

# House Bill 2120

Sponsored by Representative MANNIX (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**.

Requires Attorney General to obtain written authorization from at least two of three specified elected officials before Attorney General can appear as plaintiff or as amicus curiae in any action, suit, matter, cause or proceeding in any court. Excepts proceedings in which Attorney General is acting as prosecutor in capacity as district attorney.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1 Relating to the Attorney General; amending ORS 180.060; and prescribing an effective date.

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

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

4 180.060. (1) The Attorney General shall:

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

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

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

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

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

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

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

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

29 (5) The Attorney General shall consult with, advise and direct the district attorneys in all  
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**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 criminal causes and matters relating to state affairs in their respective counties. The Attorney  
2 General may require their aid and assistance in all matters pertaining to the duties of the Attorney  
3 General in their respective counties and may, in any case brought to the Supreme Court or the  
4 Court of Appeals from their respective counties, demand and receive assistance of the district at-  
5 torney from whose county such case or matter is brought.

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

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

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

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

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

23 **(10)(a) The Attorney General may not appear as plaintiff or as amicus curiae in any**  
24 **action, suit, matter, cause or proceeding in any court unless the Attorney General has re-**  
25 **ceived written authorization to so appear from at least two of the following three elected**  
26 **officials:**

27 **(A) The Governor;**

28 **(B) The Secretary of State; or**

29 **(C) The State Treasurer.**

30 **(b) This subsection does not apply to proceedings in which the Attorney General is acting**  
31 **under ORS 180.070.**

32 **SECTION 2. This 2023 Act takes effect on the 91st day after the date on which the 2023**  
33 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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