

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 319

82nd Oregon Legislative Assembly – 2023 Regular Session
Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Provides that person who contracts with public body to provide services for purposes of community restoration or to restore fitness to proceed is state officer, employee, or agent for purposes of indemnification under Oregon Tort Claims Act under certain circumstances.

Government Unit(s) Affected:

Judicial Department, Psychiatric Security Review Board, Department of Justice, Oregon Health Authority, Department of Administrative Services

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

The measure provides that under certain circumstances involving specified services for the purpose of community restoration or to restore fitness to proceed, the person contracting with a public body is a state officer, employee, or agent for purposes of indemnification under the Oregon Tort Claims Act (OTCA). The measure is effective January 1, 2024 and applies to claims arising on or after the effective date.

Department of Administrative Services (DAS)

The DAS, Risk Management Division reports that the measure would require the agency to pay for defense and tort claims, using monies from the Insurance Fund, for any person who contracts with a public body for the purpose of community restoration or to restore fitness to proceed. DAS RM is unable to estimate the cost at this time, however, the agency anticipates an increase in the number of persons who will be covered under the provisions of this measure. Once actual caseload is determined, the Insurance Fund would need additional funding to fulfil the requirements of the measure.

Department of Justice (DOJ)

DOJ reports that the Trial Division anticipates an increase in tort litigation costs for defending state officers, employees, or agents, as defined under the measure, however, DOJ is unable to estimate the cost at this time. Any legal work DOJ undertakes will be billed to the Department of Administrative Services Risk Fund.

Other Entities

There is no fiscal impact to the Oregon Judicial Department, Oregon Health Authority, and Psychiatric Security Review Board.