

# Senate Bill 449

Sponsored by Senators PROZANSKI, WINTERS; Senator BURDICK (at the request of Tori Klein) (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**.

Creates position of Legislative Ombudsman within legislative department of state government. Establishes process for selecting ombudsman. Defines duties and authority of ombudsman. Requires certain state agencies to cooperate with ombudsman.

Appropriates moneys to Legislative Assembly for ombudsman.

Abolishes Office of Children's Advocate, Compensation and Conservation Ombudsman, office of Corrections Ombudsman, Oregon Health Authority positions for providing ombudsman services, Office of Manufactured Dwelling Park Community Relations and offices of ombudsman for injured workers and ombudsman for small business in Department of Consumer and Business Services. Transfers ombudsmen rights and obligations to Legislative Ombudsman.

## A BILL FOR AN ACT

1  
2 Relating to the Legislative Ombudsman; creating new provisions; amending ORS 90.645, 90.650,  
3 90.655, 90.771, 195.322, 195.336, 409.185, 414.712, 417.805, 417.815, 417.825, 419B.035, 423.420,  
4 423.440, 446.543 and 656.709 and sections 9 and 20, chapter 855, Oregon Laws 2009; repealing  
5 ORS 195.320, 417.810, 423.400, 423.405, 423.410, 423.415, 423.425, 423.430, 423.435, 423.445 and  
6 423.450; and appropriating money.

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

8 **SECTION 1. As used in sections 1 to 10 of this 2011 Act:**

9 (1) "Agency" has the meaning given that term in ORS 183.310.

10 (2) "Appointing authority" means the President and Minority Leader of the Senate and  
11 the Speaker and Minority Leader of the House of Representatives.

12 **SECTION 2. (1) There is created within the legislative department of state government  
13 the position of Legislative Ombudsman.**

14 (2) The appointing authority may select and terminate the ombudsman by unanimous  
15 agreement. The ombudsman serves at the pleasure of the appointing authority.

16 (3) Subject to the approval of the appointing authority, the ombudsman may employ and  
17 fix the compensation of the deputies the ombudsman considers necessary for the effective  
18 conduct of the work under the charge of the ombudsman. An employee of the ombudsman  
19 serves at the pleasure of the ombudsman.

20 (4) The appointing authority shall fix the salary of the ombudsman.

21 **SECTION 3. (1) The Legislative Ombudsman shall be a person of recognized judgment,  
22 objectivity and integrity who is qualified by training and experience to analyze problems of  
23 public law, administration and policy.**

24 (2) A person serving as ombudsman may not:

25 (a) Be actively involved in political party activities;

26 (b) Be a candidate for or hold other public office, whether elective or appointive; and

27 (c) Be engaged in any other full-time occupation, business or profession.

**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.

**SECTION 4. The Legislative Ombudsman may:**

- (1) Develop procedures for receiving and processing complaints, conducting investigations and reporting findings consistent with sections 1 to 10 of this 2011 Act;
- (2) Examine by subpoena the records and documents of an agency or any employee of an agency;
- (3) Enter and inspect without notice any premises of an agency;
- (4) Subpoena any person to appear, to give sworn testimony or to produce documentary or other evidence that is reasonably material to an inquiry; and
- (5) Undertake, participate in or cooperate with persons and agencies in such conferences, inquiries, meetings or studies as might lead to improvements in the functioning of an agency.

**SECTION 5. (1) The Legislative Ombudsman may investigate, on complaint or on the ombudsman's own motion, any agency action that is or is alleged to be:**

- (a) Contrary to or inconsistent with law or agency practice;
- (b) Based on mistaken facts or irrelevant considerations;
- (c) Inadequately explained when reasons should have been revealed;
- (d) Inefficiently performed; or
- (e) Unreasonable, unfair or otherwise objectionable, even though in accordance with law.

**(2) Notwithstanding subsection (1) of this section, the ombudsman may decide not to investigate because:**

- (a) The complainant could reasonably be expected to use a different remedy or action;
- (b) The complaint is trivial, frivolous, vexatious or not made in good faith; or
- (c) The complaint has been too long delayed to justify present examination.

**SECTION 6. The Legislative Ombudsman:**

- (1) Shall give priority to investigating administrative actions that are not otherwise reviewable by either administrative or judicial action;
- (2) Shall treat confidentially all matters coming before the ombudsman and the identities of the complainants or witnesses coming before the ombudsman; and
- (3) May not levy any fees for the submission or investigation of complaints.

**SECTION 7. (1) After investigation of any agency action, the Legislative Ombudsman shall inform the complainant and the agency of the ombudsman's recommendations and reasons if, in the ombudsman's opinion, the agency or any employee of the agency should:**

- (a) Consider the matter further;
- (b) Modify or cancel any action;
- (c) Alter a rule, practice or ruling;
- (d) Explain more fully the administrative action in question;
- (e) Rectify an omission; or
- (f) Take any other action.

**(2) Before recommending action by an agency, the ombudsman must inform the agency of the recommended action and afford the agency an opportunity to comment.**

**(3) At the request of the ombudsman, an agency shall, within the time specified by the ombudsman, inform the ombudsman about the action taken on the recommendations or the reasons for not complying with the recommendations. After a reasonable period of time, the ombudsman may issue a report to the public concerning the investigation, recommendations and action taken by the agency.**

**SECTION 8. (1) A person that files a complaint pursuant to sections 1 to 10 of this 2011**

1 Act is not subject to any penalties, sanctions or restrictions because of the complaint.

2 (2) The Legislative Ombudsman and the staff of the ombudsman have the same immuni-  
3 ties from civil and criminal liabilities as a judge of this state.

4 (3) The ombudsman and the staff of the ombudsman may not be compelled to testify or  
5 produce evidence in any judicial or administrative proceeding about any matter involving the  
6 exercise of their official duties except as may be necessary to enforce sections 1 to 10 of this  
7 2011 Act.

8 **SECTION 9.** (1) Any person required to testify under section 4 of this 2011 Act shall be  
9 accorded the same privileges and immunities, receive the same fees and mileage provided for  
10 witnesses under ORS 44.415 and be subject to the same penalties provided in ORS 183.440.

11 (2) Fees and mileage for a witness shall be paid by warrant upon the State Treasurer  
12 upon the certificate of the Legislative Ombudsman. No tender of witness fees or mileage in  
13 advance shall be necessary.

14 (3) Notwithstanding subsection (1) of this section, a representative of an agency may re-  
15 ceive no more than actual necessary traveling expenses.

16 **SECTION 10.** If a person intentionally obstructs or hinders the proper and lawful exercise  
17 of the Legislative Ombudsman's powers, or intentionally misleads or attempts to mislead the  
18 ombudsman in inquiries under sections 1 to 10 of this 2011 Act, a judge of the Circuit Court  
19 for the county in which the office of the Legislative Ombudsman is located, upon the appli-  
20 cation of the ombudsman, shall compel obedience by proceedings for contempt in the same  
21 manner as disobedience of the requirements of a subpoena issued from the court or a refusal  
22 to testify in the court.

23 **SECTION 11.** (1) The Office of Children's Advocate, the Compensation and Conservation  
24 Ombudsman, the Corrections Ombudsman, the positions in the Oregon Health Authority for  
25 providing ombudsman services required by ORS 414.712, the Office of Manufactured Dwelling  
26 Park Community Relations, and the offices of ombudsman for injured workers and ombuds-  
27 man for small business in the Department of Consumer and Business Services are abolished.

28 (2) On January 1, 2012, the tenure of persons serving in the following positions and of the  
29 staff supporting the positions ceases:

30 (a) The Children's Advocate established under ORS 417.810.

31 (b) The Compensation and Conservation Ombudsman established under ORS 195.320.

32 (c) The Corrections Ombudsman established under ORS 423.400.

33 (d) The positions in the Oregon Health Authority for providing ombudsman services re-  
34 quired by ORS 414.712.

35 (e) The Office of Manufactured Dwelling Park Community Relations established under  
36 ORS 446.543.

37 (f) The ombudsman for injured workers established in Department of Consumer and  
38 Business Services under ORS 656.709.

39 (g) The ombudsman for small business established in the Department of Consumer and  
40 Business Services under ORS 656.709.

41 (3) Except for the office of the Long Term Care Ombudsman established under ORS  
42 441.103, an agency as defined in ORS 183.310 may not permit an employee of the agency to  
43 use the title "ombudsman."

44 **SECTION 12.** There are imposed upon, transferred to and vested in the Legislative Om-  
45 budsman the duties, functions and powers of the Children's Advocate, the Compensation and

1 Conservation Ombudsman, the Corrections Ombudsman, the Oregon Health Authority for  
2 providing ombudsman services required by ORS 414.712, the Office of Manufactured Dwelling  
3 Park Community Relations, the offices of ombudsman for injured workers and ombudsman  
4 for small business in the Department of Consumer and Business Services.

5 **SECTION 13.** (1) The rights and obligations of the Children's Advocate, the Compensation  
6 and Conservation Ombudsman, the Corrections Ombudsman, the Oregon Health Authority  
7 for providing ombudsman services required by ORS 414.712, the Office of Manufactured  
8 Dwelling Park Community Relations, the offices of ombudsman for injured workers and om-  
9 budsman for small business in the Department of Consumer and Business Services legally  
10 incurred under contracts, leases and business transactions executed, entered into or begun  
11 before the effective date of this 2011 Act are transferred to the Legislative Ombudsman.

12 (2) For the purpose of succession of the rights and obligations transferred under this  
13 section, the Legislative Ombudsman is considered to be a continuation of the Children's Ad-  
14 vocate, the Compensation and Conservation Ombudsman, the Corrections Ombudsman, the  
15 Oregon Health Authority for providing ombudsman services required by ORS 414.712, the  
16 Office of Manufactured Dwelling Park Community Relations, the offices of the ombudsman  
17 for injured workers and the ombudsman for small business in the Department of Consumer  
18 and Business Services, and not a new authority. The Legislative Ombudsman shall exercise  
19 the rights and obligations as if they had not been transferred.

20 (3) All the supplies, materials, equipment, records, books, papers and facilities of the  
21 Children's Advocate, the Compensation and Conservation Ombudsman, the Corrections Om-  
22 budsman, the Oregon Health Authority for providing ombudsman services required by ORS  
23 414.712, the Office of Manufactured Dwelling Park Community Relations, the offices of om-  
24 budsman for injured workers and ombudsman for small business in the Department of Con-  
25 sumer and Business Services are transferred to the Legislative Ombudsman.

26 **SECTION 14.** ORS 409.185 is amended to read:

27 409.185. (1) The Director of Human Services shall oversee the development of standards and  
28 procedures for assessment, investigation and enforcement of child protective services.

29 (2)(a) The Department of Human Services shall take action to implement the provision of child  
30 protective services as outlined in ORS 417.705 to 417.801 and 419A.170 and based on the recom-  
31 mendations in the 1992 "Oregon Child Protective Services Performance Study" published by the  
32 University of Southern Maine.

33 (b) In all substantiated cases of child abuse and neglect, the role of the department is to com-  
34 plete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs  
35 and provide immediate protective services as necessary.

36 (c) The department shall provide remedial services needed to ensure the safety of the child.

37 (d) In all cases of child abuse and neglect for which a criminal investigation is conducted, the  
38 role of law enforcement agencies is to provide a legally sound, child sensitive investigation of  
39 whether abuse or neglect or both have occurred and to gather other evidence and perform other  
40 responsibilities in accordance with interagency agreements.

41 (e) The department and law enforcement agencies shall conduct the investigation and assess-  
42 ment concurrently, based upon the protocols and procedures of the county multidisciplinary child  
43 abuse team in each jurisdiction.

44 (f) When the department and law enforcement agencies conduct a joint investigation and as-  
45 sessment, the activities of the department and agencies are to be clearly differentiated by the pro-

1 tocols of the county multidisciplinary child abuse team.

2 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and  
 3 418.748 and ORS chapter 419B.

4 (h) In all cases of child abuse for which an investigation is conducted, the department shall  
 5 provide a child’s parent, guardian or caregiver with a clear written explanation of the investigation  
 6 process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse  
 7 investigation and in the court proceedings related to the abuse investigation.

8 (3) Upon receipt of a recommendation of the [*Children’s Advocate*] **Legislative Ombudsman**  
 9 under ORS 417.815 (2)(e), the department shall implement the recommendation or give the [*Children’s*  
 10 *Advocate*] **ombudsman** written notice of an intent not to implement the recommendation.

11 **SECTION 15.** ORS 417.805 is amended to read:

12 417.805. The [*Office of Children’s Advocate*] **Legislative Ombudsman** shall maintain a state  
 13 toll-free telephone line to allow the public to:

14 (1) Access information and be referred to the appropriate services in matters of child abuse.

15 (2) Voice concerns regarding the actions and conduct of the Department of Human Services re-  
 16 lating to child abuse.

17 (3) Have a single place to file complaints concerning the actions and conduct of the Department  
 18 of Human Services relating to child abuse.

19 **SECTION 16.** ORS 417.815 is amended to read:

20 417.815. (1) The [*Office of Children’s Advocate*] **Legislative Ombudsman** shall be accessible to  
 21 the public through the state toll-free telephone line maintained pursuant to ORS 417.805 and through  
 22 other electronic and written forms of communication. The [*office*] **ombudsman** shall:

23 (a) Disseminate information and educate the public about the detection and prevention of child  
 24 abuse and about the prosecution of persons accused of child abuse;

25 (b) Cooperate with other units within the Department of Human Services and law enforcement  
 26 officials in performing duties under ORS 418.747 and 418.748 and 419B.005 to 419B.050 when the in-  
 27 vestigation involves alleged child abuse;

28 (c) Provide technical assistance in the development and implementation of state and local pro-  
 29 grams that relate to child abuse;

30 (d) In cooperation with the department, objectively review the department’s systems for handling  
 31 child abuse cases; and

32 (e) Analyze data collected by the [*office*] **ombudsman** to discern general patterns and trends,  
 33 chronic problems and other systemic difficulties in the detection, reporting, investigation, prose-  
 34 cution and resolution of cases of child abuse.

35 (2) In addition to the duties required under subsection (1) of this section, the [*office*] **ombuds-**  
 36 **man** shall:

37 (a) Review any complaint regarding the department’s involvement in a specific child abuse case,  
 38 unless the [*office*] **ombudsman** determines there is an adequate remedy for the complaint;

39 (b) Make any appropriate referrals of the complaint or complainant at the time the [*office*] **om-**  
 40 **budsman** receives the complaint or during the [*office’s*] **ombudsman’s** review process;

41 (c) Inform the complainant of the referral of the complaint or any other action taken by the  
 42 [*office*] **ombudsman** on the complaint;

43 (d) Inform the department of the [*office’s*] intention **of the ombudsman** to review the  
 44 department’s action, unless the [*office*] **ombudsman** determines that advance notice will unduly  
 45 hinder the review; and

1 (e) Conduct a review of the department's action when appropriate, and inform the department  
 2 of the results of the review, including any recommendation the [*Children's Advocate*] **ombudsman**  
 3 believes would resolve any case or any systemic issues identified in the review.

4 (3) If the [*office*] **ombudsman** has knowledge of confidential information relating to a child in-  
 5 volved or allegedly involved in child abuse, the [*office*] **ombudsman** shall keep the information  
 6 confidential from public disclosure. However, the [*office*] **ombudsman** is subject to legal mandates  
 7 in ORS 418.747 and 418.748 and 419B.005 to 419B.050.

8 (4) A person who files a complaint under this section or ORS 417.805 or participates in any in-  
 9 vestigation under this section may not be, because of that action:

10 (a) Subject to any penalties, sanctions or restrictions imposed by the department;

11 (b) Subject to any penalties, sanctions or restrictions connected with the person's employment;

12 or

13 (c) Denied any right, privilege or benefit.

14 (5) If deemed necessary by the [*Children's Advocate*] **ombudsman** for the purposes of carrying  
 15 out the duties of the [*office*] **ombudsman**, the [*office*] **ombudsman** may conduct criminal records  
 16 checks pursuant to ORS 181.537 on a person through the Law Enforcement Data System maintained  
 17 by the Department of State Police.

18 **SECTION 17.** ORS 417.825 is amended to read:

19 417.825. (1) In addition to any other fees provided by law, the appropriate agency:

20 (a) When birth certificates are registered with the state, shall pay a \$1 fee on each birth cer-  
 21 tificate registered with the agency.

22 (b) That issues birth certificates for the state or a county, shall collect a \$1 fee on each birth  
 23 certificate issued by the agency.

24 (c) When adoptions and divorces are filed with the court, shall collect a \$1 fee on each adoption  
 25 and divorce filed with the agency.

26 (2) The agencies paying or collecting the fees described in subsection (1) of this section shall  
 27 transfer moneys from the fees imposed by this section to the State Treasurer for deposit in the De-  
 28 partment of Human Services Account established under ORS 409.060. The moneys deposited under  
 29 this section are appropriated continuously to the Department of Human Services for use by the  
 30 [*Office of Children's Advocate*] **Legislative Ombudsman** for the administration of ORS 417.805[,  
 31 417.810] and 417.815.

32 **SECTION 18.** ORS 419B.035 is amended to read:

33 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and  
 34 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records  
 35 and public documents, reports and records compiled under the provisions of ORS 419B.010 to  
 36 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-  
 37 ment of Human Services shall make the records available to:

38 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of  
 39 subsequent investigation of child abuse;

40 (b) Any physician, at the request of the physician, regarding any child brought to the physician  
 41 or coming before the physician for examination, care or treatment;

42 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-  
 43 ceeding;

44 (d) Citizen review boards established by the Judicial Department for the purpose of periodically  
 45 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile

1 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to  
2 participants in case reviews;

3 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged  
4 that a child has been subjected to child abuse or neglect;

5 (f) The Child Care Division for certifying, registering or otherwise regulating child care facili-  
6 ties;

7 (g) The [*Office of Children's Advocate*] **Legislative Ombudsman**;

8 (h) The Teacher Standards and Practices Commission for investigations conducted under ORS  
9 342.176 involving any child or any student in grade 12 or below;

10 (i) Any person, upon request to the Department of Human Services, if the reports or records  
11 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-  
12 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be  
13 disclosed in accordance with ORS 192.410 to 192.505; and

14 (j) The Child Care Division of the Employment Department for purposes of ORS 657A.030 (8)(g).

15 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-  
16 partment of Human Services may exempt from disclosure the names, addresses and other identifying  
17 information about other children, witnesses, victims or other persons named in the report or record  
18 if the department determines, in written findings, that the safety or well-being of a person named in  
19 the report or record may be jeopardized by disclosure of the names, addresses or other identifying  
20 information, and if that concern outweighs the public's interest in the disclosure of that information.

21 (b) If the Department of Human Services does not have a report or record of abuse regarding  
22 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS  
23 161.015, the department may disclose that information.

24 (3) The Department of Human Services may make reports and records compiled under the pro-  
25 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,  
26 agency, organization or other entity when the department determines that such disclosure is neces-  
27 sary to administer its child welfare services and is in the best interests of the affected child, or that  
28 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect  
29 children from abuse and neglect or for research when the Director of Human Services gives prior  
30 written approval. The Department of Human Services shall adopt rules setting forth the procedures  
31 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this  
32 section. The name, address and other identifying information about the person who made the report  
33 may not be disclosed pursuant to this subsection and subsection (1) of this section.

34 (4) A law enforcement agency may make reports and records compiled under the provisions of  
35 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-  
36 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement  
37 agency determines that disclosure is necessary for the investigation or enforcement of laws relating  
38 to child abuse and neglect.

39 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific  
40 case relating to child abuse or neglect, shall make reports and records in the case available upon  
41 request to any law enforcement agency or community corrections agency in this state, to the De-  
42 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose  
43 of managing and supervising offenders in custody or on probation, parole, post-prison supervision  
44 or other form of conditional or supervised release. A law enforcement agency may make reports and  
45 records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement,

1 community corrections, corrections or parole agencies in an open case when the law enforcement  
 2 agency determines that the disclosure will not interfere with an ongoing investigation in the case.  
 3 The name, address and other identifying information about the person who made the report may not  
 4 be disclosed under this subsection or subsection (6)(b) of this section.

5 (6)(a) Any record made available to a law enforcement agency or community corrections agency  
 6 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-  
 7 vision or to a physician in this state, as authorized by subsections (1) to (5) of this section, shall be  
 8 kept confidential by the agency, department, board or physician. Any record or report disclosed by  
 9 the Department of Human Services to other persons or entities pursuant to subsections (1) and (3)  
 10 of this section shall be kept confidential.

11 (b) Notwithstanding paragraph (a) of this subsection:

12 (A) A law enforcement agency, a community corrections agency, the Department of Corrections  
 13 and the State Board of Parole and Post-Prison Supervision may disclose records made available to  
 14 them under subsection (5) of this section to each other, to law enforcement, community corrections,  
 15 corrections and parole agencies of other states and to authorized treatment providers for the pur-  
 16 pose of managing and supervising offenders in custody or on probation, parole, post-prison super-  
 17 vision or other form of conditional or supervised release.

18 (B) A person may disclose records made available to the person under subsection (1)(i) of this  
 19 section if the records are disclosed for the purpose of advancing the public interest.

20 (7) An officer or employee of the Department of Human Services or of a law enforcement agency  
 21 or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section  
 22 may not release any information not authorized by subsections (1) to (6) of this section.

23 (8) As used in this section, "law enforcement agency" has the meaning given that term in ORS  
 24 181.010.

25 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

26 **SECTION 19.** ORS 419B.035, as amended by section 4, chapter 348, Oregon Laws 2009, is  
 27 amended to read:

28 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and  
 29 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records  
 30 and public documents, reports and records compiled under the provisions of ORS 419B.010 to  
 31 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-  
 32 ment of Human Services shall make the records available to:

33 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of  
 34 subsequent investigation of child abuse;

35 (b) Any physician, at the request of the physician, regarding any child brought to the physician  
 36 or coming before the physician for examination, care or treatment;

37 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-  
 38 ceeding;

39 (d) Citizen review boards established by the Judicial Department for the purpose of periodically  
 40 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile  
 41 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to  
 42 participants in case reviews;

43 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged  
 44 that a child has been subjected to child abuse or neglect;

45 (f) The Child Care Division for certifying, registering or otherwise regulating child care facili-



1 ties;

2 (g) The [Office of Children's Advocate] **Legislative Ombudsman**;

3 (h) The Teacher Standards and Practices Commission for investigations conducted under ORS  
4 342.176 involving any child or any student in grade 12 or below; and

5 (i) Any person, upon request to the Department of Human Services, if the reports or records  
6 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-  
7 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be  
8 disclosed in accordance with ORS 192.410 to 192.505.

9 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-  
10 partment of Human Services may exempt from disclosure the names, addresses and other identifying  
11 information about other children, witnesses, victims or other persons named in the report or record  
12 if the department determines, in written findings, that the safety or well-being of a person named in  
13 the report or record may be jeopardized by disclosure of the names, addresses or other identifying  
14 information, and if that concern outweighs the public's interest in the disclosure of that information.

15 (b) If the Department of Human Services does not have a report or record of abuse regarding  
16 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS  
17 161.015, the department may disclose that information.

18 (3) The Department of Human Services may make reports and records compiled under the pro-  
19 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,  
20 agency, organization or other entity when the department determines that such disclosure is neces-  
21 sary to administer its child welfare services and is in the best interests of the affected child, or that  
22 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect  
23 children from abuse and neglect or for research when the Director of Human Services gives prior  
24 written approval. The Department of Human Services shall adopt rules setting forth the procedures  
25 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this  
26 section. The name, address and other identifying information about the person who made the report  
27 may not be disclosed pursuant to this subsection and subsection (1) of this section.

28 (4) A law enforcement agency may make reports and records compiled under the provisions of  
29 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-  
30 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement  
31 agency determines that disclosure is necessary for the investigation or enforcement of laws relating  
32 to child abuse and neglect.

33 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific  
34 case relating to child abuse or neglect, shall make reports and records in the case available upon  
35 request to any law enforcement agency or community corrections agency in this state, to the De-  
36 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose  
37 of managing and supervising offenders in custody or on probation, parole, post-prison supervision  
38 or other form of conditional or supervised release. A law enforcement agency may make reports and  
39 records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement,  
40 community corrections, corrections or parole agencies in an open case when the law enforcement  
41 agency determines that the disclosure will not interfere with an ongoing investigation in the case.  
42 The name, address and other identifying information about the person who made the report may not  
43 be disclosed under this subsection or subsection (6)(b) of this section.

44 (6)(a) Any record made available to a law enforcement agency or community corrections agency  
45 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-

1 vision or to a physician in this state, as authorized by subsections (1) to (5) of this section, shall be  
 2 kept confidential by the agency, department, board or physician. Any record or report disclosed by  
 3 the Department of Human Services to other persons or entities pursuant to subsections (1) and (3)  
 4 of this section shall be kept confidential.

5 (b) Notwithstanding paragraph (a) of this subsection:

6 (A) A law enforcement agency, a community corrections agency, the Department of Corrections  
 7 and the State Board of Parole and Post-Prison Supervision may disclose records made available to  
 8 them under subsection (5) of this section to each other, to law enforcement, community corrections,  
 9 corrections and parole agencies of other states and to authorized treatment providers for the pur-  
 10 pose of managing and supervising offenders in custody or on probation, parole, post-prison super-  
 11 vision or other form of conditional or supervised release.

12 (B) A person may disclose records made available to the person under subsection (1)(i) of this  
 13 section if the records are disclosed for the purpose of advancing the public interest.

14 (7) An officer or employee of the Department of Human Services or of a law enforcement agency  
 15 or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section  
 16 may not release any information not authorized by subsections (1) to (6) of this section.

17 (8) As used in this section, "law enforcement agency" has the meaning given that term in ORS  
 18 181.010.

19 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

20 **SECTION 20.** Section 9, chapter 855, Oregon Laws 2009, is amended to read:

21 **Sec. 9.** Notwithstanding the requirement of section 8 (4), chapter 424, Oregon Laws 2007, that  
 22 the Department of Land Conservation and Development review claims in the order received, upon  
 23 a recommendation of the [*Compensation and Conservation Ombudsman appointed under ORS*  
 24 *195.320*] **Legislative Ombudsman** that a hardship exists, made in the discretion of the ombudsman,  
 25 the Director of the Department of Land Conservation and Development may, in the discretion of the  
 26 director, advance up to 100 claims for priority processing in cases of demonstrated hardship.

27 **SECTION 21.** Section 20, chapter 855, Oregon Laws 2009, is amended to read:

28 **Sec. 20.** (1) Notwithstanding the requirement of section 8 (4), chapter 424, Oregon Laws 2007,  
 29 that the Department of Land Conservation and Development review claims in the order received,  
 30 upon a recommendation of the [*Compensation and Conservation Ombudsman appointed under ORS*  
 31 *195.320*] **Legislative Ombudsman** that a hardship exists, made in the discretion of the ombudsman,  
 32 the Director of the Department of Land Conservation and Development may, in the discretion of the  
 33 director, advance up to 100 claims for priority processing in cases of demonstrated hardship.

34 (2) For purposes of this section, demonstrated hardship includes, but is not limited to:

35 (a) Threatened loss of ownership of the property;

36 (b) A contractual obligation to sell the property, entered into before November 6, 2007;

37 (c) Prolonged illness or medical expenses that threaten the financial status of the property  
 38 owner;

39 (d) Threatened expiration of permits granted to carry out development on the property; and

40 (e) A situation in which a claimant cannot continue to occupy an existing dwelling on the  
 41 property and wants to occupy a new dwelling on the property.

42 **SECTION 22.** ORS 195.322 is amended to read:

43 195.322. (1) For the purpose of helping to ensure that a claim is complete, as described in ORS  
 44 195.312, the [*Compensation and Conservation Ombudsman*] **Legislative Ombudsman** may review a  
 45 proposed claim if the review is requested by a claimant that intends to file a claim under ORS

1 195.305 and 195.310 to 195.314.

2 (2) At the request of the claimant or the public entity reviewing a claim, the ombudsman may  
3 facilitate resolution of issues involving a claim under ORS 195.305 to 195.336 and sections 5 to 11,  
4 chapter 424, Oregon Laws 2007, and sections 2 to 9 and 17, chapter 855, Oregon Laws 2009.

5 **SECTION 23.** ORS 195.336 is amended to read:

6 195.336. (1) The Compensation and Conservation Fund is established in the State Treasury, sep-  
7 arate and distinct from the General Fund. Interest earned on moneys in the Compensation and  
8 Conservation Fund shall be credited to the fund. The fund consists of moneys received by the De-  
9 partment of Land Conservation and Development under ORS 195.305 to 195.336 and sections 5 to 11,  
10 chapter 424, Oregon Laws 2007, and sections 2 to 9, 17 and 18, chapter 855, Oregon Laws 2009, and  
11 other moneys available to the department for the purpose described in subsection (2) of this section.

12 (2) Moneys in the fund are continuously appropriated to the department for the purpose of  
13 paying expenses incurred to review claims under ORS 195.305 to 195.336 and sections 5 to 11,  
14 chapter 424, Oregon Laws 2007, and sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and for  
15 the purpose of paying the expenses of the [*Compensation and Conservation Ombudsman appointed*  
16 *under ORS 195.320.*] **Legislative Ombudsman related to facilitating resolution of issues in-**  
17 **volving a claim under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws**  
18 **2007, and sections 2 to 9 and 17, chapter 855, Oregon Laws 2009.**

19 **SECTION 24.** ORS 423.420 is amended to read:

20 423.420. The [*Corrections Ombudsman*] **Legislative Ombudsman** shall have the power:

21 (1) To investigate, on complaint or on the ombudsman's own motion, any action by the Depart-  
22 ment of Corrections or any employee thereof without regard to its finality;

23 (2) To adopt rules required for the discharge of the duties of office, including procedures for  
24 receiving and processing complaints, conducting investigations, and reporting findings, not incon-  
25 sistent with ORS 423.400 to 423.450 **and sections 1 to 10 of this 2011 Act;**

26 (3) To examine by subpoena the records and documents of the Department of Corrections or any  
27 employee thereof;

28 (4) To enter and inspect without notice any premises under the jurisdiction of the Department  
29 of Corrections;

30 (5) To subpoena any person to appear, to give sworn testimony or to produce documentary or  
31 other evidence that is reasonably material to an inquiry;

32 (6) To undertake, participate in or cooperate with persons and agencies in such conferences,  
33 inquiries, meetings or studies as might lead to improvements in the functioning of the Department  
34 of Corrections;

35 (7) To bring suit in the Circuit Court for Marion County to enforce ORS 423.400 to 423.450 **and**  
36 **sections 1 to 10 of this 2011 Act; and**

37 [*(8) To establish and administer a budget for the office; and*]

38 [(9)] (8) To strengthen procedures and practices which lessen the possibility that objectionable  
39 corrections actions will occur.

40 **SECTION 25.** ORS 423.440 is amended to read:

41 423.440. (1) A letter to the [*Corrections Ombudsman*] **Legislative Ombudsman** from a person  
42 held in custody, including by detention, incarceration and hospitalization, by the Department of  
43 Corrections shall be forwarded immediately, unopened, to the [*Corrections*] ombudsman. A letter  
44 from the [*Corrections*] ombudsman to such person shall be immediately delivered, unopened, to the  
45 person.

1 (2) No person who files a complaint pursuant to ORS 423.400 to 423.450 **or sections 1 to 10 of**  
 2 **this 2011 Act** shall be subject to any penalties, sanctions or restrictions because of such complaint.

3 (3) The [*Corrections Ombudsman*] **Legislative Ombudsman** and the staff of the [*office*] **om-**  
 4 **budsman** shall have the same immunities from civil and criminal liabilities as a judge of this state.

5 (4) The [*Corrections Ombudsman*] **Legislative Ombudsman** and the staff of the ombudsman shall  
 6 not be compelled to testify or produce evidence in any judicial or administrative proceeding with  
 7 respect to any matter involving the exercise of their official duties except as may be necessary to  
 8 enforce ORS 423.400 to 423.450 **and sections 1 to 10 of this 2011 Act.**

9 **SECTION 26.** ORS 414.712 is amended to read:

10 414.712. The Oregon Health Authority shall provide medical assistance under ORS 414.705 to  
 11 414.750 to eligible persons who are determined eligible for medical assistance by the Department of  
 12 Human Services according to ORS 411.706. The Oregon Health Authority shall also provide the fol-  
 13 lowing:

14 (1) [*Ombudsman*] **Services of the Legislative Ombudsman** for eligible persons who receive as-  
 15 sistance under ORS 411.706. [*With the concurrence of the Governor and the Oregon Health Policy*  
 16 *Board, the Director of the Oregon Health Authority shall appoint ombudsmen and may terminate an*  
 17 *ombudsman. Ombudsmen are under the supervision and control of the director. An*] **The** ombudsman  
 18 shall serve as a patient's advocate whenever the patient or a physician or other medical personnel  
 19 serving the patient is reasonably concerned about access to, quality of or limitations on the care  
 20 being provided by a health care provider. [*Patients shall be informed of the availability of an om-*  
 21 *budsman. Ombudsmen*] **The authority shall inform patients of the availability of services from**  
 22 **the ombudsman. The ombudsman** shall report to the **Legislative Assembly, the** Governor and  
 23 the Oregon Health Policy Board in writing at least once each quarter. [*A*] **The** report shall include  
 24 a summary of the services that the ombudsman provided during the quarter and the ombudsman's  
 25 recommendations for improving ombudsman services and access to or quality of care provided to  
 26 eligible persons by health care providers.

27 (2) Case management services in each health care provider organization for those eligible per-  
 28 sons who receive assistance under ORS 411.706. Case managers shall be trained in and shall exhibit  
 29 skills in communication with and sensitivity to the unique health care needs of people who receive  
 30 assistance under ORS 411.706. Case managers shall be reasonably available to assist patients served  
 31 by the organization with the coordination of the patient's health care services at the reasonable  
 32 request of the patient or a physician or other medical personnel serving the patient. Patients shall  
 33 be informed of the availability of case managers.

34 (3) A mechanism, established by rule, for soliciting consumer opinions and concerns regarding  
 35 accessibility to and quality of the services of each health care provider.

36 (4) A choice of available medical plans and, within those plans, choice of a primary care pro-  
 37 vider.

38 (5) Due process procedures for any individual whose request for medical assistance coverage for  
 39 any treatment or service is denied or is not acted upon with reasonable promptness. These proce-  
 40 dures shall include an expedited process for cases in which a patient's medical needs require swift  
 41 resolution of a dispute.

42 **SECTION 27.** ORS 90.645, as amended by section 2a, chapter 906, Oregon Laws 2007, is  
 43 amended to read:

44 90.645. (1) If a manufactured dwelling park, or a portion of the park that includes the space for  
 45 a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than

1 as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain  
2 or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed  
3 term rental agreement for a manufactured dwelling park space:

4 (a) By giving the tenant not less than 365 days' notice in writing before the date designated in  
5 the notice for termination; and

6 (b) By paying a tenant, for each space for which a rental agreement is terminated, one of the  
7 following amounts:

8 (A) \$5,000 if the manufactured dwelling is a single-wide dwelling;

9 (B) \$7,000 if the manufactured dwelling is a double-wide dwelling; or

10 (C) \$9,000 if the manufactured dwelling is a triple-wide or larger dwelling.

11 (2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling  
12 park under this section as a result of converting the park to a subdivision under ORS 92.830 to  
13 92.845, the landlord:

14 (a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in  
15 writing before the date designated in the notice for termination.

16 (b) Is not required to make a payment under subsection (1)(b) of this section to a tenant who:

17 (A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not  
18 move the dwelling; or

19 (B) Sells the manufactured dwelling to a person who buys the space or lot.

20 (3) A notice given under subsection (1) or (2) of this section shall, at a minimum:

21 (a) State that the landlord is closing the park, or a portion of the park, and converting the land  
22 or leasehold to a different use;

23 (b) Designate the date of closure; and

24 (c) Include the tax notice described in ORS 90.650.

25 (4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant  
26 the full amount required under subsection (1)(b) of this section regardless of whether the tenant  
27 relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the  
28 payment amount to the tenant within seven days after receiving from the tenant the notice described  
29 in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven  
30 days after the tenant ceases to occupy the space.

31 (5) Notwithstanding subsection (1) of this section:

32 (a) A landlord is not required to make a payment to a tenant as provided in subsection (1) of  
33 this section unless the tenant gives the landlord not less than 30 days' and not more than 60 days'  
34 written notice of the date within the 365-day period on which the tenant will cease tenancy, whether  
35 by relocation or abandonment of the manufactured dwelling.

36 (b) If the manufactured dwelling is abandoned:

37 (A) The landlord may condition the payment required by subsection (1) of this section upon the  
38 tenant waiving any right to receive payment under ORS 90.425 or 90.675.

39 (B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufac-  
40 tured dwelling.

41 (6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out of  
42 the manufactured dwelling park prior to the end of the 365-day notice period.

43 (b) A landlord may charge a tenant for rent for any period during which the tenant occupies the  
44 space and may deduct from the payment amount required by subsection (1) of this section any un-  
45 paid moneys owed by the tenant to the landlord.

1 (7) A landlord may not increase the rent for a manufactured dwelling park space after giving a  
2 notice of termination under this section to the tenant of the space.

3 (8) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent  
4 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying  
5 with ORS 105.105 to 105.168.

6 (9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent  
7 domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no  
8 later than 15 days after the landlord receives notice of the exercise of eminent domain or of the  
9 agency order. The notice to the tenants shall be in writing, designate the date of closure, state the  
10 reason for the closure, describe any government relocation benefits known by the landlord to be  
11 available to the tenants and comply with any additional content requirements under ORS 90.650.

12 (10) The [*Office of Manufactured Dwelling Park Community Relations*] **Legislative Ombudsman**  
13 shall adopt rules establishing a sample form for the notice described in subsection (3) of this section.

14 **SECTION 28.** ORS 90.650 is amended to read:

15 90.650. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is  
16 closed, resulting in the termination of the rental agreement between the landlord of the park and  
17 a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent  
18 domain, by order of a federal, state or local agency or as provided under ORS 90.645 (1), the landlord  
19 shall provide notice to the tenant of the tax credit provided under section 82, chapter 843, Oregon  
20 Laws 2007, and section 17, chapter 906, Oregon Laws 2007. The notice shall state the eligibility re-  
21 quirements for the credit, information on how to apply for the credit and any other information re-  
22 quired by the [*Office of Manufactured Dwelling Park Community Relations*] **Legislative Ombudsman**  
23 or the Department of Revenue by rule. The notice shall also state that the closure may allow the  
24 taxpayer to appeal the property tax assessment on the manufactured dwelling.

25 (2) The [*office*] **ombudsman** shall adopt rules establishing a sample form for the notice described  
26 in this section and the notice described in ORS 90.645 (3).

27 (3) The department, in consultation with the [*office*] **ombudsman**, shall adopt rules establishing  
28 a sample form and explanation for the property tax assessment appeal.

29 (4) The [*office*] **ombudsman** may adopt rules to administer this section.

30 **SECTION 29.** ORS 90.650, as amended by section 7a, chapter 906, Oregon Laws 2007, is  
31 amended to read:

32 90.650. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is  
33 closed, resulting in the termination of the rental agreement between the landlord of the park and  
34 a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent  
35 domain, by order of a federal, state or local agency or as provided under ORS 90.645 (1), the landlord  
36 shall provide notice to the tenant that the closure may allow the taxpayer to appeal the property  
37 tax assessment on the manufactured dwelling.

38 (2) The Department of Revenue, in consultation with the [*Office of Manufactured Dwelling Park*  
39 *Community Relations*] **Legislative Ombudsman**, shall adopt rules establishing a sample form and  
40 explanation for the property tax assessment appeal.

41 (3) The [*office*] **ombudsman** may adopt rules to administer this section.

42 **SECTION 30.** ORS 90.655 is amended to read:

43 90.655. (1) A landlord that gives a notice of termination under ORS 90.645 shall, at the same  
44 time, send one copy of the notice to the [*Office of Manufactured Dwelling Park Community*  
45 *Relations*] **Legislative Ombudsman** by first class mail. The landlord shall, at the same time, send

1 a copy of the notice, both by first class mail and by certified mail with return receipt requested, for  
 2 each affected manufactured dwelling, to any person:

3 (a) That is not a tenant; and

4 (b)(A) That the landlord actually knows to be an owner of the manufactured dwelling; or

5 (B) That has a lien recorded in the title or ownership document records for the manufactured  
 6 dwelling.

7 (2) A landlord that terminates rental agreements for manufactured dwelling park spaces under  
 8 ORS 90.645 shall, no later than 60 days after the manufactured dwelling park or portion of the park  
 9 closes, report to the [office] **ombudsman**:

10 (a) The number of dwelling unit owners who moved their dwelling units out of the park; and

11 (b) The number of dwelling unit owners who abandoned their dwelling units at the park.

12 **SECTION 31.** ORS 90.771 is amended to read:

13 90.771. (1) In order to foster the role of the [*Office of Manufactured Dwelling Park Community*  
 14 *Relations*] **Legislative Ombudsman** in mediating and resolving disputes between landlords and  
 15 tenants of manufactured dwelling and floating home facilities, the Housing and Community Services  
 16 Department shall establish procedures to maintain the confidentiality of information received by the  
 17 [office] **ombudsman** pertaining to individual landlords and tenants of facilities and to landlord-  
 18 tenant disputes. The procedures must comply with the provisions of this section.

19 (2) Except as provided in subsection (3) of this section, the department shall treat as confidential  
 20 and not disclose:

21 (a) The identity of a landlord, tenant or complainant involved in a dispute or of a person who  
 22 provides information to the department in response to a department investigation of a dispute;

23 (b) Information provided to the department by a landlord, tenant, complainant or other person  
 24 relating to a dispute; or

25 (c) Information discovered by the department in investigating a dispute.

26 (3) The department may disclose:

27 (a) Information described in subsection (2) of this section to a state agency; and

28 (b) Information described in subsection (2) of this section if the landlord, tenant, complainant  
 29 or other person who provided the information being disclosed, or the legal representative thereof,  
 30 consents orally or in writing to the disclosure and specifies to whom the disclosure may be made.  
 31 Only the landlord, tenant, complainant or other person who provided the information to the de-  
 32 partment may authorize or deny the disclosure of the information.

33 (4) This section does not prohibit the department from compiling and disclosing examples and  
 34 statistics that demonstrate information such as the type of dispute, frequency of occurrence and  
 35 geographical area where the dispute occurred if the identity of the landlord, tenant, complainant and  
 36 other persons are protected.

37 **SECTION 32.** ORS 446.543 is amended to read:

38 446.543. [(1) *An Office of Manufactured Dwelling Park Community Relations is established in the*  
 39 *Housing and Community Services Department.*]

40 [(2)] (1) The [*Director of the Housing and Community Services Department*] **Legislative Om-**  
 41 **budsman** shall[, *through the use of office personnel or by other means*]:

42 (a) Undertake, participate in or cooperate with persons and agencies in such conferences, in-  
 43 quiries, meetings or studies as might lead to improvements in manufactured dwelling park landlord  
 44 and tenant relationships;

45 (b) Develop and implement a centralized resource referral program for tenants and landlords to

1 encourage the voluntary resolution of disputes;

2 (c) Maintain a current list of manufactured dwelling parks in the state, indicating the total  
3 number of spaces;

4 (d) Not be directly affiliated, currently or previously, in any way with a manufactured dwelling  
5 park within the preceding two years; and

6 (e) Take other actions or perform such other duties as the [*director*] **ombudsman** deems neces-  
7 sary or appropriate, including but not limited to coordinating or conducting tenant resource fairs,  
8 providing tenant counseling and service referrals related to park closures and providing outreach  
9 services to educate tenants regarding tenant rights and responsibilities and the availability of ser-  
10 vices.

11 [(3)] (2) The [*office*] **ombudsman** shall adopt rules to administer ORS 90.645 and 90.655.

12 **SECTION 33.** ORS 656.709 is amended to read:

13 656.709. [(1)(a) *The Director of the Department of Consumer and Business Services, with the con-*  
14 *currence of the Governor, shall appoint an ombudsman for injured workers. The ombudsman is under*  
15 *the supervision and control of the director and, with the concurrence of the Governor, the director may*  
16 *terminate the ombudsman.*]

17 [(b)] (1) The **Legislative Ombudsman** [*for injured workers*] shall:

18 [(A)] (a) Act as an advocate for injured workers by accepting, investigating and attempting to  
19 resolve complaints concerning matters related to workers' compensation;

20 [(B)] (b) Provide information to injured workers to enable them to protect their rights in the  
21 workers' compensation system; and

22 [(C)] (c) Report to the **Legislative Assembly, the Governor and the Department of Con-**  
23 **sumer and Business Services** in writing at least once each quarter. [A] **The** report shall include  
24 a summary of the services that the ombudsman provided during the quarter and the ombudsman's  
25 recommendations for improving ombudsman services and for protecting workers' rights in the  
26 workers' compensation system.

27 [(2)(a) *The Director of the Department of Consumer and Business Services, with the concurrence*  
28 *of the Governor, shall appoint an ombudsman for small business. The ombudsman is under the super-*  
29 *vision and control of the director and, with the concurrence of the Governor, the director may terminate*  
30 *the ombudsman.*]

31 [(b)] (2) The **Legislative Ombudsman** [*for small business*] shall:

32 [(A)] (a) Provide information and assistance to small businesses with regard to workers' com-  
33 pensation insurance and claims processing matters; and

34 [(B)] (b) Report to the **Legislative Assembly, the Governor and the Department of Con-**  
35 **sumer and Business Services** in writing at least once each quarter. [A] **The** report shall include  
36 a summary of the services that the ombudsman provided during the quarter and the ombudsman's  
37 recommendations for improving ombudsman services and for providing information and assistance  
38 to small businesses with regard to workers' compensation insurance and claims processing matters.

39 **SECTION 34.** ORS 195.320, 417.810, 423.400, 423.405, 423.410, 423.415, 423.425, 423.430,  
40 423.435, 423.445 and 423.450 are repealed.

41 **SECTION 35.** In addition to and not in lieu of any other appropriation, there is appro-  
42 priated to the Legislative Assembly, for the biennium beginning July 1, 2011, out of the  
43 General Fund, the amount of \$\_\_\_\_\_, which may be expended only for the purposes of  
44 sections 1 to 13 of this 2011 Act.

45 **SECTION 36.** When employing deputies under section 2 of this 2011 Act, the Legislative



1 **Ombudsman shall consider first persons whose positions are abolished by section 11 of this**  
2 **2011 Act.**

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