

House Bill 3397

Sponsored by Representative SPRENGER; Representatives ESQUIVEL, FREEMAN, GILLIAM, HICKS, HUFFMAN, JENSON, KENNEMER, KOMP, MATHEWS, OLSON, THATCHER, WHISNANT, Senators CLOSE, GIROD, HASS, JOHNSON, KNOPP, KRUSE

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**.

Provides that certain uses of Native American mascots are not acts of discrimination.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Native American mascots; amending ORS 659.850; and declaring an emergency.

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

4 **SECTION 1.** ORS 659.850 is amended to read:

5 659.850. (1) As used in this section[,]:

6 (a) "Discrimination" means any act that unreasonably differentiates treatment, intended or un-
7 intended, or any act that is fair in form but discriminatory in operation, either of which is based
8 on race, color, religion, sex, sexual orientation, national origin, marital status, age or disability.

9 (b) "Discrimination" does not include:

10 (A) Enforcement of an otherwise valid dress code or policy, as long as the code or policy pro-
11 vides, on a case-by-case basis, for reasonable accommodation of an individual based on the health
12 and safety needs of the individual.

13 (B) **The use of a mascot that represents, or is associated with, a specific Native American**
14 **tribe if the governing body of the Native American tribe has entered into an agreement with**
15 **the entity using the mascot and the agreement describes the acceptable uses of the mascot.**

16 (2) A person may not be subjected to discrimination in any public elementary, secondary or
17 community college education program or service, school or interschool activity or in any higher
18 education program or service, school or interschool activity where the program, service, school or
19 activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

20 (3) The State Board of Education and the State Board of Higher Education shall establish rules
21 necessary to ensure compliance with subsection (2) of this section in the manner required by ORS
22 chapter 183.

23 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
25 **on its passage.**
26

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.