

Senate Bill 65

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Attorney General to represent state, or agency or officer of state, as lead plaintiff or representative party in class actions relating to securities.

A BILL FOR AN ACT

1
2 Relating to authority of Attorney General to represent parties in class actions; creating new provisions; and amending ORS 180.060.

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4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 180.060 is amended to read:

6 180.060. (1) The Attorney General shall:

7 (a) Appear for the state in the trial of all civil and criminal causes in the Supreme Court or the
8 Court of Appeals in which the state may be directly or indirectly interested.

9 (b) Appear for the state, when required by the Governor or the legislature, in any court or
10 tribunal in any cause in which the state is a party or in which the state is directly interested.

11 (c) Appear, commence, prosecute or defend for the state all causes or proceedings in the Supreme
12 Court or the Court of Appeals in which the state is a party or interested.

13 (d) Appear, commence, prosecute or defend any action, suit, matter, cause or proceeding in any
14 court when requested by any state officer, board or commission when, in the discretion of the Attorney
15 General, the same may be necessary or advisable to protect the interests of the state.

16 (2) The Attorney General shall give opinion in writing, when requested, upon any question of
17 law in which the State of Oregon or any public subdivision [*thereof*] **of the state** may have an interest,
18 submitted to the Attorney General by the Governor, any officer, [*department,*] agency, **department**,
19 board or commission of the state or any member of the legislature.

20 (3)(a) Except as provided in paragraph (b) of this subsection **and subsection (4) of this**
21 **section**, the Attorney General [*shall*] **may** not render opinions or give legal advice to [*others*] **persons**
22 **other** than [*such*] **the** state officers listed in subsection (2) of this section.

23 (b) The Attorney General may, at the request of a state officer listed in subsection (2) of this
24 section, render an opinion to an officer, agency or instrumentality of the federal government if the
25 Attorney General determines that providing the opinion is necessary to meet a condition for assumption
26 by the state of administrative or enforcement responsibilities under federal law.

27 **(4) The Attorney General may represent the state or any agency or officer of the state**
28 **who appears as the lead plaintiff or a representative party in a class action involving a claim**
29 **relating to a security, as defined in ORS 59.015, even if one or more members are persons**
30 **that the Attorney General may not otherwise represent or advise pursuant to this section.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 [(4)] (5) The Attorney General shall consult with, advise and direct the district attorneys in all
2 criminal causes and matters relating to state affairs in their respective counties. The Attorney
3 General may require their aid and assistance in all matters pertaining to the duties of the Attorney
4 General in their respective counties and may, in any case brought to the Supreme Court or the
5 Court of Appeals from their respective counties, demand and receive assistance of the district at-
6 torney from whose county such case or matter is brought.

7 [(5)] (6) The Attorney General shall, when requested, perform all legal services for the state or
8 any department or officer of the state.

9 [(6)] (7) The Attorney General shall have all the power and authority usually appertaining to
10 such office and shall perform the duties otherwise required of the Attorney General by law.

11 [(7)] (8) The Attorney General shall assign to each agency, department, board or commission an
12 assistant who shall be *[its]* **the** counsel responsible for *[insuring]* **ensuring** the performance of the
13 legal services requested by *[such]* **the** agency, department, board or commission. The counsel shall
14 be a person trained in the law concerning such agency, department, board or commission and shall
15 be approved by the chief administrator *[thereof, provided, however, such approval shall not be un-*
16 *reasonably withheld. Such approval may be withdrawn at any time by]* **of the agency, department,**
17 **board or commission.** The chief administrator *[and thereupon]* **may not unreasonably withhold**
18 **approval of the assistant. If the chief administrator withdraws approval,** the Attorney General
19 shall assign replacement counsel to the agency, department, board or commission.

20 [(8)] (9) The Attorney General *[shall]* **may not appear in an action, suit, matter, cause or**
21 **proceeding in a court or before a regulatory body** on behalf of *[any]* **an** officer, *[department,]*
22 agency, **department,** board or commission without *[its consent in any action, suit, matter, cause or*
23 *proceeding in any court or before any other federal or state regulatory body]* **the consent of the of-**
24 **ficer, agency, department, board or commission.**

25 [(9)] (10) The responsibility *[of]* **for** establishing policies for each agency, department, board or
26 commission shall rest upon the chief administrator *[thereof]* **of the agency, department, board or**
27 **commission.**

28 **SECTION 2. The amendments to ORS 180.060 by section 1 of this 2007 Act apply to**
29 **actions commenced before, on or after the effective date of this 2007 Act.**

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