Agency Oregon University System
Division/Program State Board of Higher Education
Concept Subject/Title Legal Services and Legal Sufficiency Review
Contact Person _______ Phone No. _______

♦ BRIEF DESCRIPTION OF THIS CONCEPT:

To authorize the State Board of Higher Education and the institutions to employ attorneys to provide legal services as may be required in the administration of the State Board of Higher Education and OUS, and to exempt OUS, the Board and the institutions from the requirements for legal sufficiency review of contracts under ORS 291.045, ORS 291.047 and 291.049.

♦ PURPOSE OF THIS CONCEPT (DESCRIBE PROBLEM YOU ARE TRYING TO SOLVE AND SUGGESTED SOLUTION):
Currently Department of Justice provides all legal services through Department employed or retained staff or through three Special Assistant Attorneys General employed by OUS, OSU or UO. OUS' operational needs make it impossible for the Department of Justice to provide services in a way that meets those needs. Because of the involvement of lawyers in contracting operations and the low-risk nature of many OUS contracts, Department of Justice legal sufficiency review of OUS contracts cannot be justified on a cost-benefit basis.

♦ POLICY IMPLICATIONS:
Allows OUS to retain lawyers other than those employed or retained by the Oregon Department of Justice and eliminates Department of Justice legal sufficiency review.

♦ PARTNERS OR OTHER AGENCIES AFFECTED:

Agency: Department of Justice

♦ KNOWN SUPPORT
OREGON COUNCIL ON KNOWLEDGE AND ECONOMIC DEVELOPMENT

♦ KNOWN OPPOSITION:
DEPARTMENT OF JUSTICE

♦ THIS CONCEPT: (Do not skip answers. Enter none or N/A as needed.)

Revises or repeals ORS 351.060, 351.086, 190.430, 190.490, 291.045, 291.047, 291.049

 Adds new sections to ORS Chapter n/a

Check one: ☑ Major program change ☐ Minor program change ☐ Technical correction/housekeeping only

Was previously proposed in: Year 2003 as Bill No. SB 437

Why are you proposing it again (what changed)? Still needed, problems identified in 2003 not resolved
Is a PLACEHOLDER? No ☐ Yes ☑ Expected date of completion: 7/1/2004
Reason not completed: Changes in State Board and administration.
Is due to legal decision: no Case cite: n/a or AGO No./date n/a (attach copy)
Raises fees or assessments? No ☐ Yes ☑ (attach Fiscal Impact Estimate)
Imposes or adds to unfunded mandate on local governments? No ☐ Yes ☑ (attach Fiscal Impact Estimate)
Has other fiscal or position impacts? No ☐ Yes ☑ (attach Fiscal Impact Estimate)

APPROVED FOR DRAFTING

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2005-07
INSTRUCTIONS FOR COMPLETING LEGISLATIVE CONCEPTS

Use one form for each concept. You may photocopy this form or use the interactive form available online at http://www.bam.state.or.us/budinst/tabcont.htm. Leave no section or question blank; enter "none" or "not applicable" as needed. Attach details and explanations if needed.

**ATTACH DRAFT LANGUAGE (IF APPLICABLE)**

Send an original and five copies of this form, draft language, any fiscal impact estimate, and any supporting material, to the Department of Administrative Services, Director's Office, 155 Cottage Street NE U20, Salem, OR 97301-3966, no later than April 15, 2004. Do not delay. It is to your benefit to submit concepts early.

**CONCEPT NUMBER:** This number is just for tracking; not priority. Combine your agency number and your own sequential concept numbers. For example, DAS would use 107-1, 107-2, 107-3 . . . Do not skip numbers in the series. Reviewers always wonder where it went.

**DATE:** Date the concept is delivered to DAS.

**AGENCY:** Name of the agency is needed, but include any division or program name.

**SUBJECT/TITLE:** A brief descriptive working title for each concept.

**CONTACT PERSON:** The person in your agency who knows the concept well -- the person to call in case of questions. Your legislative coordinator is a back-up contact.

**DESCRIPTION:** Briefly describe the concept.

**PURPOSE:** Describe the need solved by the concept. Describe any clear ties to Oregon Benchmarks. Explain clearly, concisely, and completely. If it is a placeholder, explain why you have to have it.

**POLICY IMPLICATIONS:** Cover the issues that will arise in the Capitol. How will the concept affect other programs? Will it change or replace a program? How and why? What happens if the concept is enacted? What if it is not?

**PARTNERS OR OTHER AGENCIES AFFECTED:** List all the state and local agencies and other key players affected by the concept. Show the names (and numbers) of the people you contacted about the concept (necessary information). Briefly describe their position on it. This is critical information; please do your homework.

**KNOWN SUPPORT:** List stakeholders, interest groups, federal, local, or state agencies who may support the concept and why.

**KNOWN OPPOSITION:** List stakeholders, interest groups, federal, local, or state agencies who may oppose this concept and why.

**LAST SECTION, “THIS CONCEPT:”** Check or enter all that apply. A concept cannot be accepted if this section is not completed.

**HOUSEKEEPING:** This means purely technical adjustments and corrections with no policy issues and options.

**FEES:** If the concept would increase a fee or assessment, attach a Fiscal Impact Estimate and the Form #333 to comply with ORS 291.050 ff., controlling those kinds of charges.

**UNFUNDED MANDATES:** Legislation (and rules) must comply with Article XI, Section 15 of the Oregon Constitution. It requires the state pay costs of new or added tasks that the state requires of local governments (or must make the tasks optional or provide for a local fee). If this concept triggers that law, attach a Fiscal Impact Estimate form and explain how you propose to meet this law.