

Enrolled Senate Bill 493

Sponsored by Senator GELSER, Representative PILUSO; Representatives HAYDEN, KENY-GUYER
(Presession filed.)

CHAPTER

AN ACT

Relating to the Oregon Human Rights Commission; creating new provisions; and amending ORS 427.109.

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

SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS chapter 427.

SECTION 2. (1) The Oregon Human Rights Commission is established within the Department of Human Services. The commission consists of nine members appointed by the Governor for not more than two consecutive three-year terms. The purpose of the commission is to safeguard the dignity and basic human rights of individuals who have an intellectual or developmental disability.

(2) The Governor shall appoint the following members who shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and 171.565:

(a) One member who is an individual who has an intellectual or developmental disability and who receives services under ORS 427.007.

(b) One member who is a family member of an individual who has an intellectual or developmental disability.

(c) One member who is a sibling of an individual who has an intellectual or developmental disability.

(d) One member who is a self-advocate for the rights of individuals who have intellectual or developmental disabilities and who represents, in a professional capacity, an organization that promotes disability self-advocacy.

(e) Two members who are representatives from a disabilities advocacy organization.

(f) One member who is a service provider as defined in ORS 427.101.

(g) One member who represents the Department of Human Services.

(h) One member who is an expert regarding behavioral intervention models that have been approved by the Department of Human Services.

(3) In making appointments, the Governor shall solicit and consider recommendations from the Oregon Council on Developmental Disabilities and Disability Rights Oregon and shall make appointments in consideration of the different geographical regions of the state.

(4) The commission may appoint any medical, behavioral and educational professionals as the commission deems necessary to assist the commission in an advisory capacity only.

(5) A majority of the members of the commission constitutes a quorum for the transaction of business.

(6) Official action by the commission requires the approval of a majority of the members of the commission.

(7) The commission shall elect one of its members to serve as chairperson.

(8) If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective.

(9) The commission shall meet at times and places specified by the call of the chairperson or of a majority of the members of the commission.

(10) The commission may adopt any rules the commission considers necessary for the commission to carry out its duties under this section and ORS 427.109.

SECTION 3. The Oregon Human Rights Commission shall establish by rule a statewide regional advisory committee system. At a minimum, the system shall establish a process by which the regional advisory committees may conduct informational hearings regarding the violation of the rights of individuals who have intellectual or developmental disabilities and relay the information received to the commission for the commission's consideration in adopting rules.

SECTION 4. ORS 427.109 is amended to read:

427.109. *[The Department of Human Services shall promote dispute resolution procedures for persons receiving developmental disability services from the department, including but not limited to grievance procedures, contested case hearings and mediation. An individual who files a grievance may also use other dispute resolution procedures.]*

(1) The Oregon Human Rights Commission established under section 2 of this 2019 Act shall receive complaints of violations of the rights afforded to an individual under ORS 427.107. With the consent of the individual, the individual's guardian or any representative designated by the individual, the commission may request and receive information from the Department of Human Services that is relevant to a complaint. The commission shall have the right to meet with the Director of Human Services or a designee of the director to resolve a complaint.

(2)(a) All confidential information received by the commission under this section must remain confidential and may be disclosed only in accordance with state and federal laws.

(b) Commission members and staff may not make any public comment or publicly disclose any materials that relate to the personally identifiable information of an individual who alleges a violation or who appears before the commission under subsection (1) of this section.

Passed by Senate April 18, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 30, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State