

Senate Bill 382

Sponsored by Senator BOQUIST (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 **as introduced**.

Provides that Attorney General may only render opinions to Governor and executive department.

A BILL FOR AN ACT

1
2 Relating to opinions of the Attorney General; amending ORS 180.060.

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

4 **SECTION 1.** ORS 180.060 is amended to read:

5 180.060. (1) The Attorney General shall:

6 (a) Appear for the state in the trial of all civil and criminal causes in the Supreme Court or the
7 Court of Appeals in which the state may be directly or indirectly interested.

8 (b) Appear for the state, when required by the Governor or the legislature, in any court or
9 tribunal in any cause in which the state is a party or in which the state is directly interested.

10 (c) Appear, commence, prosecute or defend for the state all causes or proceedings in the Su-
11 preme Court or the Court of Appeals in which the state is a party or interested.

12 (d) Appear, commence, prosecute or defend any action, suit, matter, cause or proceeding in any
13 court when requested by any state officer, board or commission when, in the discretion of the At-
14 torney General, the same may be necessary or advisable to protect the interests of the state.

15 (2) The Attorney General shall give opinion in writing, when requested, upon any question of
16 law in which the State of Oregon [*or any public subdivision of the state*] may have an interest, sub-
17 mitted to the Attorney General by the Governor[,] **or** any officer, agency, department, board or
18 commission [*of the state or any member of the legislature*] **in the executive department**.

19 (3)(a) Except as provided in paragraph (b) of this subsection and subsection (4) of this section,
20 the Attorney General may not render opinions or give legal advice to persons [*other than the state*
21 *officers*] **not** listed in subsection (2) of this section.

22 (b) The Attorney General may, at the request of a state officer listed in subsection (2) of this
23 section, render an opinion to an officer, agency or instrumentality of the federal government if the
24 Attorney General determines that providing the opinion is necessary to meet a condition for as-
25 sumption by the state of administrative or enforcement responsibilities under federal law.

26 (4) The Attorney General may represent the state or any agency or officer of the state who
27 appears as the lead plaintiff or a representative party in a class action involving a claim relating
28 to a security, as defined in ORS 59.015, even if one or more members are persons that the Attorney
29 General may not otherwise represent or advise pursuant to this section.

30 (5) The Attorney General shall consult with, advise and direct the district attorneys in all
31 criminal causes and matters relating to state affairs in their respective counties. The Attorney

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 General may require their aid and assistance in all matters pertaining to the duties of the Attorney
2 General in their respective counties and may, in any case brought to the Supreme Court or the
3 Court of Appeals from their respective counties, demand and receive assistance of the district at-
4 torney from whose county such case or matter is brought.

5 (6) The Attorney General shall, when requested, perform all legal services for the state or any
6 department or officer of the state.

7 (7) The Attorney General shall have all the power and authority usually appertaining to such
8 office and shall perform the duties otherwise required of the Attorney General by law.

9 (8) The Attorney General shall assign to each agency, department, board or commission an as-
10 sistant who shall be the counsel responsible for ensuring the performance of the legal services re-
11 quested by the agency, department, board or commission. The counsel shall be a person trained in
12 the law concerning such agency, department, board or commission and shall be approved by the
13 chief administrator of the agency, department, board or commission. The chief administrator may
14 not unreasonably withhold approval of the assistant. If the chief administrator withdraws approval,
15 the Attorney General shall assign replacement counsel to the agency, department, board or com-
16 mission.

17 (9) The Attorney General may not appear in an action, suit, matter, cause or proceeding in a
18 court or before a regulatory body on behalf of an officer, agency, department, board or commission
19 without the consent of the officer, agency, department, board or commission.

20 (10) The responsibility for establishing policies for each agency, department, board or commis-
21 sion shall rest upon the chief administrator of the agency, department, board or commission.

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