

House Bill 3417

Sponsored by Representative NEARMAN

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**.

Prohibits Attorney General from accepting funds from sources other than public bodies of this state to pay cost of appointing or employing assistants, temporary assistants, special legal assistants or private counsel to Attorney General.

Prohibits state, county court or board of county commissioners from accepting funds from sources other than public bodies of this state to pay cost of employing district attorneys and deputy district attorneys.

A BILL FOR AN ACT

1
2 Relating to attorneys employed by public bodies; creating new provisions; and amending ORS
3 180.140.

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

5 **SECTION 1.** ORS 180.140 is amended to read:

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

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

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

17 (4) Each assistant shall receive the salary fixed by the Attorney General, payable as other state
18 salaries are paid. Each assistant so appointed shall devote the full time of the assistant to the
19 business of the state, unless employment on a part-time basis is otherwise fixed by the Attorney
20 General.

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

25 (6) None of the provisions of this chapter prohibit the Attorney General or any of the Attorney
26 General's full-time deputies or assistants from voluntarily representing, without compensation or
27 expenditure of state resources, indigent clients referred by a nonprofit civil legal aid office or pro
28 bono program.

29 **(7) The Attorney General may not accept funds from sources other than public bodies,**

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 as defined in ORS 174.109, of this state to pay the cost of assistants, temporary assistants,
2 special legal assistants or private counsel appointed or employed under this section.

3 **SECTION 2.** Section 3 of this 2019 Act is added to and made a part of ORS 8.670 to 8.852.

4 **SECTION 3.** The state, a county court or a board of county commissioners may not ac-
5 cept funds from sources other than public bodies, as defined in ORS 174.109, of this state to
6 pay the cost of employing district attorneys or deputy district attorneys.

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