

SENATE AMENDMENTS TO SENATE BILL 47

By COMMITTEE ON RULES

April 8

1 On page 1 of the printed bill, delete lines 3 through 10 and insert “409.162, 411.072, 411.093,
2 411.877, 411.890, 411.892, 411.896, 412.009, 430.631 and 442.870; and repealing ORS 31.280, 182.310,
3 182.320, 182.330, 182.360, 411.075, 411.886, 411.888, 430.050, 431A.300, 431A.303, 431A.305, 431A.308,
4 431A.310, 431A.313, 431A.315, 431A.318, 431A.320, 431A.323, 431A.325, 431A.500, 431A.505 and
5 431A.510.”.

6 Delete lines 17 through 30 and delete pages 2 through 8.

7 On page 9, delete lines 1 through 38.

8 In line 41, delete “10” and insert “2”.

9 Delete lines 43 through 45.

10 On page 10, delete lines 1 through 17 and insert:

“FAMILY SERVICES REVIEW COMMISSION

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14 “**SECTION 3. ORS 411.075 is repealed.**

15 “**SECTION 4.** ORS 409.162 is amended to read:

16 “409.162. (1) The Department of Human Services shall collaborate with its existing advisory
17 groups to identify and implement workload efficiencies in the state agencies that administer pro-
18 grams providing:

19 “(a) Child welfare services under ORS 418.005;

20 “(b) Temporary assistance for needy families under ORS 412.006;

21 “(c) Nutritional assistance under ORS 411.816;

22 “(d) Medical assistance eligibility determinations under ORS 411.404;

23 “(e) Services to elderly persons and to persons with disabilities under ORS 410.070 and 412.014;

24 and

25 “(f) Vocational rehabilitation services under ORS 344.530.

26 “(2) The department shall collaborate with the following advisory groups and other groups des-
27 ignated by the department in identifying and implementing workload efficiencies:

28 “(a) The advisory committee created by ORS 418.005 (2).

29 “[*(b) The Family Services Review Commission established under ORS 411.075.*]

30 “[*(c) (b) The State Independent Living Council established by Executive Order 94-12.*]

31 “[*(d) (c) The advisory committee established under ORS 344.735.*]

32 “[*(e) (d) Area agency advisory councils required under ORS 410.210.*]

33 “[*(f) (e) The Governor’s Commission on Senior Services created by ORS 410.320.*]

34 “**SECTION 5.** ORS 411.072 is amended to read:

35 “411.072. (1) As used in this section ‘policy change’ includes any change in the operation of

1 public assistance programs that affects recipients adversely in any substantial manner, including but
2 not limited to the denial, reduction, modification or delay of benefits. 'Policy change' does not in-
3 clude any procedural change that affects internal management but does not adversely and substan-
4 tially affect the interest of public assistance recipients.

5 "(2) The Department of Human Services may submit applications for waiver of federal statutory
6 or regulatory requirements to the federal government or any agency thereof. Prior to the sub-
7 mission of any application for waiver that involves a policy change, and prior to implementation, the
8 department shall do the following:

9 "(a) Conduct a public process regarding the waiver application or application for waiver re-
10 newals;

11 "(b) Prepare a complete summary of the testimony and written comments received during the
12 public process;

13 "(c) Submit the application for waiver or application for waiver renewals involving a policy
14 change to the legislative review agency, as described in ORS 291.375, and present the summary of
15 testimony and comments described in this section; and

16 "(d) Give notice of the date of its appearance before the Emergency Board[,] **and** the Joint In-
17 terim Committee on Ways and Means or the Joint Committee on Ways and Means in accordance
18 with ORS 183.335[, *and before the Family Services Review Commission*].

19 "**SECTION 6.** ORS 411.093 is amended to read:

20 "411.093. (1) All applicants for and recipients of public assistance shall be treated in a
21 courteous, fair and dignified manner by Department of Human Services personnel.

22 "(2) Any applicant or recipient who alleges discourteous, unfair or undignified treatment by de-
23 partment personnel or alleges that incorrect or inadequate information regarding public assistance
24 programs has been provided by department personnel may file a grievance with the department. The
25 department shall publicize the grievance system in each local office.

26 "(3) The grievance shall be discussed first with the supervisor of the employee against whom the
27 grievance is filed. If the grievance is not resolved, the applicant or recipient may discuss the
28 grievance with the local office manager.

29 "(4) The department shall compile a monthly report summarizing each grievance filed against
30 department personnel and the action taken. The report shall identify each grievance by local office
31 and indicate the number of grievances filed against individual employees. The report shall protect
32 the anonymity of department personnel. The report shall be presented to [*the Family Services Review*
33 *Commission and to*] all county public welfare boards.

34 "**SECTION 7.** ORS 412.009 is amended to read:

35 "412.009. (1) The Legislative Assembly finds that:

36 "(a) There is evidence that families who experience the most disqualifications from the job op-
37 portunity and basic skills program are often those with the most barriers to employment; and

38 "(b) The loss of income from a program disqualification adds strain and creates instability in
39 families already experiencing extreme poverty, and this affects the health and food security of the
40 dependent children in the family.

41 "(2) The Department of Human Services by rule shall adopt proven methods of encouraging
42 participants' full engagement in the job opportunity and basic skills program, including the devel-
43 opment of an individualized case plan and an ongoing process to ensure that the case plan is ap-
44 propriate.

45 "(3)(a) The department shall facilitate the participation of needy caretaker relatives and may

1 not reduce the family's aid payment as a method of encouraging full engagement in the job oppor-
2 tunity and basic skills program pursuant to subsection (2) of this section until the department de-
3 termines that the needy caretaker relative that is not fully engaged:

4 "(A) Has no identified barriers or refuses to take appropriate steps to address identified barriers
5 to participation in the program; and

6 "(B) Refuses without good cause, as defined by the department by rule, to meet the requirements
7 of an individualized and appropriate case plan.

8 "(b) The department may not reduce aid payments under this subsection to families:

9 "(A) Receiving aid pursuant to ORS 412.014 or 412.124;

10 "(B) In which the caretaker relative participates in suitable activities for the number of hours
11 required each month to satisfy federally required participation rates; or

12 "(C) Until the department has screened for and, if appropriate, assessed barriers to partic-
13 ipation, including but not limited to physical or mental health needs, substance abuse, domestic vi-
14 olence or learning needs.

15 "(c) The department may not reduce aid payments under this subsection before assessing the
16 risk of harm posed to the children in the household by the reduction in aid payments and taking
17 steps to ameliorate the risk.

18 "(4) Following notice and an opportunity for a hearing under ORS chapter 183 and subject to
19 subsection (2) of this section, the department may reduce the aid payment to the family of an indi-
20 vidual who refuses to participate in suitable activities required by the individual's case plan or may
21 terminate the aid payment to the family of a noncompliant individual in accordance with procedures
22 adopted by the department by rule.

23 "(5) A caretaker relative may request a hearing to contest the basis for a reduction in or ter-
24 mination of an aid payment under this section within 90 days of a reduction in or termination of aid.

25 "[*(6) Every six months, the department shall report to the Family Services Review Commission*
26 *established under ORS 411.075 the status of and outcomes for families for whom aid has been reduced*
27 *or terminated under subsection (4) of this section. The department shall work with the commission to*
28 *establish the details to be provided in the report.*"]

29 In line 20, delete "12" and insert "8".

30 In line 21, delete "13" and insert "9".

31 In line 29, delete "14" and insert "10".

32 In line 40, delete "15" and insert "11".

33 On page 14, line 7, delete "16" and insert "12".

34 In line 15, delete "17" and insert "13".

35 In line 17, delete "18" and insert "14".

36 Delete lines 36 through 45.

37 On page 15, delete lines 1 through 19 and insert:

38
39 **"MENTAL HEALTH ADVISORY BOARD AND**
40 **DISABILITY ISSUES ADVISORY COMMITTEE**

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42 **"SECTION 15. ORS 430.050 is repealed.**

43 **"SECTION 16. ORS 430.631 is amended to read:**

44 **"430.631. (1) As used in this section, 'person with a disability' means any person who:**

45 **"(a) Has a physical or mental impairment that substantially limits one or more major life**

1 **activities;**

2 **“(b) Has a record of such an impairment; or**

3 **“(c) Is regarded as having such an impairment.**

4 “[1] (2) If any local mental health program has an advisory committee, persons with
5 disabilities[, *as defined in ORS 430.050 (6),*] and older adults shall be appointed to serve on the ad-
6 visory committee.

7 “[2] (3) The persons with disabilities **servng on an advisory committee** described in sub-
8 section [(1) (2)] of this section shall meet separately as a disability issues advisory committee.”.

9 In line 23, delete “20” and insert “17”.

10 In line 24, delete “21” and insert “18”.

11 On page 16, line 3, delete “22” and insert “19”.

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