005 Acts, ch 150, §134