

Requested by Representative WILDE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2214**

1 On page 1 of the printed bill, line 2, after “General;” insert “creating new
2 provisions; and”.

3 Delete lines 4 through 31 and delete page 2 and insert:

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

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

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

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

19 “(4) Each assistant shall receive the salary fixed by the Attorney General,
20 payable as other state salaries are paid. Each assistant so appointed shall
21 devote the full time of the assistant to the business of the state, unless em-

1 ployment on a part-time basis is otherwise fixed by the Attorney General.

2 “(5)(a) Special legal assistants or private counsel may be employed by the
3 Attorney General, under the direction and control of the Attorney General,
4 in particular cases or proceedings, whenever the Attorney General deems it
5 appropriate to protect the interests of the state. The cost of such special
6 assistants or counsel shall be charged to the appropriate officer or agency
7 pursuant to ORS 180.160.

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

12 “(A) **Two hundred percent of the standard hourly rate that would**
13 **have been charged by the Attorney General for the same services; or**

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

15 “(6) None of the provisions of this chapter prohibit the Attorney General
16 or any of the Attorney General’s full-time deputies or assistants from vol-
17 untarily representing, without compensation or expenditure of state re-
18 sources, indigent clients referred by a nonprofit civil legal aid office or pro
19 bono program.

20 “**SECTION 2.** ORS 180.235 is amended to read:

21 “180.235. (1) Notwithstanding any provision of law to the contrary,
22 whenever the Attorney General concludes that it is inappropriate and con-
23 trary to the public interest for the office of the Attorney General to con-
24 currently represent more than one public officer or agency in a particular
25 matter or class of matters in circumstances which would create or tend to
26 create a conflict of interest on the part of the Attorney General, the Attor-
27 ney General may authorize one or both of [*such*] **the** officers or agencies to
28 employ its own general or special counsel in the particular matter or class
29 of matters and in related matters. [*Such*] **The** authorization may be termi-
30 nated by the Attorney General whenever the Attorney General determines

1 that separate representation is no longer appropriate.

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

6 “(3) **Unless the agency makes available to the public a statement**
7 **of justification for the amount, an agency may not pay counsel em-**
8 **ployed under this section an amount that exceeds the greater of:**

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

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

12 “[3] (4) In any matter in which the Attorney General has authorized
13 employment of [*such*] counsel **under this section**, any references to repre-
14 sentation of [*such*] **the** officer or agency by the Attorney General contained
15 in any provision of law shall be deemed to refer to [*such*] counsel **employed**
16 **under this section.**

17 “**SECTION 3. (1) As used in this section, ‘agency of state govern-**
18 **ment’ means an agency in the executive department, as defined in**
19 **ORS 174.112, or the legislative department, as defined in ORS 174.114.**

20 “(2) **Unless the agency of state government makes available to the**
21 **public a statement of justification for the amount, an agency of state**
22 **government may not pay an attorney not regularly employed by the**
23 **agency of state government an amount that exceeds the greater of:**

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

27 “(b) **A rate established by the Attorney General for this purpose.”.**

28