

A-Engrossed
House Bill 2214

Ordered by the House March 15
Including House Amendments dated March 15

Sponsored by Representative WILDE; Representatives EVANS, LEIF (Pre-session filed.)

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.

Limits amount that may be paid to outside [*attorney hired or authorized to be hired by Attorney General*] **attorneys hired by state government.**

A BILL FOR AN ACT

1
2 Relating to the Attorney General; creating new provisions; and amending ORS 180.140 and 180.235.

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

4 **SECTION 1.** ORS 180.140 is amended to read:

5 180.140. (1) The Attorney General shall appoint the other assistants the Attorney General deems
6 necessary to transact the business of the office, each to serve at the pleasure of the Attorney Gen-
7 eral and perform such duties as the Attorney General may designate and for whose acts the Attor-
8 ney General shall be responsible. Each assistant shall have full authority under the direction of the
9 Attorney General to perform any duty required by law to be performed by the Attorney General.

10 (2) Each assistant so appointed shall be a person admitted to the practice of law by the Supreme
11 Court of this state and shall qualify by taking the usual oath of office, conditioned upon the faithful
12 performance of duties.

13 (3) The Attorney General may appoint temporary assistants for a period not to exceed 15
14 months. Such temporary assistants shall be legally trained but are not required to be admitted to
15 the practice of law by the Supreme Court of this state.

16 (4) Each assistant shall receive the salary fixed by the Attorney General, payable as other state
17 salaries are paid. Each assistant so appointed shall devote the full time of the assistant to the
18 business of the state, unless employment on a part-time basis is otherwise fixed by the Attorney
19 General.

20 (5)(a) Special legal assistants or private counsel may be employed by the Attorney General,
21 under the direction and control of the Attorney General, in particular cases or proceedings, when-
22 ever the Attorney General deems it appropriate to protect the interests of the state. The cost of
23 such special assistants or counsel shall be charged to the appropriate officer or agency pursuant to
24 ORS 180.160.

25 **(b) Unless the appropriate officer or agency makes available to the public a statement**
26 **of justification for the cost, the cost of special legal assistants or private counsel employed**
27 **under this subsection may not exceed the greater of:**

28 **(A) Two hundred percent of the standard hourly rate that would have been charged by**

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 **the Attorney General for the same services; or**

2 **(B) A rate established by the Attorney General for this purpose.**

3 (6) None of the provisions of this chapter prohibit the Attorney General or any of the Attorney
4 General's full-time deputies or assistants from voluntarily representing, without compensation or
5 expenditure of state resources, indigent clients referred by a nonprofit civil legal aid office or pro
6 bono program.

7 **SECTION 2.** ORS 180.235 is amended to read:

8 180.235. (1) Notwithstanding any provision of law to the contrary, whenever the Attorney Gen-
9 eral concludes that it is inappropriate and contrary to the public interest for the office of the At-
10 torney General to concurrently represent more than one public officer or agency in a particular
11 matter or class of matters in circumstances which would create or tend to create a conflict of in-
12 terest on the part of the Attorney General, the Attorney General may authorize one or both of
13 [such] **the** officers or agencies to employ its own general or special counsel in the particular matter
14 or class of matters and in related matters. [Such] **The** authorization may be terminated by the At-
15 torney General whenever the Attorney General determines that separate representation is no longer
16 appropriate.

17 (2) Any counsel [so employed shall] **employed by an officer or agency under this section**
18 **must** be a member of the Oregon State Bar and shall be paid a salary or other compensation out
19 of the funds appropriated to [such] **the** officer or agency.

20 (3) **Unless the agency makes available to the public a statement of justification for the**
21 **amount, an agency may not pay counsel employed under this section an amount that exceeds**
22 **the greater of:**

23 (a) **Two hundred percent of the standard hourly rate that would have been charged by**
24 **the Attorney General for the same services; or**

25 (b) **A rate established by the Attorney General for this purpose.**

26 [(3)] (4) In any matter in which the Attorney General has authorized employment of [such]
27 counsel **under this section**, any references to representation of [such] **the** officer or agency by the
28 Attorney General contained in any provision of law shall be deemed to refer to [such] counsel **em-**
29 **ployed under this section.**

30 **SECTION 3.** (1) As used in this section, "agency of state government" means an agency
31 in the executive department, as defined in ORS 174.112, or the legislative department, as de-
32 fined in ORS 174.114.

33 (2) **Unless the agency of state government makes available to the public a statement of**
34 **justification for the amount, an agency of state government may not pay an attorney not**
35 **regularly employed by the agency of state government an amount that exceeds the greater**
36 **of:**

37 (a) **Two hundred percent of the standard hourly rate that would be paid by an agency in**
38 **the executive department to the office of the Attorney General for the same services; or**

39 (b) **A rate established by the Attorney General for this purpose.**

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