

HB 2214 B STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 05/26/21

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 4-3-0-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 3 - Heard, Linthicum, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

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

WHAT THE MEASURE DOES:

Requires Oregon public universities to report annually 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.

ISSUES DISCUSSED:

- Specialized matters may need outside counsel with particular expertise
- Effect of disclosure for smaller public universities
- Use of public funds for third-party services

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

The Attorney General provides legal counsel to state agencies and represents the State in court, but public universities are not considered state agencies and employ their own attorneys to provide counsel. In some instances, a public university may choose to hire outside counsel to handle a matter. This outside counsel is chosen by the public university without oversight or input from the Attorney General.

House Bill 2214 B requires Oregon's public universities to report to the Attorney General on an annual basis on the use of outside counsel. The report must include the types of matters handled by outside counsel, the number of litigation matters handled by outside counsel, and the total amount spent on outside counsel. Reports may be altered to protect privacy and conform to state and federal privacy and confidentiality rules. No later than July 1, 2024, the Attorney General is to report back to the Legislative Assembly with a summary of the use of outside counsel by public universities and a summary of the process for use of outside counsel at public universities in other states.