

## SENATE AMENDMENTS TO SENATE BILL 874

By COMMITTEE ON JUDICIARY

April 22

- 1 On page 1 of the printed bill, line 28, after “include” insert “but are not limited to”.
- 2 On page 2, after line 14, insert:
- 3 “(s) Socializing;
- 4 “(t) Sitting;
- 5 “(u) Reaching;
- 6 “(v) Interacting with others;
- 7 “(w) Employment;
- 8 “(x) Ambulation;
- 9 “(y) Transportation;”.
- 10 In line 15, delete “(s)” and insert “(z)” and after “including” insert “but not limited to”.
- 11 In line 20, delete “(t)” and insert “(aa)”.
- 12 On page 4, delete lines 9 through 14 and insert:
- 13 “**SECTION 5.** ORS 659A.109 is amended to read:
- 14 “659A.109. It is an unlawful employment practice for an employer to discriminate against [*a*
- 15 *worker*] **an individual** with respect to hire or tenure or any term or condition of employment be-
- 16 cause the [*worker*] **individual** has applied for benefits or invoked or [*utilized*] **used** the procedures
- 17 provided for in ORS 659A.100 to 659A.145 or has given testimony under the provisions of [*such*
- 18 *sections*] **ORS 659A.100 to 659A.145.**”.
- 19 On page 7, delete lines 16 through 41 and insert:
- 20 “**SECTION 14.** ORS 659A.142 is amended to read:
- 21 “659A.142. (1) **As used in this section, ‘state government’ has the meaning given that**
- 22 **term in ORS 174.111.**
- 23 “[*1*] (2) It is an unlawful employment practice for an employment agency to fail or refuse to
- 24 refer for employment, or otherwise discriminate against, any individual because that individual [*is*
- 25 *a person with*] **has** a disability, or to classify or refer for employment any individual because that
- 26 individual [*is a person with*] **has** a disability.
- 27 “[*2*] (3) It is an unlawful employment practice for a labor organization, because an individual
- 28 [*is a person with*] **has** a disability, to exclude or to expel from its membership such individual or to
- 29 discriminate in any way against such individual.
- 30 “[*3*] (4) It is an unlawful practice for any place of public accommodation, resort or amusement
- 31 as defined in ORS 659A.400, or any person acting on behalf of such place, to make any distinction,
- 32 discrimination or restriction because a customer or patron is [*a person*] **an individual** with a disa-
- 33 bility.
- 34 “[*4*](a) (5)(a) It is an unlawful practice for state government to exclude an individual from
- 35 participation in or deny an individual the benefits of the services, programs or activities of state

1 government or to make any distinction, discrimination or restriction because the individual [*is a*  
2 *person with*] **has** a disability.

3 “(b) Paragraph (a) of this subsection is intended to ensure equal access to available services,  
4 programs and activities of state government.

5 “(c) Paragraph (a) of this subsection is not intended to:

6 “(A) Create an independent entitlement to any service, program or activity of state government;

7 or

8 “(B) Require state government to take any action that state government can demonstrate would  
9 result in a fundamental alteration in the nature of a service, program or activity of state govern-  
10 ment or would result in undue financial or administrative burdens on state government.

11 “[5] (6) Receipt or alleged receipt of treatment for a mental disorder does not constitute evi-  
12 dence of an individual’s inability to acquire, rent or maintain property.”.

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