

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 1 - 1

**Yeas:** Berger, Buckley, Hunt, Roblan, Rosenbaum

**Nays:** Thatcher

**Exc.:** Esquivel

**Prepared By:** Jim Stembridge, Administrator

**Meeting Dates:** 4/9, 4/10

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**WHAT THE MEASURE DOES:** Prohibits discrimination based on sexual orientation. Establishes that a person may not discriminate based on an individual's sexual orientation with regard to employment, housing, public accommodations, public services, public education, adult foster homes, or foster parenting. Defines sexual orientation to mean "an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth." Allows an individual who has experienced discrimination based on sexual orientation to bring a civil action for injunctive relief, damages, and attorney fees. Exempts religious institutions—with respect to housing and facilities use—if the institution has a bona fide religious belief about sexual orientation and the housing, or use of facilities is closely connected with the primary purposes of the institution. Exempts religious institutions—with respect to employment—if the institution has a bona fide religious belief about sexual orientation and the employment is directly related to institution operations, in a nonprofit activity, or closely connected to the institution's primary purpose.

**ISSUES DISCUSSED:**

- Experience of states and Oregon communities that currently prohibit discrimination based on sexual orientation
- Cases of discrimination investigated by the Bureau of Labor and Industries under local ordinance
- Constitutional provisions and court decisions regarding religious freedom
- Humanism, paganism, natural law, and divine law; religious discrimination; issues of morality
- Relative strength of religious exemption language in the bill; religious tolerance; tolerance of religion
- Determinations of primary religious purpose; other activities of religious organizations

**EFFECT OF COMMITTEE AMENDMENT:** Broadens religious exemption to allow religious organizations to discriminate based on sexual orientation with respect to housing and facilities use if the institution has a bona fide religious belief about sexual orientation, and the housing, or use of facilities is closely connected with the primary purposes of the institution. Broadens religious exemption with respect to employment if the institution has a bona fide religious belief about sexual orientation and the employment is directly related to institution operations, in a nonprofit activity of the institution, or closely connected to the institution's primary purpose.

**BACKGROUND:** SB 2-A follows establishment of the Governor's Taskforce on Equality in Oregon by Executive Order No. 06-03, February 2006. The Governor charged the Taskforce with studying whether changes to Oregon law were necessary to guarantee that Oregonians are protected from discrimination in employment, housing, public accommodations and other opportunities, regardless of sexual orientation or gender identity. The Taskforce report, issued December 15, 2006, includes Recommendation 1: "It should be the public policy of the State of Oregon to prohibit discrimination based on sexual orientation." Sexual orientation is currently a protected characteristic under Oregon's hate crime statutes. SB 2-A adds sexual orientation to statutes that prohibit discrimination based on religion, age, race, color, sex, national origin, and marital status. According to the National Conference of State Legislatures, as of 2001, laws in 11 states and the District of Columbia prohibit employment discrimination based on sexual orientation.

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