

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	4 - 0 - 1
Yeas:	Beyer, Girod, Thatcher, Riley
Nays:	0
Exc.:	Edwards C.
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	5/8, 5/22

WHAT THE MEASURE DOES: Requires public bodies to cooperate with and promptly provide information to ombudsman established or specifically authorized by law or designated by Governor. Requires persons contracting with public body to cooperate with and promptly provide information to ombudsman investigating matters related to contract. Requires agency or officer of executive department to consult with Attorney General regarding legal disputes related to ombudsman request for information. Provides for confidentiality of information provided to ombudsman, except for information provided by officers, employees or agents of public bodies.

ISSUES DISCUSSED:

- Role of ombudsmen
- Need for cooperation by state agencies to ombudsmen requests
- Confidentiality of information provided
- Public records law

EFFECT OF COMMITTEE AMENDMENT: Expands requirement to cooperate with ombudsmen to include ombudsmen both established by law and those specifically authorized by law. Clarifies language regarding confidentiality to refer to communications relevant to the duties of the ombudsman, except those made by officers, employees or agents of public bodies.

BACKGROUND: Although the term “ombudsman” does not have a statutory definition, Oregon’s executive branch agencies have positions serving under the title “ombudsman”, either by statutory requirement, or by an administrative decision to provide problem-solving services to the agency’s constituency. Among them are: the Corrections Ombudsman; the Long Term Care Ombudsman; the Ombudsman for Injured Workers; the Ombudsman for Small Business; the Mobile Home Park Ombudsman; and federally-required ombudsman services related to the federal Clean Air Act and for certain clients of the Oregon Health Plan. Positions are appointed by various agency directors, and have different reporting responsibilities.

Senate Bill 753-B requires that public bodies provide information upon request to ombudsmen, and that persons contracting with a public body cooperate with and provide information to an ombudsman investigating matters related to their contract. The measure designates the Attorney General as the consultant for legal disputes related to requests by an ombudsman for information. Information provided by individuals or entities other than public bodies or their officers or employees is considered confidential and need not be disclosed.