

Senate Bill 1016

Sponsored by Senator FERRIOLI

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 State Ombudsman, appointed by Governor. Defines duties and authority of ombudsman.

Abolishes Office of Children's Advocate, Compensation and Conservation Ombudsman, position of Corrections Ombudsman, Oregon Health Authority positions for providing ombudsman services, Office of Manufactured Dwelling Park Community Relations, positions of ombudsman for injured workers and ombudsman for small business in Department of Consumer and Business Services and positions in Department of Transportation for providing ombudsman services. Transfers powers, duties and functions of ombudsmen to State Ombudsman.

A BILL FOR AN ACT

1
2 Relating to ombudsman services; creating new provisions; amending ORS 21.007, 90.643, 90.645,
3 90.650, 90.655, 90.771, 90.842, 90.846, 92.840, 195.322, 195.336, 409.185, 414.712, 417.805, 417.815,
4 417.825, 419B.035, 423.440, 446.543, 656.709 and 807.735 and sections 9 and 20, chapter 855,
5 Oregon Laws 2009; and repealing ORS 182.500, 195.320, 417.810, 423.400, 423.405, 423.410,
6 423.415, 423.420, 423.425, 423.430, 423.435, 423.445 and 423.450.

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

8 **SECTION 1. As used in sections 1 to 9 of this 2017 Act, "agency" has the meaning given**
9 **that term in ORS 183.310.**

10 **SECTION 2. (1) The office of State Ombudsman is established.**

11 **(2) The Governor shall appoint and fix the salary of the State Ombudsman, who holds**
12 **office at the pleasure of the Governor.**

13 **(3) The State Ombudsman must be a person of recognized judgment, objectivity and in-**
14 **tegrity who is qualified by training and experience to analyze problems of public law, ad-**
15 **ministration and policy. The State Ombudsman may not:**

16 **(a) Be actively involved in political party activities;**

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

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

19 **(4) Subject to the approval of the Governor, the State Ombudsman may employ and fix**
20 **the compensation of the deputies the ombudsman considers necessary for the effective con-**
21 **duct of the work under the charge of the ombudsman. An employee of the ombudsman serves**
22 **at the pleasure of the ombudsman.**

23 **SECTION 3. (1) The State Ombudsman may:**

24 **(a) Develop procedures for receiving and processing complaints, conducting investigations**
25 **and reporting findings consistent with sections 1 to 9 of this 2017 Act;**

26 **(b) Examine by subpoena the records and documents of an agency or any employee of**
27 **an agency;**

28 **(c) Enter and inspect without notice any premises of an agency;**

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 (d) Subpoena any person to appear, to give sworn testimony or to produce documentary
2 or other evidence that is reasonably material to an inquiry; and

3 (e) Undertake, participate in or cooperate with persons and agencies in such conferences,
4 inquiries, meetings or studies as might lead to improvements in the functioning of an agency.

5 (2) All public bodies, as defined by ORS 174.109, shall cooperate with the State Ombuds-
6 man and shall promptly provide all information requested by the ombudsman that is relevant
7 to the duties of the ombudsman. Any person that contracts with a public body, as defined
8 by ORS 174.109, shall cooperate with the ombudsman to the extent the ombudsman is inves-
9 tigating matters related to the contract, and shall promptly provide all information requested
10 by the ombudsman that is related to the contract and relevant to the duties of the ombuds-
11 man. An agency or officer of the executive department, as defined by ORS 174.112, shall
12 consult with the Attorney General if there is any legal dispute relating to:

13 (a) Whether confidential or other restricted information may be provided under this
14 subsection to the ombudsman; or

15 (b) Whether the ombudsman is seeking information that is relevant to the duties of the
16 ombudsman.

17 **SECTION 4.** (1) The State Ombudsman may investigate, on complaint or on the
18 ombudsman's own motion, any agency action that is or is alleged to be:

19 (a) Contrary to or inconsistent with law or agency practice;

20 (b) Based on mistaken facts or irrelevant considerations;

21 (c) Inadequately explained when reasons should have been revealed;

22 (d) Inefficiently performed; or

23 (e) Unreasonable, unfair or otherwise objectionable, even though in accordance with law.

24 (2) Notwithstanding subsection (1) of this section, the ombudsman may decide not to in-
25 vestigate because:

26 (a) The complainant could reasonably be expected to use a different remedy or action;

27 (b) The complaint is trivial, frivolous, vexatious or not made in good faith; or

28 (c) The complaint has been too long delayed to justify present examination.

29 **SECTION 5.** The State Ombudsman:

30 (1) Shall give priority to investigating administrative actions that are not otherwise re-
31 viewable by either administrative or judicial action;

32 (2) Shall treat confidentially all matters coming before the ombudsman and the identities
33 of the complainants or witnesses coming before the ombudsman; and

34 (3) May not levy any fees for the submission or investigation of complaints.

35 **SECTION 6.** (1) After investigation of any agency action, the State Ombudsman shall in-
36 form the complainant and the agency of the ombudsman's recommendations and reasons if,
37 in the ombudsman's opinion, the agency or any employee of the agency should:

38 (a) Consider the matter further;

39 (b) Modify or cancel any action;

40 (c) Alter a rule, practice or ruling;

41 (d) Explain more fully the administrative action in question;

42 (e) Rectify an omission; or

43 (f) Take any other action.

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

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

6 **SECTION 7.** (1) A person that files a complaint pursuant to sections 1 to 9 of this 2017
7 Act is not subject to any penalties, sanctions or restrictions because of the complaint.

8 (2) The State Ombudsman and the staff of the ombudsman have the same immunities
9 from civil and criminal liabilities as a judge of this state.

10 (3) The ombudsman and the staff of the ombudsman may not be compelled to testify or
11 produce evidence in any judicial or administrative proceeding about any matter involving the
12 exercise of their official duties except as may be necessary to enforce sections 1 to 9 of this
13 2017 Act.

14 **SECTION 8.** (1) Any person required to testify under section 3 of this 2017 Act shall be
15 accorded the same privileges and immunities, receive the same fees and mileage provided for
16 witnesses under ORS 44.415.

17 (2) Fees and mileage for a witness shall be paid by warrant upon the State Treasurer
18 upon the certificate of the State Ombudsman. No tender of witness fees or mileage in ad-
19 vance shall be necessary.

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

22 **SECTION 9.** If a person intentionally obstructs or hinders the proper and lawful exercise
23 of the powers of the State Ombudsman, or intentionally misleads or attempts to mislead the
24 ombudsman in inquiries under sections 1 to 9 of this 2017 Act, a judge of the circuit court
25 for the county in which the office of the ombudsman is located, upon the application of the
26 ombudsman, shall compel obedience by proceedings for contempt in the same manner as
27 disobedience of the requirements of a subpoena issued from the court or a refusal to testify
28 in the court.

29 **SECTION 10.** When employing deputies under section 2 of this 2017 Act, the State Om-
30 budsman shall consider first persons whose positions are abolished by section 11 of this 2017
31 Act.

32 **SECTION 11.** (1) The Office of Children's Advocate, the Compensation and Conservation
33 Ombudsman, the position of Corrections Ombudsman, the positions in the Oregon Health
34 Authority for providing ombudsman services required by ORS 414.712, the Office of Manu-
35 factured Dwelling Park Community Relations, the positions of ombudsman for injured
36 workers and ombudsman for small business in the Department of Consumer and Business
37 Services and the positions in the Department of Transportation for providing ombudsman
38 services under ORS 807.735 are abolished.

39 (2) On January 1, 2018, the tenure of persons serving in the following positions and of the
40 staff supporting the positions ceases:

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

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

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

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

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

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

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

7 (h) The positions in the Department of Transportation for providing ombudsman services
8 under ORS 807.735.

9 (3) Except for the office of the Long Term Care Ombudsman established under ORS
10 441.403, an agency as defined in ORS 183.310 may not permit an employee of the agency to
11 use the title "ombudsman."

12 SECTION 12. There are imposed upon, transferred to and vested in the State Ombudsman
13 the duties, functions and powers of the Children's Advocate, the Compensation and Conser-
14 vation Ombudsman, the Corrections Ombudsman, the Oregon Health Authority for providing
15 ombudsman services required by ORS 414.712, the Office of Manufactured Dwelling Park
16 Community Relations, the ombudsman for injured workers and the ombudsman for small
17 business in the Department of Consumer and Business Services and the Department of
18 Transportation for providing ombudsman services under ORS 807.735.

19 SECTION 13. (1) The rights and obligations of the Children's Advocate, the Compensation
20 and Conservation Ombudsman, the Corrections Ombudsman, the Oregon Health Authority
21 for providing ombudsman services required by ORS 414.712, the Office of Manufactured
22 Dwelling Park Community Relations, the ombudsman for injured workers and the ombuds-
23 man for small business in the Department of Consumer and Business Services and the De-
24 partment of Transportation for providing ombudsman services under ORS 807.735 legally
25 incurred under contracts, leases and business transactions executed, entered into or begun
26 before the effective date of this 2017 Act are transferred to the State Ombudsman.

27 (2) For the purpose of succession of the rights and obligations transferred under this
28 section, the State Ombudsman is considered to be a continuation of the Children's Advocate,
29 the Compensation and Conservation Ombudsman, the Corrections Ombudsman, the Oregon
30 Health Authority for providing ombudsman services required by ORS 414.712, the Office of
31 Manufactured Dwelling Park Community Relations, the ombudsman for injured workers and
32 the ombudsman for small business in the Department of Consumer and Business Services
33 and the Department of Transportation for providing ombudsman services under ORS 807.735,
34 and not a new authority. The State Ombudsman shall exercise the rights and obligations as
35 if they had not been transferred.

36 (3) All the records and property of the Children's Advocate, the Compensation and Con-
37 servation Ombudsman, the Corrections Ombudsman, the Oregon Health Authority for pro-
38 viding ombudsman services required by ORS 414.712, the Office of Manufactured Dwelling
39 Park Community Relations, the ombudsman for injured workers and the ombudsman for
40 small business in the Department of Consumer and Business Services and the Department
41 of Transportation for providing ombudsman services under ORS 807.735 are transferred to
42 the State Ombudsman.

43 SECTION 14. (1) The unexpended balances of amounts authorized to be expended by the
44 Children's Advocate, the Compensation and Conservation Ombudsman, the Corrections Om-
45 budsman, the Oregon Health Authority for providing ombudsman services required by ORS

1 **414.712, the Office of Manufactured Dwelling Park Community Relations, the ombudsman for**
2 **injured workers and the ombudsman for small business in the Department of Consumer and**
3 **Business Services and the Department of Transportation for providing ombudsman services**
4 **under ORS 807.735 for the biennium beginning July 1, 2017, from revenues dedicated, contin-**
5 **uously appropriated, appropriated or otherwise made available for the purpose of adminis-**
6 **tering and enforcing the duties, functions and powers transferred by section 12 of this 2017**
7 **Act are transferred to and are made available to the State Ombudsman, for the purpose of**
8 **administering and enforcing the duties, functions and powers transferred by section 12 of**
9 **this 2017 Act.**

10 **(2) The expenditure classifications, if any, established by Acts authorizing or limiting**
11 **expenditures by the Children’s Advocate, the Compensation and Conservation Ombudsman,**
12 **the Corrections Ombudsman, the Oregon Health Authority for providing ombudsman ser-**
13 **vices required by ORS 414.712, the Office of Manufactured Dwelling Park Community Re-**
14 **lations, the ombudsman for injured workers and the ombudsman for small business in the**
15 **Department of Consumer and Business Services and the Department of Transportation for**
16 **providing ombudsman services under ORS 807.735 remain applicable to expenditures by the**
17 **State Ombudsman under this section.**

18 **SECTION 15. ORS 182.500, 195.320, 417.810, 423.400, 423.405, 423.410, 423.415, 423.420,**
19 **423.425, 423.430, 423.435, 423.445 and 423.450 are repealed.**

20 **SECTION 16. ORS 409.185 is amended to read:**

21 409.185. (1) The Director of Human Services shall oversee the development of standards and
22 procedures for assessment, investigation and enforcement of child protective services.

23 (2)(a) The Department of Human Services shall take action to implement the provision of child
24 protective services as outlined in ORS 417.705 to 417.800 and based on the recommendations in the
25 1992 “Oregon Child Protective Services Performance Study” published by the University of Southern
26 Maine.

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

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

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

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

38 (f) When the department and law enforcement agencies conduct a joint investigation and as-
39 sessment, the activities of the department and agencies are to be clearly differentiated by the pro-
40 tocols of the county multidisciplinary child abuse team.

41 (g) Nothing in this subsection is intended to be inconsistent with ORS 418.702, 418.747 and
42 418.748 and ORS chapter 419B.

43 (h) In all cases of child abuse for which an investigation is conducted, the department shall
44 provide a child’s parent, guardian or caregiver with a clear written explanation of the investigation
45 process, the court hearing process and the rights of the parent, guardian or caregiver in the abuse

1 investigation and in the court proceedings related to the abuse investigation.

2 (3) Upon receipt of a recommendation of the [*Children's Advocate*] **State Ombudsman** under
3 ORS 417.815 (2)(e), the department shall implement the recommendation or give the [*Children's Ad-*
4 *vocate*] **ombudsman** written notice of an intent not to implement the recommendation.

5 **SECTION 17.** ORS 417.805 is amended to read:

6 417.805. The [*Office of Children's Advocate*] **State Ombudsman** shall maintain a state toll-free
7 telephone line to allow the public to:

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

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

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

13 **SECTION 18.** ORS 417.815 is amended to read:

14 417.815. (1) The [*Office of Children's Advocate*] **State Ombudsman** shall be accessible to the
15 public through the state toll-free telephone line maintained pursuant to ORS 417.805 and through
16 other electronic and written forms of communication. The [*office*] **ombudsman** shall:

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

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

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

24 (d) In cooperation with the department, objectively review the department's systems for handling
25 child abuse cases; and

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

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

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

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

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

37 (d) Inform the department of the [*office's*] **ombudsman's** intention to review the department's
38 action, unless the [*office*] **ombudsman** determines that advance notice will unduly hinder the review;
39 and

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

43 (3) If the [*office*] **ombudsman** has knowledge of confidential information relating to a child in-
44 volved or allegedly involved in child abuse, the [*office*] **ombudsman** shall keep the information
45 confidential from public disclosure. However, the [*office*] **ombudsman** is subject to legal mandates

1 in ORS 418.747 and 418.748 and 419B.005 to 419B.050.

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

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

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

6 or

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

8 (5) If deemed necessary by the [*Children's Advocate*] **ombudsman** for the purposes of carrying
9 out the duties of the [*office*] **ombudsman**, the [*office*] **ombudsman** may conduct criminal records
10 checks pursuant to ORS 181A.200 on a person through the Law Enforcement Data System main-
11 tained by the Department of State Police.

12 **SECTION 19.** ORS 417.825 is amended to read:

13 417.825. (1) In addition to any other fees provided by law, the appropriate agency:

14 (a) When records of live birth are registered with the state, shall pay a \$1 fee on each record
15 of live birth registered with the agency.

16 (b) That issues certified copies of records of live birth for the state or a county, shall collect a
17 \$1 fee on each certified copy of a record of live birth issued by the agency.

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

24 **SECTION 20.** ORS 21.007 is amended to read:

25 21.007. It is the intent of the Legislative Assembly that funding be provided to the following
26 entities by appropriations each biennium to fund programs, services and activities that were funded
27 through court fees before the 2011-2013 biennium:

28 (1) To the counties of this state for the purposes of funding mediation services, conciliation
29 services and other services in domestic relations cases.

30 (2) To the counties of this state for the purposes of funding the operation of law libraries or of
31 providing law library services.

32 (3) To Portland State University and the University of Oregon to fund the programs and ex-
33 penses of the Mark O. Hatfield School of Government and the University of Oregon School of Law
34 under ORS 36.100 to 36.238 and 183.502.

35 (4) To the Housing and Community Services Department for the purpose of funding programs
36 that defray the cost of rent for dwelling units for very low income households.

37 (5) To the Higher Education Coordinating Commission to fund clinical legal education programs
38 at accredited institutions of higher education that provide civil legal services to victims of domestic
39 violence, stalking or sexual assault.

40 (6) To the State Department of Agriculture for the purpose of funding mediation programs es-
41 tablished by the department, other than individual farm credit mediations.

42 (7) To the Judicial Department for the purposes of funding the appellate settlement program
43 established under ORS 2.560.

44 (8) To the Department of Human Services for [*the funding of the Office of Children's Advocate*]
45 **use by the State Ombudsman for the administration of ORS 417.805 and 417.815.**

1 **SECTION 21.** ORS 419B.035 is amended to read:

2 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and
3 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records
4 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
5 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
6 ment of Human Services shall make the records available to:

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

9 (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-
10 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant
11 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse
12 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-
13 tion, care or treatment;

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

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

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

22 (f) The Office of Child Care for certifying, registering or otherwise regulating child care facili-
23 ties;

24 (g) The *[Office of Children's Advocate]* **State Ombudsman**;

25 (h) The Teacher Standards and Practices Commission for investigations conducted under ORS
26 342.176 involving any child or any student in grade 12 or below;

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

31 (j) The Office of Child Care for purposes of ORS 329A.030 (8)(g).

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

38 (b) If the Department of Human Services does not have a report or record of abuse regarding
39 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS
40 161.015, the department may disclose that information.

41 (3) The Department of Human Services may make reports and records compiled under the pro-
42 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,
43 agency, organization or other entity when the department determines that such disclosure is neces-
44 sary to administer its child welfare services and is in the best interests of the affected child, or that
45 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect

1 children from abuse and neglect or for research when the Director of Human Services gives prior
2 written approval. The Department of Human Services shall adopt rules setting forth the procedures
3 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this
4 section. The name, address and other identifying information about the person who made the report
5 may not be disclosed pursuant to this subsection and subsection (1) of this section.

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

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

22 (6)(a) Any record made available to a law enforcement agency or community corrections agency
23 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-
24 vision or to a physician, physician assistant or nurse practitioner in this state, as authorized by
25 subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board,
26 physician, physician assistant or nurse practitioner. Any record or report disclosed by the Depart-
27 ment of Human Services to other persons or entities pursuant to subsections (1) and (3) of this sec-
28 tion shall be kept confidential.

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

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

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

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

41 (8) As used in this section, "law enforcement agency" has the meaning given that term in ORS
42 181A.010.

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

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

45 195.322. (1) For the purpose of helping to ensure that a claim is complete, as described in ORS

1 195.312, the [*Compensation and Conservation Ombudsman*] **State Ombudsman** may review a pro-
2 posed claim if the review is requested by a claimant that intends to file a claim under ORS 195.305
3 and 195.310 to 195.314.

4 (2) At the request of the claimant or the public entity reviewing a claim, the ombudsman may
5 facilitate resolution of issues involving a claim under ORS 195.305 to 195.336 and sections 5 to 11,
6 chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections
7 2 to 7, chapter 8, Oregon Laws 2010.

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

9 195.336. (1) The Compensation and Conservation Fund is established in the State Treasury, sep-
10 arate and distinct from the General Fund. Interest earned on moneys in the Compensation and
11 Conservation Fund shall be credited to the fund. The fund consists of moneys received by the De-
12 partment of Land Conservation and Development under ORS 195.305 to 195.336 and sections 5 to 11,
13 chapter 424, Oregon Laws 2007, sections 2 to 9, 17 and 18, chapter 855, Oregon Laws 2009, and
14 sections 2 to 7, chapter 8, Oregon Laws 2010, and other moneys available to the department for the
15 purpose described in subsection (2) of this section.

16 (2) Moneys in the fund are continuously appropriated to the department for the purpose of
17 paying expenses incurred to review claims under ORS 195.305 to 195.336 and sections 5 to 11,
18 chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and sections
19 2 to 7, chapter 8, Oregon Laws 2010, and for the purpose of paying the expenses of the [*Compen-*
20 *sation and Conservation Ombudsman appointed under ORS 195.320*] **State Ombudsman related to**
21 **facilitating resolution of issues involving a claim under ORS 195.305 to 195.336 and sections**
22 **5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009,**
23 **and sections 2 to 7, chapter 8, Oregon Laws 2010.**

24 **SECTION 24.** Section 9, chapter 855, Oregon Laws 2009, is amended to read:

25 **Sec. 9.** Notwithstanding the requirement of section 8 (4), chapter 424, Oregon Laws 2007, that
26 the Department of Land Conservation and Development review claims in the order received, upon
27 a recommendation of the [*Compensation and Conservation Ombudsman appointed under ORS*
28 *195.320*] **State Ombudsman** that a hardship exists, made in the discretion of the ombudsman, the
29 Director of the Department of Land Conservation and Development may, in the discretion of the
30 director, advance up to 100 claims for priority processing in cases of demonstrated hardship.

31 **SECTION 25.** Section 20, chapter 855, Oregon Laws 2009, is amended to read:

32 **Sec. 20.** (1) Notwithstanding the requirement of section 8 (4), chapter 424, Oregon Laws 2007,
33 that the Department of Land Conservation and Development review claims in the order received,
34 upon a recommendation of the [*Compensation and Conservation Ombudsman appointed under ORS*
35 *195.320*] **State Ombudsman** that a hardship exists, made in the discretion of the ombudsman, the
36 Director of the Department of Land Conservation and Development may, in the discretion of the
37 director, advance up to 100 claims for priority processing in cases of demonstrated hardship.

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

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

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

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

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

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

1 **SECTION 26.** ORS 423.440 is amended to read:

2 423.440. (1) A letter to the [*Corrections Ombudsman*] **State Ombudsman** from a person held in
3 custody, including by detention, incarceration and hospitalization, by the Department of Corrections
4 shall be forwarded immediately, unopened, to the [*Corrections Ombudsman*] **ombudsman**. A letter
5 from the [*Corrections Ombudsman*] **ombudsman** to such person shall be immediately delivered, un-
6 opened, to the person.

7 **(2) The ombudsman may bring suit in the Circuit Court for Marion County to enforce this**
8 **section.**

9 [*(2) No person who files a complaint pursuant to ORS 423.400 to 423.450 shall be subject to any*
10 *penalties, sanctions or restrictions because of such complaint.*]

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

13 [*(4) The Corrections Ombudsman and the staff of the ombudsman shall not be compelled to testify*
14 *or produce evidence in any judicial or administrative proceeding with respect to any matter involving*
15 *the exercise of their official duties except as may be necessary to enforce ORS 423.400 to 423.450.*]

16 **SECTION 27.** ORS 414.712 is amended to read:

17 414.712. The Oregon Health Authority shall provide health services under ORS 414.631, 414.651
18 and 414.688 to 414.745 to eligible persons who are determined eligible for medical assistance as de-
19 fined in ORS 414.025. The Oregon Health Authority shall also provide the following:

20 (1) [*Ombudsman*] **Services of the State Ombudsman** for individuals who receive medical as-
21 sistance under ORS 411.706 and for recipients who are members of coordinated care organizations.
22 [*With the concurrence of the Governor and the Oregon Health Policy Board, the Director of the Oregon*
23 *Health Authority shall appoint ombudsmen and may terminate an ombudsman. Ombudsmen are under*
24 *the supervision and control of the director. An*] **The ombudsman** shall serve as a recipient's advocate
25 whenever the recipient or a physician or other medical personnel serving the recipient is reasonably
26 concerned about access to, quality of or limitations on the care being provided by a health care
27 provider or a coordinated care organization. [*Recipients shall be informed of the*] **The authority**
28 **shall inform patients of the** availability of [*an*] **the ombudsman**. [*Ombudsmen*] **The ombudsman**
29 shall report to the Governor and the Oregon Health Policy Board in writing at least once each
30 quarter. [*A*] **The** report shall include a summary of the services that the ombudsman provided during
31 the quarter and the ombudsman's recommendations for improving ombudsman services and access
32 to or quality of care provided to eligible persons by health care providers and coordinated care or-
33 ganizations.

34 (2) Case management services in each health care provider organization or coordinated care
35 organization for those individuals who receive assistance under ORS 411.706. Case managers shall
36 be trained in and shall exhibit skills in communication with and sensitivity to the unique health care
37 needs of individuals who receive assistance under ORS 411.706. Case managers shall be reasonably
38 available to assist recipients served by the organization with the coordination of the recipient's
39 health services at the reasonable request of the recipient or a physician or other medical personnel
40 serving the recipient. Recipients shall be informed of the availability of case managers.

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

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

45 (5) Due process procedures for any individual whose request for medical assistance coverage for

1 any treatment or service is denied or is not acted upon with reasonable promptness. These proce-
 2 dures shall include an expedited process for cases in which a recipient's medical needs require swift
 3 resolution of a dispute. [An] **The State** Ombudsman [*described in subsection (1) of this section*] may
 4 not act as the recipient's representative during any grievance or hearing process.

5 **SECTION 28.** ORS 90.643 is amended to read:

6 90.643. (1) A manufactured dwelling park may be converted to a planned community subdivision
 7 of manufactured dwellings pursuant to ORS 92.830 to 92.845. When a manufactured dwelling park is
 8 converted pursuant to ORS 92.830 to 92.845:

9 (a) Conversion does not require closure of the park pursuant to ORS 90.645 or termination of
 10 any tenancy on any space in the park or any lot in the planned community subdivision of manufac-
 11 tured dwellings.

12 (b) After approval of the tentative plan under ORS 92.830 to 92.845, the manufactured dwelling
 13 park ceases to exist, notwithstanding the possibility that four or more lots in the planned community
 14 subdivision may be available for rent.

15 (2) If a park is converted to a subdivision under ORS 92.830 to 92.845, and the landlord closes
 16 the park as a result of the conversion, ORS 90.645 applies to the closure.

17 (3) If a park is converted to a subdivision under ORS 92.830 to 92.845, but the landlord does not
 18 close the park as a result of the conversion:

19 (a) A tenant who does not buy the space occupied by the tenant's manufactured dwelling may
 20 terminate the tenancy and move. If the tenant terminates the tenancy after receiving the notice
 21 required by ORS 92.839 and before the expiration of the 60-day period described in ORS 92.840 (2),
 22 the landlord shall pay the tenant as provided in ORS 90.645 (1)(b).

23 (b) If the landlord and the tenant continue the tenancy on the lot created in the planned com-
 24 munity subdivision, the tenancy is governed by ORS 90.100 to 90.465, except that the following pro-
 25 visions apply and, in the case of a conflict, control:

26 (A) ORS 90.510 (4) to (7) applies to a rental agreement and rules and regulations concerning the
 27 use and occupancy of the subdivision lot until the declarant turns over administrative control of the
 28 planned community subdivision of manufactured dwellings to a homeowners association pursuant to
 29 ORS 94.600 and 94.604 to 94.621. The landlord shall provide each tenant with a copy of the bylaws,
 30 rules and regulations of the homeowners association at least 60 days before the turnover meeting
 31 described in ORS 94.609.

32 (B) ORS 90.530 applies regarding pets.

33 (C) ORS 90.545 applies regarding the extension of a fixed term tenancy.

34 (D) ORS 90.600 (1) to (4) applies to an increase in rent.

35 (E) ORS 90.620 applies to a termination by a tenant.

36 (F) ORS 90.630 applies to a termination by a landlord for cause. However, the sale of a lot in
 37 the planned community subdivision occupied by a tenant to someone other than the tenant is a good
 38 cause for termination under ORS 90.630 that the tenant cannot cure or correct and for which the
 39 landlord must give written notice of termination that states the cause of termination at least 180
 40 days before termination.

41 (G) ORS 90.632 applies to a termination of tenancy by a landlord due to the physical condition
 42 of the manufactured dwelling.

43 (H) ORS 90.634 applies to a lien for manufactured dwelling unit rent.

44 (I) ORS 90.680 applies to the sale of a manufactured dwelling occupying a lot in the planned
 45 community subdivision. If the intention of the buyer of the manufactured dwelling is to leave the

1 dwelling on the lot, the landlord may reject the buyer as a tenant if the buyer does not buy the lot
2 also.

3 (J) ORS 90.710 applies to a cause of action for a violation of ORS 90.510 (4) to (7), 90.630, 90.680
4 or 90.765.

5 (K) ORS 90.725 applies to landlord access to a rented lot in a planned community subdivision.

6 (L) ORS 90.730 (2), (3), (4) and (7) apply to the duty of a landlord to maintain a rented lot in a
7 habitable condition.

8 (M) ORS 90.750 applies to the right of a tenant to assemble or canvass.

9 (N) ORS 90.755 applies to the right of a tenant to speak on political issues and to post political
10 signs.

11 (O) ORS 90.765 applies to retaliatory conduct by a landlord.

12 (P) ORS 90.771 applies to the confidentiality of information provided to the [*Office of Manufac-*
13 *tured Dwelling Park Community Relations of the Housing and Community Services Department*] **State**
14 **Ombudsman** about disputes.

15 **SECTION 29.** ORS 90.645, as amended by section 2a, chapter 906, Oregon Laws 2007, is
16 amended to read:

17 90.645. (1) If a manufactured dwelling park, or a portion of the park that includes the space for
18 a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than
19 as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain
20 or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed
21 term rental agreement for a manufactured dwelling park space:

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

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

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

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

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

29 (2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling
30 park under this section as a result of converting the park to a subdivision under ORS 92.830 to
31 92.845, the landlord:

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

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

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

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

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

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

41 (b) Designate the date of closure; and

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

43 (4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant
44 the full amount required under subsection (1)(b) of this section regardless of whether the tenant
45 relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the

1 payment amount to the tenant within seven days after receiving from the tenant the notice described
 2 in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven
 3 days after the tenant ceases to occupy the space.

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

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

9 (b) If the manufactured dwelling is abandoned:

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

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

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

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

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

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

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

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

32 **SECTION 30.** ORS 90.650 is amended to read:

33 90.650. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is
 34 closed, resulting in the termination of the rental agreement between the landlord of the park and
 35 a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent
 36 domain, by order of a federal, state or local agency or as provided under ORS 90.645 (1), the landlord
 37 shall provide notice to the tenant of the tax credit provided under section 17, chapter 906, Oregon
 38 Laws 2007. The notice shall state the eligibility requirements for the credit, information on how to
 39 apply for the credit and any other information required by the [*Office of Manufactured Dwelling Park*
 40 *Community Relations*] **State Ombudsman** or the Department of Revenue by rule. The notice shall
 41 also state that the closure may allow the taxpayer to appeal the property tax assessment on the
 42 manufactured dwelling.

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

45 (3) The department, in consultation with the [*office*] **ombudsman**, shall adopt rules establishing

1 a sample form and explanation for the property tax assessment appeal.

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

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

5 90.650. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is
6 closed, resulting in the termination of the rental agreement between the landlord of the park and
7 a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent
8 domain, by order of a federal, state or local agency or as provided under ORS 90.645 (1), the landlord
9 shall provide notice to the tenant that the closure may allow the taxpayer to appeal the property
10 tax assessment on the manufactured dwelling.

11 (2) The Department of Revenue, in consultation with the [*Office of Manufactured Dwelling Park*
12 *Community Relations*] **State Ombudsman**, shall adopt rules establishing a sample form and expla-
13 nation for the property tax assessment appeal.

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

15 **SECTION 32.** ORS 90.655 is amended to read:

16 90.655. (1) A landlord that gives a notice of termination under ORS 90.645 shall, at the same
17 time, send one copy of the notice to the [*Office of Manufactured Dwelling Park Community*
18 *Relations*] **State Ombudsman** by first class mail. The landlord shall, at the same time, send a copy
19 of the notice, both by first class mail and by certified mail with return receipt requested, for each
20 affected manufactured dwelling, to any person:

21 (a) That is not a tenant; and

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

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

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

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

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

30 **SECTION 33.** ORS 90.771 is amended to read:

31 90.771. (1) In order to foster the role of the [*Office of Manufactured Dwelling Park Community*
32 *Relations*] **State Ombudsman** in mediating and resolving disputes between landlords and tenants
33 of manufactured dwelling and floating home facilities, the Housing and Community Services De-
34 partment shall establish procedures to maintain the confidentiality of information received by the
35 [office] **ombudsman** pertaining to individual landlords and tenants of facilities and to landlord-
36 tenant disputes. The procedures must comply with the provisions of this section.

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

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

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

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

44 (3) The department may disclose:

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

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

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

10 **SECTION 34.** ORS 90.842 is amended to read:

11 90.842. (1) An owner of a manufactured dwelling park shall give written notice of the owner's
 12 interest in selling the park before the owner markets the park for sale or when the owner receives
 13 an offer to purchase that the owner intends to consider, whichever occurs first.

14 (2) The owner shall give the notice required by subsection (1) of this section to:

15 (a) All tenants of the park; or

16 (b) A tenants committee, if there is an existing committee of tenants formed for purposes in-
 17 cluding the purchase of the park and with which the owner has met in the 12-month period imme-
 18 diately before delivery of the notice.

19 (3) The owner shall also give the notice required by subsection (1) of this section to the [*Office of*
 20 *Manufactured Dwelling Park Community Relations of the Housing and Community Services De-*
 21 *partment*] **State Ombudsman.**

22 (4) The notice must include the following:

23 (a) The owner is considering selling the park.

24 (b) The tenants, through a tenants committee, have an opportunity to compete to purchase the
 25 park.

26 (c) In order to compete to purchase the park, within 10 days after delivery of the notice, the
 27 tenants must form or identify a single tenants committee for the purpose of purchasing the park and
 28 notify the owner in writing of:

29 (A) The tenants' interest in competing to purchase the park; and

30 (B) The name and contact information of the representative of the tenants committee with whom
 31 the owner may communicate about the purchase.

32 (d) The representative of the tenants committee may request financial information described in
 33 ORS 90.844 (2) from the owner within the 10-day period.

34 (e) Information about purchasing a manufactured dwelling park is available from the [*Office of*
 35 *Manufactured Dwelling Park Community Relations of the Housing and Community Services Depart-*
 36 *ment*] **State Ombudsman.**

37 **SECTION 35.** ORS 90.846 is amended to read:

38 90.846. (1) During the process described in ORS 90.842 to 90.850, the parties shall act in a
 39 commercially reasonable manner.

40 (2) Except as provided in ORS 90.848, before selling a manufactured dwelling park to an entity
 41 that is not formed by or associated with the tenants, the owner of the park must give the notice
 42 required by ORS 90.842 and comply with the requirements of ORS 90.844.

43 (3) A minor error in providing the notice required by ORS 90.842 or in providing the financial
 44 information required by ORS 90.844 does not prevent the owner from selling the park to an entity
 45 that is not formed by or associated with the tenants and does not cause the owner to be liable to

1 the tenants for damages or a penalty.

2 (4) During the process described in ORS 90.842 to 90.850, the owner may seek, or negotiate with,
3 potential purchasers other than the tenants or an entity formed by or associated with the tenants.

4 (5) If the owner does not comply with requirements of this section and ORS 90.842 and 90.844,
5 in a substantial way that prevents the tenants from competing to purchase the park, the tenants
6 may:

7 (a) Obtain injunctive relief to prevent a sale or transfer to an entity that is not formed by or
8 associated with the tenants when the owner has not caused an affidavit to be recorded before the
9 sale or transfer pursuant to ORS 90.850.

10 (b) Recover actual damages or twice the rent from the owner for each tenant, whichever is
11 greater.

12 (6) If a tenant misuses or discloses, in a substantial way, confidential information in violation
13 of a confidentiality agreement described in ORS 90.844, the owner may recover actual damages from
14 the tenant.

15 (7) The [*Office of Manufactured Dwelling Park Community Relations of the Housing and Commu-*
16 *nity Services Department*] **State Ombudsman** shall prepare and make available information for ten-
17 ants about purchasing a manufactured dwelling park.

18 **SECTION 36.** ORS 92.840 is amended to read:

19 92.840. (1) Notwithstanding the provisions of ORS 92.016 (1), prior to the approval of a tentative
20 plan, the declarant may negotiate to sell a lot for which approval is required under ORS 92.830 to
21 92.845.

22 (2) Prior to the sale of a lot, the declarant shall offer to sell the lot to the tenant who occupies
23 the lot. The offer required under this subsection:

24 (a) Terminates 60 days after receipt of the offer by the tenant or upon written rejection of the
25 offer, whichever occurs first; and

26 (b) Does not constitute a notice of termination of the tenancy.

27 (3) For 60 days after termination of the offer required under subsection (2) of this section, the
28 declarant may not sell the lot to a person other than the tenant at a price or on terms that are more
29 favorable to the purchaser than the price or terms that were offered to the tenant.

30 (4) After the manufactured dwelling park or mobile home park has been submitted for subdivi-
31 sion under ORS 92.830 to 92.845 and until a lot is offered for sale in accordance with subsection (2)
32 of this section, the declarant shall notify a prospective tenant, in writing, prior to the commence-
33 ment of the tenancy, that the park has been submitted for subdivision and that the tenant is entitled
34 to receive an offer to purchase the lot under subsection (2) of this section.

35 (5) Prior to the sale of a lot in a subdivision created by conversion of the park, the declarant
36 must provide the tenant or other potential purchaser of the lot with information about the home-
37 owners association formed by the declarant as required by ORS 94.625. The information must, at a
38 minimum, include the association name and type and any rights set forth in the declaration required
39 by ORS 94.580.

40 (6) The declarant may not begin improvements or rehabilitation to the lot during the period
41 described in the landlord's notice of termination under ORS 90.645 without the permission of the
42 tenant.

43 (7) The declarant may begin improvements or rehabilitation to the common property as defined
44 in the declaration during the period described in the landlord's notice of termination under ORS
45 90.645.

1 (8) If the tenant does not buy the lot occupied by the tenant's manufactured dwelling or mobile
 2 home, the declarant and the tenant may continue the tenancy on the lot after approval of the ten-
 3 tative plan. The rights and responsibilities of tenants who continue their tenancy on the lot in the
 4 planned community subdivision of manufactured dwellings are set out in ORS 90.643.

5 (9) After approval of the tentative plan and the period provided by subsection (2)(a) of this sec-
 6 tion, the declarant shall promptly:

7 (a) Notify the [*Office of Manufactured Dwelling Park Community Relations of the Housing and*
 8 *Community Services Department*] **State Ombudsman** of the approval.

9 (b) Provide the [*office*] **ombudsman** with a street address for each lot in the planned community
 10 subdivision of manufactured dwellings that remains available for rental use.

11 (10) Nothing in this section prevents the declarant from terminating a tenancy in the park in
 12 compliance with ORS 90.630, 90.632 and 90.645. However, the declarant shall make the offer required
 13 under subsection (2) of this section to a tenant whose tenancy is terminated after approval of the
 14 tentative plan unless the termination is for cause under ORS 90.392, 90.394, 90.396, 90.630 (1) or (8)
 15 or 90.632.

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

17 446.543. [(1) *An Office of Manufactured Dwelling Park Community Relations is established in the*
 18 *Housing and Community Services Department.*]

19 [(2)] (1) The [*Director of the Housing and Community Services Department*] **State Ombudsman**
 20 shall[, *through the use of office personnel or by other means*]:

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

24 (b) Develop and implement a centralized resource referral program for tenants and landlords to
 25 encourage the voluntary resolution of disputes;

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

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

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

35 [(3)] (2) The [*office*] **ombudsman** shall adopt rules to administer ORS 90.645 and 90.655.

36 **SECTION 38.** ORS 656.709 is amended to read:

37 656.709. [(1)(a) *The Director of the Department of Consumer and Business Services, with the con-*
 38 *currence of the Governor, shall appoint an ombudsman for injured workers. The ombudsman is under*
 39 *the supervision and control of the director and, with the concurrence of the Governor, the director may*
 40 *terminate the ombudsman.*]

41 [(b)] (1) The [*ombudsman for injured workers*] **State Ombudsman** shall:

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

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

1 [(C)] (c) Report to the Governor in writing at least once each quarter. A report shall include a
 2 summary of the services that the ombudsman provided during the quarter and the ombudsman's
 3 recommendations for improving ombudsman services and for protecting workers' rights in the
 4 workers' compensation system.

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

9 [(b)] (2) The [ombudsman for small business] **State Ombudsman** shall:

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

12 [(B)] (b) Report to the Governor in writing at least once each quarter. A report shall include
 13 a summary of the services that the ombudsman provided during the quarter and the ombudsman's
 14 recommendations for improving ombudsman services and for providing information and assistance
 15 to small businesses with regard to workers' compensation insurance and claims processing matters.

16 **SECTION 39.** ORS 807.735 is amended to read:

17 807.735. (1) [*Using existing resources, the Department of Transportation*] **The State Ombudsman**
 18 shall provide ombudsman services to applicants for a driver license, a driver permit or an identifi-
 19 cation card. [*An*] **The** ombudsman shall assist applicants who are otherwise qualified for issuance,
 20 renewal or replacement of a driver license, a driver permit or an identification card but who are
 21 unable to produce the documentation required by the Department **of Transportation** under ORS
 22 807.021 and 807.730.

23 (2) The [*department*] **ombudsman** may not provide ombudsman services to an applicant unless
 24 the applicant certifies in writing that the applicant is, to the best of the applicant's knowledge, le-
 25 gally present in the United States.