

HOUSE AMENDMENTS TO HOUSE BILL 2214

By COMMITTEE ON GENERAL GOVERNMENT

March 15

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

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

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

4 “180.140. (1) The Attorney General shall appoint the other assistants the Attorney General
5 deems necessary to transact the business of the office, each to serve at the pleasure of the Attorney
6 General and perform such duties as the Attorney General may designate and for whose acts the
7 Attorney General shall be responsible. Each assistant shall have full authority under the direction
8 of the Attorney General to perform any duty required by law to be performed by the Attorney
9 General.

10 “(2) Each assistant so appointed shall be a person admitted to the practice of law by the Su-
11 preme Court of this state and shall qualify by taking the usual oath of office, conditioned upon the
12 faithful 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**
29 **the Attorney General for the same services; or**

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

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

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

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

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

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

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

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

19 “[(3)] (4) In any matter in which the Attorney General has authorized employment of [such]
20 counsel **under this section**, any references to representation of [such] **the** officer or agency by the
21 Attorney General contained in any provision of law shall be deemed to refer to [such] counsel **em-**
22 **ployed under this section.**

23 “**SECTION 3. (1) As used in this section, ‘agency of state government’ means an agency**
24 **in the executive department, as defined in ORS 174.112, or the legislative department, as de-**
25 **fin ed in ORS 174.114.**

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

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

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

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