

Senate Bill 500

Sponsored by Senators METSGER, BURDICK

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**.

Prohibits, in specified areas of law, discrimination against persons based on sexual orientation. Defines "sexual orientation." Authorizes enforcement of prohibition through civil action for actual and punitive damages. Authorizes attorney fees in civil proceedings for unlawful discrimination. Requires state agencies to eliminate discrimination against persons based on sexual orientation.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to human rights; creating new provisions; amending ORS 10.030, 20.107, 30.860, 93.270,
3 109.035, 166.155, 166.165, 174.100, 179.750, 192.630, 240.306, 307.580, 353.100, 418.925, 421.352,
4 430.550, 443.739, 659.850, 659A.003, 659A.006, 659A.030, 659A.403, 659A.406, 659A.409, 659A.421,
5 659A.424, 659A.805, 659A.815, 659A.885, 660.139 and 744.353; repealing ORS 236.380; and pre-
6 scribing an effective date.

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

8 **SECTION 1.** ORS 174.100 is amended to read:

9 174.100. As used in the statute laws of this state, unless the context or a specially applicable
10 definition requires otherwise:

11 (1) "Any other state" includes any state and the District of Columbia.

12 (2) "City" includes any incorporated village or town.

13 (3) "County court" includes board of county commissioners.

14 (4) "May not" and "shall not" are equivalent expressions of an absolute prohibition.

15 (5) "Person" includes individuals, corporations, associations, firms, partnerships, limited liability
16 companies and joint stock companies.

17 (6) "**Sexual orientation**" means an individual's actual or perceived heterosexuality,
18 homosexuality, bisexuality or gender identity, regardless of whether the individual's gender
19 identity, appearance, expression or behavior differs from that traditionally associated with
20 the individual's sex at birth.

21 [(6)] (7) "State Treasury" includes those financial assets the lawful custody of which are vested
22 in the State Treasurer and the office of the State Treasurer relating to the custody of those financial
23 assets.

24 [(7)] (8) "To" means "to and including" when used in a reference to a series of statute sections,
25 subsections or paragraphs.

26 [(8)] (9) "United States" includes territories, outlying possessions and the District of Columbia.

27 [(9)] (10) "Violate" includes failure to comply.

28 **SECTION 2.** ORS 659A.003 is amended to read:

29 659A.003. The purpose of this chapter is to encourage the fullest utilization of the available
30 workforce by removing arbitrary standards of race, **color**, religion, [*color,*] sex, [*marital status,*]

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 **sexual orientation**, national origin [or], **marital status**, age or **disability** as a barrier to employ-
 2 ment of the inhabitants of this state, and to ensure the human dignity of all people within this state
 3 and protect their health, safety and morals from the consequences of intergroup hostility, tensions
 4 and practices of discrimination of any kind based on race, **color**, religion, [color,] sex, **sexual ori-**
 5 **entation, national origin**, marital status, [or national origin] **age or disability**. To accomplish this
 6 purpose, the Legislative Assembly intends by this chapter to provide:

7 (1) A program of public education calculated to eliminate attitudes upon which practices of
 8 discrimination because of race, **color**, religion, [color,] sex, **sexual orientation, national origin**,
 9 marital status, [or national origin] **age or disability** are based.

10 (2) An adequate remedy for persons aggrieved by certain acts of discrimination because of race,
 11 **color**, religion, [color,] sex, **sexual orientation, national origin**, marital status, [or national
 12 origin] **age or disability** or unreasonable acts of discrimination in employment based upon age.

13 (3) An adequate administrative machinery for the orderly resolution of complaints of discrimi-
 14 nation through a procedure involving investigation, conference, conciliation and persuasion, to en-
 15 courage the use in good faith of [such] **the** machinery by all parties to a complaint of discrimination
 16 and to discourage unilateral action that makes moot the outcome of final administrative or judicial
 17 determination on the merits of [such a] **the** complaint.

18 **SECTION 3.** ORS 659A.006 is amended to read:

19 659A.006. (1) It is declared to be the public policy of Oregon that practices of discrimination
 20 against any of its inhabitants because of race, **color**, religion, [color,] sex, **sexual orientation, na-**
 21 **tional origin**, marital status, [national origin,] age or disability are a matter of state concern and
 22 that [such] **this** discrimination **not only** threatens [not only] the rights and privileges of its inhab-
 23 itants but menaces the institutions and foundation of a free democratic state.

24 (2) The opportunity to obtain employment without discrimination because of race, **color**, reli-
 25 gion, [color,] sex, **sexual orientation, national origin**, marital status, [national origin,] age or dis-
 26 ability hereby is recognized as and declared to be a civil right. [However, this section shall not be
 27 construed to prevent a bona fide church or sectarian religious institution, including but not limited to
 28 a school, hospital or church camp, from preferring an employee or applicant for employment of one
 29 religious sect or persuasion over another when:]

30 [(a) That religious sect or persuasion to which the employee or applicant belongs is the same as
 31 that of such church or institution;]

32 [(b) In the opinion of such bona fide church or sectarian religious institution, such a preference
 33 will best serve the purposes of such church or institution; and]

34 [(c) The employment involved is closely connected with or related to the primary purposes of the
 35 church or institution and is not connected with a commercial or business activity which has no neces-
 36 sary relationship to the church or institution, or to its primary purposes.]

37 **SECTION 4.** ORS 659A.030 is amended to read:

38 659A.030. (1) It is an unlawful employment practice:

39 (a) For an employer, because of an individual's race, **color**, religion, [color,] sex, **sexual orien-**
 40 **tation**, national origin, marital status or age if the individual is 18 years of age or older, or because
 41 of the race, **color**, religion, [color,] sex, **sexual orientation**, national origin, marital status or age
 42 of any other person with whom the individual associates, or because of [a] **an individual's** juvenile
 43 record[,] that has been expunged pursuant to ORS 419A.260 and 419A.262, [of any individual,] to
 44 refuse to hire or employ **the individual** or to bar or discharge **the individual** from employment
 45 [such individual]. However, discrimination is not an unlawful employment practice if [such] **the** dis-

1 crimination results from a bona fide occupational [*requirement*] **qualification** reasonably necessary
2 to the normal operation of the employer's business.

3 (b) For an employer, because of an individual's race, **color**, religion, [*color*,] sex, **sexual orien-**
4 **tation**, national origin, marital status or age if the individual is 18 years of age or older, or because
5 of the race, **color**, religion, [*color*,] sex, **sexual orientation**, national origin, marital status or age
6 of any other person with whom the individual associates, or because of [*a*] **an individual's** juvenile
7 record[,] that has been expunged pursuant to ORS 419A.260 and 419A.262, [*of any individual*,] to
8 discriminate against [*such*] **the** individual in compensation or in terms, conditions or privileges of
9 employment.

10 (c) For a labor organization, because of an individual's race, **color**, religion, [*color*,] sex, **sexual**
11 **orientation**, national origin, marital status or age if the individual is 18 years of age or older, or
12 because of [*a*] **an individual's** juvenile record[,] that has been expunged pursuant to ORS 419A.260
13 and 419A.262, [*of any individual*] to exclude or to expel from its membership [*such*] **the** individual
14 or to discriminate in any way against [*any such*] **the** individual or any other person.

15 (d) For any employer or employment agency to print or circulate or cause to be printed or cir-
16 culated any statement, advertisement or publication, or to use any form of application for employ-
17 ment or to make any inquiry in connection with prospective employment [*which*] **that** expresses
18 directly or indirectly any limitation, specification or discrimination as to an individual's race, **color**,
19 religion, [*color*,] sex, **sexual orientation**, national origin, marital status or age if the individual is
20 18 years of age or older, or on the basis of an expunged juvenile record, or any intent to make any
21 such limitation, specification or discrimination, unless based upon a bona fide occupational quali-
22 fication. [*But identifying*] **Identification of prospective** employees according to race, **color**, reli-
23 gion, [*color*,] sex, **sexual orientation**, national origin, marital status[,] or age does not violate this
24 section unless the Commissioner of the Bureau of Labor and Industries, after a hearing conducted
25 pursuant to ORS 659A.805, determines that [*such a*] **the** designation expresses an intent to limit,
26 specify or discriminate on the basis of race, **color**, religion, [*color*,] sex, **sexual orientation**, national
27 origin, marital status or age.

28 (e) For an employment agency, **because of an individual's race, color, religion, sex, sexual**
29 **orientation, national origin, marital status or age if the individual is 18 years of age or older,**
30 **or because of the race, color, religion, sex, sexual orientation, national origin, marital status**
31 **or age of any other person with whom the individual associates, or because of an individual's**
32 **juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262,** to classify or
33 refer for employment, or to fail or refuse to refer for employment, or otherwise to discriminate
34 against [*any*] **the** individual.[:]

35 [(A) *On the basis of the individual's race, color, national origin, sex, religion, marital status or age,*
36 *if the individual is 18 years of age or older;*]

37 [(B) *Because of the race, color, national origin, sex, religion, marital status or age of any other*
38 *person with whom the individual associates; or*]

39 [(C) *Because of a juvenile record, that has been expunged pursuant to ORS 419A.260 and*
40 *419A.262.*]

41
42 However, it is not an unlawful employment practice for an employment agency to classify or refer
43 for employment [*any*] **an** individual [*where such*] **when the** classification or referral results from a
44 bona fide occupational [*requirement*] **qualification** reasonably necessary to the normal operation of
45 the employer's business.

1 (f) For any person to discharge, expel or otherwise discriminate against any other person be-
 2 cause that other person has opposed any unlawful practice, or because that other person has filed
 3 a complaint, testified or assisted in any proceeding under this chapter or has attempted to do so.

4 (g) For any person, whether an employer or an employee, to aid, abet, incite, compel or coerce
 5 the doing of any of the acts forbidden under this chapter or to attempt to do so.

6 (2) The provisions of this section apply to an apprentice under ORS 660.002 to 660.210, but the
 7 selection of an apprentice on the basis of the ability to complete the required apprenticeship train-
 8 ing before attaining the age of 70 years is not an unlawful employment practice. The commissioner
 9 shall administer this section with respect to apprentices under ORS 660.002 to 660.210 equally with
 10 regard to all employees and labor organizations.

11 (3) The compulsory retirement of employees required by law at any age is not an unlawful em-
 12 ployment practice if lawful under federal law.

13 (4)(a) It is not an unlawful employment practice for an employer or labor organization to provide
 14 or make financial provision for child care services of a custodial or other nature to its employees
 15 or members who are responsible for a minor child.

16 (b) As used in this subsection, "responsible for a minor child" means having custody or legal
 17 guardianship of a minor child or acting in loco parentis to the child.

18 **(5) This section does not prohibit an employer from enforcing an otherwise valid dress**
 19 **code or policy, as long as the employer provides, on a case-by-case basis, for reasonable ac-**
 20 **commodation of an individual based on the health and safety needs of the individual.**

21 **(6) This section may not be construed to prevent a bona fide church or sectarian religious**
 22 **institution, including but not limited to a school, hospital or church camp, from preferring**
 23 **an employee or applicant for employment of one religious sect or persuasion over another**
 24 **when:**

25 **(a) That religious sect or persuasion to which the employee or applicant belongs is the**
 26 **same as that of the church or institution;**

27 **(b) In the opinion of the church or institution, the preference will best serve the purposes**
 28 **of the church or institution; and**

29 **(c) The employment involved is closely connected with or related to the primary purposes**
 30 **of the church or institution and is not connected with a commercial or business activity that**
 31 **has no necessary relationship to the church or institution or to its primary purposes.**

32 **(7) It is not an unlawful employment practice for a bona fide church or sectarian reli-**
 33 **gious institution to discriminate based on sexual orientation:**

34 **(a) In employment positions in the church or institution, such as clergy, religious in-**
 35 **structors and support staff;**

36 **(b) In employment positions in a religious school, religious camp, religious day care cen-**
 37 **ter, religious thrift store, religious bookstore, religious radio station or religious shelter; or**

38 **(c) In other employment positions that involve religious activities, as long as the em-**
 39 **ployment position is not connected with a commercial or business activity that has no nec-**
 40 **essary relationship to the church or institution.**

41 **SECTION 5.** ORS 659A.403 is amended to read:

42 659A.403. (1) Except as provided in subsection (2) of this section, all persons within the juris-
 43 diction of this state are entitled to the full and equal accommodations, advantages, facilities and
 44 privileges of any place of public accommodation, without any distinction, discrimination or re-
 45 striction on account of race, **color**, religion, sex, **sexual orientation**, **national origin**, marital

1 status[, *color, national origin*] or age if the individual is 18 years of age or older.

2 (2) Subsection (1) of this section does not prohibit:

3 (a) The enforcement of laws governing the consumption of alcoholic beverages by minors and
4 the frequenting by minors of places of public accommodation where alcoholic beverages are served;
5 or

6 (b) The offering of special rates or services to persons 50 years of age or older.

7 (3) It is an unlawful practice for any person to deny full and equal accommodations, advantages,
8 facilities and privileges of any place of public accommodation in violation of this section.

9 **SECTION 6.** ORS 659A.406 is amended to read:

10 659A.406. Except as otherwise authorized by ORS 659A.403, it is an unlawful practice for any
11 person to aid or abet any place of public accommodation, as defined in ORS 659A.400, or any **em-**
12 **ployee or** person acting on behalf of [*such*] **the place of public accommodation** to make any dis-
13 tinction, discrimination or restriction on account of race, **color**, religion, [*color,*] sex, **sexual**
14 **orientation, national origin**, marital status[, *national origin*] or age if the individual is 18 years
15 of age or older.

16 **SECTION 7.** ORS 659A.409 is amended to read:

17 659A.409. Except as provided by laws governing the consumption of alcoholic beverages by mi-
18 nors and the frequenting by minors of places of public accommodation where alcoholic beverages
19 are served, and except for special rates or services offered to persons 50 years of age or older, it
20 is an unlawful practice for any person acting on behalf of any place of public accommodation as
21 defined in ORS 659A.400 to publish, circulate, issue or display, or cause to be published, circulated,
22 issued or displayed, any communication, notice, advertisement or sign of any kind to the effect that
23 any of the accommodations, advantages, facilities, services or privileges of the place of public ac-
24 commodation will be refused, withheld from or denied to, or that any discrimination will be made
25 against, any person on account of race, **color**, religion, sex, **sexual orientation, national origin**,
26 marital status[, *color, national origin*] or age if the individual is 18 years of age or older.

27 **SECTION 8.** ORS 659A.421 is amended to read:

28 659A.421. (1) [*No person shall*] **A person may not**, because of race, color, **religion**, sex, **sexual**
29 **orientation, national origin**, marital status, [*source of income, familial status, religion or national*
30 *origin*] **familial status or source of income** of any person:

31 (a) Refuse to sell, lease or rent any real property to a purchaser.

32 (b) Expel a purchaser from any real property.

33 (c) Make any distinction, discrimination or restriction against a purchaser in the price, terms,
34 conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the
35 furnishing of any facilities or services in connection therewith.

36 (d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

37 (e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed,
38 any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing
39 of real property [*which*] **that** indicates any preference, limitation, specification or discrimination
40 based on race, color, **religion**, sex, **sexual orientation, national origin**, marital status, **familial**
41 **status or** source of income[, *religion or national origin*].

42 (f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that
43 violates this subsection and subsection (3) of this section.

44 (g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of,
45 or on account of having aided or encouraged any other person in the exercise of, any right granted

1 or protected by this section.

2 (2)(a) [No] **A** person whose business includes engaging in residential real estate related trans-
 3 actions [shall] **may not** discriminate against any person in making **a transaction** available [such a
 4 transaction], or in the terms or conditions of [such a] **the** transaction, because of race, color, **reli-**
 5 **gion**, sex, [marital status, source of income, familial status, religion or national origin] **sexual orien-**
 6 **tation, national origin, marital status, familial status or source of income.**

7 (b) As used in this subsection, “residential real estate related transaction” means any of the
 8 following:

9 (A) The making or purchasing of loans or providing other financial assistance:

10 (i) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

11 (ii) For securing residential real estate; or

12 (B) The selling, brokering or appraising of residential real property.

13 (3) [No] **A** real estate licensee [shall] **may not** accept or retain a listing of real property for
 14 sale, lease or rental with an understanding that a purchaser may be discriminated against with re-
 15 spect to the sale, rental or lease thereof because of race, color, **religion**, sex, [marital status, source
 16 of income, familial status, religion or national origin] **sexual orientation, national origin, marital**
 17 **status, familial status or source of income.**

18 (4) [No person shall] **A person may not**, for profit, induce or attempt to induce any other person
 19 to sell or rent any dwelling by representations regarding the entry or prospective entry into the
 20 neighborhood of a person or persons of a particular race, color, **religion**, sex, [marital status, source
 21 of income, familial status, religion or national origin] **sexual orientation, national origin, marital**
 22 **status, familial status or source of income.**

23 (5) For purposes of subsections (1) to (4) of this section, “source of income” does not include
 24 federal rent subsidy payments under 42 U.S.C. 1437f, income from specific occupations or income
 25 derived in an illegal manner.

26 (6) Subsections (1) and (3) of this section do not apply with respect to sex distinction, discrimi-
 27 nation or restriction if the real property involved is such that the application of subsections (1) and
 28 (3) of this section would necessarily result in common use of bath or bedroom facilities by unrelated
 29 persons of opposite sex.

30 (7)(a) This section does not apply to familial status distinction, discrimination or restriction with
 31 respect to housing for older persons.

32 (b) As used in this subsection, “housing for older persons” means housing:

33 (A) Provided under any state or federal program that is specifically designed and operated to
 34 assist elderly persons, as defined by the state or federal program;

35 (B) Intended for, and solely occupied by, persons 62 years of age or older; or

36 (C) Intended and operated for occupancy by at least one person 55 years of age or older per
 37 unit. Housing qualifies as housing for older persons under this subparagraph if:

38 (i) At least 80 percent of the dwellings are occupied by at least one person 55 years of age or
 39 older per unit; and

40 (ii) Policies and procedures [which] **that** demonstrate an intent by the owner or manager to
 41 provide housing for persons 55 years of age or older are published and adhered to.

42 (c) Housing [shall] **does** not fail to meet the requirements for housing for older persons if:

43 (A) Persons residing in [such] **the** housing as of September 13, 1988, do not meet the require-
 44 ments of paragraph (b)(B) or (C) of this subsection. However, new occupants of [such] **the** housing
 45 shall meet the age requirements of paragraph (b)(B) or (C) of this subsection; or

1 (B) The housing includes unoccupied units[. *However, such*], **if the** units are reserved for occu-
 2 pancy by persons who meet the age requirements of paragraph (b)(B) or (C) of this subsection.

3 (d) Nothing in this section limits the applicability of any reasonable local, state or federal re-
 4 strictions regarding the maximum number of occupants permitted to occupy a dwelling.

5 (8) In the sale, lease or rental of real estate, [*no person shall*] **a person may not** disclose to any
 6 person that an occupant or owner of real property has or died from human immunodeficiency virus
 7 or acquired immune deficiency syndrome.

8 (9) The provisions of subsection (1)(a) to (d) and (f) of this section that prohibit actions based
 9 upon [*familial status or*] sex, **sexual orientation or familial status** do not apply to the renting of
 10 space within a single-family residence if the owner actually maintains and occupies the residence
 11 as the owner’s primary residence and all occupants share some common space within the residence.

12 (10) Any violation of this section is an unlawful practice.

13 **SECTION 9.** ORS 659A.424 is amended to read:

14 659A.424. (1) As used in this section:

15 (a) “Facially neutral housing policy” means a guideline, practice, rule, or screening or admission
 16 criterion regarding a real property transaction that applies equally to all persons.

17 (b) “Protected class” means a group of persons distinguished by race, color, **religion**, sex, **sex-**
 18 **ual orientation, national origin**, marital status, [*source of income, familial status, religion, national*
 19 *origin*] **familial status, source of income** or disability.

20 (c) “Real property transaction” means an act described in ORS 659A.145 or 659A.421 involving
 21 the renting or leasing of residential real property subject to ORS chapter 90.

22 (2) A court or the Commissioner of the Bureau of Labor and Industries may find that a person
 23 has violated ORS 659A.145 or 659A.421 if:

24 (a) The person applies a facially neutral housing policy to a member of a protected class in a
 25 real property transaction involving a residential tenancy subject to ORS chapter 90; and

26 (b) Application of the policy adversely impacts members of the protected class to a greater ex-
 27 tent than the policy adversely impacts persons generally.

28 (3) In determining under subsection (2) of this section whether a violation has occurred and, if
 29 so, what relief should be granted, a court or the commissioner shall consider:

30 (a) The significance of the adverse impact on the protected class;

31 (b) The importance and necessity of any business purpose for the facially neutral housing policy;
 32 and

33 (c) The availability of less discriminatory alternatives for achieving the business purpose for the
 34 facially neutral housing policy.

35 **SECTION 10.** ORS 659A.805 is amended to read:

36 659A.805. (1) In accordance with any applicable provision of ORS chapter 183, the Commissioner
 37 of the Bureau of Labor and Industries may adopt reasonable rules:

38 (a) Establishing what acts and communications constitute a notice, sign or advertisement that
 39 public accommodation or real property will be refused, withheld from, or denied to any person or
 40 that discrimination will be made against the person because of race, **color**, religion, sex, **sexual**
 41 **orientation, national origin**, marital status, [*color, national origin or,*] **disability or:**

42 (A) With respect to public accommodation, age.

43 (B) **With respect to real property, familial status or source of income.**

44 (b) Establishing what inquiries in connection with employment and prospective employment ex-
 45 press a limitation, specification or discrimination as to race, **color**, religion, [*color,*] sex, **sexual**

1 **orientation**, national origin, [or] **marital status**, age or **disability**.

2 (c) Establishing what inquiries in connection with employment and prospective employment so-
3 liciting information as to race, **color**, religion, [color,] sex, **sexual orientation**, national origin,
4 [or] **marital status**, age or **disability** are based on bona fide [job] **occupational** qualifications.

5 (d) For internal operation and practice and procedure before the commissioner under this
6 chapter.

7 (e) Covering any other matter required to carry out the purposes of this chapter.

8 (2) In adopting rules under this section the commissioner shall consider the following factors,
9 among others:

10 (a) The relevance of information requested to job performance in connection with which it is
11 requested.

12 (b) Available reasonable alternative ways of obtaining requested information without soliciting
13 responses as to race, **color**, religion, color, sex, **sexual orientation**, **national origin**, marital status,
14 [national origin or] age, **disability**, **familial status or source of income**.

15 (c) Whether a statement or inquiry soliciting information as to race, **color**, religion, [color,] sex,
16 **sexual orientation**, **national origin**, marital status, [national origin or] age, **disability**, **familial**
17 **status or source of income** communicates an idea independent of an intention to limit, specify or
18 discriminate as to race, **color**, religion, [color,] sex, **sexual orientation**, **national origin**, marital
19 status, [national origin or] age, **disability**, **familial status or source of income**.

20 (d) Whether the independent idea communicated is relevant to a legitimate objective of the kind
21 of transaction [which] **that** it contemplates.

22 (e) The ease with which the independent idea relating to a legitimate objective of the kind of
23 transaction contemplated could be communicated without connoting an intention to discriminate as
24 to race, **color**, religion, [color,] sex, **sexual orientation**, **national origin**, marital status, [national
25 origin or] age, **disability**, **familial status or source of income**.

26 **SECTION 11.** ORS 659A.815 is amended to read:

27 659A.815. (1) The Commissioner of the Bureau of Labor and Industries shall create such advisory
28 agencies and intergroup-relations councils[, *local, regional or statewide, as in the judgment of*] **that**
29 the commissioner [*will*] **believes necessary to** aid in effectuating the purposes of this chapter. The
30 commissioner may empower [*them*] **advisory agencies and councils**:

31 (a) To study the problems of discrimination in all or specific fields of human relationships or in
32 specific instances of discrimination because of race, **color**, religion, [color,] sex, [or] **sexual orien-**
33 **tation**, national origin, **marital status**, age, **disability**, **familial status or source of income**.

34 (b) To foster, through community effort or otherwise, goodwill, cooperation and conciliation
35 among the groups and elements of the population of the state.

36 (c) To make recommendations to the commissioner for the development of policies and proce-
37 dures in general and in specific instances, and for programs of formal and informal
38 education. **However, the advisory agencies and councils may not recommend programs of**
39 **education of elementary or secondary students relating to discrimination based on sexual**
40 **orientation**.

41 (2) [*Such*] **The** advisory agencies and councils shall be composed of representative citizens,
42 serving without pay, but with reimbursement for actual and necessary expenses in accordance with
43 laws and regulations governing state officers.

44 (3) The commissioner may make provision for technical and clerical assistance to [*such*] **the**
45 **advisory** agencies and councils and for the expenses of [*such*] **the** assistance.

1 **SECTION 12.** ORS 659A.885 is amended to read:

2 659A.885. (1) Any individual claiming to be aggrieved by an unlawful practice specified in sub-
3 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
4 the court may order injunctive relief and *[such]* **any** other equitable relief *[as]* **that** may be appro-
5 priate, including but not limited to reinstatement or the hiring of employees with or without back
6 pay. A court may order back pay in an action under this subsection only for the two-year period
7 immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the
8 Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced,
9 the two-year period immediately preceding the filing of the action. In any action under this sub-
10 section, the court may allow the prevailing party costs and reasonable attorney fees at trial and on
11 appeal. Except as provided in subsection (3) of this section:

12 (a) The judge shall determine the facts in an action under this subsection; and

13 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall
14 review the judgment pursuant to the standard established by ORS 19.415 (3).

15 (2) An action may be brought under subsection (1) of this section alleging a violation of ORS
16 25.337, 25.424, 171.120, 399.235, 476.574, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069,
17 659A.100 to 659A.145, 659A.150 to 659A.186, 659A.194, 659A.203, 659A.218, 659A.230, 659A.233,
18 659A.236, 659A.250 to 659A.262, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318 or 659A.421 (1) or
19 (3).

20 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,
21 659A.040, 659A.043, 659A.046, 659A.069, 659A.100 to 659A.145, 659A.230, 659A.250 to 659A.262,
22 659A.318 or 659A.421 (1) or (3):

23 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
24 compensatory damages or \$200, whichever is greater, and punitive damages;

25 (b) At the request of any party, the action shall be tried to a jury;

26 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-
27 ment pursuant to the standard established by ORS 19.415 (1); and

28 (d) Any attorney fee agreement shall be subject to approval by the court.

29 (4) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574,
30 659A.203 or 659A.218, the court may award, in addition to the relief authorized under subsection (1)
31 of this section, compensatory damages or \$250, whichever is greater.

32 (5) Any individual against whom any distinction, discrimination or restriction on account of
33 race, color, religion, sex, **sexual orientation**, national origin, marital status or age, if the individual
34 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS
35 659A.400, by any **employee or** person acting on behalf of *[such]* **the** place or by any person aiding
36 or abetting *[such]* **the** place or person in violation of ORS 659A.406, may bring an action against the
37 operator or manager of *[such]* **the** place, the employee or person acting on behalf of *[such]* **the** place
38 or the aider or abettor of *[such]* **the** place or person. Notwithstanding subsection (1) of this section,
39 in an action under this subsection:

40 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
41 compensatory and punitive damages;

42 (b) The operator or manager of the place of public accommodation, the employee or person
43 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all
44 damages awarded in the action;

45 (c) At the request of any party, the action shall be tried to a jury;

1 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

2 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-
 3 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable
 4 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;
 5 and

6 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the
 7 judgment pursuant to the standard established by ORS 19.415 (1).

8 **SECTION 13.** ORS 10.030 is amended to read:

9 10.030. (1) Except as otherwise specifically provided by statute, the opportunity for jury service
 10 [shall] **may** not be denied or limited on the basis of race, [national origin, gender,] **religion, sex,**
 11 **sexual orientation, national origin,** age, [religious belief,] income, occupation or any other factor
 12 that discriminates against a cognizable group in this state.

13 (2) Any person is eligible to act as a juror in a civil trial unless the person:

- 14 (a) Is not a citizen of the United States;
- 15 (b) Does not live in the county in which summoned for jury service;
- 16 (c) Is less than 18 years of age; or
- 17 (d) Has had rights and privileges withdrawn and not restored under ORS 137.281.

18 (3)(a) Any person is eligible to act as a juror in a criminal trial, beginning on or after December
 19 5, 1996, unless the person:

- 20 (A) Is not a citizen of the United States;
- 21 (B) Does not live in the county in which summoned for jury service;
- 22 (C) Is less than 18 years of age;
- 23 (D) Has had rights and privileges withdrawn and not restored under ORS 137.281; or
- 24 (E) Has been convicted of a felony or served a felony sentence within the prior 15 years.

25 (b) As used in this subsection:

26 (A) "Felony sentence" includes any incarceration, post-prison supervision, parole or probation
 27 imposed upon conviction of a felony or served as a result of conviction of a felony.

28 (B) "Has been convicted of a felony" has the meaning given that term in ORS 166.270.

29 (4) A person who is blind, hearing or speech impaired or physically disabled [shall not be] **is**
 30 **not** ineligible to act as a juror [or] **and may not** be excluded from a jury list or jury service on the
 31 basis of blindness, hearing or speech impairment or physical disability alone.

32 (5) [No] **A** person is [eligible] **ineligible** to act as a juror in any circuit court of this state within
 33 24 months after being discharged from jury service in a federal court in this state or circuit court
 34 of this state unless that person's service as a juror is required because of a need for additional ju-
 35 rors.

36 (6) In addition to the disqualifications listed in subsection (2) of this section, a person is ineli-
 37 gible to act as a juror on a grand jury if the person has been convicted of a felony, other than a
 38 felony traffic offense, or has served a felony sentence, other than a sentence for a felony traffic of-
 39 fense, within the prior 15 years. As used in this subsection, "conviction" means an adjudication of
 40 guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

41 **SECTION 14.** ORS 20.107 is amended to read:

42 20.107. (1) In any civil judicial proceeding, including judicial review of an administrative pro-
 43 ceeding based on a claim of unlawful discrimination, the court shall award to the prevailing plaintiff
 44 attorney and expert witness fees reasonably and necessarily incurred in connection with the dis-
 45 crimination claim, at the trial court or agency level and on appeal. The court may award reasonable

1 attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court
 2 determines that the plaintiff had no objectively reasonable basis for asserting a claim or no rea-
 3 sonable basis for appealing an adverse decision of a trial court or agency.

4 (2) In making an award under this section, the court shall calculate attorney and expert witness
 5 fees on the basis of a reasonable hourly rate at the time the award is made, multiplied by the
 6 amount of time actually and reasonably spent in connection with the discrimination claim.

7 (3) When an award under this section is made against a state agency or an officer or employee
 8 of a state agency, the award shall be paid by the agency directly from funds available to it.

9 (4) As used in this section, “unlawful discrimination” means discrimination based upon personal
 10 characteristics including, but not limited to, [*gender*,] **race, religion, sex, sexual orientation**, na-
 11 tional origin, [*age*] **alienage**, marital status[, *race, religion or alienage*] **or age**.

12 **SECTION 15.** ORS 30.860 is amended to read:

13 30.860. (1) [*No*] **A** person or governmental entity [*shall*] **may not** discriminate against, boycott,
 14 blacklist[,] **or** refuse to buy from, sell to or trade with any person because of foreign government
 15 imposed or sanctioned discrimination based upon the [*national origin*,] race, [*or*] religion, **sex, sex-**
 16 **ual orientation or national origin** of [*such*] **the** person or of [*such*] **the** person’s partners, members,
 17 directors, stockholders, agents, employees, business associates, suppliers or customers.

18 (2) Any person directly injured in business or property by a violation of subsection (1) of this
 19 section may sue whoever knowingly practices, or conspires to practice, activities prohibited by
 20 subsection (1) of this section, and shall recover threefold the damages sustained. The court shall
 21 award reasonable attorney fees to the prevailing plaintiff in an action under this section. The court
 22 may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails
 23 in the action if the court determines that the plaintiff had no objectively reasonable basis for as-
 24 serting a claim or no objectively reasonable basis for appealing an adverse decision of a trial court.

25 **SECTION 16.** ORS 93.270 is amended to read:

26 93.270. (1) [*No*] **A** person conveying or contracting to convey fee title to real property [*shall*]
 27 **may not** include in an instrument for [*such*] **that** purpose a provision:

28 (a) Restricting the use of the real property by any person or group of persons by reason of **race**,
 29 color, [*race*,] religion, **sex, sexual orientation**, national origin or [*physical or mental handicap*]
 30 **disability**.

31 (b) Restricting the use of the real property by any home or facility that is licensed by or under
 32 the authority of the department under ORS 443.400 to 443.455 or 443.705 to 443.825 to provide resi-
 33 dential care alone or in conjunction with treatment or training or a combination thereof.

34 (2) Any [*such*] provision in an instrument executed in violation of subsection (1) of this section
 35 is void and unenforceable.

36 (3) [*No*] **An** instrument that contains a provision restricting the use of real property in a manner
 37 listed in subsection (1)(b) of this section [*shall*] **does not** give rise to any public or private right of
 38 action to enforce the restriction.

39 (4)(a) [*No*] **An** instrument that contains a provision restricting the use of real property by re-
 40 quiring roofing materials with a lower fire rating than that required in the state building code es-
 41 tablished under ORS chapter 455 [*shall*] **does not** give rise to any public or private right of action
 42 to enforce the restriction in an area determined by a local jurisdiction as a wildfire hazard zone.
 43 Prohibitions on public or private right of action under this paragraph are limited solely to consid-
 44 erations of fire rating.

45 (b) As used in this subsection, “wildfire hazard zones” are areas that are legally declared by a

1 governmental agency having jurisdiction over the area to have special hazards caused by a combi-
2 nation of combustible natural fuels, topography and climatic conditions that result in a significant
3 hazard of catastrophic fire over relatively long periods each year. Wildfire hazard zones shall be
4 determined using criteria established by the State Forestry Department.

5 **SECTION 17.** ORS 109.035 is amended to read:

6 109.035. (1) As used in this section:

7 (a) "Custody order" includes any order or judgment establishing or modifying custody of, or
8 parenting time or visitation with, a minor child as described in ORS 107.095, 107.105 (1), 107.135 or
9 109.103.

10 (b) "Foreign country" means any country that:

11 (A) Is not a signatory to the Hague Convention on the Civil Aspects of International Child
12 Abduction;

13 (B) Does not provide for the extradition to the United States of a parental abductor and minor
14 child;

15 (C) Has local laws or practices that would restrict the other parent of the minor child from
16 freely traveling to or exiting from the country because of the [*gender*,] race, [*or*] religion, **sex or**
17 **sexual orientation** of the other parent;

18 (D) Has local laws or practices that would restrict the ability of the minor child from legally
19 leaving the country after the child reaches the age of majority because of the [*gender*,] race, [*or*]
20 religion, **sex or sexual orientation** of the child; or

21 (E) Poses a significant risk that the physical health or safety of the minor child would be en-
22 dangered in the country because of war, human rights violations or specific circumstances related
23 to the needs of the child.

24 (2) A court that finds by clear and convincing evidence a risk of international abduction of a
25 minor child may issue a court order requiring a parent who is subject to a custody order and who
26 plans to travel with a minor child to a foreign country to provide security, bond or other guarantee
27 as described in subsection (4) of this section.

28 (3) In determining whether a risk of international abduction of a minor child exists, a court shall
29 consider the following factors involving a parent who is subject to a custody order:

30 (a) The parent has taken or retained, attempted to take or retain or threatened to take or retain
31 a minor child in violation of state law or a valid custody order and the parent is unable to present
32 clear and convincing evidence that the parent believed in good faith that the conduct was necessary
33 to avoid imminent harm to the parent or the child;

34 (b) The parent has recently engaged in a pattern of activities that indicates the parent is plan-
35 ning to abduct the minor child from this country;

36 (c) The parent has strong familial, emotional or cultural connections to this country or another
37 country, regardless of citizenship or residency status; and

38 (d) Any other relevant factors.

39 (4) A security, bond or other guarantee required by a court under this section may include, but
40 is not limited to, any of the following:

41 (a) A bond or security deposit in an amount that is sufficient to offset the cost of recovering the
42 minor child if the child is abducted;

43 (b) Supervised parenting time; or

44 (c) Passport and travel controls, including but not limited to controls that:

45 (A) Prohibit the parent from removing the minor child from this state or this country;

1 (B) Require the parent to surrender a passport or an international travel visa that is issued in
 2 the name of the minor child or jointly in the names of the parent and the child;

3 (C) Prohibit the parent from applying for a new or replacement passport or international travel
 4 visa on behalf of the minor child; and

5 (D) Require the parent to provide to a relevant embassy or consulate and to the Office of Chil-
 6 dren’s Issues in the United States Department of State the following documents:

7 (i) Written notice of passport and travel controls required under this paragraph; and

8 (ii) A certified copy of a court order issued under this section.

9 (5) After considering the factors under subsection (3) of this section and requiring a security,
 10 bond or other guarantee under this section, the court shall issue a written determination supported
 11 by findings of fact and conclusions of law.

12 (6) Nothing in this section is intended to limit the inherent power of a court in matters relating
 13 to children.

14 **SECTION 18.** ORS 166.155 is amended to read:

15 166.155. (1) A person commits the crime of intimidation in the second degree if the person:

16 (a) Tampers or interferes with property, having no right to do so nor reasonable ground to be-
 17 lieve that the person has such right, with the intent to cause substantial inconvenience to another
 18 because of the person’s perception of the other’s race, color, religion, [*national origin or*] sexual
 19 orientation **or national origin**;

20 (b) Intentionally subjects another to offensive physical contact because of the person’s percep-
 21 tion of the other’s race, color, religion, [*national origin or*] sexual orientation **or national origin**;
 22 or

23 (c) Intentionally, because of the person’s perception of race, color, religion, [*national origin or*]
 24 sexual orientation **or national origin** of another or of a member of the other’s family, subjects
 25 [*such*] **the** other person to alarm by threatening:

26 (A) To inflict serious physical injury upon or to commit a felony affecting [*such*] **the** other per-
 27 son, or a member of the person’s family; or

28 (B) To cause substantial damage to the property of the other person or of a member of the other
 29 person’s family.

30 (2) Intimidation in the second degree is a Class A misdemeanor.

31 (3) For purposes of this section[:],

32 [(a)] “property” means any tangible personal property or real property.

33 [(b)] “Sexual orientation” means heterosexuality, homosexuality or bisexuality.]

34 **SECTION 19.** ORS 166.165 is amended to read:

35 166.165. (1) Two or more persons acting together commit the crime of intimidation in the first
 36 degree, if the persons:

37 (a)(A) Intentionally, knowingly or recklessly cause physical injury to another person because of
 38 the actors’ perception of that person’s race, color, religion, [*national origin or*] sexual orientation
 39 **or national origin**; or

40 (B) With criminal negligence cause physical injury to another person by means of a deadly
 41 weapon because of the actors’ perception of that person’s race, color, religion, [*national origin or*]
 42 sexual orientation **or national origin**;

43 (b) Intentionally, because of the actors’ perception of another person’s race, color, religion,
 44 [*national origin or*] sexual orientation **or national origin**, place another person in fear of imminent
 45 serious physical injury; or

1 (c) Commit such acts as would constitute the crime of intimidation in the second degree, if
 2 undertaken by one person acting alone.

3 (2) Intimidation in the first degree is a Class C felony.

4 [(3) “Sexual orientation” has the meaning given that term in ORS 166.155.]

5 **SECTION 20.** ORS 179.750 is amended to read:

6 179.750. (1) Discrimination may not be made in the admission, accommodation, care, education
 7 or treatment of any person in a state institution because the person does or does not contribute to
 8 the cost of the care.

9 (2) Discrimination may not be made in the provision of or access to educational facilities and
 10 services and recreational facilities and services to any person in the state institutions enumerated
 11 in ORS 420.005 or Department of Corrections institutions as defined in ORS 421.005 on the basis of
 12 race, religion, sex, **sexual orientation, national origin** or marital status [*or national origin*] of the
 13 person. This subsection does not require combined domiciliary facilities at the state institutions to
 14 which it applies.

15 **SECTION 21.** ORS 192.630 is amended to read:

16 192.630. (1) All meetings of the governing body of a public body shall be open to the public and
 17 all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610
 18 to 192.690.

19 (2) A quorum of a governing body may not meet in private for the purpose of deciding on or
 20 deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to
 21 192.690.

22 (3) A governing body may not hold a meeting at any place where discrimination on the basis
 23 of race, [*creed,*] color, **religion, creed,** sex, [*age,*] **sexual orientation,** national origin, **age** or disa-
 24 bility is practiced. However, the fact that organizations with restricted membership hold meetings
 25 at the place does not restrict its use by a public body if use of the place by a restricted membership
 26 organization is not the primary purpose of the place or its predominate use.

27 (4) Meetings of the governing body of a public body shall be held within the geographic bound-
 28 aries over which the public body has jurisdiction, or at the administrative headquarters of the public
 29 body or at the other nearest practical location. Training sessions may be held outside the jurisdic-
 30 tion as long as no deliberations toward a decision are involved. A joint meeting of two or more
 31 governing bodies or of one or more governing bodies and the elected officials of one or more feder-
 32 ally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one
 33 of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the
 34 nearest practical location. Meetings may be held in locations other than those described in this
 35 subsection in the event of an actual emergency necessitating immediate action.

36 (5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet
 37 in a place inaccessible to the disabled, or, upon request of a deaf or hard-of-hearing person, to fail
 38 to make a good faith effort to have an interpreter for deaf or hard-of-hearing persons provided at a
 39 regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be
 40 as provided in ORS 192.680.

41 (b) The person requesting the interpreter shall give the governing body at least 48 hours’ notice
 42 of the request for an interpreter, shall provide the name of the requester, sign language preference
 43 and any other relevant information the governing body may request.

44 (c) If a meeting is held upon less than 48 hours’ notice, reasonable effort shall be made to have
 45 an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

1 (d) If certification of interpreters occurs under state or federal law, the Department of Human
 2 Services or other state or local agency shall try to refer only certified interpreters to governing
 3 bodies for purposes of this subsection.

4 (e) As used in this subsection, “good faith effort” includes, but is not limited to, contacting the
 5 department or other state or local agency that maintains a list of qualified interpreters and ar-
 6 ranging for the referral of one or more [*such persons*] **qualified interpreters** to provide interpreter
 7 services.

8 **SECTION 22.** ORS 240.306 is amended to read:

9 240.306. (1) Recruiting, selecting and promoting employees shall be on the basis of their relative
 10 ability, knowledge, experience and skills, determined by open competition and consideration of
 11 qualified applicants, without regard to an individual’s race, color, religion, sex, [*marital status,*]
 12 **sexual orientation**, national origin, [*political affiliation,*] **marital status**, age, disability, **political**
 13 **affiliation** or other nonjob related factors, with proper regard for an individual’s privacy. Nothing
 14 in this subsection shall be construed to enlarge or diminish the obligation of the state or the rights
 15 of employees concerning claims of employment discrimination as prescribed by applicable state and
 16 federal employment discrimination laws.

17 (2) The Oregon Department of Administrative Services shall establish procedures to provide for
 18 statewide open recruitment and selection for classifications [*which*] **that** are common to state
 19 agencies. [*Such*] **The** procedures shall include adequate public notice, affirmative action to seek out
 20 underutilized members of protected minorities, and job related testing. The department may delegate
 21 to individual operating agencies the responsibility for recruitment and selection of classifications
 22 where appropriate.

23 (3) Competition for appropriate positions may be limited to facilitate employment of those with
 24 a substantial disability or who are economically disadvantaged, or for purposes of implementing a
 25 specified affirmative action program.

26 (4) Appointments to positions in state service shall be made on the basis of qualifications and
 27 merit by selection from eligible lists established by the department or a delegated operating agency.

28 (5)(a) Noncompetitive selection and appointment procedures may be used for unskilled or semi-
 29 skilled positions, or where job related ranking measures are not practical or appropriate.

30 (b) Noncompetitive selection and appointment or direct appointment also may be used by agency
 31 appointing authorities to fill positions that:

32 (A) Require special or unique skills such as expert professional level or executive positions; or

33 (B) Have critical timing requirements affecting recruitment.

34 (6) Minimum qualifications and performance requirements and duties of a classification may be
 35 appropriately modified to permit the appointment and promotion of trainees to positions normally
 36 filled at full proficiency level.

37 (7) The department or delegated agencies shall establish systems to provide opportunities for
 38 promotion through meritorious service, training, education and career development assignments.
 39 The department shall certify to the eligibility of persons selected for promotion or delegate that
 40 responsibility to operating agencies in appropriate situations. Provision shall be made to bring per-
 41 sons into state service through open competition at higher levels [*where such*] **when the** competition
 42 provides abilities not available among existing employees, enrich state service or contribute to im-
 43 proved employment opportunity for underrepresented groups.

44 **SECTION 23.** ORS 307.580 is amended to read:

45 307.580. (1) If not otherwise exempt by law and upon compliance with ORS 307.162, all real and

1 personal property or proportion thereof owned or being purchased by an industry apprenticeship or
2 training trust is exempt from property taxation if:

3 (a) The trust is organized pursuant to a trust instrument solely for the purpose of aiding or as-
4 sisting in the implementation or operation of one or more apprenticeship or training programs that
5 conform to and are conducted under ORS 660.002 to 660.210;

6 (b) The property or proportion thereof that is the subject of the exemption is actually and ex-
7 clusively occupied and used in the implementation or operation of an apprenticeship or training
8 program or programs that are established under, conform to and are conducted under ORS 660.002
9 to 660.210; and

10 (c) The trust is considered an organization exempt from federal income taxes under the federal
11 Internal Revenue Code or other laws of the United States relating to federal income taxes.

12 (2) If property described under subsection (1) of this section would be exempt from taxation ex-
13 cept that it is held under lease or lease-purchase agreement by the trust rather than owned or being
14 purchased by it, the property shall be exempt from taxation upon compliance with and subject to
15 ORS 307.112.

16 (3) [No] **An** exemption [shall] **may not** be allowed under subsection (1) or (2) of this section if
17 the property is used in the implementation or operation of an apprenticeship or training program
18 that discriminates with respect to its participants on the basis of [age,] race, religion, sex [or],
19 **sexual orientation**, national origin **or age**.

20 **SECTION 24.** ORS 418.925 is amended to read:

21 418.925. As used in ORS 418.925 to 418.945, “refugee child” is a person under 18 years of age
22 who has entered the United States and is unwilling or unable to return to the person’s country be-
23 cause of persecution or a well-founded fear of persecution on account of race, religion, **sex, sexual**
24 **orientation**, nationality, membership in a particular group or political opinion, or whose parents
25 entered the United States within the preceding 10 years and are or were unwilling or unable to
26 return to their country because of persecution or a well-founded fear of persecution on account of
27 race, religion, **sex, sexual orientation**, nationality, membership in a particular group or political
28 opinion.

29 **SECTION 25.** ORS 430.550 is amended to read:

30 430.550. [No] **A** person, otherwise eligible, [shall] **may not** be denied evaluation or treatment
31 under ORS 430.450 to 430.555 on account of [age,] **race, religion, sex, [race,] sexual orientation,**
32 nationality, [religious preference] **age** or ability to pay.

33 **SECTION 26.** ORS 443.739 is amended to read:

34 443.739. Residents of adult foster homes have the following rights. Providers shall guarantee
35 these rights and help residents exercise them. The provider shall post a copy of the Residents’ Bill
36 of Rights in the entry or other equally prominent place in the adult foster home. The Residents’ Bill
37 of Rights states that each resident of an adult foster home has the right to:

38 (1) Be treated as an adult, with respect and dignity.

39 (2) Be informed of all resident rights and all house rules.

40 (3) Be encouraged and assisted to exercise legal rights, including the right to vote.

41 (4) Be informed of the resident’s medical condition and the right to consent to or refuse treat-
42 ment.

43 (5) Receive appropriate care and services, and prompt medical care as needed.

44 (6) A safe and secure environment.

45 (7) Be free from mental and physical abuse.

1 (8) Be free from chemical or physical restraints except as ordered by a physician or other
2 qualified practitioner.

3 (9) Complete privacy when receiving treatment or personal care.

4 (10) Associate and communicate privately with any person the resident chooses.

5 (11) Send and receive personal mail unopened.

6 (12) Participate in activities of social, religious and community groups.

7 (13) Have medical and personal information kept confidential.

8 (14) Keep and use a reasonable amount of personal clothing and belongings, and to have a rea-
9 sonable amount of private, secure storage space.

10 (15) Manage the resident's own money and financial affairs unless legally restricted.

11 (16) Be free from financial exploitation. The provider [*shall*] **may** not charge or ask for appli-
12 cation fees or nonrefundable deposits and [*shall*] **may** not solicit, accept or receive money or prop-
13 erty from a resident other than the amount agreed to for services.

14 (17) A written agreement regarding the services to be provided and the rate schedule to be
15 charged. The provider must give 30 days' written notice before any change in the rates or the
16 ownership of the home.

17 (18) Not to be transferred or moved out of the adult foster home without 30 days' advance
18 written notice and an opportunity for a hearing. A provider may transfer or discharge a resident
19 only for medical reasons including a medical emergency described in ORS 443.738 (11)(b), or for the
20 welfare of the resident or other residents, or for nonpayment.

21 (19) Be free of discrimination in regard to race, color, [*national origin,*] **religion, sex, sexual**
22 **orientation** or [*religion*] **national origin**.

23 (20) Make suggestions and complaints without fear of retaliation.

24 **SECTION 27.** ORS 659.850 is amended to read:

25 659.850. (1) As used in this section, "discrimination" means any act that unreasonably differen-
26 tiates treatment, intended or unintended, or any act that is fair in form but discriminatory in oper-
27 ation, either of which is based on [*age, disability, national origin, race, marital status, religion or*
28 *sex*] **race, color, religion, sex, sexual orientation, national origin, marital status, age or disa-**
29 **bility. "Discrimination" does not include enforcement of an otherwise valid dress code or**
30 **policy, as long as the code or policy provides, on a case-by-case basis, for reasonable ac-**
31 **commodation of an individual based on the health and safety needs of the individual.**

32 (2) [*No*] **A person [*in Oregon shall*] **may not** be subjected to discrimination in any public ele-
33 mentary, secondary or community college education program or service, school or interschool ac-
34 tivity or in any higher education program or service, school or interschool activity where the
35 program, service, school or activity is financed in whole or in part by moneys appropriated by the
36 Legislative Assembly. **However, this subsection does not prohibit discrimination based on a**
37 **student's sexual orientation in a public elementary or secondary program or service, school**
38 **or interschool activity.****

39 (3) The State Board of Education and the State Board of Higher Education shall establish rules
40 necessary to [*insure*] **ensure** compliance with subsection (2) of this section in the manner required
41 by ORS chapter 183.

42 **SECTION 28.** ORS 660.139 is amended to read:

43 660.139. (1) Unless the State Apprenticeship and Training Council determines there is an adverse
44 impact on apprenticeship opportunities based on an individual's race, sex, **sexual orientation** or
45 ethnic group, an applicant who is otherwise eligible for selection as an apprentice under the se-

1 lection method used by the local joint committee may, with the consent of the applicant, be
 2 indentured to a family business or the applicant's current employer without regard to whether an-
 3 other employer would otherwise be entitled to indenture the apprentice under the selection method
 4 used by the local joint committee.

5 (2) As used in this section:

6 (a) "Current employer" means the employer with whom the applicant has been a full-time, reg-
 7 ular employee for at least six months before the applicant is selected into the apprenticeship pro-
 8 gram.

9 (b) "Family business" means a business owned in whole or in part by a parent or grandparent
 10 of the applicant.

11 **SECTION 29.** ORS 744.353 is amended to read:

12 744.353. (1) A licensee [*shall*] **may** not pay or offer to pay a finder's fee, commission or other
 13 compensation to a person described in this subsection, in connection with a policy insuring the life
 14 of an individual with a terminal illness or condition. The prohibition under this subsection applies
 15 with respect to payments or offers of payment to:

16 (a) The physician, attorney or accountant of the policyholder, of the certificate holder or of the
 17 insured individual when the individual is other than the policyholder or certificate holder.

18 (b) Any person other than a physician, attorney or accountant described in paragraph (a) of this
 19 subsection, who provides medical, legal or financial planning services to the policyholder, to the
 20 certificate holder or to the insured individual when the individual is other than the policyholder or
 21 certificate holder.

22 (c) Any person other than one described in paragraph (a) or (b) of this subsection who acts as
 23 an agent of the policyholder, certificate holder or insured individual.

24 (2) A licensee [*shall*] **may** not solicit an investor who could influence the treatment of the illness
 25 or condition of the individual whose life would be the subject of a life settlement contract.

26 (3) All information solicited or obtained from a policyholder or certificate holder by a licensee
 27 [*shall be*] **is** subject to ORS 746.600 to 746.690. For purposes of this subsection, a licensee [*shall be*]
 28 **is** considered an insurance-support organization within the meaning of ORS 746.600.

29 (4) A licensee [*shall*] **may** not discriminate in the making of a life settlement contract on the
 30 basis of race, [*age*] **religion, creed, sex, sexual orientation**, national origin, [*creed, religion, occu-*
 31 *pation,*] marital [*or family*] **status, age, familial status**[, *sexual orientation,*] **or occupation** or dis-
 32 criminate between persons who have dependents and persons who do not have dependents.

33 **SECTION 30.** ORS 236.380 is repealed.

34 **SECTION 31.** ORS 353.100 is amended to read:

35 353.100. (1) The provisions of ORS chapters 35, 190, 192, 244 and 295 and ORS 30.260 to 30.460,
 36 200.005 to 200.025, 200.045 to 200.090, 236.605 to 236.640, 243.650 to 243.782, 297.040, 307.090 and
 37 307.112 [*shall*] apply to Oregon Health and Science University under the same terms as they apply
 38 to public bodies other than the state.

39 (2) Except as otherwise provided by law, the provisions of ORS chapters 182, 183, 240, 270, 273,
 40 276, 279A, 279B, 279C, 283, 291, 292, 293, 294 and 297 and ORS 35.550 to 35.575, 180.060, 180.210 to
 41 180.235, 183.710 to 183.725, 183.745, 183.750, 184.305 to 184.345, 190.430, 190.480, 190.490, 192.105,
 42 200.035, [236.380,] 243.105 to 243.585, 243.696, 278.011 to 278.120, 278.315 to 278.415, 279.835 to
 43 279.855, 282.010 to 282.150, 357.805 to 357.895 and 656.017 (2) [*shall*] **do** not apply to the university
 44 or any not-for-profit organization or other entity if the equity of the entity is owned exclusively by
 45 the university and if the organization or entity is created by the university to advance any of the

1 university's statutory missions.

2 (3) The university, as a distinct governmental entity, or any organization or entity described in
 3 subsection (2) of this section [*shall not be*] **is not** subject to any provision of law enacted after
 4 January 1, 1995, with respect to any governmental entity, unless the provision specifically provides
 5 that it applies to the university or to the organization or entity.

6 **SECTION 32.** ORS 421.352 is amended to read:

7 421.352. (1) The provisions of ORS chapters 182, 183, 240, 270, 273, 276, 279A, 279B, 279C, 283,
 8 291, 292 and 293 and ORS 35.550 to 35.575, 183.710 to 183.725, 183.745, 183.750, 184.345, 190.430,
 9 190.490, 200.035, [236.380,] 236.605 to 236.640, 243.303, 243.305, 243.315, 243.325 to 243.335, 243.345,
 10 243.350, 243.696, 279.835 to 279.855, 282.010 to 282.150 and 656.017 (2) [*shall*] **do** not apply to Oregon
 11 Corrections Enterprises.

12 (2) Oregon Corrections Enterprises [*shall not be*] **is not** subject to any provision of law enacted
 13 after December 2, 1999, that governs state agencies generally unless the provision specifically pro-
 14 vides that it applies to Oregon Corrections Enterprises.

15 **SECTION 33.** The amendments to ORS 30.860, 93.270, 166.155, 166.165, 179.750, 659.850,
 16 659A.030, 659A.403, 659A.406, 659A.409, 659A.421, 660.139 and 744.353 by sections 4, 5, 6, 7, 8,
 17 15, 16, 18, 19, 20, 27, 28 and 29 of this 2007 Act apply to acts committed on or after the op-
 18 erative date of those amendments.

19 **SECTION 34.** The amendments to ORS 10.030 by section 13 of this 2007 Act apply to op-
 20 portunities for jury service arising on or after the operative date of those amendments.

21 **SECTION 35.** The amendments to ORS 20.107 by section 14 of this 2007 Act apply to
 22 claims of unlawful discrimination filed on or after the operative date of those amendments.

23 **SECTION 36.** The amendments to ORS 192.630 by section 21 of this 2007 Act apply to
 24 meetings held on or after the operative date of those amendments.

25 **SECTION 37.** The amendments to ORS 240.306 by section 22 of this 2007 Act apply to
 26 employee recruitment, selection and promotion on or after the operative date of those
 27 amendments.

28 **SECTION 38.** The amendments to ORS 307.580 by section 23 of this 2007 Act apply to ex-
 29 emptions claimed on or after the operative date of those amendments.

30 **SECTION 39.** The amendments to ORS 430.550 by section 25 of this 2007 Act apply to
 31 evaluations or treatment performed on or after the operative date of those amendments.

32 **SECTION 40.** The amendments to ORS 10.030, 20.107, 30.860, 93.270, 109.035, 166.155,
 33 166.165, 174.100, 179.750, 192.630, 240.306, 307.580, 353.100, 418.925, 421.352, 430.550, 443.739,
 34 659.850, 659A.003, 659A.006, 659A.030, 659A.403, 659A.406, 659A.409, 659A.421, 659A.424,
 35 659A.805, 659A.815, 659A.885, 660.139 and 744.353 by sections 1 to 29, 31 and 32 of this 2007 Act
 36 and the repeal of ORS 236.380 by section 30 of this 2007 Act become operative on July 1, 2008.

37 **SECTION 41.** This 2007 Act takes effect on the 91st day after the date on which the
 38 regular session of the Seventy-fourth Legislative Assembly adjourns sine die.

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