

**A-Engrossed**  
**Senate Bill 493**

Ordered by the Senate April 16  
Including Senate Amendments dated April 16

Sponsored by Senator GELSER, Representative PILUSO (Pre-session filed.)

**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.

Establishes Oregon Human Rights Commission to safeguard dignity and basic human rights of individuals *[with]* **who have** intellectual or developmental disabilities.

Requires commission to establish by rule system for statewide regional advisory committees to provide commission with information regarding rights of individuals *[with]* **who have** intellectual or developmental disabilities.

Requires commission to *[review and make determinations regarding allegations of violation]* **receive complaints of violations** of rights of individual *[with]* **who has** intellectual or developmental disabilities.

**A BILL FOR AN ACT**

1  
2 Relating to the Oregon Human Rights Commission; creating new provisions; and amending ORS  
3 427.109.

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

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

7 **SECTION 2. (1) The Oregon Human Rights Commission is established within the De-**  
8 **partment of Human Services. The commission consists of nine members appointed by the**  
9 **Governor for not more than two consecutive three-year terms. The purpose of the commis-**  
10 **sion is to safeguard the dignity and basic human rights of individuals who have an intellec-**  
11 **tual or developmental disability.**

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

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

16 **(b) One member who is a family member of an individual who has an intellectual or de-**  
17 **velopmental disability.**

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

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

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

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

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

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

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

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

8 (5) A majority of the members of the commission constitutes a quorum for the trans-  
9 action of business.

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

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

13 (8) If there is a vacancy for any cause, the Governor shall make an appointment to be-  
14 come immediately effective.

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

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

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

25 **SECTION 4.** ORS 427.109 is amended to read:

26 427.109. *[The Department of Human Services shall promote dispute resolution procedures for per-*  
27 *sons receiving developmental disability services from the department, including but not limited to*  
28 *grievance procedures, contested case hearings and mediation. An individual who files a grievance may*  
29 *also use other dispute resolution procedures.]*

30 (1) The Oregon Human Rights Commission established under section 2 of this 2019 Act  
31 shall receive complaints of violations of the rights afforded to an individual under ORS  
32 427.107. With the consent of the individual, the individual's guardian or any representative  
33 designated by the individual, the commission may request and receive information from the  
34 Department of Human Services that is relevant to a complaint. The commission shall have  
35 the right to meet with the Director of Human Services or a designee of the director to re-  
36 solve a complaint.

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

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