

Commission on Human Rights and Opportunities

**Testimony to the Appropriations Committee
Thursday, March 8, 2012**

**HB 5016, An Act Implementing The Governor's Recommendations
Concerning General Government**

Senator Harp, Representative Walker and member of the Appropriations Committee I am Bob Brothers executive director of the Commission on Human Rights and Opportunities. Thank you for the opportunity to address HB 5016 which in Section 74-82 proposes the consolidation of CHRO with the Office of Protection and Advocacy for Persons with Disabilities (OPA).

As I testified to you on February 16, 2012 regarding HB 5014, the bill making adjustments to the 2013 budget, I cannot separate HB 5014 from HB 5016 because they are contingent upon each other.

HB 5016 would merge CHRO and OPA into a Department on Human Rights, Protection and Advocacy (DHRPA). I do not know where this proposal came from or what the thinking was behind it, but it is fatally flawed.

OPA was created to safeguard and advance the civil and human rights of people with disabilities period. It does that through representing individuals, advocating for the disabled community and looking into abuse claims at certain types of facilities.

CHRO is an enforcement agency with powers to prosecute cases of discrimination in advancement of the State's interest as expressed through law.

These are entirely different functions.

An analogy would be to combine the Office of the Chief State's Attorney with the Office of the Chief Public Defender. The first is an enforcement agency for the state government, similar to CHRO, while the second, OPA, is similar to the Public Defenders in that they both represent individuals against the state. Would anyone argue in favor of combining these two agencies? - No.

I have no idea where the idea of combining CHRO and OPA came from. It was never discussed with me or with the Executive Director of OPA, Jim McGaughey.

When this concept was first rolled out it was reported in the media, specifically the Republican-American on January 28, 2012 that, 'The CHRO and the Board of Protection and Advocacy for Persons with Disabilities would still appoint their respective executive directors in the newly consolidated department.

It is now clear that the appointment of the head of the independent CHRO would change from the nine Commissioners, who have historically protected the agency from take over by the executive branch, to the governor. CHRO was structured as an agency insulated from outside political influence. More than the consolidation, the appointment of an agency head by the Governor would mean that that person would serve at the pleasure of the governor. Exactly what has been intentionally avoided for nearly 70 years.

CHRO is an independent, unbiased enforcement agency. CHRO handles both discrimination complaints from the public and state employees. If the person who heads the executive branch appoints the executive director of the department there will be a perception that discrimination complaints, especially by state employees, will be subject to outside pressure.

After years of staff cuts, and no refilled positions since 2008, plus reductions in operating expense money this latest effort is nothing more than a brazen attempt to kill off CHRO and the state's enforcement of antidiscrimination law.

To all legislators who care about the laws protecting people who are discriminated against based on race, color, religious creed, age, sex, sexual orientation, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability or physical disability, and blindness I beseech you to reject Sections 74-82 of HB 5016 and the related budget changes in HB 5014.

I am pleased to address any questions you may have.