

HB 2214 A -A5, -A7 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

Prepared By: Channa Newell, Counsel

Meeting Dates: 4/27, 5/6, 5/25, 5/26

WHAT THE MEASURE DOES:

Specifies that outside private legal counsel or special legal assistants employed by Attorney General, or an attorney hired by a state agency but not regularly employed by a state agency, may not be paid an amount exceeding two hundred percent of the standard hourly rate that would have been charged by the Attorney General or a rate established by the Attorney General, unless the agency or appropriate officer makes public a statement justifying the costs. Applies to agencies of state government or legislative departments.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A5 Prohibits a public university from paying for services of outside attorneys unless the university has first offered the Department of Justice the opportunity to provide the services.

-A7 Replaces the measure. Requires Oregon public universities to report to annually report to the Attorney General on the use of outside counsel for legal matters. Specifies report must include types of matters handled by outside counsel, number of litigation matters handled by outside counsel, and total amount spent on outside counsel. Requires Attorney General to report back to appropriate committee of Legislative Assembly by July 1, 2024 on use of outside counsel by public universities and a summary of the process for use of outside counsel by public universities in other states.

BACKGROUND:

The Attorney General provides legal counsel to state agencies and represents the State in court. The Attorney General may employ special legal assistants or private counsel when appropriate to protect the interest of the state and may also appoint special counsel when representing more than one agency and the circumstance would create or tend to create a conflict of interest. An "agency of state government" as defined by ORS 174.112 includes all elected officers other than judges, all boards, commissions, departments, and divisions within the executive branch and certain entities created by the executive branch to give advice.

House Bill 2214 prohibits paying outside counsel a rate of more than 200 percent of the standard hourly rate charged by the Attorney General or a rate established by the Attorney General for this purpose unless the agency has made available a public statement justifying the cost.

House General Government: 4-0-1-0

House Floor: 52-1-7-0

Minimal Fiscal Impact

No Revenue Impact