

Senate Bill 1018

Sponsored by Senators MONNES ANDERSON, HANSELL, Representative HEARD; Senators BOQUIST, BURDICK, DEVLIN, FREDERICK, GELSER, KNOPP, MANNING JR, ROBLAN, Representatives GOMBERG, NEARMAN, WILLIAMSON

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**.

Establishes Oregon Deaf, Deaf-Blind and Hard of Hearing Program within Department of Human Services. Establishes Oregon Deaf, Deaf-Blind and Hard of Hearing Committee for purpose of administering program. Specifies components of program and duties of committee.

Becomes operative January 1, 2018.

Takes effect 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to hearing; creating new provisions; amending ORS 185.110, 185.225 and 185.230; repealing
3 ORS 410.740; and prescribing an effective date.

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

5 **SECTION 1. As used in sections 1 to 3 of this 2017 Act:**

6 (1) **"Deaf" means having severe loss or complete absence of auditory sensitivity that re-**
7 **quires an individual to primarily communicate visually.**

8 (2) **"Deaf-blind" means having a combination of deafness and vision loss that requires an**
9 **individual to communicate through a specialized combination of spoken, tactile and written**
10 **information.**

11 (3) **"Hard of hearing" means having:**

12 (a) **Reduced auditory sensitivity and residual hearing that is sufficient to process infor-**
13 **mation through audition, with or without amplification, under favorable listening conditions;**
14 **or**

15 (b) **Other auditory handicapping conditions.**

16 (4) **"Sign language interpreter" means a person who is readily able to communicate with**
17 **an individual who is deaf, deaf-blind or hard of hearing, translate proceedings or conversa-**
18 **tions and accurately repeat and translate the statements of an individual who is deaf, deaf-**
19 **blind or hard of hearing.**

20 **SECTION 2. (1) The Oregon Deaf, Deaf-Blind and Hard of Hearing Committee is estab-**
21 **lished.**

22 (2) **The committee consists of nine members appointed by the Director of Human Ser-**
23 **vices.**

24 (3) **Of the members appointed under subsection (2) of this section:**

25 (a) **Three must be, or must represent, individuals who are deaf;**

26 (b) **Three must be, or must represent, individuals who are deaf-blind; and**

27 (c) **Three must be, or must represent, individuals who are hard of hearing.**

28 (4) **The committee shall administer the Oregon Deaf, Deaf-Blind and Hard of Hearing**

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 Program established under section 3 of this 2017 Act.

2 (5) In accordance with ORS chapter 183, the committee may adopt rules as is necessary
3 to administer the program.

4 (6) A majority of the members of the committee constitutes a quorum for the transaction
5 of business.

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

8 (8) The committee shall elect one of its members to serve as chairperson.

9 (9) The term of office of each member of the committee is four years, but a member
10 serves at the pleasure of the director. Before the expiration of the term of a member, the
11 director shall appoint a successor whose term begins on January 1 of the following year. A
12 member is eligible for reappointment. If there is a vacancy for any cause, the director shall
13 make an appointment to become immediately effective for the unexpired term.

14 (10) The committee shall meet at times and places specified by the call of the chairperson
15 or of a majority of the members of the committee.

16 (11) The committee shall adopt rules necessary for the operation of the committee.

17 (12) Members of the committee are entitled to compensation and expenses in the manner
18 and amounts provided in ORS 292.495.

19 (13) The Department of Human Services shall provide staff support and perform other
20 services for the committee as is necessary for the effective operation of the committee.

21 **SECTION 3.** The Oregon Deaf, Deaf-Blind and Hard of Hearing Program is established in
22 the Department of Human Services. The Oregon Deaf, Deaf-Blind and Hard of Hearing
23 Committee established under section 2 of this 2017 Act shall administer the program. As part
24 of the program, the committee shall:

25 (1) Collect, and create a database for, facts, statistics and studies related to individuals
26 who are deaf, deaf-blind or hard of hearing.

27 (2) Review and conduct studies related to the following:

28 (a) The administration and operation of state agency programs intended to provide ser-
29 vices to individuals who are deaf, deaf-blind or hard of hearing;

30 (b) The availability and accessibility of auxiliary aids in public places for individuals who
31 are deaf, deaf-blind or hard of hearing;

32 (c) The development of technology that may be used to aid individuals who are deaf,
33 deaf-blind or hard of hearing;

34 (d) The unemployment and underemployment of individuals who are deaf, deaf-blind or
35 hard of hearing; and

36 (e) Any other matter related to individuals who are deaf, deaf-blind or hard of hearing
37 that the committee deems necessary to study.

38 (3) Act as a bureau of information with respect to facts, statistics and studies collected
39 under subsection (1) of this section and studies conducted under subsection (2) of this section
40 for:

41 (a) Individuals who are deaf, deaf-blind or hard of hearing;

42 (b) State agencies that provide services to individuals who are deaf, deaf-blind or hard
43 of hearing;

44 (c) Local government agencies that provide services to individuals who are deaf, deaf-
45 blind or hard of hearing; and

1 (d) Other public and private agencies that provide services to individuals who are deaf,
2 deaf-blind or hard of hearing.

3 (4) Submit a report, not later than September 15 of each even-numbered year, that
4 summarizes the facts, statistics and studies collected under subsection (1) of this section and
5 the studies conducted under subsection (2) of this section, to the Governor's office, which
6 may include recommendations for administrative action, and to the interim committees of
7 the Legislative Assembly related to human services, which may include recommendations for
8 legislation.

9 (5) Establish, maintain and coordinate a statewide sign language interpreter referral
10 service that may be used by any public or private entity or individual.

11 (6) Assist state agencies in making state agency programs available and accessible to
12 individuals who are deaf, deaf-blind or hard of hearing.

13 (7) Assist the department in making the vocational rehabilitation services provided for
14 under ORS 344.511 to 344.690 available and accessible to individuals who are deaf, deaf-blind
15 or hard of hearing.

16 (8) Advocate for individuals who are deaf, deaf-blind or hard of hearing in the following
17 areas:

- 18 (a) Early intervention;
- 19 (b) Health care;
- 20 (c) Emergency services;
- 21 (d) Education;
- 22 (e) Vocational training;
- 23 (f) Employment;
- 24 (g) Public transportation and other public services; and
- 25 (h) Communication technologies.

26 (9) Develop, and ensure the implementation of, a long term plan for the provision of es-
27 sential services to individuals who are deaf, deaf-blind or hard of hearing that addresses, at
28 a minimum:

- 29 (a) The needs of particular locations and geographic areas;
- 30 (b) The needs of personnel providing the services; and
- 31 (c) Strategies for coordinating the provision of services.

32 **SECTION 4.** ORS 185.225 and 185.230 are added to and made a part of sections 1 to 3 of
33 this 2017 Act.

34 **SECTION 5.** ORS 185.225 is amended to read:

35 185.225. The State Board of Education shall adopt by rule standards for sign language inter-
36 preters for persons in the public schools who are deaf, **deaf-blind** or hard of hearing. In developing
37 the standards, the state board shall consult with the [*advisory committee created under ORS*
38 *410.740*] **Oregon Deaf, Deaf-Blind and Hard of Hearing Committee established under section**
39 **2 of this 2017 Act** and the Director of Human Services.

40 **SECTION 6.** ORS 185.230 is amended to read:

41 185.230. (1) Any public agency may contract with the [*Department of Human Services*] **Oregon**
42 **Deaf, Deaf-Blind and Hard of Hearing Committee established under section 2 of this 2017 Act**
43 for the coordination and provision of sign language interpreter services.

44 (2) From funds available under subsection (1) of this section, the [*department*] **committee** shall
45 contract with certified sign language interpreters to provide, for a fee established by rule of the

1 [department] **committee**, sign language interpretation services to public agencies with whom the
 2 [department] **committee** has a contract for such services.

3 **SECTION 7.** ORS 185.110 is amended to read:

4 185.110. As used in ORS 185.110 to 185.230, unless the context requires otherwise:

5 (1) “Advocate self-help group” means any organized group of individuals with disabilities who
 6 have joined together for purposes of informing the public of their needs and obtaining resources,
 7 services and benefits for their membership.

8 (2) “Consumer” means an individual with a disability, or a parent or legal guardian, other than
 9 the State of Oregon, of an individual with a disability, who utilizes the services made available by
 10 public and private organizations which serve individuals with disabilities.

11 (3) “Individual with a disability” means anyone who:

12 (a) Has a physical or mental impairment which substantially limits one or more of the
 13 individual’s major life activities;

14 (b) Has a record of such impairment; or

15 (c) Is regarded as having such an impairment.

16 [(4) “Sign language interpreter” means a person who is readily able to communicate with a person
 17 who is hard of hearing, translate proceedings or conversations and accurately repeat and translate the
 18 statements of a person who is hard of hearing.]

19 **SECTION 8.** ORS 410.740 is repealed.

20 **SECTION 9.** Notwithstanding the term of office specified by section 2 of this 2017 Act,
 21 of the members first appointed to the Oregon Deaf, Deaf-Blind and Hard of Hearing Com-
 22 mittee:

23 (1) Two shall serve for terms ending January 1, 2019.

24 (2) Two shall serve for terms ending January 1, 2020.

25 (3) Two shall serve for terms ending January 1, 2021.

26 (4) Three shall serve for terms ending January 1, 2022.

27 **SECTION 10.** The rights and obligations of the Department of Human Services legally
 28 incurred under a contract pursuant to ORS 185.230 that is executed, entered into or begun
 29 before the operative date specified in section 11 of this 2017 Act are transferred to the
 30 Oregon Deaf, Deaf-Blind and Hard of Hearing Committee. For the purpose of succession to
 31 these rights and obligations, the committee is a continuation of the department.

32 **SECTION 11.** (1) Sections 1 to 3 of this 2017 Act and the amendments to ORS 185.110,
 33 185.225 and 185.230 by sections 5, 6 and 7 of this 2017 Act become operative on January 1,
 34 2018.

35 (2) The Director of Human Services may appoint the members of the Oregon Deaf,
 36 Deaf-Blind and Hard of Hearing Committee and take any other action before the operative
 37 date specified in subsection (1) of this section that is necessary for the effective adminis-
 38 tration by the committee of sections 1 to 3 of this 2017 Act and the amendments to ORS
 39 185.110, 185.225 and 185.230 by sections 5, 6 and 7 of this 2017 Act.

40 **SECTION 12.** This 2017 Act takes effect on the 91st day after the date on which the 2017
 41 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.