

SB 493 -2 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 2/12, 4/9

WHAT THE MEASURE DOES:

Establishes Oregon Human Rights Commission (Commission) within the Department of Human Services (DHS) to safeguard the dignity and basic human rights of individuals with intellectual or developmental disabilities and ensure their independent choice with respect to services received. Requires Commission to consist of nine members appointed by Governor for not more than two consecutive three-year terms. Specifies requirements for representation on Commission. Requires Commission consult with Oregon Council on Developmental Disabilities and Oregon Self Advocacy Coalition regarding safeguarding rights of individuals with intellectual or developmental disabilities. Directs Commission to establish a statewide regional advisory committee system by rule to conduct informational hearings concerning violations of rights of individuals with intellectual or developmental disabilities. Replaces requirement that DHS promote dispute resolution with requirement that Commission review allegations of rights violations and make determinations not subject to appeal.

ISSUES DISCUSSED:

- Authority of Commission to make decisions regarding violations of rights
- Enforcement of decisions made by Commission
- Conflicts of interest among members appointed to Commission

EFFECT OF AMENDMENT:

-2 Modified purpose of Commission to be to safeguard the dignity and basic human rights of individuals who have an intellectual or developmental disability. Modifies membership representation appointed to Commission by Governor. Removes proposed language requiring Commission consult with Oregon Council on Developmental Disabilities and Oregon Self Advocacy Coalition regarding safeguarding rights of individuals with intellectual or developmental disabilities. Modifies authority of Commission to review allegations of rights violations and request information relevant to complaints.

REVENUE: No revenue impact.

FISCAL: Has minimal fiscal impact.

BACKGROUND:

The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 provides funding to states for creation of a state council to advocate for and protect individuals with disabilities. In matters of alleged rights violations, the Oregon Department of Human Services (DHS) is currently required to promote dispute resolution. In 2017, Senate Bill 834 directed DHS to develop a proposal for the creation of an independent human rights commission dedicated to the dignity and basic rights of individuals with intellectual and developmental disabilities. DHS convened a workgroup and collaborated on a proposal that included goals and purposes for a human rights commission distinct from existing workgroups, systems, processes, and stakeholder groups, that resulted in Senate Bill 493.

Senate Bill 493 establishes the Oregon Human Rights Commission within DHS to safeguard the dignity and basic human rights of individuals with intellectual or developmental disabilities and ensure their independent choice with respect to services received. Review and determinations made by the Commission with regard to rights violations supersedes DHS' obligation to promote dispute resolution.

This summary has not been adopted or officially endorsed by action of the committee.