

House Bill 3612

Sponsored by Representative PHAM H, Senators GELSER BLOUIN, DEMBROW, Representatives NERON, NGUYEN H, Senator JAMA; Representatives BOWMAN, BYNUM, CHAICHI, HARTMAN, HELM, MCLAIN, NELSON, PHAM K, RUIZ, SOSA, Senators CAMPOS, MEEK, SOLLMAN, WOODS

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 or harassment against persons based on caste. Authorizes enforcement of prohibition through civil action for actual and punitive damages. Authorizes attorney fees in civil proceedings for unlawful discrimination. Includes caste as protected class in bias crimes and incidents. Prohibits profiling by law enforcement agency or officer based on caste. Adds caste to real or perceived factors of motivation or basis for conduct addressed by standards for law enforcement officers. Requires law enforcement agencies to report statistics concerning crimes motivated by prejudice based on perceived caste. Adds caste to classes protected by community engagement plans for planning water projects. Adds caste to classes promoted by affirmative action by state boards, commissions and advisory boards and all branches of state government. Adds caste to types of persecution or well-founded fears of persecution that refugee children are defined to have experienced. Prohibits public charter schools from limiting student enrollment based on caste. Includes caste within cultural competence guidelines developed by System of Care Advisory Council. Prohibits person that sells guaranteed asset protection waiver in sale of motor vehicle from varying terms based on caste. Requires state agencies to eliminate discrimination based on caste. Requires state agencies to adopt any rules related to implementation of provisions of Act no later than January 1, 2024.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to civil rights; creating new provisions; amending ORS 10.030, 20.107, 30.860, 90.295, 93.270,
3 101.115, 109.035, 131.906, 131.915, 131.925, 131.930, 137.678, 147.380, 166.155, 166.165, 179.750,
4 181A.225, 181A.470, 181A.640, 181A.681, 182.100, 192.630, 240.306, 243.305, 243.812, 279A.100,
5 279A.112, 307.471, 307.580, 336.067, 338.125, 339.127, 339.128, 339.347, 339.351, 350.375, 418.039,
6 418.648, 418.925, 418.976, 430.550, 443.739, 458.505, 541.551, 646A.787, 652.210, 653.547, 659.850,
7 659.875, 659A.003, 659A.006, 659A.012, 659A.030, 659A.142, 659A.403, 659A.406, 659A.409,
8 659A.421, 659A.425, 659A.805, 659A.815, 659A.885, 660.139, 735.500, 744.382, 746.021 and 757.306;
9 and declaring an emergency.

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

11 **SECTION 1. (1) The Legislative Assembly finds:**

12 **(a) Caste is a rigid system of segregation characterized by the hereditary and marital**
13 **transmission of lifestyle, occupation, and social and economic status.**

14 **(b) Caste is a structure of oppression that has existed in South Asia for more than 2,000**
15 **years and continues to play a prominent role in society and politics today, affecting over one**
16 **billion people worldwide.**

17 **(c) Caste systems similarly known to discriminate based on descent are found around the**
18 **world.**

19 **(d) Caste discrimination is present across South Asia and among the South Asian**
20 **diaspora.**

21 **(e) Dalits, who are those individuals belonging to the most oppressed stratum of caste,**

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 **and Adivasis, who are those indigenous individuals of the Indian subcontinent, are partic-**
 2 **ularly victimized by caste oppression and are often forced into segregated schools, villages**
 3 **and places of worship and are denied access to basic public amenities in South Asia.**

4 (f) **Caste discrimination at work, school and places of worship continues to exist in the**
 5 **United States, particularly against Dalits and Adivasis.**

6 (g) **Caste discrimination is unique from racial, ethnic or other forms of discrimination.**

7 (h) **Prohibiting caste discrimination would promote a more equitable society.**

8 (2) **The Legislative Assembly declares it is not the intent of the Legislative Assembly in**
 9 **amending existing law in the provisions of this 2023 Act to affect the protected status of any**
 10 **other classification.**

11 **SECTION 2.** ORS 10.030 is amended to read:

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

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

17 (a) Is not a citizen of the United States;

18 (b) Does not live in the county in which summoned for jury service;

19 (c) Is less than 18 years of age; or

20 (d) Has had rights and privileges withdrawn and not restored under ORS 137.281.

21 (3)(a) Any person is eligible to act as a grand juror, or as a juror in a criminal trial, unless the
 22 person:

23 (A) Is not a citizen of the United States;

24 (B) Does not live in the county in which summoned for jury service;

25 (C) Is less than 18 years of age;

26 (D) Has had rights and privileges withdrawn and not restored under ORS 137.281;

27 (E) Has been convicted of a felony or served a felony sentence within the 15 years immediately
 28 preceding the date the person is required to report for jury service; or

29 (F) Has been convicted of a misdemeanor involving violence or dishonesty, or has served a
 30 misdemeanor sentence based on a misdemeanor involving violence or dishonesty, within the five
 31 years immediately preceding the date the person is required to report for jury service.

32 (b) As used in this subsection:

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

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

36 (C) "Misdemeanor sentence" includes any incarceration or probation imposed upon conviction
 37 of a misdemeanor or served as a result of conviction of a misdemeanor.

38 (4) A person who is blind, hard of hearing or speech impaired or who has a physical disability
 39 is not ineligible to act as a juror and may not be excluded from a jury list or jury service on the
 40 basis of blindness, hearing or speech impairment or physical disability alone.

41 (5) A person is ineligible to act as a juror in any circuit court of this state within 24 months
 42 after being discharged from jury service in a federal court in this state or circuit court of this state
 43 unless that person's service as a juror is required because of a need for additional jurors.

44 **SECTION 3.** ORS 20.107 is amended to read:

45 20.107. (1) In any civil judicial proceeding, including judicial review of an administrative pro-

1 ceeding based on a claim of unlawful discrimination, the court shall award to the prevailing plaintiff
 2 attorney and expert witness fees reasonably and necessarily incurred in connection with the dis-
 3 crimination claim, at the trial court or agency level and on appeal. The court may award reasonable
 4 attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court
 5 determines that the plaintiff had no objectively reasonable basis for asserting a claim or no rea-
 6 sonable basis for appealing an adverse decision of a trial court or agency.

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

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

12 (4) As used in this section, “unlawful discrimination” means discrimination based upon personal
 13 characteristics including, but not limited to, race, **caste**, religion, sex, sexual orientation, gender
 14 identity, national origin, alienage, marital status or age.

15 **SECTION 4.** ORS 30.860 is amended to read:

16 30.860. (1) A person or governmental entity may not discriminate against, boycott, blacklist or
 17 refuse to buy from, sell to or trade with any person because of foreign government imposed or
 18 sanctioned discrimination based upon the race, **caste**, religion, sex, sexual orientation, gender
 19 identity or national origin of the person or of the person’s partners, members, directors, stockhold-
 20 ers, agents, employees, business associates, suppliers or customers.

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

28 **SECTION 5.** ORS 90.295 is amended to read:

29 90.295. (1)(a) A landlord may require payment of an applicant screening charge solely to cover
 30 the costs of obtaining information about an applicant as the landlord processes the application for
 31 a rental agreement. This activity is known as screening and includes but is not limited to checking
 32 references and obtaining a consumer credit report or tenant screening report. The landlord must
 33 provide the applicant with a receipt for any applicant screening charge.

34 (b) A landlord may only require an applicant to pay a single applicant screening charge within
 35 any 60-day period, regardless of the number of rental units owned or managed by the landlord for
 36 which the applicant has applied to rent.

37 (2) The amount of any applicant screening charge must not be greater than the landlord’s av-
 38 erage actual cost of screening applicants or the customary amount charged by tenant screening
 39 companies or consumer credit reporting agencies for a comparable level of screening. Actual costs
 40 may include the cost of using a tenant screening company or a consumer credit reporting agency
 41 and the reasonable value of any time spent by the landlord or the landlord’s agents in otherwise
 42 obtaining information on applicants.

43 (3) A landlord may not require payment of an applicant screening charge unless prior to ac-
 44 cepting the payment the landlord:

45 (a) Adopts written screening or admission criteria;

- 1 (b) Gives written notice to the applicant of:
- 2 (A) The amount of the applicant screening charge;
- 3 (B) The landlord's screening or admission criteria;
- 4 (C) The process that the landlord typically will follow in screening the applicant, including
- 5 whether the landlord uses a tenant screening company, credit reports, public records or criminal
- 6 records or contacts employers, landlords or other references;
- 7 (D) The applicant's rights to dispute the accuracy of any information provided to the landlord
- 8 by a screening company or credit reporting agency;
- 9 (E) A right to appeal a negative determination, if any right to appeal exists;
- 10 (F) Any nondiscrimination policy as required by federal, state or local law plus any nondis-
- 11 crimination policy of the landlord, including that a landlord may not discriminate against an appli-
- 12 cant because of the race, color, **caste**, religion, sex, sexual orientation, national origin, marital
- 13 status, familial status or source of income of the applicant;
- 14 (G) The amount of rent the landlord will charge and the deposits the landlord will require,
- 15 subject to change in the rent or deposits by agreement of the landlord and the tenant before enter-
- 16 ing into a rental agreement; and
- 17 (H) Whether the landlord requires tenants to obtain and maintain renter's liability insurance
- 18 and, if so, the amount of insurance required; and
- 19 (c) Gives actual notice to the applicant of an estimate, made to the best of the landlord's ability
- 20 at that time, of the approximate number of rental units of the type, and in the area, sought by the
- 21 applicant that are, or within a reasonable future time will be, available to rent from that landlord.
- 22 The estimate shall include the approximate number of applications previously accepted and remain-
- 23 ing under consideration for those units. A good faith error by a landlord in making an estimate
- 24 under this paragraph does not provide grounds for a claim under subsection (6)(b) of this section.
- 25 (4) Unless the applicant agrees otherwise in writing, a landlord may not require payment of an
- 26 applicant screening charge when the landlord knows or should know that no rental units are avail-
- 27 able at that time or will be available within a reasonable future time.
- 28 (5) A landlord that requires an applicant screening charge must refund the applicant screening
- 29 charge to the applicant within a reasonable time if the landlord:
- 30 (a) Fills the vacant dwelling unit before screening the applicant; or
- 31 (b) Does not screen the applicant for any reason.
- 32 (6)(a) An applicant may not recover an applicant screening charge from the landlord if the ap-
- 33 plicant refuses an offer from the landlord to rent the dwelling unit.
- 34 (b) The applicant may recover from the landlord twice the amount of any applicant screening
- 35 charge paid, plus \$150, if:
- 36 (A) The landlord fails to comply with this section with respect to the applicant's screening or
- 37 screening charge; or
- 38 (B) The landlord does not conduct a screening of the applicant for any reason and fails to refund
- 39 an applicant screening charge to the applicant within a reasonable time.
- 40 **SECTION 6.** ORS 93.270 is amended to read:
- 41 93.270. (1) A person conveying or contracting to convey fee title to real property, or recording
- 42 a declaration under ORS 94.580, may not include in an instrument for that purpose a provision:
- 43 (a) Restricting the use of the real property by any person or group of persons by reason of race,
- 44 color, **caste**, religion, sex, sexual orientation, gender identity, national origin or disability.
- 45 (b) Restricting the use of the real property:

1 (A) As a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450
 2 or as the premises of an exempt family child care provider participating in the subsidy program
 3 under ORS 329A.500; or

4 (B) By any home or facility that is licensed under ORS 443.400 to 443.455 or 443.705 to 443.825
 5 to provide residential care alone or in conjunction with treatment or training or a combination
 6 thereof.

7 (2) A condominium that includes units used for residential purposes or planned community, in-
 8 cluding a community not subject to ORS 94.550 to 94.783, may not include in a recorded instrument
 9 governing the community and may not enforce any provision that would restrict the use of the
 10 community or the lots or units of the community because of race, color, **caste**, religion, sex, sexual
 11 orientation, gender identity, national origin, marital status, familial status, source of income, disa-
 12 bility or the number of individuals, including family members, persons of close affinity or unrelated
 13 persons, who are simultaneously occupying a dwelling unit within occupancy limits.

14 (3) Any provision in an instrument executed in violation of subsection (1) or (2) of this section
 15 is void and unenforceable.

16 (4) An instrument that contains a provision restricting the use of real property in a manner
 17 listed in subsection (1)(b) of this section does not give rise to any public or private right of action
 18 to enforce the restriction.

19 (5)(a) An instrument that contains a provision restricting the use of real property by requiring
 20 roofing materials with a lower fire rating than that required in the state building code established
 21 under ORS chapter 455 does not give rise to any public or private right of action to enforce the
 22 restriction in an area determined by a local jurisdiction as a wildfire hazard zone. Prohibitions on
 23 public or private right of action under this paragraph are limited solely to considerations of fire
 24 rating.

25 (b) As used in this subsection, “wildfire hazard zones” are areas that are legally declared by a
 26 governmental agency having jurisdiction over the area to have special hazards caused by a combi-
 27 nation of combustible natural fuels, topography and climatic conditions that result in a significant
 28 hazard of catastrophic fire over relatively long periods each year. Wildfire hazard zones shall be
 29 determined using criteria established by the State Forestry Department.

30 **SECTION 7.** ORS 101.115 is amended to read:

31 101.115. (1) A provider must assist a resident, upon request, in the exercise of the resident’s
 32 rights as a citizen of the United States and as a resident of this state. A resident has the right to
 33 exercise all rights that do not infringe upon the rights or safety of other residents.

34 (2) A resident has the right to review a provider’s disclosure statements.

35 (3) A provider may not discriminate or impose any requirement or restriction based on sex,
 36 marital status, race, color, **caste**, sexual orientation, gender identity or national origin of a resident,
 37 a prospective resident or a resident’s visitor.

38 (4) A provider shall make reasonable accommodations to ensure that services are accessible to
 39 residents who have disabilities.

40 (5) A provider shall treat each resident with respect and dignity at all times, and ensure privacy
 41 for each resident during rehabilitation or treatment and when receiving personal care services.

42 (6) A resident has the right to associate and communicate privately with persons of the
 43 resident’s choice and to send and receive mail that is not opened by the provider.

44 (7) A resident has the right to be free from abuse as defined in ORS 124.005.

45 (8) The residents’ council has the right to meet with the provider no less than twice each year

1 and must be allowed free discussion at the meetings of subjects that may include, but need not be
 2 limited to, facility income, expenditures, financial trends, resident concerns, proposed changes in
 3 policy, programs and services, and any other issue identified by the council or a resident under ORS
 4 101.112 (1).

5 (9) A resident has the right to participate in social, religious and community activities at the
 6 discretion of the resident.

7 (10) A resident has the right to be fully informed, prior to or at the time of admission and during
 8 the resident's period of residency, of services available in the continuing care retirement community,
 9 whether the provider participates in the Medicare or Medicaid programs and the consequences of
 10 the participation or lack of participation by the provider in the Medicare or Medicaid programs.

11 (11) A resident has the right to refuse medication, treatment, care or participation in clinical
 12 trials or other research.

13 (12) A resident has the right to obtain treatment, care and services, including but not limited
 14 to home health and hospice care, from persons providing health care who have not entered into a
 15 contract with or are not affiliated with the provider, subject to policies of the CCRC regarding the
 16 provision of services by persons that are not under contract.

17 (13) A resident has the right to submit grievances and to suggest changes in policies and ser-
 18 vices either orally or in writing to staff or other individuals without fear of restraint, interference,
 19 coercion, discrimination or reprisal by the provider. A provider must adopt written policies and
 20 procedures for the timely resolution of a resident's grievance.

21 (14) A resident has the right to be free from harassment by other residents and to peaceful en-
 22 joyment of the CCRC without interference from other residents.

23 (15) A provider shall keep clinical and personal records of residents confidential. A resident or
 24 an authorized representative of the resident has the right to a prompt inspection of the records
 25 pertaining to the resident's care. The provider shall provide photocopies or electronic copies of a
 26 resident's records to the resident or the authorized representative at a reasonable charge.

27 (16) A resident has the right to receive notice of proposed changes in fees or services in ac-
 28 cordance with ORS 101.112. The provider must allow residents a reasonable opportunity to comment
 29 on the proposed changes before the changes become effective.

30 (17) A provider shall have a procedure in place for a resident to request that a staff person of
 31 a particular sex be assigned to assist the resident with activities of daily living. The provider shall
 32 accommodate the request unless the provider is unable to do so. If the provider is unable to ac-
 33 commodate the request, the provider shall notify the resident, in writing, of the reasons why the
 34 provider is unable to accommodate the request and shall maintain documentation showing why the
 35 provider cannot accommodate the request.

36 **SECTION 8.** ORS 109.035 is amended to read:

37 109.035. (1) As used in this section:

38 (a) "Custody order" includes any order or judgment establishing or modifying custody of, or
 39 parenting time or visitation with, a minor child as described in ORS 107.095, 107.105 (1), 107.135 or
 40 109.103.

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

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

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

1 (C) Has local laws or practices that would restrict the other parent of the minor child from
 2 freely traveling to or exiting from the country because of the race, **caste**, religion, sex, sexual ori-
 3 entation or gender identity of the other parent;

4 (D) Has local laws or practices that would restrict the ability of the minor child from legally
 5 leaving the country after the child reaches the age of majority because of the race, **caste**, religion,
 6 sex, sexual orientation or gender identity of the child; or

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

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

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

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

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

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

24 (d) Any other relevant factors.

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

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

29 (b) Supervised parenting time; or

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

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

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

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

36 (D) Require the parent to provide to a relevant embassy or consulate and to the Office of
 37 Children's Issues in the United States Department of State the following documents:

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

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

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

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

45 **SECTION 9.** ORS 131.906 is amended to read:

1 131.906. (1) There is created the Law Enforcement Contacts Policy and Data Review Committee
 2 consisting of 11 members appointed by the Governor.

3 (2) The purpose of the committee is to receive and analyze demographic data to ensure that law
 4 enforcement agencies perform their missions without inequitable or unlawful discrimination based
 5 on race, **caste**, color or national origin.

6 (3) To achieve its purpose, the committee shall collect and analyze demographic data to:

7 (a) Provide information to assist communities and state and local law enforcement agencies in
 8 evaluating the policies, training and procedures of law enforcement agencies regarding the treat-
 9 ment of individuals during stops and other contacts with law enforcement;

10 (b) Inform state and local law enforcement agencies and communities about law enforcement
 11 practices; and

12 (c) Provide opportunities for communities and state and local law enforcement agencies to work
 13 together to increase public trust and confidence in law enforcement and to enhance the capacity
 14 of communities and law enforcement agencies to provide more effective public safety services.

15 (4) The committee shall:

16 (a) Solicit demographic data concerning law enforcement stops and other contacts between state
 17 and local law enforcement agencies and individuals;

18 (b) Publicize programs, procedures and policies from communities that have made progress to-
 19 ward eliminating discrimination based on race, **caste**, color or national origin during law enforce-
 20 ment stops and other contacts with individuals;

21 (c) Provide technical assistance, including refinement of the minimum data elements as neces-
 22 sary for effective analysis, to state and local law enforcement agencies that desire to begin collect-
 23 ing demographic data;

24 (d) Provide technical assistance to communities and state and local law enforcement agencies
 25 that desire to engage in local efforts to involve individuals in the establishment and implementation
 26 of programs, procedures and policies that will advance the goal of ORS 131.905;

27 (e) Obtain resources for independent analysis and interpretation of demographic data collected
 28 by state or local law enforcement agencies;

29 (f) Accept and analyze demographic data collected by a state or local law enforcement agency
 30 if requested by a state or local law enforcement agency and if resources are available; and

31 (g) Report to the public the results of analyses of demographic data.

32 (5) In carrying out its purpose, the committee may request and receive data files from partic-
 33 ipating law enforcement agencies and may analyze data for each reported contact. These data files
 34 should contain as many of the following items of information as are collected by the participating
 35 law enforcement agency:

36 (a) The reason for the law enforcement stop or other contact;

37 (b) The law enforcement officer's perception of the race, **caste**, color or national origin of the
 38 individual involved in the contact;

39 (c) The individual's gender;

40 (d) The individual's age;

41 (e) Whether a search was conducted in connection with the contact, and if so, what resulted
 42 from the search;

43 (f) The disposition of the law enforcement action, if any, resulting from the contact; and

44 (g) Additional data as recommended by the committee that state and local law enforcement
 45 agencies should collect and submit.

1 (6) Data received by the committee for analysis under this section may not identify a particular
2 law enforcement officer or a particular individual whose demographic data is collected by a state
3 or local law enforcement agency.

4 (7) The committee shall elect one of its members to serve as chairperson.

5 (8) Members of the committee who are not members of the Legislative Assembly are not entitled
6 to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred
7 by them in the performance of their official duties in the manner and amounts provided for in ORS
8 292.495. Claims for expenses incurred in performing functions of the committee shall be paid out of
9 funds appropriated to Portland State University for purposes of the committee.

10 (9) Portland State University shall provide administrative support staff necessary to the per-
11 formance of the functions of the committee.

12 (10) All agencies of state government, as defined in ORS 174.111, are requested to assist the
13 committee in the performance of its duties and, to the extent permitted by laws relating to
14 confidentiality, to furnish such information and advice as the members of the committee consider
15 necessary to perform their duties.

16 (11) The committee shall make findings and issue recommendations for action to achieve the
17 purpose of this section. The committee shall submit a report containing its findings and recom-
18 mendations to the appropriate interim legislative committees annually on or before December 1.

19 (12) After completion of the analysis of the data from at least two state or local law enforcement
20 agencies, the committee may recommend the collection of additional data elements.

21 (13) This section does not prohibit a state or local law enforcement agency from collecting data
22 in addition to the information listed in subsection (5) of this section.

23 **SECTION 10.** ORS 137.678 is amended to read:

24 137.678. (1) As used in this section:

25 (a) "Bias crime" means the commission, attempted commission or alleged commission of an of-
26 fense described in ORS 166.155 or 166.165.

27 (b) "Bias incident" means a person's hostile expression of animus toward another person, relat-
28 ing to the other person's perceived race, color, **caste**, religion, gender identity, sexual orientation,
29 disability or national origin, of which criminal investigation or prosecution is impossible or inap-
30 propriate. "Bias incident" does not include any incident in which probable cause of the commission
31 of a crime is established by the investigating law enforcement officer.

32 (2) The Oregon Criminal Justice Commission shall review all data pertaining to bias crimes and
33 bias incidents submitted to the commission:

34 (a) By district attorneys under ORS 137.676;

35 (b) By the Department of State Police under ORS 181A.225; and

36 (c) By the Department of Justice under ORS 147.380.

37 (3) The commission shall select one or more statistical analysis methodologies, determined to
38 be consistent with current best practices, with which to analyze the data described in subsection (2)
39 of this section.

40 (4) No later than July 1, 2020, and at least annually thereafter, the commission shall report the
41 results of the data analysis to the Governor, the Legislative Assembly, the Attorney General, the
42 Oregon District Attorneys Association, the Department of State Police and the Department of Public
43 Safety Standards and Training.

44 (5) Except as provided in subsection (7) of this section, the data described in subsection (2) of
45 this section shall be made publicly accessible to the fullest extent possible under state and federal

1 law.

2 (6) The commission may use the data described in subsection (2) of this section only for statis-
3 tical purposes and not for any other purpose.

4 (7) Any data described in subsection (2) of this section that reveals the identity of any individual
5 is exempt from public disclosure.

6 (8) The commission may adopt rules to carry out the provisions of this section.

7 **SECTION 11.** ORS 147.380 is amended to read:

8 147.380. (1) As used in this section:

9 (a) "Bias crime" means the commission, attempted commission or alleged commission of an of-
10 fense described in ORS 166.155 or 166.165.

11 (b) "Bias incident" means a person's hostile expression of animus toward another person, relat-
12 ing to the other person's perceived race, color, **caste**, religion, gender identity, sexual orientation,
13 disability or national origin, of which criminal investigation or prosecution is impossible or inap-
14 propriate. "Bias incident" does not include any incident in which probable cause of the commission
15 of a crime is established by the investigating law enforcement officer.

16 (c) "Hate crimes hotline" means the telephone hotline established by the Department of Justice
17 under subsection (3) of this section.

18 (d) "Local victims' services" means services provided to a victim of a bias crime or bias incident,
19 including but not limited to safety planning, trauma management and data reporting, by an entity
20 located in the same geographic area as the law enforcement agency that responds to the bias crime
21 or bias incident.

22 (2)(a) A law enforcement agency that responds to a report of a bias incident shall refer the
23 victim of the bias incident to qualifying local victims' services.

24 (b) The Department of Justice shall by rule designate qualifying local victims' services.

25 (c) If qualifying local victims' services are unavailable, the law enforcement agency shall refer
26 the victim of the bias incident to the hate crimes hotline.

27 (3) The Department of Justice shall establish a staffed hate crimes telephone hotline dedicated
28 to assisting the victims of bias crimes and bias incidents.

29 (4) There is created in the Department of Justice the position of Hate Crimes Response Coor-
30 dinator. The Hate Crimes Response Coordinator shall:

31 (a) Respond to all reports of bias crimes and bias incidents made to the hate crimes hotline.

32 (b) Provide assistance to victims of bias crimes and bias incidents that is culturally competent
33 and designed to reduce the effects of trauma, prevent further trauma and reach a diverse commu-
34 nity.

35 (c) Assist with safety planning for victims of bias crimes and bias incidents.

36 (d) Coordinate with local nongovernmental organizations and service providers in assisting vic-
37 tims of bias crimes and bias incidents.

38 (e) Develop training for nongovernmental organizations and service providers to standardize
39 methods for assisting victims of bias crimes and bias incidents.

40 (5)(a) The Department of Justice shall:

41 (A) In coordination with the Oregon Criminal Justice Commission, develop a standardized intake
42 process for all reports of bias crimes and bias incidents made to the department.

43 (B) Collect all data possible concerning the character, location and impacted protected class of
44 any bias crime or bias incident reported to the department.

45 (C) Report to the commission continually and at least quarterly all data collected pursuant to

1 this subsection.

2 (b) The data reported to the commission under this subsection may not contain information that
3 reveals the identity of any individual.

4 (6) Any data collected by the Department of Justice under this section that reveals the identity
5 of any individual is exempt from public disclosure.

6 (7) The Department of Justice may adopt rules to carry out the provisions of this section.

7 **SECTION 12.** ORS 166.155 is amended to read:

8 166.155. (1) A person commits a bias crime in the second degree if the person:

9 (a) Tamper or interferes with property, having no right to do so nor reasonable ground to be-
10 lieve that the person has such right, with the intent to cause substantial inconvenience to another
11 person because of the person's perception of the other person's race, color, **caste**, religion, gender
12 identity, sexual orientation, disability or national origin;

13 (b) Intentionally subjects another person to offensive physical contact because of the person's
14 perception of the other person's race, color, **caste**, religion, gender identity, sexual orientation,
15 disability or national origin; or

16 (c) Intentionally, because of the person's perception of race, color, **caste**, religion, gender iden-
17 tity, sexual orientation, disability or national origin of another person or of a member of the other
18 person's family, subjects the other person to alarm by threatening:

19 (A) To inflict serious physical injury upon or to commit a felony affecting the other person, or
20 a member of the other person's family; or

21 (B) To cause substantial damage to the property of the other person or of a member of the other
22 person's family.

23 (2) A bias crime in the second degree is a Class A misdemeanor.

24 (3) As used in this section and ORS 166.165:

25 (a) "Gender identity" means an individual's gender-related identity, appearance, expression or
26 behavior, regardless of whether the identity, appearance, expression or behavior differs from that
27 associated with the gender assigned to the individual at birth.

28 (b) "Property" means any tangible personal property or real property.

29 **SECTION 13.** ORS 166.165 is amended to read:

30 166.165. (1) A person commits a bias crime in the first degree if the person:

31 (a) Intentionally, knowingly or recklessly causes physical injury to another person because of
32 the person's perception of the other person's race, color, **caste**, religion, gender identity, sexual
33 orientation, disability or national origin;

34 (b) With criminal negligence causes physical injury to another person by means of a deadly
35 weapon because of the person's perception of the other person's race, color, **caste**, religion, gender
36 identity, sexual orientation, disability or national origin; or

37 (c) Intentionally, because of the person's perception of another person's race, color, **caste**, reli-
38 gion, gender identity, sexual orientation, disability or national origin, places another person in fear
39 of imminent serious physical injury.

40 (2) A bias crime in the first degree is a Class C felony.

41 **SECTION 14.** ORS 179.750 is amended to read:

42 179.750. (1) Discrimination may not be made in the admission, accommodation, care, education
43 or treatment of any person in a state institution because the person does or does not contribute to
44 the cost of the care.

45 (2) Discrimination may not be made in the provision of or access to educational facilities and

1 services and recreational facilities and services to any person in the state institutions enumerated
 2 in ORS 420.005 or Department of Corrections institutions as defined in ORS 421.005 on the basis of
 3 race, **caste**, religion, sex, sexual orientation, gender identity, national origin or marital status of the
 4 person. This subsection does not require combined domiciliary facilities at the state institutions to
 5 which it applies.

6 **SECTION 15.** ORS 181A.225 is amended to read:

7 181A.225. (1) All law enforcement agencies shall report to the Department of State Police sta-
 8 tistics concerning crimes:

9 (a) As directed by the department, for purposes of the Uniform Crime Reporting System of the
 10 Federal Bureau of Investigation.

11 (b) As otherwise directed by the Governor concerning general criminal categories of criminal
 12 activities but not individual criminal records.

13 (c) Motivated by prejudice based on the perceived race, color, **caste**, religion, national origin,
 14 sexual orientation, disability or gender identity of the victim.

15 (d) And other incidents arising out of domestic disturbances under ORS 133.055 (2) and 133.310
 16 (3).

17 (2) The department shall prepare:

18 (a) Quarterly and annual reports for the use of agencies reporting under subsection (1) of this
 19 section, and others having an interest therein;

20 (b) An annual public report of the statistics on the incidence of crime motivated by prejudice
 21 based on the perceived race, color, **caste**, religion, national origin, sexual orientation, disability or
 22 gender identity of the victim;

23 (c) Quarterly and annual reports of the statistics on the incidence of crimes and incidents of
 24 domestic disturbances; and

25 (d) Special reports as directed by the Governor.

26 (3)(a) The department shall report to the Oregon Criminal Justice Commission, continually and
 27 at least quarterly, all primary data collected pursuant to subsection (1) of this section.

28 (b) The data reported to, and maintained by, the commission under this subsection:

29 (A) Shall be used only for statistical purposes and not for any other purpose.

30 (B) Is exempt from public disclosure if the data directly identifies any individual involved in a
 31 bias crime.

32 **SECTION 16.** ORS 181A.470 is amended to read:

33 181A.470. The Board on Public Safety Standards and Training shall ensure that all police offi-
 34 cers and certified reserve officers are trained to:

35 (1) Investigate, identify and report crimes:

36 (a) Motivated by prejudice based on the perceived race, color, **caste**, religion, national origin,
 37 sexual orientation, gender, gender identity, marital status, political affiliation or beliefs, membership
 38 or activity in or on behalf of a labor organization or against a labor organization, physical or mental
 39 disability, age, economic or social status or citizenship of the victim; and

40 (b) That constitute abuse, as defined in ORS 419B.005, or domestic violence.

41 (2) Understand the requirements of the Vienna Convention on Consular Relations and identify
 42 situations in which the officers are required to inform a person of the person's rights under the
 43 convention.

44 **SECTION 17.** ORS 181A.640 is amended to read:

45 181A.640. (1) The Department of Public Safety Standards and Training may deny the application

1 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,
 2 except a youth correction officer or fire service professional, after written notice and hearing con-
 3 sistent with the provisions of ORS 181A.630, based upon a finding that:

4 (a) The public safety officer or instructor falsified any information submitted on the application
 5 for certification or on any documents submitted to the Board on Public Safety Standards and
 6 Training or the department.

7 (b) The public safety officer or instructor has been convicted of a crime or violation in this state
 8 or any other jurisdiction.

9 (c) The public safety officer or instructor does not meet the applicable minimum standards,
 10 minimum training or the terms and conditions established under ORS 181A.410 (1)(a) to (d).

11 (d) The public safety officer failed to comply with ORS 181A.790 (3)(b).

12 (2) The department shall deny the application for training or deny, suspend or revoke the cer-
 13 tification of a police officer, after written notice and hearing consistent with the provisions of ORS
 14 181A.630, based upon a finding that:

15 (a) The officer has a conviction for any offense designated under the law of the jurisdiction
 16 where the conviction occurred as being punishable as a felony or as a crime for which a maximum
 17 term of imprisonment of more than one year may be imposed;

18 (b) The officer has a conviction in any jurisdiction for any offense involving the unlawful use,
 19 possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except
 20 for offenses involving the use or possession of marijuana;

21 (c) The officer has a conviction in any jurisdiction for any offense involving domestic violence,
 22 as defined in ORS 135.230;

23 (d) The officer has a conviction in any jurisdiction for any offense involving abuse, as defined
 24 in ORS 107.705, of a child who is under 18 years of age and is a natural child, adopted child,
 25 stepchild, a child under the guardianship of, or a child who regularly resides or formerly resided in
 26 the same household as, the officer;

27 (e) The officer is a sex offender as defined in ORS 163A.005; or

28 (f) The officer has been discharged for cause from employment as a police officer as a result of
 29 intentional conduct performed under the color of office to:

30 (A) Obtain false confessions;

31 (B) Make false arrests;

32 (C) Create or use falsified evidence, including false testimony, or to destroy evidence to create
 33 a false impression;

34 (D) Compel a person to abstain from doing, or to do, any act that the person has a legal right
 35 to do or abstain from doing;

36 (E) Deprive, or attempt to deprive, another person or persons of their legal rights;

37 (F) Gain advantage for a public or private safety agency or for personal gain;

38 (G) Use force that was determined to be excessive or without justification;

39 (H) Engage in the abuse of lawful authority; or

40 (I) Engage in policing indicative of bias or discriminatory intent against an individual based on
 41 the individual's real or perceived age, race, ethnicity, color, **caste**, national origin, language, sex,
 42 gender identity, sexual orientation, political affiliation, religion, homelessness or disability.

43 (3) The department shall deny, suspend or revoke the certification of a fire service professional,
 44 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
 45 finding that the fire service professional has been convicted in this state of a crime listed in ORS

1 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a
 2 crime listed in ORS 137.700.

3 (4) The department may deny, suspend or revoke the certification of any fire service professional
 4 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
 5 finding:

6 (a) That the fire service professional falsified any information submitted on the application for
 7 certification or on any documents submitted to the board or the department; or

8 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold
 9 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other
 10 than a crime described in subsection (3) of this section.

11 (5) The department shall deny, suspend or revoke the certification of any public safety officer
 12 or instructor, except a youth correction officer, after written notice and hearing consistent with the
 13 provisions of ORS 181A.630, based upon a finding that the public safety officer or instructor has
 14 been discharged for cause from employment as a public safety officer.

15 (6) The department, in consultation with the board, shall adopt rules specifying those crimes and
 16 violations for which a conviction requires the denial, suspension or revocation of the certification
 17 of a public safety officer or instructor.

18 (7) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-
 19 lic safety officer or instructor, the department may:

20 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the
 21 public safety officer or instructor; or

22 (b) Revise or render void an order suspending or revoking the certification.

23 (8) The department shall deny, suspend or revoke the accreditation of a training or educational
 24 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
 25 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181A.410
 26 (1)(g) or 181A.590 (3).

27 (9) When the department completes an investigation relating to a person's qualifications for
 28 employment, training or certification under this section, the department shall issue a report.

29 (10) In cases involving a proposed denial of training or certification of a public safety officer
 30 or instructor by the department, the department has jurisdiction to proceed with any action against
 31 the public safety officer or instructor notwithstanding a subsequent change in the employment status
 32 of the officer or instructor, if:

33 (a) The department has issued a notice of intent to deny training or certification; and

34 (b) The officer or instructor has requested a hearing.

35 **SECTION 18.** ORS 181A.681 is amended to read:

36 181A.681. (1) As used in this section, "misconduct" means:

37 (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or
 38 in violation of the use of force policy for the law enforcement unit employing the offending officer;

39 (b) Sexual harassment or sexual misconduct;

40 (c) Discrimination against a person based on race, color, **caste**, religion, sex, sexual orientation,
 41 gender identity, national origin, disability or age; or

42 (d) A crime.

43 (2) Without regard to rank or assignment, a police officer or reserve officer shall intervene to
 44 prevent or stop another police officer or reserve officer engaged in any act the intervening officer
 45 knows or reasonably should know is misconduct, unless the intervening officer cannot intervene

1 safely.

2 (3)(a) A police officer or reserve officer who witnesses another police officer or reserve officer
 3 engaging in misconduct or a violation of the minimum standards for physical, emotional, intellectual
 4 and moral fitness for public safety personnel established under ORS 181A.410 shall report the mis-
 5 conduct or violation as soon as practicable, but no later than 72 hours after witnessing the mis-
 6 conduct or violation, to:

- 7 (A) A direct supervisor of the reporting officer;
- 8 (B) A person in the reporting officer's chain of command; or
- 9 (C) The Department of Public Safety Standards and Training.

10 (b) If the person to whom a police officer reports misconduct or a violation under this subsection
 11 does not have the authority to direct an investigation into the alleged misconduct or violation, the
 12 person shall forward the report of misconduct or violation to a person who has the authority to di-
 13 rect an investigation into the alleged misconduct or violation as soon as practicable, but no later
 14 than 72 hours after receiving the report.

15 (c) A law enforcement unit that receives a report of misconduct or violation under this sub-
 16 section shall complete an investigation of the misconduct or violation within three months after the
 17 date of the report unless circumstances prevent the investigation from being completed. The law
 18 enforcement unit shall notify the Department of Public Safety Standards and Training when an in-
 19 vestigation results in a finding that sustains a report of misconduct, but need not notify the de-
 20 partment when an investigation results only in a finding that sustains a report of a violation of the
 21 minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel
 22 established under ORS 181A.410.

23 (4) Failure to intervene or report as required by subsections (2) and (3) of this section is grounds
 24 for disciplinary action against a police officer or reserve officer by the law enforcement unit em-
 25 ploying the officer or for the Department of Public Safety Standards and Training to suspend or
 26 revoke the officer's certification as provided in ORS 181A.630, 181A.640 and 181A.650.

27 (5) An employer may not discharge, demote, suspend or in any manner discriminate or retaliate
 28 against a police officer or reserve officer with regard to promotion, compensation or other terms,
 29 conditions or privileges of employment for the reason that the officer intervened or reported as re-
 30 quired by subsections (2) and (3) of this section. Violation of this subsection is an unlawful employ-
 31 ment practice as provided in ORS 659A.199.

32 (6) The Department of Public Safety Standards and Training shall report at least annually to
 33 an appropriate committee of the Legislative Assembly on any rules adopted by the department im-
 34 plementing this section.

35 **SECTION 19.** ORS 182.100 is amended to read:

36 182.100. (1) It is declared to be the policy of Oregon that this state shall be a leader in affir-
 37 mative action. All appointive authorities for state boards, commissions and advisory bodies shall
 38 implement this policy of affirmative action in their appointments, subject to the legal requirements
 39 for each appointment.

40 (2) The Director of Affirmative Action shall assist all persons who have appointing authority
 41 at the state level for boards, commissions or advisory bodies in carrying out the state policy stated
 42 in subsection (1) of this section and ORS 236.115.

43 (3) As used in this section, "affirmative action" means a method of eliminating the effects of past
 44 and present discrimination, intended or unintended, on the basis of race, **caste**, religion, national
 45 origin, age, sex, marital status or physical or mental disabilities, that are evident or indicated by

1 analysis of present appointment patterns, practices and policies.

2 **SECTION 20.** ORS 192.630 is amended to read:

3 192.630. (1) All meetings of the governing body of a public body shall be open to the public and
 4 all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610
 5 to 192.690.

6 (2) A quorum of a governing body may not meet in private for the purpose of deciding on or
 7 deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to
 8 192.690.

9 (3) A governing body may not hold a meeting at any place where discrimination on the basis
 10 of race, color, creed, **caste**, sex, sexual orientation, gender identity, national origin, age or disability
 11 is practiced. However, the fact that organizations with restricted membership hold meetings at the
 12 place does not restrict its use by a public body if use of the place by a restricted membership or-
 13 ganization is not the primary purpose of the place or its predominant use.

14 (4)(a) Meetings of the governing body of a public body shall be held:

15 (A) Within the geographic boundaries over which the public body has jurisdiction;

16 (B) At the administrative headquarters of the public body;

17 (C) At the nearest practical location; or

18 (D) If the public body is a state, county, city or special district entity, within Indian country of
 19 a federally recognized Oregon Indian tribe that is within the geographic boundaries of this state.
 20 For purposes of this subparagraph, "Indian country" has the meaning given that term in 18 U.S.C.
 21 1151.

22 (b) Training sessions may be held outside the jurisdiction as long as no deliberations toward a
 23 decision are involved.

24 (c) A joint meeting of two or more governing bodies or of one or more governing bodies and the
 25 elected officials of one or more federally recognized Oregon Indian tribes shall be held within the
 26 geographic boundaries over which one of the participating public bodies or one of the Oregon Indian
 27 tribes has jurisdiction or at the nearest practical location.

28 (d) Meetings may be held in locations other than those described in this subsection in the event
 29 of an actual emergency necessitating immediate action.

30 (5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet
 31 in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard
 32 of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or
 33 hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on
 34 the basis of disability shall be as provided in ORS 192.680.

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

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

40 (d) If certification of interpreters occurs under state or federal law, the Oregon Health Author-
 41 ity or other state or local agency shall try to refer only certified interpreters to governing bodies
 42 for purposes of this subsection.

43 (e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the
 44 department or other state or local agency that maintains a list of qualified interpreters and ar-
 45 ranging for the referral of one or more qualified interpreters to provide interpreter services.

SECTION 21. ORS 240.306 is amended to read:

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

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

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

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

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

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

- (A) Require special or unique skills such as expert professional level or executive positions; or
- (B) Have critical timing requirements affecting recruitment.

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

(7) The department or delegated agencies shall establish systems to provide opportunities for promotion through meritorious service, training, education and career development assignments. The department shall certify to the eligibility of persons selected for promotion or delegate that responsibility to operating agencies in appropriate situations. Provision shall be made to bring persons into state service through open competition at higher levels when the competition provides abilities not available among existing employees, enrich state service or contribute to improved employment opportunity for underrepresented groups.

SECTION 22. ORS 279A.100 is amended to read:

279A.100. (1) As used in this section:

(a) "Affirmative action" means a program designed to ensure equal opportunity in employment and business for persons otherwise disadvantaged by reason of race, color, **caste**, religion, sex, national origin, age or physical or mental disability or a policy to give a preference in awarding public contracts to disabled veterans.

(b) "Disabled veteran" has the meaning given that term in ORS 408.225.

(2) The provisions of the Public Contracting Code may not be construed to prohibit a contracting agency from engaging in public contracting practices designed to promote affirmative action goals, policies or programs for disadvantaged or minority groups or to give a preference in awarding

1 public contracts to disabled veterans.

2 (3) In carrying out an affirmative action goal, policy or program, a contracting agency by ap-
 3 propriate ordinance, resolution or rule may limit competition for a public contract for goods and
 4 services, or for any other public contract estimated to cost \$50,000 or less, to contracting entities
 5 owned or controlled by persons described in subsection (1) of this section.

6 **SECTION 23.** ORS 279A.112 is amended to read:

7 279A.112. (1) As used in this section:

8 (a) “Discrimination” means conduct that has the purpose or effect of creating employment con-
 9 ditions for an individual that are intimidating, hostile or offensive or that evince animosity, resent-
 10 ment, anger, prejudice or ill will in others primarily because of the individual’s identification with
 11 or membership in a protected class.

12 (b) “Protected class” means a group of people that state or federal law protects from employ-
 13 ment discrimination including, but not limited to, a group in which membership depends on an as-
 14 scribed association or identification, or an individual’s voluntary association or identification with
 15 other individuals, on the basis of one or more of these characteristics:

16 (A) Race, color or ethnicity;

17 (B) National origin;

18 (C) Sex;

19 (D) Gender, including actual or perceived gender identity;

20 (E) Sexual orientation;

21 (F) Disability;

22 (G) Age;

23 (H) Marital status; *[or]*

24 **(I) Caste; or**

25 *[I]* **(J) Religion.**

26 (c) “Sexual assault” means any unwanted sexual contact, as defined in ORS 163.305.

27 (d) “Sexual harassment” means:

28 (A) A request or demand for sexual favors in an implicit or explicit exchange for an
 29 employment-related benefit or as a means of avoiding an employment-related detriment; or

30 (B) Unwelcome conduct of a sexual nature that has the purpose or effect of interfering with a
 31 person’s ability to perform job duties or that creates an intimidating, offensive or hostile work en-
 32 vironment.

33 (2)(a) Except as provided in subsection (4) of this section, a state contracting agency may not
 34 enter into a public contract with an anticipated contract price of \$150,000 or more with a prospec-
 35 tive contractor that does not certify in a signed writing that the prospective contractor has a policy
 36 and practice of preventing sexual harassment, sexual assault and discrimination against employees
 37 who are members of a protected class.

38 (b) A prospective contractor may not certify under paragraph (a) of this subsection that the
 39 prospective contractor has a policy and practice of preventing sexual harassment, sexual assault or
 40 discrimination against employees who are members of a protected class unless the policy and prac-
 41 tice includes, at a minimum:

42 (A) A written notice to each employee that clearly prohibits and specifies disciplinary measures
 43 for conduct that constitutes sexual harassment, sexual assault or discrimination against a member
 44 of a protected class.

45 (B) A clear process that:

1 (i) Enables an employee that experiences or witnesses conduct that constitutes sexual
 2 harassment, sexual assault or discrimination against a member of a protected class to report and
 3 stop the conduct; and

4 (ii) Guides the prospective contractor in responding to a report under sub-subparagraph (i) of
 5 this subparagraph, resolving the issues identified in the report and disciplining employees who en-
 6 gage in prohibited conduct.

7 (C) A regular written procedure for submitting a report under subparagraph (B)(i) of this para-
 8 graph that identifies the specific individuals to whom an employee may submit the report and the
 9 individuals who have responsibility for resolving issues identified in the report.

10 (D) A practice of treating as confidential, to the extent permitted by law, any report that an
 11 employee makes under subparagraph (B)(i) of this paragraph.

12 (E) A prohibition against retaliating against an employee who experiences or witnesses, and
 13 reports, conduct that constitutes sexual harassment, sexual assault or discrimination against a
 14 member of a protected class.

15 (F) A prohibition against discrimination in providing benefits to an employee or a dependent of
 16 the employee based on the employee's membership in a protected class or the membership of the
 17 employee's dependent in a protected class.

18 (G) A prohibition on denying benefits to an employee or a dependent of the employee based
 19 solely on the employee's gender identity or the gender identity of the employee's dependent, if the
 20 prospective contractor provides health insurance or health care benefits.

21 (c) A prospective contractor may provide the written notice described in paragraph (b)(A) of this
 22 subsection by means of a printed or electronic employee handbook. The Oregon Department of Ad-
 23 ministrative Services may develop and make available on the department's website an electronic
 24 template to guide prospective contractors in meeting the notice requirements set forth in paragraph
 25 (b)(A) of this subsection and may provide other guidance to prospective contractors in meeting the
 26 requirements set forth in paragraph (b) of this subsection.

27 (3) Every public contract described in subsection (2)(a) of this section that a state contracting
 28 agency awards must require as a material term of the public contract that a contractor certify that
 29 the contractor has a policy and practice that meets the requirements described in subsection (2) of
 30 this section and will maintain the policy and practice in force during the entire term of the public
 31 contract.

32 (4) A state contracting agency may enter into a public contract described in subsection (2)(a)
 33 of this section with a prospective contractor that has not provided the certification described in
 34 subsection (2) of this section if:

35 (a) The state contracting agency conducted the procurement under ORS 279B.075, 279B.080 or
 36 279B.085; or

37 (b) Only one prospective contractor submitted a bid or proposal in response to the state con-
 38 tracting agency's solicitation.

39 **SECTION 24.** ORS 307.471 is amended to read:

40 307.471. (1)(a) Upon compliance with subsection (2) of this section, student housing shall be ex-
 41 empt from all ad valorem property taxes levied by a school district, a county education bond district,
 42 an education service district, a community college service district or a community college district.

43 (b) As used in this subsection, "student housing" means housing that is:

44 (A) Rented exclusively to students of any educational institution, public or private, that offers
 45 at least a two-year program acceptable for full credit toward a baccalaureate degree;

1 (B) Rented upon a nondiscriminatory basis, without regard to race, creed, **caste**, color or na-
 2 tional origin;

3 (C) Owned by a nonprofit corporation having articles of incorporation that provide that on dis-
 4 solution or liquidation, the right, title and interest of the corporation in and to all accommodations
 5 and facilities with respect to which exemption is sought will be conveyed to the educational insti-
 6 tution or institutions whose students are served by the housing, and all its other remaining assets
 7 will be conveyed to one or more organizations exempt from federal income tax under section
 8 501(c)(3) of the Internal Revenue Code;

9 (D) Owned by a nonprofit corporation that has made legally enforceable arrangements to convey
 10 its interest in any property with respect to which exemption is claimed to the educational institution
 11 or institutions whose students are served by the housing upon final payment of the mortgage
 12 indebtedness incurred in connection with the construction or acquisition of the housing; and

13 (E) Regulated by federal or state law in regard to rents, charges, development costs and methods
 14 of operation. The renting of the property for safekeeping purposes during the summer months shall
 15 not disqualify the property from the exemption granted by this section.

16 (2)(a) Except as provided in paragraph (b) of this subsection, the nonprofit corporation shall
 17 apply to the assessor for the exemption on or before April 1 of the assessment year for which the
 18 exemption is claimed on forms prescribed by the Department of Revenue. The exemption claim shall
 19 include a certification by the university, college or community college attended by a majority of the
 20 student occupants that the property is being used for student housing during the current school
 21 year. Once an exemption has been granted, the exemption shall continue in effect, without reap-
 22 plication, until the property fails to meet the qualifications of subsection (1) of this section as ex-
 23 empt student housing.

24 (b) If the property designated in the claim for exemption under paragraph (a) of this subsection
 25 is acquired after March 1 and before July 1, or if there is a change in use of the property qualifying
 26 the property for exemption under this section after March 1 and before July 1, the initial claim for
 27 exemption shall be filed within 30 days from the date of acquisition or change of use of the property.

28 (3) When, for any reason, the property or any portion thereof ceases to meet the qualifications
 29 of subsection (1) of this section, the owner at the time of the change shall notify the assessor of such
 30 change prior to the next January 1, or within 60 days after the date of disqualification, whichever
 31 is the earlier.

32 (4) When property that has received special exemption as student housing under subsection (1)
 33 of this section thereafter becomes disqualified for such exemption, and the notice required by sub-
 34 section (3) of this section is not given, the assessor shall determine the date that the notice should
 35 have been given, shall notify the owner thereof and notwithstanding ORS 311.235, there shall be
 36 added to the tax extended against the property on the next general property tax roll, to be collected
 37 and distributed in the same manner as the remainder of the real property tax, an amount equal to
 38 the sum of the following:

39 (a) The total amount by which taxes assessed against the property would have been increased
 40 if it had been subject to tax without regard to subsection (1) of this section during the tax year for
 41 which the notice should have been given and each tax year thereafter together with the interest
 42 which would have accrued had the taxes been properly assessed and the exemption not been granted
 43 in the applicable years; and

44 (b) A penalty equal to 20 percent of the amount specified in paragraph (a) of this subsection,
 45 however, no penalty shall be imposed on any amount attributable to interest.

1 (5) A fraternity, sorority or cooperative housing organization, or an associated alumni nonprofit
 2 corporation organized exclusively for the purpose of owning property housing the fraternity, sorority
 3 or cooperative housing organization and providing related financial and operational support, may
 4 qualify for the exemption provided by subsection (1) of this section if the requirements of subsection
 5 (1)(b)(A) and (B) of this section are met, provided that any of its housing accommodations not oc-
 6 cupied by members of the organization shall be open to occupancy by students who are not members
 7 of or affiliated with the organization, on a nondiscriminatory basis, without regard to race, creed,
 8 **caste**, color or national origin, under rules or conditions set by the school.

9 (6) Additional taxes collected under this section shall be deemed to have been imposed in the
 10 year to which the additional taxes relate.

11 **SECTION 25.** ORS 307.580 is amended to read:

12 307.580. (1) If not otherwise exempt by law and upon compliance with ORS 307.162, all real and
 13 personal property or proportion thereof owned or being purchased by an industry apprenticeship or
 14 training trust is exempt from property taxation if:

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

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

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

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

28 (3) No exemption shall be allowed under subsection (1) or (2) of this section if the property is
 29 used in the implementation or operation of an apprenticeship or training program that discriminates
 30 with respect to its participants on the basis of age, race, **caste**, religion, sex or national origin.

31 **SECTION 26.** ORS 336.067 is amended to read:

32 336.067. (1) In public schools special emphasis shall be given to instruction in:

33 (a) Honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution
 34 of the United States and the Constitution of the State of Oregon, respect for parents and the home,
 35 the dignity and necessity of honest labor and other lessons that tend to promote and develop an
 36 upright and desirable citizenry.

37 (b) Respect for all humans, regardless of race, color, creed, national origin, **caste**, religion, age,
 38 sex or disability.

39 (c) Acknowledgment of the dignity and worth of individuals and groups and their participative
 40 roles in society.

41 (d) Humane treatment of animals.

42 (e) The effects of tobacco, alcohol, drugs and controlled substances upon the human system.

43 (2) The Superintendent of Public Instruction shall prepare an outline with suggestions that will
 44 best accomplish the purpose of this section, and shall incorporate the outline in the courses of study
 45 for all public schools.

SECTION 27. ORS 339.127 is amended to read:

339.127. (1) A district school board that admits nonresident students by giving consent as described in ORS 339.133 (5)(a) may not consider race, **caste**, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability or academic records when:

- (a) Determining whether to give consent; or
- (b) Establishing any terms of consent.

(2) A district school board that is considering whether to admit a nonresident student by giving consent may require only the following information prior to deciding whether to give consent:

- (a) The name, contact information, date of birth and grade level of the student;
- (b) Information about whether the school district may be prevented or otherwise limited from providing consent as provided by ORS 339.115 (8);
- (c) Information about whether the student may be given priority as provided by subsection (4) of this section; and
- (d) Information about which schools the student prefers to attend.

(3)(a) A district school board that is considering whether to admit a nonresident student by giving consent may not:

(A) Request or require any person to provide or have provided any of the following information related to a student prior to the district school board deciding whether to give consent to the student:

- (i) Information about the student's race, **caste**, religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language or athletic ability; or
- (ii) Academic records, including eligibility for or participation in a talented and gifted program or special education and related services.

(B) Request or require the student to participate in an interview, to tour any of the schools or facilities of the school district or to otherwise meet with any representatives of a school or a school district prior to the district school board deciding whether to give consent to the student.

(C) Request any information used to supplement the information described in subsection (2) of this section prior to deciding whether to give consent to the student.

(b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or facilities of a school district or from requesting or receiving any information from a school or the school district.

(4)(a) A district school board that gives consent as described in ORS 339.133 (5)(a) may limit the number of students to whom consent is given. The district school board must make the determination whether to limit the number of students to whom consent is given by an annual date established by the board.

(b) If the number of students seeking consent exceeds any limitations imposed by the district school board, the board must give consent to students based on an equitable lottery selection process. The process may give priority to students who:

- (A) Have siblings currently enrolled in a school of the same school district for which the student seeks admission;
- (B) Previously had received consent as provided by subsection (10) of this section because of a

1 change in legal residence; or

2 (C) Attended a public charter school located in the same district for which the student seeks
 3 admission for at least three consecutive years, completed the highest grade offered by the public
 4 charter school and did not enroll in and attend school in another district following completion of
 5 the highest grade offered by the public charter school.

6 (c) A district school board may revise the maximum number of students to whom consent will
 7 be given at a time other than the annual date established by the board if there are no pending ap-
 8 plications for consent.

9 (5) A district school board that is requested to give consent to allow a resident student to be
 10 admitted by another school district as described in ORS 339.133 (5)(a) may not consider race, **caste**,
 11 religion, sex, sexual orientation, gender identity, ethnicity, national origin, disability, health,
 12 whether a student has an individualized education program, the terms of an individualized education
 13 program, income level, residence, proficiency in the English language, athletic ability or academic
 14 records when determining whether to give consent.

15 (6) If a district school board decides to not give consent to a student, the board must provide
 16 a written explanation to the student.

17 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
 18 scribed in ORS 339.133 (5)(a), a district school board may:

19 (A) Determine the length of time for which consent is given; and

20 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,
 21 but may not revoke consent for failure to meet standards for academics.

22 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-
 23 section, must be applied consistently among all students to whom consent is given. The length of
 24 time for which consent is given shall not be affected by any changes in the legal residence of the
 25 student if the student wishes to continue to attend the schools of the school district.

26 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-
 27 quest consent from the same school district that revoked the consent for the school year following
 28 the school year in which the consent was revoked.

29 (8) For a resident student who receives consent to be admitted to another school district as
 30 described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the length
 31 of time for which consent is given to the student. The board may not require the student to receive
 32 consent more than one time to be admitted to the same school district, regardless of any time limi-
 33 tations imposed by the district school board under (7)(a)(A) of this section.

34 (9)(a) A school district that provides consent to nonresident students to attend the schools of
 35 the school district may not expend moneys received from the State School Fund or as Local Re-
 36 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
 37 tisements are:

38 (A) Located outside the boundaries of the school district, including advertisements that are
 39 made by signage or billboards; or

40 (B) Directed to nonresident students, including:

41 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
 42 keting;

43 (ii) Television or radio advertisements; or

44 (iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves
 45 the residents of the school district.

1 (b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the
2 boundaries of the school district, the school district may advertise openings for nonresident students
3 on the property of the school.

4 (c) Nothing in this subsection:

5 (A) Prohibits a school district from providing information or advertisements to nonresident stu-
6 dents if the parents of the students request the information or advertisements.

7 (B) Prohibits a public charter school from advertising openings.

8 (10) Notwithstanding any other provision of this section, a district school board that is re-
9 quested to give consent as described in ORS 339.133 (5)(a) must give consent to a student whose
10 legal residence changes to a different school district:

11 (a) During the school year, to enable the student to complete the school year in the school dis-
12 trict; or

13 (b) During the summer prior to the school year, to enable the student to complete the school
14 year following the summer in the school district.

15 (11) Nothing in this section:

16 (a) Requires a district school board to admit students for whom priority may be given under
17 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted
18 by consent.

19 (b) Prevents a district school board from denying admission to a nonresident student as provided
20 by ORS 339.115 (8).

21 (c) Prevents a district school board from requesting information or giving consent to a student
22 in the event of:

23 (A) An emergency to protect the health, safety or welfare of the student; or

24 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-
25 ucation.

26 (d) Prevents a district school board from establishing minimum standards for behavior and at-
27 tendance that a student must maintain to remain enrolled in the schools of the school district.

28 **SECTION 28.** ORS 339.128 is amended to read:

29 339.128. (1) A district school board that admits nonresident students and charges nonresident
30 students tuition may not consider race, **caste**, religion, sex, sexual orientation, gender identity,
31 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
32 gram, the terms of an individualized education program, income level, residence, proficiency in the
33 English language, athletic ability or academic records when:

34 (a) Determining whether to accept a nonresident student; or

35 (b) Establishing the amount of tuition.

36 (2) A district school board that admits nonresident students and charges nonresident students
37 tuition may require a student seeking to attend the schools of the school district to provide the
38 following information:

39 (a) The name, contact information, date of birth and grade level of the student; and

40 (b) Information about whether the school district may be prevented or otherwise limited from
41 admitting the student as provided by ORS 339.115 (8).

42 (3)(a) A district school board that admits nonresident students and charges nonresident students
43 tuition may not:

44 (A) Request or require any person to provide or have provided any of the following information
45 related to a student prior to the district school board deciding whether to admit the student:

1 (i) Information about the student’s race, **caste**, religion, sex, sexual orientation, gender identity,
2 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
3 gram, the terms of an individualized education program, income level, residence, proficiency in the
4 English language or athletic ability; or

5 (ii) Academic records, including eligibility for or participation in a talented and gifted program
6 or special education and related services.

7 (B) Request or require the student to participate in an interview, to tour any of the schools or
8 facilities of the school district or to otherwise meet with any representatives of a school or a school
9 district prior to the district school board deciding whether to admit the student.

10 (C) Request any information used to supplement the information described in subsection (2) of
11 this section prior to deciding whether to admit the student.

12 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
13 facilities of a school district or from requesting or receiving any information from a school or the
14 school district.

15 (4) If a district school board decides to deny admission to a nonresident student and to charge
16 the nonresident student tuition, the board must provide a written explanation to the student.

17 (5) Nothing in this section:

18 (a) Prevents a district school board from denying admission to a nonresident student as provided
19 by ORS 339.115 (8).

20 (b) Prevents a district school board from requesting information or admitting a student in the
21 event of an emergency to protect the health, safety or welfare of the student.

22 (c) Prevents a district school board from establishing minimum standards for behavior and at-
23 tendance that a student must maintain to remain enrolled in the schools of the school district.

24 **SECTION 29.** ORS 339.347 is amended to read:

25 339.347. (1) As used in this section:

26 (a)(A) “Bias incident” means a person’s hostile expression of animus toward another person,
27 relating to the other person’s perceived race, color, **caste**, religion, gender identity, sexual orien-
28 tation, disability or national origin, of which criminal investigation or prosecution is impossible or
29 inappropriate.

30 (B) “Bias incident” may include derogatory language or behavior.

31 (b) “Education program” means any program, service, school or activity sponsored by an edu-
32 cation provider.

33 (c) “Education provider” means:

34 (A) A school district;

35 (B) A public charter school;

36 (C) The Oregon School for the Deaf;

37 (D) An education service district;

38 (E) An educational program under the Youth Corrections Education Program or the Juvenile
39 Detention Education Program, as those terms are defined in ORS 326.695; or

40 (F) A program that receives moneys pursuant to ORS 343.243.

41 (d) “School property” means any property under the control of an education provider.

42 (e) “Symbol of hate” means nooses, symbols of neo-Nazi ideology or the battle flag of the
43 Confederacy.

44 (2)(a) To comply with the prohibition on discrimination required by ORS 659.850, an education
45 provider must prohibit the display of symbols of hate on school property or in an education program.

1 (b) The prohibition required by this subsection does not apply to displays that align with and
 2 are used in conjunction with state standards of education for public schools.

3 (3) To comply with the prohibition on discrimination required by ORS 659.850, each education
 4 provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy
 5 must:

6 (a) Affirm that all students are entitled to a high quality educational experience free from dis-
 7 crimination or harassment based on perceived race, color, **caste**, religion, gender identity, sexual
 8 orientation, disability or national origin.

9 (b) Affirm that all employees of education providers are entitled to work in an environment that
 10 is free from discrimination or harassment based on perceived race, color, **caste**, religion, gender
 11 identity, sexual orientation, disability or national origin.

12 (c) Affirm that all visitors of an education provider are entitled to participate in a school or
 13 educational environment that is free from discrimination or harassment based on perceived race,
 14 color, **caste**, religion, gender identity, sexual orientation, disability or national origin.

15 (d) Prohibit the display of symbols of hate on school property or in an education program.

16 (e) Establish procedures for addressing bias incidents and displays of symbols of hate. The pro-
 17 cedures must:

18 (A) Apply broadly to include persons directly targeted by an act, as well as the community of
 19 students as a whole who are likely to be impacted by the act.

20 (B) Require the education provider to prioritize the safety and well-being of all persons impacted
 21 by the act.

22 (C) Require the education provider to recognize the experience of all persons impacted by the
 23 act, acknowledge the impact, commit to taking immediate action and commit to preventing further
 24 harm against those persons impacted.

25 (D) Include educational components that:

26 (i) Address the history and impact of bias and hate;

27 (ii) Advance the safety and healing of those impacted by bias and hate; and

28 (iii) Promote accountability and transformation for people who cause harm as well as transfor-
 29 mation of the conditions that perpetuated the harm.

30 (E) Include communication protocols that provide all persons impacted by the act with infor-
 31 mation relating to the investigation and outcome of the investigation, including:

32 (i) Notice that an investigation has been initiated;

33 (ii) Notice when an investigation has been completed;

34 (iii) The findings of the investigation and the final determination based on those findings;

35 (iv) Actions taken to remedy a person's behavior and prevent reoccurrence; and

36 (v) When applicable, the legal citation of any law prohibiting the disclosure of any of the in-
 37 formation described in this subparagraph and an explanation of how that law applies to the current
 38 situation.

39 (F) Direct the education provider to consider whether the act implicates other civil rights laws
 40 and, if so, to respond accordingly. The nature of the act must determine:

41 (i) The process used to respond to the act;

42 (ii) The rights and protections available to the person impacted by the act; and

43 (iii) The right to appeal to the Department of Education or to the United States Department of
 44 Education.

45 (G) Require the education provider to develop and implement instructional materials to make

1 this policy and related practices, including reporting procedures, educational processes and possible
 2 consequences, known to all employees and students of the education provider.

3 (4) Any education provider that violates this section or a policy adopted under this section shall
 4 be:

- 5 (a) Considered to be in noncompliance with the provisions of ORS 659.850;
- 6 (b) Subject to the sanctions for noncompliance of ORS 659.850 under ORS 659.855; and
- 7 (c) Subject to the enforcement provisions of ORS 659.850 by ORS 659.860.

8 **SECTION 30.** ORS 339.351 is amended to read:

9 339.351. As used in ORS 339.351 to 339.364:

10 (1) “Cyberbullying” means the use of any electronic communication device to harass, intimidate
 11 or bully.

12 (2) “Harassment, intimidation or bullying” means any act that:

- 13 (a) Substantially interferes with a student’s educational benefits, opportunities or performance;
- 14 (b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity,
 15 on school-provided transportation or at any official school bus stop;

16 (c) Has the effect of:

- 17 (A) Physically harming a student or damaging a student’s property;
- 18 (B) Knowingly placing a student in reasonable fear of physical harm to the student or damage
 19 to the student’s property; or

20 (C) Creating a hostile educational environment, including interfering with the psychological
 21 well-being of a student; and

22 (d) May be based on, but not be limited to, the protected class status of a person.

23 (3) “Protected class” means a group of persons distinguished, or perceived to be distinguished,
 24 by race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital sta-
 25 tus, familial status, source of income or disability.

26 **SECTION 31.** ORS 350.375 is amended to read:

27 350.375. (1) As used in this section:

28 (a) “Board” means:

- 29 (A) For a public university listed in ORS 352.002, the governing board of the university; or
- 30 (B) For a community college, the board of education of a community college district.

31 (b) “Community college district” has the meaning given that term in ORS 341.005.

32 (c) “Cultural competency” means an understanding of how institutions and individuals can re-
 33 spond respectfully and effectively to people from all cultures, economic statuses, language back-
 34 grounds, races, ethnic backgrounds, disabilities, **castes**, religions, genders, gender identifications,
 35 sexual orientations, veteran statuses and other characteristics in a manner that recognizes, affirms
 36 and values the worth, and preserves the dignity, of individuals, families and communities.

37 (d) “Governing board” has the meaning given that term in ORS 352.029.

38 (e) “Public institution of higher education” has the meaning given that term in ORS 350.350.

39 (2) Each public institution of higher education shall establish a process for recommending, and
 40 providing oversight for the implementation of, cultural competency standards for the public institu-
 41 tion of higher education and the institution’s employees. The process established under this sub-
 42 section must:

- 43 (a) Include a broad range of institutional perspectives;
- 44 (b) Give equal weight to the perspectives of administrators, faculty members, staff and students;
- 45 (c) Require that the institution provide continuing training and development opportunities that

1 foster the ability of the institution’s faculty, staff and administration to meet cultural competency
 2 standards;

3 (d) Propose institution-wide goals that seek to improve the cultural inclusion climate for stu-
 4 dents, faculty, staff and administration from diverse backgrounds;

5 (e) Require preparation of a biennial report that is presented to the appropriate board regarding
 6 the institution’s progress toward achieving the goals set forth in this subsection;

7 (f) Recommend mechanisms for assessing how well the institution meets cultural competency
 8 standards; and

9 (g) Ensure that the institution clearly communicates to new faculty, staff and administrators the
 10 institution’s commitment to including meeting cultural competency standards in professional devel-
 11 opment.

12 **SECTION 32.** ORS 418.039 is amended to read:

13 418.039. (1) It is the policy of this state that an individual may not be disqualified from providing
 14 child welfare services to a child or ward:

15 (a) For the sole reason that the individual received child welfare services as a child or youth;

16 (b) For the sole reason that the individual is a person with a disability; or

17 (c) On the basis of race, **caste**, religion, national origin, sex, age, marital status, sexual orien-
 18 tation, gender expression or disability.

19 (2) Subsection (1) of this section applies to any person providing child welfare services to a child
 20 or ward, including but not limited to foster parents, proctor foster parents, adoptive parents, relative
 21 caregivers, safety providers and direct service providers.

22 **SECTION 33.** ORS 418.648 is amended to read:

23 418.648. A foster parent has the right to:

24 (1) Be treated with dignity, respect and trust as a member of a team, including respect for the
 25 family values and routines of the foster parent.

26 (2) Be included as a valued member of a team that provides care and planning for a foster child
 27 placed in the home of the foster parent.

28 (3) Receive support services, as resources permit, from the Department of Human Services that
 29 are designed to assist in the care of the foster child placed in the home of the foster parent.

30 (4) Be informed of any condition that relates solely to a foster child placed in the home of the
 31 foster parent that may jeopardize the health or safety of the foster parent or other members of the
 32 home or alter the manner in which foster care should be provided to the foster child. The informa-
 33 tion shall include complete access to written reports, psychological evaluations and diagnoses that
 34 relate solely to a foster child placed in the home of the foster parent provided that confidential in-
 35 formation given to a foster parent must be kept confidential by the foster parent, except as neces-
 36 sary to promote or to protect the health and welfare of the foster child and the community.

37 (5) Have input into a permanency plan for a foster child placed in the home of the foster parent.

38 (6) Receive assistance from the department in dealing with family loss and separation when the
 39 foster child leaves the home of the foster parent.

40 (7) Be informed of all policies and procedures of the department that relate to the role of the
 41 foster parent.

42 (8) Be informed of how to receive services and to have access to department personnel or ser-
 43 vice providers 24 hours a day, seven days a week.

44 (9) Initiate an inactive referral status for a reasonable period of time, not to exceed 12 months,
 45 to allow a foster parent relief from caring for foster children.

1 (10) Not be discriminated against on the basis of race, color, **caste**, religion, sex, sexual orien-
2 tation, gender identity, national origin, age or disability.

3 (11) Be notified of the foster parent’s right to limited participation in proceedings in the juvenile
4 court and provided with an explanation of that right.

5 **SECTION 34.** ORS 418.925 is amended to read:

6 418.925. As used in ORS 418.925 to 418.945, “refugee child” is a person under 18 years of age
7 who has entered the United States and is unwilling or unable to return to the person’s country be-
8 cause of persecution or a well-founded fear of persecution on account of race, **caste**, religion, sex,
9 sexual orientation, gender identity, nationality, membership in a particular group or political opin-
10 ion, or whose parents entered the United States within the preceding 10 years and are or were un-
11 willing or unable to return to their country because of persecution or a well-founded fear of
12 persecution on account of race, **caste**, religion, sex, sexual orientation, gender identity, nationality,
13 membership in a particular group or political opinion.

14 **SECTION 35.** ORS 430.550 is amended to read:

15 430.550. A person, otherwise eligible, may not be denied evaluation or treatment under ORS
16 430.450 to 430.555 on account of the person’s race, **caste**, religion, sex, sexual orientation, gender
17 identity, nationality, age or ability to pay.

18 **SECTION 36.** ORS 443.739 is amended to read:

19 443.739. Residents of adult foster homes have the following rights. Providers shall guarantee
20 these rights and help residents exercise them. The provider shall post a copy of the Residents’ Bill
21 of Rights in the entry or other equally prominent place in the adult foster home. The Residents’ Bill
22 of Rights states that each resident of an adult foster home has the right to:

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

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

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

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

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

29 (6) A safe and secure environment.

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

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

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

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

35 (11) Send and receive personal mail unopened.

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

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

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

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

41 (16) Be free from financial exploitation. The provider may not charge or ask for application fees
42 or nonrefundable deposits and may not solicit, accept or receive money or property from a resident
43 other than the amount agreed to for services.

44 (17) A written agreement regarding the services to be provided and the rate schedule to be
45 charged. The provider must give 30 days’ written notice before any change in the rates or the

1 ownership of the home.

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

6 (19) Be free of discrimination in regard to race, color, **caste**, religion, sex, sexual orientation,
 7 gender identity or national origin.

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

9 **SECTION 37.** ORS 652.210, as amended by sections 1 and 2, chapter 23, Oregon Laws 2022, is
 10 amended to read:

11 652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:

12 (1)(a) "Compensation" includes wages, salary, bonuses, benefits, fringe benefits and equity-based
 13 compensation.

14 (b) "Compensation" does not include vaccine incentives.

15 (2) "Employee" means any individual who, otherwise than as a copartner of the employer, as an
 16 independent contractor or as a participant in a work training program administered under the state
 17 or federal assistance laws, renders personal services wholly or partly in this state to an employer
 18 who pays or agrees to pay such individual at a fixed rate. However, when services are rendered only
 19 partly in this state, an individual is not an employee unless the contract of employment of the em-
 20 ployee has been entered into, or payments thereunder are ordinarily made or to be made, within this
 21 state.

22 (3)(a) "Employer" means any person employing one or more employees, including the State of
 23 Oregon or any political subdivision thereof or any county, city, district, authority, public corpo-
 24 ration or entity and any of their instrumentalities organized and existing under law or charter.

25 (b) "Employer" does not include the federal government.

26 (4) "Equal-pay analysis" means an evaluation process to assess and correct wage disparities
 27 among employees who perform work of comparable character.

28 (5) "Gender identity" has the meaning given that term in ORS 174.100.

29 (6) "Protected class" means a group of persons distinguished by race, color, **caste**, religion, sex,
 30 sexual orientation, gender identity, national origin, marital status, veteran status, disability or age.

31 (7) "Public health emergency" means:

32 (a) A public health emergency declared under ORS 433.441.

33 (b) An emergency declared under ORS 401.165 if related to a public health emergency as defined
 34 in ORS 433.442.

35 (8) "Rate" with reference to wages means:

36 (a) The basis of compensation for services by an employee for an employer; and

37 (b) Compensation based on the time spent in the performance of the services, on the number of
 38 operations accomplished or on the quantity produced or handled.

39 (9) "Sexual orientation" has the meaning given that term in ORS 174.100.

40 (10) "System" means a consistent and verifiable method in use at the time that a violation is
 41 alleged under ORS 652.220.

42 (11) "Unpaid wages" means the difference between the wages actually paid to an employee and
 43 the wages required under ORS 652.220 to be paid to the employee.

44 (12) "Vaccine incentives" means monetary or nonmonetary incentives, including but not limited
 45 to additional paid time off or protected time off from work provided by employers to employees who

1 have been immunized against infectious diseases for which a public health emergency has been de-
 2 clared.

3 (13) “Veteran status” means an individual is a veteran as defined in ORS 408.225.

4 (14) “Wages” means all compensation for performance of service by an employee for an em-
 5 ployer, whether paid by the employer or another person, or paid in cash or any medium other than
 6 cash.

7 (15) “Working conditions” includes work environment, hours, time of day, physical surroundings
 8 and potential hazards encountered by an employee.

9 (16) “Work of comparable character” means work that requires substantially similar knowledge,
 10 skill, effort, responsibility and working conditions in the performance of work, regardless of job de-
 11 scription or job title.

12 **SECTION 38.** ORS 659.850 is amended to read:

13 659.850. (1) As used in this section:

14 (a)(A) “Discrimination” means any act that unreasonably differentiates treatment, intended or
 15 unintended, or any act that is fair in form but discriminatory in operation, either of which is based
 16 on race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital sta-
 17 tus, age or disability.

18 (B) “Discrimination” does not include enforcement of an otherwise valid dress code or policy,
 19 as long as the code or policy:

20 (i) Provides, on a case-by-case basis, for reasonable accommodation of an individual based on the
 21 health and safety needs of the individual; and

22 (ii) Does not have a disproportionate adverse impact on members of a protected class to a
 23 greater extent than the policy impacts persons generally.

24 (b) “Race” includes physical characteristics that are historically associated with race, including
 25 but not limited to natural hair, hair texture, hair type and protective hairstyles as defined in ORS
 26 659A.001.

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

31 (3) The State Board of Education and the Higher Education Coordinating Commission shall es-
 32 tablish rules necessary to ensure compliance with subsection (2) of this section in the manner re-
 33 quired by ORS chapter 183.

34 **SECTION 39.** ORS 659.875 is amended to read:

35 659.875. (1) An individual may not, on the basis of actual or perceived race, color, **caste**, na-
 36 tional origin, sex, sexual orientation, gender identity, age or disability, be excluded from partic-
 37 ipation in, be denied the benefits of or otherwise be subjected to discrimination by any health benefit
 38 plan issued or delivered in this state, in the receipt of medical assistance as defined in ORS 414.025
 39 or in the coverage of or payment for the services, drugs, devices, products and procedures described
 40 in ORS 743A.067.

41 (2) Violation of this section is an unlawful practice under ORS 659A.403.

42 (3) Nothing in this section shall be construed to invalidate or limit the rights, remedies, proce-
 43 dures or legal standards available to individuals under ORS 659A.820 or 659A.885 or to supersede
 44 state or local laws that provide additional protections against discrimination on any basis described
 45 in subsection (1) of this section.

SECTION 40. ORS 659A.003 is amended to read:

659A.003. The purpose of this chapter is to encourage the fullest utilization of the available workforce by removing arbitrary standards of race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status, age or disability as a barrier to employment of the inhabitants of this state, and to ensure the human dignity of all people within this state and protect their health, safety and morals from the consequences of intergroup hostility, tensions and practices of unlawful discrimination of any kind based on race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status, age, disability or familial status. To accomplish this purpose, the Legislative Assembly intends by this chapter to provide:

(1) A program of public education calculated to eliminate attitudes upon which practices of unlawful discrimination because of race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status, age, disability or familial status are based.

(2) An adequate remedy for persons aggrieved by certain acts of unlawful discrimination because of race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status, disability or familial status, or unreasonable acts of discrimination in employment based upon age.

(3) An adequate administrative machinery for the orderly resolution of complaints of unlawful discrimination through a procedure involving investigation, conference, conciliation and persuasion, to encourage the use in good faith of the machinery by all parties to a complaint of unlawful discrimination and to discourage unilateral action that makes moot the outcome of final administrative or judicial determination on the merits of the complaint.

SECTION 41. ORS 659A.006 is amended to read:

659A.006. (1) It is declared to be the public policy of Oregon that practices of unlawful discrimination against any of its inhabitants because of race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status, age, disability or familial status are a matter of state concern and that this discrimination not only threatens the rights and privileges of its inhabitants but menaces the institutions and foundation of a free democratic state.

(2) The opportunity to obtain employment or housing or to use and enjoy places of public accommodation without unlawful discrimination because of race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status, age or disability hereby is recognized as and declared to be a civil right.

(3) It is not an unlawful practice for a bona fide church or other religious institution to take any action with respect to housing or the use of facilities based on a bona fide religious belief about sexual orientation or gender identity as long as the housing or the use of facilities is closely connected with or related to the primary purposes of the church or institution and is not connected with a commercial or business activity that has no necessary relationship to the church or institution.

(4) It is not an unlawful employment practice for a bona fide church or other religious institution, including but not limited to a school, hospital or church camp, to prefer an employee, or an applicant for employment, of one religious sect or persuasion over another if:

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

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

(c) The employment involved is closely connected with or related to the primary purposes of the

1 church or institution and is not connected with a commercial or business activity that has no nec-
 2 essary relationship to the church or institution.

3 (5) It is not an unlawful employment practice for a bona fide church or other religious institu-
 4 tion to take any employment action based on a bona fide religious belief about sexual orientation
 5 or gender identity:

6 (a) In employment positions directly related to the operation of a church or other place of
 7 worship, such as clergy, religious instructors and support staff;

8 (b) In employment positions in a nonprofit religious school, nonprofit religious camp, nonprofit
 9 religious day care center, nonprofit religious thrift store, nonprofit religious bookstore, nonprofit
 10 religious radio station or nonprofit religious shelter; or

11 (c) In other employment positions that involve religious activities, as long as the employment
 12 involved is closely connected with or related to the primary purposes of the church or institution
 13 and is not connected with a commercial or business activity that has no necessary relationship to
 14 the church or institution.

15 **SECTION 42.** ORS 659A.012 is amended to read:

16 659A.012. (1) To achieve the public policy of the State of Oregon for persons in the state to at-
 17 tain employment and advancement without discrimination because of race, **caste**, religion, color,
 18 sex, marital status, national origin, disability or age, every state agency shall be required to include
 19 in the evaluation of all management personnel the manager's or supervisor's effectiveness in
 20 achieving affirmative action objectives as a key consideration of the manager's or supervisor's per-
 21 formance.

22 (2) To achieve the public policy of the State of Oregon for persons in the state to attain em-
 23 ployment and advancement without discrimination because of race, **caste**, religion, color, sex, mar-
 24 ital status, national origin, age or disability, every state agency shall be required to present the
 25 affirmative action objectives and performance of that agency of the current biennium and those for
 26 the following biennium to the Governor of the State of Oregon and to the Legislative Assembly.
 27 These plans shall be reviewed as part of the budget review process.

28 **SECTION 43.** ORS 659A.030 is amended to read:

29 659A.030. (1) It is an unlawful employment practice:

30 (a) For an employer, because of an individual's race, color, **caste**, religion, sex, sexual orien-
 31 tation, gender identity, national origin, marital status or age if the individual is 18 years of age or
 32 older, or because of the race, color, **caste**, religion, sex, sexual orientation, gender identity, national
 33 origin, marital status or age of any other person with whom the individual associates, or because
 34 of an individual's juvenile record that has been expunged pursuant to ORS 419A.260 to 419A.271, to
 35 refuse to hire or employ the individual or to bar or discharge the individual from employment.
 36 However, discrimination is not an unlawful employment practice if the discrimination results from
 37 a bona fide occupational qualification reasonably necessary to the normal operation of the
 38 employer's business.

39 (b) For an employer, because of an individual's race, color, **caste**, religion, sex, sexual orien-
 40 tation, gender identity, national origin, marital status or age if the individual is 18 years of age or
 41 older, or because of the race, color, **caste**, religion, sex, sexual orientation, gender identity, national
 42 origin, marital status or age of any other person with whom the individual associates, or because
 43 of an individual's juvenile record that has been expunged pursuant to ORS 419A.260 to 419A.271, to
 44 discriminate against the individual in compensation or in terms, conditions or privileges of employ-
 45 ment.

1 (c) For a labor organization, because of an individual's race, color, **caste**, religion, sex, sexual
2 orientation, gender identity, national origin, marital status or age if the individual is 18 years of age
3 or older, or because of an individual's juvenile record that has been expunged pursuant to ORS
4 419A.260 to 419A.271, to exclude or to expel from its membership the individual or to discriminate
5 in any way against the individual or any other person.

6 (d) For any employer or employment agency to print or circulate or cause to be printed or cir-
7 culated any statement, advertisement or publication, or to use any form of application for employ-
8 ment or to make any inquiry in connection with prospective employment that expresses directly or
9 indirectly any limitation, specification or discrimination as to an individual's race, color, **caste**, re-
10 ligion, sex, sexual orientation, gender identity, national origin, marital status or age if the individual
11 is 18 years of age or older, or on the basis of an expunged juvenile record, or any intent to make
12 any such limitation, specification or discrimination, unless based upon a bona fide occupational
13 qualification. Identification of prospective employees according to race, color, **caste**, religion, sex,
14 sexual orientation, gender identity, national origin, marital status or age does not violate this sec-
15 tion unless the Commissioner of the Bureau of Labor and Industries, after a hearing conducted
16 pursuant to ORS 659A.805, determines that the designation expresses an intent to limit, specify or
17 discriminate on the basis of race, color, **caste**, religion, sex, sexual orientation, gender identity,
18 national origin, marital status or age.

19 (e) For an employment agency, because of an individual's race, color, **caste**, religion, sex, sexual
20 orientation, gender identity, national origin, marital status or age if the individual is 18 years of age
21 or older, or because of the race, color, **caste**, religion, sex, sexual orientation, gender identity, na-
22 tional origin, marital status or age of any other person with whom the individual associates, or be-
23 cause of an individual's juvenile record that has been expunged pursuant to ORS 419A.260 to
24 419A.271, to classify or refer for employment, or to fail or refuse to refer for employment, or other-
25 wise to discriminate against the individual. However, it is not an unlawful employment practice for
26 an employment agency to classify or refer for employment an individual when the classification or
27 referral results from a bona fide occupational qualification reasonably necessary to the normal op-
28 eration of the employer's business.

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

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

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

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

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

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

1 (5) This section does not prohibit an employer from enforcing an otherwise valid dress code or
2 policy, as long as the employer provides, on a case-by-case basis, for reasonable accommodation of
3 an individual based on the health and safety needs of the individual and the dress code or policy
4 does not have a disproportionate adverse impact on members of a protected class to a greater extent
5 than the policy impacts persons generally.

6 **SECTION 44.** ORS 659A.142 is amended to read:

7 659A.142. (1) As used in this section:

8 (a) "Health care facility" has the meaning given that term in ORS 442.015.

9 (b) "Health professional regulatory board" has the meaning given that term in ORS 676.160.

10 (c) "Medical resources" includes but is not limited to:

11 (A) Medical devices or equipment.

12 (B) Prescription drugs.

13 (C) Laboratory testing.

14 (d) "Provider" means:

15 (A) An individual licensed or certified by a health professional regulatory board.

16 (B) A health care facility.

17 (e) "State government" has the meaning given that term in ORS 174.111.

18 (2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for
19 employment, or otherwise discriminate against, any individual because that individual has a disa-
20 bility, or to classify or refer for employment any individual because that individual has a disability.

21 (3) It is an unlawful employment practice for a labor organization, because an individual has a
22 disability, to exclude or to expel from its membership such individual or to discriminate in any way
23 against such individual.

24 (4) It is an unlawful practice for any place of public accommodation, resort or amusement as
25 defined in ORS 659A.400, or any person acting on behalf of such place, to make any distinction,
26 discrimination or restriction because a customer or patron is an individual with a disability.

27 (5)(a) It is an unlawful practice for state government to exclude an individual from participation
28 in or deny an individual the benefits of the services, programs or activities of state government or
29 to make any distinction, discrimination or restriction because the individual has a disability.

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

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

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

34 or

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

38 (6)(a) It is an unlawful practice for a provider or any person acting on behalf of a provider to
39 discriminate by doing any of the following based on the patient's race, color, national origin, **caste**,
40 sex, sexual orientation, gender identity, age or disability:

41 (A) Deny medical treatment to the patient that is likely to benefit the patient based on an in-
42 dividualized assessment of the patient using objective medical evidence; or

43 (B) Limit or restrict in any manner the allocation of medical resources to the patient.

44 (b) In determining whether medical treatment is likely to benefit a patient under paragraph
45 (a)(A) of this subsection, a provider shall consult with the patient and others legally authorized to

1 act on behalf of the patient, if available.

2 (c) This subsection does not:

3 (A) Restrict the authority of a patient, or an individual legally authorized to act on behalf of a
4 patient, to consent to or decline medical treatment;

5 (B) Require the provision of medical treatment that is prohibited by state or federal law; or

6 (C) Restrict a provider, after completing the individualized assessment described in paragraph
7 (a)(A) of this subsection and the consultation described in paragraph (b) of this subsection, from
8 providing objective information to the patient about the risks and benefits of treatment.

9 (7) Receipt or alleged receipt of treatment for a mental disorder does not constitute evidence
10 of an individual's inability to acquire, rent or maintain property.

11 **SECTION 45.** ORS 659A.403 is amended to read:

12 659A.403. (1) Except as provided in subsection (2) of this section, all persons within the juris-
13 diction of this state are entitled to the full and equal accommodations, advantages, facilities and
14 privileges of any place of public accommodation, without any distinction, discrimination or re-
15 striction on account of race, color, **caste**, religion, sex, sexual orientation, gender identity, national
16 origin, marital status or age if the individual is of age, as described in this section, or older.

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

18 (a) The enforcement of laws governing the consumption of alcoholic beverages by minors and
19 the frequenting by minors of places of public accommodation where alcoholic beverages are served;

20 (b) The enforcement of laws governing the use of marijuana items, as defined in ORS 475C.009,
21 by persons under 21 years of age and the frequenting by persons under 21 years of age of places
22 of public accommodation where marijuana items are sold; or

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

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

26 **SECTION 46.** ORS 659A.406 is amended to read:

27 659A.406. Except as otherwise authorized by ORS 659A.403, it is an unlawful practice for any
28 person to aid or abet any place of public accommodation, as defined in ORS 659A.400, or any em-
29 ployee or person acting on behalf of the place of public accommodation to make any distinction,
30 discrimination or restriction on account of race, color, **caste**, religion, sex, sexual orientation,
31 gender identity, national origin, marital status or age if the individual is 18 years of age or older.

32 **SECTION 47.** ORS 659A.409 is amended to read:

33 659A.409. Except as provided by laws governing the consumption of alcoholic beverages by mi-
34 nors, the use of marijuana items, as defined in ORS 475C.009, by persons under 21 years of age, the
35 frequenting by minors of places of public accommodation where alcoholic beverages are served and
36 the frequenting by persons under 21 years of age of places of public accommodation where
37 marijuana items are sold, and except for special rates or services offered to persons 50 years of age
38 or older, it is an unlawful practice for any person acting on behalf of any place of public accom-
39 modation as defined in ORS 659A.400 to publish, circulate, issue or display, or cause to be published,
40 circulated, issued or displayed, any communication, notice, advertisement or sign of any kind to the
41 effect that any of the accommodations, advantages, facilities, services or privileges of the place of
42 public accommodation will be refused, withheld from or denied to, or that any discrimination will
43 be made against, any person on account of race, color, **caste**, religion, sex, sexual orientation,
44 gender identity, national origin, marital status or age if the individual is of age, as described in this
45 section, or older.

1 **SECTION 48.** ORS 659A.421 is amended to read:

2 659A.421. (1) As used in this section:

3 (a) “Dwelling” means:

4 (A) A building or structure, or portion of a building or structure, that is occupied, or designed
5 or intended for occupancy, as a residence by one or more families; or

6 (B) Vacant land offered for sale or lease for the construction or location of a building or
7 structure, or portion of a building or structure, that is occupied, or designed or intended for occu-
8 pancy, as a residence by one or more families.

9 (b) “Purchaser” includes an occupant, prospective occupant, renter, prospective renter, lessee,
10 prospective lessee, buyer or prospective buyer.

11 (c) “Real property” includes a dwelling.

12 (d)(A) “Source of income” includes federal rent subsidy payments under 42 U.S.C. 1437f and any
13 other local, state or federal housing assistance.

14 (B) “Source of income” does not include income derived from a specific occupation or income
15 derived in an illegal manner.

16 (2) A person may not, because of the race, color, **caste**, religion, sex, sexual orientation, gender
17 identity, national origin, marital status, familial status or source of income of any person:

18 (a) Refuse to sell, lease or rent any real property to a purchaser. This paragraph does not pre-
19 vent a person from refusing to lease or rent real property to a prospective renter or prospective
20 lessee:

21 (A) Based upon the past conduct of a prospective renter or prospective lessee provided the re-
22 fusal to lease or rent based on past conduct is consistent with local, state and federal law, including
23 but not limited to fair housing laws; or

24 (B) Based upon the prospective renter’s or prospective lessee’s inability to pay rent, taking into
25 account the value of the prospective renter’s or prospective lessee’s local, state and federal housing
26 assistance, provided the refusal to lease or rent based on inability to pay rent is consistent with
27 local, state and federal law, including but not limited to fair housing laws.

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

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

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

33 (e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed,
34 any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing
35 of real property that indicates any preference, limitation, specification or unlawful discrimination
36 based on race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital
37 status, familial status or source of income.

38 (f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that
39 violates this section.

40 (g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of,
41 or on account of the person having exercised or enjoyed or having aided or encouraged any other
42 person in the exercise or enjoyment of, any right granted or protected by this section.

43 (h) Deny access to, or membership or participation in, any multiple listing service, real estate
44 brokers’ organization or other service, organization or facility relating to the business of selling or
45 renting dwellings, or discriminate against any person in the terms or conditions of the access,

1 membership or participation.

2 (i) Represent to a person that a dwelling is not available for inspection, sale or rental when the
3 dwelling in fact is available for inspection, sale or rental.

4 (j) Otherwise make unavailable or deny a dwelling to a person.

5 (3)(a) A person whose business includes engaging in residential real estate related transactions
6 may not discriminate against any person in making a transaction available, or in the terms or con-
7 ditions of the transaction, because of race, color, **caste**, religion, sex, sexual orientation, gender
8 identity, national origin, marital status, familial status or source of income.

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

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

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

13 (ii) Secured by residential real estate; or

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

15 (4) A real estate licensee may not accept or retain a listing of real property for sale, lease or
16 rental with an understanding that a purchaser may be discriminated against with respect to the sale,
17 rental or lease thereof because of race, color, **caste**, religion, sex, sexual orientation, gender iden-
18 tity, national origin, marital status, familial status or source of income.

19 (5) A person may not, for profit, induce or attempt to induce any other person to sell or rent
20 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
21 a person or persons of a particular race, color, **caste**, religion, sex, sexual orientation, gender
22 identity, national origin, marital status, familial status or source of income.

23 (6) This section does not apply with respect to sex distinction, discrimination or restriction if
24 the real property involved is such that the application of this section would necessarily result in
25 common use of bath or bedroom facilities by unrelated persons of opposite sex.

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

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

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

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

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

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

36 (ii) Policies and procedures that demonstrate an intent by the owner or manager to provide
37 housing for persons 55 years of age or older are published and adhered to.

38 (c) Housing does not fail to meet the requirements for housing for older persons if:

39 (A) Persons residing in the housing as of September 13, 1988, do not meet the requirements of
40 paragraph (b)(B) or (C) of this subsection. However, new occupants of the housing shall meet the
41 age requirements of paragraph (b)(B) or (C) of this subsection; or

42 (B) The housing includes unoccupied units that are reserved for occupancy by persons who meet
43 the age requirements of paragraph (b)(B) or (C) of this subsection.

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

1 (8) The provisions of subsection (2)(a) to (d) and (f) of this section that prohibit actions based
 2 upon sex, sexual orientation, gender identity or familial status do not apply to the renting of space
 3 within a single-family residence if the owner actually maintains and occupies the residence as the
 4 owner’s primary residence and all occupants share some common space within the residence.

5 (9) Any violation of this section is an unlawful practice.

6 **SECTION 49.** ORS 659A.425 is amended to read:

7 659A.425. (1) As used in this section:

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

10 (b) “Protected class” means a group of persons distinguished by race, color, **caste**, religion, sex,
 11 sexual orientation, gender identity, national origin, marital status, familial status, source of income
 12 or disability.

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

15 (2) A court or the Commissioner of the Bureau of Labor and Industries may find a person to
 16 have violated ORS 659A.145 or 659A.421 if:

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

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

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

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

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

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

28 **SECTION 50.** ORS 659A.805 is amended to read:

29 659A.805. (1) In accordance with any applicable provision of ORS chapter 183, the Commissioner
 30 of the Bureau of Labor and Industries may adopt reasonable rules:

31 (a) Establishing what acts and communications constitute a notice, sign or advertisement that
 32 public accommodation or real property will be refused, withheld from, or denied to any person or
 33 that the person will be unlawfully discriminated against because of race, color, **caste**, religion, sex,
 34 sexual orientation, gender identity, national origin, marital status, disability or:

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

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

37 (b) Establishing what inquiries in connection with employment and prospective employment ex-
 38 press a limitation, specification or unlawful discrimination as to race, color, **caste**, religion, sex,
 39 sexual orientation, gender identity, national origin, marital status, age or disability.

40 (c) Establishing what inquiries in connection with employment and prospective employment so-
 41 liciting information as to race, color, **caste**, religion, sex, sexual orientation, gender identity, na-
 42 tional origin, marital status, age or disability are based on bona fide occupational qualifications.

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

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

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

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

5 (b) Available reasonable alternative ways of obtaining requested information without soliciting
6 responses as to race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin,
7 marital status, age, disability, source of income or, with respect to real property transactions, fam-
8 ilial status.

9 (c) Whether a statement or inquiry soliciting information as to race, color, **caste**, religion, sex,
10 sexual orientation, gender identity, national origin, marital status, age, disability, source of income
11 or, with respect to real property transactions, familial status, communicates an idea independent of
12 an intention to limit, specify or unlawfully discriminate as to race, color, **caste**, religion, sex, sexual
13 orientation, gender identity, national origin, marital status, age, disability, source of income or, with
14 respect to real property transactions, familial status.

15 (d) Whether the independent idea communicated is relevant to a legitimate objective of the kind
16 of transaction that it contemplates.

17 (e) The ease with which the independent idea relating to a legitimate objective of the kind of
18 transaction contemplated could be communicated without connoting an intention to unlawfully dis-
19 criminate as to race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin,
20 marital status, age, disability, source of income or, with respect to real property transactions, fam-
21 ilial status.

22 **SECTION 51.** ORS 659A.815 is amended to read:

23 659A.815. (1) The Commissioner of the Bureau of Labor and Industries shall create such advisory
24 agencies and intergroup-relations councils as the commissioner believes necessary to aid in
25 effectuating the purposes of this chapter. The commissioner may empower advisory agencies and
26 councils:

27 (a) To study the problems of discrimination in all or specific fields of human relationships or in
28 specific instances of discrimination because of race, color, **caste**, religion, sex, sexual orientation,
29 gender identity, national origin, marital status, age, disability, familial status or source of income.

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

32 (c) To make recommendations to the commissioner for the development of policies and proce-
33 dures in general and in specific instances, and for programs of formal and informal education.

34 (2) The advisory agencies and councils shall be composed of representative citizens, serving
35 without pay, but with reimbursement for actual and necessary expenses in accordance with laws and
36 regulations governing state officers.

37 (3) The commissioner may make provision for technical and clerical assistance to the advisory
38 agencies and councils and for the expenses of the assistance.

39 **SECTION 52.** ORS 659A.885, as amended by section 7, chapter 99, Oregon Laws 2022, is
40 amended to read:

41 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-
42 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
43 the court may order injunctive relief and any other equitable relief that may be appropriate, in-
44 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A
45 court may order back pay in an action under this subsection only for the two-year period imme-

1 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau
 2 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-
 3 year period immediately preceding the filing of the action. In any action under this subsection, the
 4 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-
 5 cept as provided in subsection (3) of this section:

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

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

9 (2) An action may be brought under subsection (1) of this section alleging a violation of:

10 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475C.285, 476.574,
 11 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852,
 12 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to
 13 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228,
 14 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,
 15 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.370 or 659A.421 or section 5,
 16 chapter 99, Oregon Laws 2022; or

17 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

18 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,
 19 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,
 20 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,
 21 659A.290, 659A.318, 659A.343, 659A.355, 659A.370 or 659A.421:

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

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

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

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

28 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-
 29 olation of ORS 652.220, the court may award punitive damages if:

30 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted
 31 with malice or acted with willful and wanton misconduct; or

32 (b) An employer was previously adjudicated in a proceeding under this section or under ORS
 33 659A.850 for a violation of ORS 652.220.

34 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or
 35 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-
 36 tion, compensatory damages or \$200, whichever is greater.

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

40 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,
 41 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil
 42 penalty in the amount of \$720.

43 (8) Any individual against whom any distinction, discrimination or restriction on account of
 44 race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status
 45 or age, if the individual is 18 years of age or older, has been made by any place of public accom-

1 modation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or
2 by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an
3 action against the operator or manager of the place, the employee or person acting on behalf of the
4 place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section,
5 in an action under this subsection:

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

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

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

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

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

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

19 (9) When the commissioner or the Attorney General has reasonable cause to believe that a
20 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
21 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
22 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
23 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
24 manner as a person or group of persons may file a civil action under this section. In a civil action
25 filed under this subsection, the court may assess against the respondent, in addition to the relief
26 authorized under subsections (1) and (3) of this section, a civil penalty:

27 (a) In an amount not exceeding \$50,000 for a first violation; and

28 (b) In an amount not exceeding \$100,000 for any subsequent violation.

29 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
30 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
31 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
32 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
33 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
34 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
35 appealing an adverse decision of the trial court.

36 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145
37 or 659A.421 or discrimination under federal housing law:

38 (a) "Aggrieved person" includes a person who believes that the person:

39 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

40 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
41 occur.

42 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of
43 right in the action. The Attorney General may intervene in the action if the Attorney General cer-
44 tifies that the case is of general public importance. The court may allow an intervenor prevailing
45 party costs and reasonable attorney fees at trial and on appeal.

1 **SECTION 53.** ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section
 2 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463,
 3 Oregon Laws 2019, section 13, chapter 701, Oregon Laws 2019, section 45, chapter 367, Oregon Laws
 4 2021, and section 8, chapter 99, Oregon Laws 2022, is amended to read:

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

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

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

18 (2) An action may be brought under subsection (1) of this section alleging a violation of:

19 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475C.285, 476.574,
 20 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852,
 21 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to
 22 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228,
 23 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,
 24 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 or sec-
 25 tion 5, chapter 99, Oregon Laws 2022; or

26 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

27 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,
 28 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,
 29 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,
 30 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421:

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

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

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

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

37 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-
 38 olation of ORS 652.220, the court may award punitive damages if:

39 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted
 40 with malice or acted with willful and wanton misconduct; or

41 (b) An employer was previously adjudicated in a proceeding under this section or under ORS
 42 659A.850 for a violation of ORS 652.220.

43 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or
 44 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-
 45 tion, compensatory damages or \$200, whichever is greater.

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

4 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,
5 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil
6 penalty in the amount of \$720.

7 (8) Any individual against whom any distinction, discrimination or restriction on account of
8 race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status
9 or age, if the individual is 18 years of age or older, has been made by any place of public accom-
10 modation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or
11 by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an
12 action against the operator or manager of the place, the employee or person acting on behalf of the
13 place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section,
14 in an action under this subsection:

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

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

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

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

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

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

28 (9) When the commissioner or the Attorney General has reasonable cause to believe that a
29 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
30 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
31 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
32 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
33 manner as a person or group of persons may file a civil action under this section. In a civil action
34 filed under this subsection, the court may assess against the respondent, in addition to the relief
35 authorized under subsections (1) and (3) of this section, a civil penalty:

36 (a) In an amount not exceeding \$50,000 for a first violation; and

37 (b) In an amount not exceeding \$100,000 for any subsequent violation.

38 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
39 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
40 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
41 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
42 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
43 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
44 appealing an adverse decision of the trial court.

45 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145

1 or 659A.421 or discrimination under federal housing law:

2 (a) “Aggrieved person” includes a person who believes that the person:

3 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

4 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
5 occur.

6 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of
7 right in the action. The Attorney General may intervene in the action if the Attorney General cer-
8 tifies that the case is of general public importance. The court may allow an intervenor prevailing
9 party costs and reasonable attorney fees at trial and on appeal.

10 **SECTION 54.** ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section
11 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463,
12 Oregon Laws 2019, section 58, chapter 700, Oregon Laws 2019, section 13, chapter 701, Oregon Laws
13 2019, section 46, chapter 367, Oregon Laws 2021, and section 9, chapter 99, Oregon Laws 2022, is
14 amended to read:

15 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-
16 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
17 the court may order injunctive relief and any other equitable relief that may be appropriate, in-
18 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A
19 court may order back pay in an action under this subsection only for the two-year period imme-
20 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau
21 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-
22 year period immediately preceding the filing of the action. In any action under this subsection, the
23 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-
24 cept as provided in subsection (3) of this section:

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

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

28 (2) An action may be brought under subsection (1) of this section alleging a violation of:

29 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475C.285, 476.574,
30 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 657B.060 and
31 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088,
32 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218,
33 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300,
34 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or
35 659A.421 or section 5, chapter 99, Oregon Laws 2022; or

36 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

37 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,
38 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060 and 657B.070, 659.852, 659A.030, 659A.040,
39 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228,
40 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or
41 659A.421:

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

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

45 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-

1 ment pursuant to the standard established by ORS 19.415 (1); and

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

3 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-
4 olation of ORS 652.220, the court may award punitive damages if:

5 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted
6 with malice or acted with willful and wanton misconduct; or

7 (b) An employer was previously adjudicated in a proceeding under this section or under ORS
8 659A.850 for a violation of ORS 652.220.

9 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or
10 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-
11 tion, compensatory damages or \$200, whichever is greater.

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

15 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,
16 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil
17 penalty in the amount of \$720.

18 (8) Any individual against whom any distinction, discrimination or restriction on account of
19 race, color, **caste**, religion, sex, sexual orientation, gender identity, national origin, marital status
20 or age, if the individual is 18 years of age or older, has been made by any place of public accom-
21 modation, as defined in ORS 659A.400, by any employee or person acting on behalf of the place or
22 by any person aiding or abetting the place or person in violation of ORS 659A.406 may bring an
23 action against the operator or manager of the place, the employee or person acting on behalf of the
24 place or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section,
25 in an action under this subsection:

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

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

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

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

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

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

39 (9) When the commissioner or the Attorney General has reasonable cause to believe that a
40 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
41 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
42 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
43 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
44 manner as a person or group of persons may file a civil action under this section. In a civil action
45 filed under this subsection, the court may assess against the respondent, in addition to the relief

1 authorized under subsections (1) and (3) of this section, a civil penalty:

2 (a) In an amount not exceeding \$50,000 for a first violation; and

3 (b) In an amount not exceeding \$100,000 for any subsequent violation.

4 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
5 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
6 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
7 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
8 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
9 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
10 appealing an adverse decision of the trial court.

11 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145
12 or 659A.421 or discrimination under federal housing law:

13 (a) "Aggrieved person" includes a person who believes that the person:

14 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

15 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
16 occur.

17 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of
18 right in the action. The Attorney General may intervene in the action if the Attorney General cer-
19 tifies that the case is of general public importance. The court may allow an intervenor prevailing
20 party costs and reasonable attorney fees at trial and on appeal.

21 **SECTION 55.** ORS 735.500 is amended to read:

22 735.500. (1) As used in this section and ORS 735.510:

23 (a) "Control" means the possession, directly or indirectly, of the power to direct or cause the
24 direction of the management and policies of a person, whether through the ownership of voting
25 stock, by contract or otherwise. A person who is the owner of 10 percent or more ownership interest
26 in a retainer medical practice or applicant for a certificate to operate a retainer medical practice
27 is presumed to have control.

28 (b) "Primary care" means outpatient, nonspecialty medical services or the coordination of health
29 care for the purpose of:

30 (A) Promoting or maintaining mental and physical health and wellness; and

31 (B) Diagnosis, treatment or management of acute or chronic conditions caused by disease, injury
32 or illness.

33 (c) "Provider" means a health care professional licensed or certified under ORS chapter 677, 678,
34 684 or 685 who provides primary care in the ordinary course of business or practice of a profession.

35 (d) "Retainer medical agreement" means a written agreement between a retainer medical prac-
36 tice and a patient or a legal representative or guardian of a patient specifying a defined and pre-
37 determined set of primary care services to be provided in consideration for a retainer medical fee.

38 (e) "Retainer medical fee" means any fee paid to a retainer medical practice pursuant to a
39 medical retainer agreement.

40 (f) "Retainer medical practice" means a provider, a group of providers or a person that employs
41 or contracts with a provider or a group of providers to provide services under the terms of a
42 retainer medical agreement.

43 (2) A retainer medical practice must be certified by the Department of Consumer and Business
44 Services. To qualify to become a certified retainer medical practice or to renew a certificate, the
45 practice:

- 1 (a) May not have or have ever had a certificate of authority to transact insurance in this state.
- 2 (b) May not be or have ever been licensed, certified or otherwise authorized in this state or any
3 other state to act as an insurer, managed care organization, health care service contractor or sim-
4 ilar entity.
- 5 (c) May not be controlled by an entity described in paragraph (a) or (b) of this subsection.
- 6 (3) A certified retainer medical practice:
- 7 (a) Must provide only primary care and must limit the scope of services provided or the number
8 of patients served to an amount that is within the capacity of the practice to provide in a timely
9 manner;
- 10 (b) May not bill an insurer, a self-insured plan or the state medical assistance program for a
11 service provided by the practice to a patient pursuant to a retainer medical agreement;
- 12 (c) Must be financially responsible and have the necessary business experience or expertise to
13 operate the practice;
- 14 (d) Must give the written disclosures described in subsection (4) of this section;
- 15 (e) May not use or disseminate misleading, deceptive or false statements in marketing, adver-
16 tising, promotional, sales or informational materials regarding the practice or in communications
17 with patients or prospective patients;
- 18 (f) May not engage in dishonest, fraudulent or illegal conduct in any business or profession; and
- 19 (g) May not discriminate based on race, **caste**, religion, gender, sexual identity, sexual prefer-
20 ence or health status.
- 21 (4) A certified retainer medical practice must make the following written information available
22 to prospective patients by prominently disclosing, in the manner prescribed by the department by
23 rule, in marketing materials and retainer medical agreements:
- 24 (a) That the practice is not insurance;
- 25 (b) That the practice provides only the limited scope of primary care services specified in the
26 retainer medical agreement;
- 27 (c) That a patient must pay for all services not specified in the retainer medical agreement; and
- 28 (d) Any other disclosures required by the department by rule.
- 29 (5) The department may by written order deny, suspend or revoke a retainer medical practice
30 certificate or may refuse to renew a retainer medical practice certificate if the department finds
31 that:
- 32 (a) The retainer medical practice does not meet the criteria in subsections (2) to (4) of this
33 section;
- 34 (b) The retainer medical practice has provided false, misleading, incomplete or inaccurate in-
35 formation in the application for a certificate or renewal of a certificate;
- 36 (c) The retainer medical practice provides medical services through a provider whose license to
37 provide the medical services offered on behalf of the retainer medical practice is revoked;
- 38 (d) The authority of the retainer medical practice to operate a retainer medical practice or
39 similar practice in another jurisdiction is denied, suspended, revoked or not renewed;
- 40 (e) The retainer medical practice, a person who has control over the retainer medical practice
41 or a health care provider providing services on behalf of the retainer medical practice is charged
42 with a felony or misdemeanor involving dishonesty; or
- 43 (f) The retainer medical practice fails to comply with subsection (7) of this section.
- 44 (6) With respect to a certified retainer medical practice or a retainer medical practice operating
45 without a certificate, the department is authorized to:

1 (a) Investigate;

2 (b) Subpoena documents and records related to the business of the practice; and

3 (c) Take any actions authorized by the Insurance Code that are necessary to administer and
4 enforce this section.

5 (7) A retainer medical practice subject to an investigation under subsection (5) of this section
6 must:

7 (a) Within five business days, respond to inquiries in the form and manner specified by the de-
8 partment; and

9 (b) Reimburse the expenses incurred by the department in conducting the investigation.

10 (8) A retainer medical practice may contest any order made under subsection (5) of this section
11 in accordance with ORS chapter 183.

12 (9) A certificate issued under subsection (2) of this section is effective for one year or for a
13 longer period as prescribed by the department by rule.

14 (10) The department may adopt rules necessary or appropriate to implement the provisions of
15 this section.

16 **SECTION 56.** ORS 744.382 is amended to read:

17 744.382. (1) A licensee may not pay or offer to pay a finder's fee, commission or other compen-
18 sation to a person described in this subsection, in connection with a policy insuring the life of an
19 individual with a terminal illness or condition. The prohibition under this subsection applies with
20 respect to payments or offers of payment to:

21 (a) The physician, naturopathic physician, attorney or accountant of the policyholder, of the
22 certificate holder or of the insured individual when the individual is other than the policyholder or
23 certificate holder.

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

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

30 (2) A licensee may not solicit an investor who could influence the treatment of the illness or
31 condition of the individual whose life would be the subject of a life settlement contract.

32 (3) All information solicited or obtained from a policyholder or certificate holder by a licensee
33 is subject to ORS 746.600 to 746.690. For purposes of this subsection, a licensee is considered an
34 insurance-support organization within the meaning of ORS 746.600.

35 (4) A licensee may not discriminate in the making of a life settlement contract on the basis of
36 race, **caste**, religion, creed, sex, sexual orientation, gender identity, national origin, marital status,
37 age, familial status or occupation or discriminate between persons who have dependents and persons
38 who do not have dependents.

39 **SECTION 57.** ORS 746.021 is amended to read:

40 746.021. Except as otherwise provided for in the Insurance Code, an individual may not, on the
41 basis of actual or perceived race, color, national origin, **caste**, sex, sexual orientation, gender
42 identity, age or disability, be excluded from participation in, be denied the benefits of or otherwise
43 be subjected to discrimination under any health benefit plan issued or delivered in this state.

44 **SECTION 58.** ORS 757.306, as amended by section 1, chapter 51, Oregon Laws 2022, is amended
45 to read:

1 757.306. (1) As used in this section:

2 (a) “Apprentice” and “apprenticeable occupation” have the meanings given those terms in ORS
3 660.010.

4 (b) “Apprenticeship training program” means the total system of apprenticeship that a particular
5 local joint committee, as defined in ORS 660.010, operates, including the local joint committee’s
6 registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-
7 ploying and training apprentices in an apprenticeable occupation.

8 (c) “Community solar project” has the meaning given that term in ORS 757.386.

9 (d) “Construction” includes on-site and off-site construction and fabrication and covers 30 days
10 after project completion.

11 (e) “Covered project” means:

12 (A) Except as provided in subparagraph (B) of this paragraph, a renewable energy generation,
13 sequestration or storage facility with a capacity rating of 10 megawatts or greater.

14 (B) A community solar project with a capacity rating above three megawatts.

15 (f) “Minority individual” and “woman” have the meanings given those terms in ORS 200.005.

16 (g) “Repower” means replacement of enough of the original generation equipment or components
17 to make an original energy generation facility equivalent to a new facility, such that at least 80
18 percent of the fair market value of the facility derives from new generation equipment or compo-
19 nents installed as part of the replacement project.

20 (h) “Veteran” has the meaning given that term in ORS 408.225.

21 (2) A person who constructs or repowers a covered project sited in this state shall, within 30
22 days from the date the construction begins, provide a signed attestation or declaration stating to the
23 best of their knowledge and belief, subject to penalty of perjury as described in ORS 162.065, that
24 during all periods of construction all contractors and subcontractors working on the construction
25 or repowering project will:

26 (a)(A)(i) Except as provided in sub-subparagraph (ii) of this subparagraph, participate in an ap-
27 prenticeship program registered with the State Apprenticeship and Training Council and with
28 graduation rates equal to or higher than the national average for each respective trade in a manner
29 consistent with the respective apprenticeship training programs, such that 15 percent of the total
30 work hours on a given covered project is performed by apprentices in apprenticeable occupations;
31 or

32 (ii) If less than 15 percent of total work hours on a given covered project is performed by ap-
33 prentices in apprenticeable occupations, demonstrate good faith with meeting the requirement de-
34 scribed in sub-subparagraph (i) of this subparagraph by providing documented and verifiable
35 information including:

36 (I) Internet addresses of employment advertisements or job announcements;

37 (II) Dates, times, Internet addresses and attendance lists of a prejob conference with appren-
38 ticeship, preapprenticeship and workforce providers in construction;

39 (III) Contacts requesting apprentices with an apprenticeship program approved by the Bureau
40 of Labor and Industries including the date, time, telephone contact, electronic mail contact and
41 whether a response was provided within 48 hours of the request;

42 (IV) Contacts requesting apprentices from a union hall including the date, time, telephone con-
43 tact, electronic mail contact and whether a response was provided within 48 hours of the request;
44 and

45 (V) Documentation of job offers and number of job offers made to apprentices;

1 (B) Establish and execute a plan for outreach, recruitment and retention of women, minority
 2 individuals, veterans and people with disabilities to perform work under the contract, with the
 3 aspirational target of having at least 15 percent of total work hours performed by individuals in one
 4 or more of those groups;

5 (C) Have policies in place that are designed to limit or prevent workplace harassment and dis-
 6 crimination and that promote workplace diversity, equity and inclusion for communities who have
 7 been underrepresented in the clean energy sector, including women, veterans and Black, Indigenous
 8 and People of Color;

9 (D) Maintain a license and good standing to perform the work and remain eligible to receive a
 10 contract or subcontract for public works under ORS 279C.860;

11 (E) Materially demonstrate a history of material compliance in the previous seven years, or
 12 provide available history for new businesses, with the rules and other requirements of state agencies
 13 with oversight regarding workers' compensation, building codes and occupational safety and health;

14 (F) Materially demonstrate a history of compliance, in the previous seven years, or provide
 15 available history for new businesses, with federal and state wage and hour laws; and

16 (G) Provide quarterly reporting and recordkeeping to the project owner or electric utility and
 17 respond to records requests and verification; and

18 (b) If the covered project has a capacity rating of 10 megawatts or greater:

19 (A) Pay no less than the prevailing wage rate for an hour's work in the same trade or occupa-
 20 tion in the locality where the labor is performed. Prevailing wage rate includes the calculation of
 21 wages and fringe benefits per trade and locality and will be treated as standards defined in ORS
 22 279C.800 to 279C.870.

23 (B) Offer health care and retirement benefits to the employees performing the labor on the
 24 project.

25 (C) Provide quarterly reporting and recordkeeping to the project owner or electric utility and
 26 respond to records requests and verification.

27 (3) The person shall provide the attestation or declaration and any good faith effort documen-
 28 tation described in subsection (2) of this section to the State Department of Energy within 30 days
 29 from the date construction begins and shall notify the purchaser of the project or of the energy from
 30 the project of this provision or of the provision of a project labor agreement under subsection (4)
 31 of this section, the notice of which shall identify the signatories to the agreement. In addition to the
 32 requirements described in subsection (2) of this section, the attestation or declaration must include
 33 the following information:

34 (a) The megawatt capacity and physical footprint in acres of the project;

35 (b) The geographic location of the project;

36 (c) The estimated workforce requirements of the project;

37 (d) A collated list of good faith effort documentation; and

38 (e) A description of any policies in place for ensuring the person meets the requirements in this
 39 section.

40 (4)(a) In lieu of providing an attestation or declaration described in subsection (2) of this section,
 41 the person may provide a copy of a project labor agreement, if a project labor agreement is used
 42 on the covered project and shall be exempted from the requirements described in subsection (2) of
 43 this section.

44 (b) As used in this subsection, "project labor agreement" means a prehire collective bargaining
 45 agreement as described in 29 U.S.C. 158(f) that establishes the terms and conditions of employment

1 for a specific construction project or contract.

2 (c) A project labor agreement may include additional provisions that:

3 (A) Prohibit discrimination based on race, national origin, **caste**, religion, gender, sexual orien-
4 tation, political affiliation or membership in a labor organization in hiring and dispatching workers
5 for the project.

6 (B) Permit qualified contractors and subcontractors to bid for and be awarded work on the
7 project without regard to whether they are otherwise parties to a collective bargaining agreement.

8 (C) Permit and promote qualified business enterprises owned by women, minorities, veterans and
9 disadvantaged individuals without regard to whether the individuals are otherwise parties to a col-
10 lective bargaining agreement.

11 (D) Guarantee against work stoppages, strikes, lockouts and similar disruptions of the project.

12 (5)(a) The department shall retain an attestation or declaration filed with the department in a
13 manner consistent with the department's record retention policies.

14 (b) Notwithstanding any provisions of ORS 192.345 or 192.355, an attestation or declaration
15 provided to the department pursuant to this subsection is subject to public records disclosure and
16 the department shall provide a copy of the attestation or declaration upon request.

17 (c) An attestation or declaration filed under this section is for reporting purposes only and the
18 department may not use an attestation or declaration to investigate, regulate or enforce matters
19 addressed in the attestation or declaration.

20 (6)(a) Nothing in this section:

21 (A) Applies to a contract or subcontract with a tribal government, agent or instrumentality of
22 an Oregon Indian tribe for a covered project located in whole or in part on the tribe's reservation
23 or on land held in trust by the United States for the benefit of the tribe, unless the tribal govern-
24 ment elects to adopt the standards in this section for the contract or subcontract; or

25 (B) Affects the wage rates overseen by a tribal government, agent or instrumentality of an
26 Oregon Indian tribe.

27 (b) As used in this subsection, "Oregon Indian tribe" and "tribal government" have the meanings
28 given those terms in ORS 294.805.

29 (7) Nothing in this section:

30 (a) Prohibits the inclusion of labor standards in addition to those required by subsection (2) of
31 this section in contracts that are subject to this section; or

32 (b) Prohibits a person from using a project labor agreement to meet the minimum requirements
33 of subsection (2) of this section.

34 **SECTION 59.** ORS 131.915 is amended to read:

35 131.915. As used in ORS 131.915 to 131.925:

36 (1) "Gender identity" has the meaning given that term in ORS 174.100.

37 (2) "Law enforcement agency" means:

38 (a) The Department of State Police;

39 (b) The Department of Justice;

40 (c) A district attorney's office; and

41 (d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355:

42 (A) A political subdivision or an instrumentality of the State of Oregon.

43 (B) A municipal corporation of the State of Oregon.

44 (C) A tribal government.

45 (D) A university.

1 (3) "Law enforcement officer" means:

2 (a) A member of the Oregon State Police;

3 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
4 commissioned by a university under ORS 352.121 or 353.125;

5 (c) An investigator of a district attorney's office if the investigator is or has been certified as
6 a law enforcement officer in this or any other state;

7 (d) An investigator of the Criminal Justice Division of the Department of Justice;

8 (e) A humane special agent as defined in ORS 181A.345;

9 (f) A judicial marshal of the Marshal's Office of the Judicial Department who is appointed under
10 ORS 1.177 and trained pursuant to ORS 181A.540;

11 (g) A regulatory specialist exercising authority described in ORS 471.775 (2); or

12 (h) An authorized tribal police officer as defined in ORS 181A.940.

13 (4) "Profiling" means the targeting of an individual by a law enforcement agency or a law
14 enforcement officer, on suspicion of the individual's having violated a provision of law, based solely
15 on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender
16 identity, sexual orientation, political affiliation, **caste**, religion, homelessness or disability, unless
17 the agency or officer is acting on a suspect description or information related to an identified or
18 suspected violation of a provision of law.

19 (5) "Sexual orientation" has the meaning given that term in ORS 174.100.

20 **SECTION 60.** ORS 131.925 is amended to read:

21 131.925. (1)(a) A law enforcement agency shall provide to the Law Enforcement Contacts Policy
22 and Data Review Committee information concerning each complaint the agency receives alleging
23 profiling, and shall notify the committee of the disposition of the complaint, in the manner described
24 in this subsection.

25 (b) The law enforcement agency shall submit to the committee a profiling complaint report form
26 summarizing each profiling complaint and the disposition of the complaint, and a copy of each pro-
27 filing complaint, once each year no later than January 31.

28 (c) The law enforcement agency shall submit the form described in paragraph (b) of this sub-
29 section even if the agency has not received any profiling complaints.

30 (d) The profiling complaint report form and copies of profiling complaints submitted to the
31 committee may not include personal information concerning the complainant or a law enforcement
32 officer except as to any personal information recorded on the form as described in subsection (4)(c)
33 of this section.

34 (2)(a) A person may submit to the committee a complaint alleging profiling and the committee
35 shall receive the complaints.

36 (b) The committee also shall receive complaints alleging profiling that are forwarded from a law
37 enforcement agency.

38 (c) The committee shall forward a copy of each profiling complaint the committee receives to
39 the law enforcement agency employing the officer that is the subject of the complaint. The for-
40 warding complaint must include the name of the complainant unless the complainant requests to re-
41 main anonymous, in which case the complainant's name must be redacted.

42 (3)(a) The committee may not release any personal information concerning a complainant or a
43 law enforcement officer who is the subject of a profiling complaint.

44 (b) The personal information of complainants and of law enforcement officers who are the sub-
45 ject of profiling complaints are exempt from public disclosure under ORS 192.355.

1 (4) The Department of State Police shall develop a standardized profiling complaint report form.
2 The form must provide for recording the following information:

3 (a) A summary of total complaints and a certification that a law enforcement agency’s profiling
4 policy conforms to ORS 131.920;

5 (b) A summary of each complaint received by the law enforcement agency, including the date,
6 time and location of the incident and the disposition of the complaint; and

7 (c) To the extent known, the complainant’s gender, gender identity, age, race, ethnicity, sexual
8 orientation, primary language, national origin, **caste**, religion, political affiliation, homeless status
9 and disability status, recorded in a manner that does not identify the complainant.

10 (5) As used in this section, “personal information” has the meaning given that term in ORS
11 807.750.

12 **SECTION 61.** ORS 131.930 is amended to read:

13 131.930. As used in ORS 131.930 to 131.945:

14 (1) “Gender identity” has the meaning given that term in ORS 174.100.

15 (2) “Law enforcement agency” means an agency employing law enforcement officers to enforce
16 criminal laws.

17 (3) “Law enforcement officer” means a member of the Oregon State Police, a sheriff or a mu-
18 nicipal police officer.

19 (4) “Officer-initiated pedestrian stop” means a detention of a pedestrian by a law enforcement
20 officer that is not associated with a call for service. The term does not apply to detentions for
21 routine searches performed at the point of entry to or exit from a controlled area.

22 (5) “Officer-initiated traffic stop” means a detention of a driver of a motor vehicle by a law
23 enforcement officer, not associated with a call for service, for the purpose of investigating a sus-
24 pected violation of the Oregon Vehicle Code.

25 (6) “Profiling” means the targeting of an individual by a law enforcement agency or a law
26 enforcement officer, on suspicion of the individual’s having violated a provision of law, based solely
27 on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender
28 identity, sexual orientation, political affiliation, **caste**, religion, homelessness or disability, unless
29 the agency or officer is acting on a suspect description or information related to an identified or
30 suspected violation of a provision of law.

31 (7) “Sexual orientation” has the meaning given that term in ORS 174.100.

32 **SECTION 62.** ORS 243.812, as amended by section 1, chapter 40, Oregon Laws 2022, is amended
33 to read:

34 243.812. (1) The Commission on Statewide Law Enforcement Standards of Conduct and Discipline
35 is established for the purpose of adopting rules that prescribe uniform:

36 (a) Standards of conduct, including guidelines and procedures, to which law enforcement officers
37 shall adhere; and

38 (b) Disciplinary standards and procedures, including a range of disciplinary actions that may
39 include consideration of aggravating or mitigating circumstances, by which a law enforcement
40 agency, a civilian or community oversight board, agency or review body, and an arbitrator who
41 serves in an arbitration proceeding described under ORS 243.706 (3) shall make determinations re-
42 garding alleged misconduct by a law enforcement officer, and shall make recommendations for and
43 impose disciplinary action in response to such determinations.

44 (2) The commission consists of 15 members as follows:

45 (a) The Director of the Department of Public Safety Standards and Training or a designee from

1 the department.

2 (b) The Attorney General or a designee from the Attorney General's office.

3 (c) The President of the Senate shall appoint one nonvoting member, acting in an advisory ca-
4 pacity only, from among members of the Senate.

5 (d) The Speaker of the House of Representatives shall appoint one nonvoting member, acting in
6 an advisory capacity only, from among members of the House of Representatives.

7 (e) The Director of the Department of Public Safety Standards and Training and the Attorney
8 General shall jointly appoint 11 members of the commission consistent with the following:

9 (A) Two members who are chief law enforcement officers.

10 (B) Two members who represent labor organizations who represent law enforcement officers.

11 (C) Two members who represent historically marginalized groups or community-based organiza-
12 tions that represent communities impacted by policing.

13 (D) One member who represents a federally recognized Indian tribe or association of tribes
14 within this state.

15 (E) Two members who are representatives of local government to represent the interests of
16 cities and counties.

17 (F) One member who represents public defender organizations established under ORS chapter
18 151 or the Oregon Criminal Defense Lawyers Association.

19 (G) One member who represents the interests of prosecutors in this state.

20 (3) At a minimum, the uniform standards described under subsection (1) of this section must
21 address standards of conduct and discipline regarding:

22 (a) Unjustified or excessive use of physical or deadly force;

23 (b) Sexual harassment;

24 (c) Sexual assault;

25 (d) Assault;

26 (e) Conduct that is motivated by or based on a real or perceived factor of an individual's race,
27 ethnicity, national origin, sex, gender identity, sexual orientation, **caste**, religion or homelessness;

28 (f) Moral character; and

29 (g) The use of drugs or alcohol while on duty.

30 (4) On or before October 1, 2022, the commission shall adopt and publish rules pursuant to ORS
31 chapter 183 to establish the uniform standards described under subsection (1) of this section.

32 (5) The commission shall review the standards described under subsection (1) of this section at
33 least once every two years.

34 (6) The meetings of the commission shall be open to the public in accordance with state law.
35 Records of the commission shall be open and available to the public in accordance with state law.

36 (7) The commission shall establish and implement an open hearing process for public input and
37 deliberation before the commission adopts rules that establish the standards described under sub-
38 section (1) of this section, including:

39 (a) Public notice;

40 (b) Public outreach to solicit broad public participation; and

41 (c) Public hearings to receive public comment.

42 (8) A majority of the members of the commission constitutes a quorum for the transaction of
43 business.

44 (9) Official action by the commission requires the approval of a majority of the commission.

45 (10) The term of a member appointed under subsection (2)(e) of this section shall be two years.

1 If there is a vacancy on the commission for any reason, the Director of the Department of Public
 2 Safety Standards and Training and the Attorney General shall appoint a person to the unexpired
 3 term.

4 (11) The members of the commission shall elect one person from the Department of Public Safety
 5 Standards and Training and one person from the Department of Justice from among the members
 6 of the commission to serve as cochairpersons of the commission who shall preside over meetings and
 7 execute the duties determined by the commission to be necessary.

8 (12) The commission may hire an executive director and support staff, and may enter into an
 9 interagency or intergovernmental agreement to have another state agency or governmental agency
 10 provide support staff.

11 (13) The commission may adopt rules necessary for the operation of the commission.

12 (14) A member of the commission who is not a member of the Legislative Assembly is entitled
 13 to compensation and expenses as provided in ORS 292.495.

14 (15)(a) The commission shall prepare and submit a report in the manner provided by ORS 192.245
 15 to the House Committee on Judiciary or an interim committee of the Legislative Assembly related
 16 to the judiciary no later than September 1, 2022, and September 1 every year thereafter.

17 (b) The initial report must describe the development and adoption of the uniform standards de-
 18 scribed under subsection (1) of this section, including the methodology used to apprise each law
 19 enforcement agency in this state and each civilian or community oversight board, agency or review
 20 body, of the standards. The commission shall include in reports submitted after September 1, 2022,
 21 information regarding the progress of each law enforcement agency and civilian or community
 22 oversight board, agency or review body, towards implementing and applying the uniform standards
 23 and the commission's recommendations on updates to the standards, as are considered necessary.

24 (16) As used in this section:

25 (a) "Assault" has the meaning given that term in ORS 163.115.

26 (b) "Civilian or community oversight board, agency or review body" means a board, an agency
 27 or a body:

28 (A) Designated by a municipality or a law enforcement agency in performing duties related to
 29 investigating allegations of officer misconduct or reviewing police policies and practices; or

30 (B) Created to oversee disciplinary matters concerning law enforcement officers pursuant to a
 31 city charter or ordinance for which a measure that included the question of whether to establish the
 32 board, agency or body was referred to and approved by the people of the city at an election held
 33 on or after July 1, 2020.

34 (c) "Law enforcement agency" and "law enforcement officer" have the meanings given those
 35 terms in ORS 131.930.

36 (d) "Sexual assault" has the meaning given that term in ORS 243.317.

37 **SECTION 63.** ORS 338.125 is amended to read:

38 338.125. (1) Student enrollment in a public charter school is voluntary.

39 (2)(a) All students who reside in the school district in which the public charter school is located
 40 are eligible for enrollment in the public charter school if space is available.

41 (b) Students who do not reside in the school district in which the public charter school is lo-
 42 cated are eligible for enrollment in the public charter school if space is available and subject to
 43 subsection (4) of this section.

44 (c) A public charter school may not limit student enrollment based on race, **caste**, religion, sex,
 45 sexual orientation, gender identity, ethnicity, national origin, disability, the terms of an individual-

1 ized education program, income level, proficiency in the English language or athletic ability. A
 2 public charter school may implement a weighted lottery that favors historically underserved stu-
 3 dents as provided by subsection (3)(a) of this section.

4 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applica-
 5 tions from students exceeds the capacity of a program, class, grade level or building, the public
 6 charter school shall select students through an equitable lottery selection process. For the purpose
 7 of ameliorating the impact of discrimination against historically underserved students, an equitable
 8 lottery selection process may include weights that favor historically underserved students. As used
 9 in this paragraph, “historically underserved students” are students who are at risk because of any
 10 combination of their race, sex, sexual orientation, gender identity, ethnicity, **caste**, disability, in-
 11 come level, proficiency in the English language, socioeconomic status or geographic location.

12 (b)(A) A public charter school may give priority for admission to students who reside within the
 13 attendance boundaries that were in effect at the time a school district closed a nonchartered public
 14 school if:

15 (i) The public charter school began to operate not more than two years after the nonchartered
 16 public school was closed;

17 (ii) The school district that closed the nonchartered public school is the sponsor of the public
 18 charter school;

19 (iii) The public charter school is physically located within the attendance boundaries of the
 20 closed nonchartered public school; and

21 (iv) The school district board, through board action, approved the public charter school giving
 22 priority as described in this paragraph.

23 (B) Nothing in this paragraph requires an amendment to a charter. A school district board may
 24 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of
 25 a charter.

26 (c) After a public charter school has been in operation for one or more years, the public charter
 27 school may give priority for admission to students who:

28 (A) Were enrolled in the prior year in the public charter school;

29 (B) Were enrolled in a public preschool or prekindergarten program operated by the public
 30 charter school;

31 (C) Have siblings who are presently enrolled in the school and who were enrolled in the school
 32 in the prior year;

33 (D) Are at risk because the student has an economic or academic disadvantage that requires
 34 special services or assistance, including students who:

35 (i) Are from economically disadvantaged families;

36 (ii) Are identified as having special educational needs;

37 (iii) Are limited in proficiency in the English language;

38 (iv) Are at risk of dropping out of high school; or

39 (v) Do not meet minimum standards of academic proficiency; or

40 (E) If the public charter school is a party to a cooperative agreement described in ORS 338.080,
 41 reside in the school district that is the sponsor of the public charter school or in a school district
 42 that is a party to the cooperative agreement.

43 (4)(a) A student who wishes to enroll in a virtual public charter school does not need the ap-
 44 proval of the school district where the student is a resident before the student enrolls in the virtual
 45 public charter school. If a student wishes to enroll in a virtual public charter school, the parent,

1 legal guardian or person in parental relationship with the student must provide the following notices
 2 to the school district where the student is a resident:

3 (A) Intent to enroll the student in a virtual public charter school; and

4 (B) Enrollment of the student in a virtual public charter school.

5 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than three
 6 percent of the students who reside in a school district are enrolled in virtual public charter schools
 7 that are not sponsored by the school district, a student who is a resident of the school district must
 8 receive approval from the school district before enrolling in a virtual public charter school. A school
 9 district is not required to give approval if more than three percent of the students who reside in the
 10 school district are enrolled in virtual public charter schools that are not sponsored by the school
 11 district.

12 (B) For the purpose of determining whether more than three percent of the students who reside
 13 in the school district are enrolled in virtual public charter schools that are not sponsored by the
 14 school district, the school district board shall include any students who:

15 (i) Reside in the school district, regardless of whether the students are considered residents of
 16 different school districts as provided by ORS 339.133 (5); and

17 (ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.

18 (C) Students who reside in the school district, regardless of whether the students are considered
 19 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the
 20 school district before enrolling in a virtual public charter school if the limit described in subpara-
 21 graph (A) of this paragraph has been met.

22 (c) If the school district does not give approval under paragraph (b) of this subsection, the
 23 school district must provide information to the parent, legal guardian or person in parental re-
 24 lationship with the student about the right to appeal the decision to the State Board of Education
 25 and other online options available to the student. If an appeal is made to the State Board of Edu-
 26 cation, the board must issue a decision within 30 days of the submission of the appeal.

27 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school
 28 shall provide written notice of the student's enrollment to the school district in which the public
 29 charter school is located if the student does not reside in the school district where the public
 30 charter school is located.

31 (6) Within 10 days of receiving the notice described in subsection (5) of this section, the school
 32 district in which the public charter school is located shall provide to the student's parent, legal
 33 guardian or person in parental relationship written information about:

34 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the
 35 public charter school to determine which students may be in need of special education and related
 36 services as provided by ORS 338.165; and

37 (b) The methods by which the school district may be contacted to answer questions or provide
 38 information related to special education and related services.

39 (7) When a student described in subsection (5) of this section withdraws from a public charter
 40 school for a reason other than graduation from high school, the school district in which the public
 41 charter school is located shall:

42 (a) Provide to the school district in which the student resides written notice that the student
 43 has withdrawn.

44 (b) Provide to the student's parent, legal guardian or person in parental relationship written
 45 information about:

1 (A) The responsibility of the school district in which the student resides to identify, locate and
 2 evaluate students who reside in the school district to determine which students may be in need of
 3 special education and related services as provided by ORS 338.165; and

4 (B) The methods by which the school district in which the student resides may be contacted to
 5 answer questions or provide information related to special education and related services.

6 (8)(a) If a student described in subsection (5) of this section enrolls in a public charter school
 7 and has an individualized education program, the school district in which the public charter school
 8 is located must implement the individualized education program and follow the terms of the indi-
 9 vidualized education program until a new individualized education program is developed.

10 (b) If a student described in subsection (5) of this section withdraws from a public charter school
 11 and has an individualized education program, the school district in which the student resides must
 12 implement the individualized education program and follow the terms of the individualized education
 13 program until a new individualized education program is developed.

14 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in
 15 a virtual public charter school, the virtual public charter school shall provide the written notices
 16 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

17 (10) A public charter school may conduct fund-raising activities but may not require a student
 18 to participate in fund-raising activities as a condition of admission to the public charter school.

19 **SECTION 64.** ORS 418.976 is amended to read:

20 418.976. As used in ORS 418.976 to 418.981, unless the context requires otherwise:

21 (1) “Agency of state government” has the meaning given that term in ORS 174.111.

22 (2) “Cultural competence” means accepting and respecting diversity and differences in a con-
 23 tinuous process of self-assessment and reflection on one’s personal and organizational perceptions
 24 of the dynamics of culture.

25 (3) “Cultural responsiveness” means the process by which people and systems respond respect-
 26 fully and effectively to individuals of all cultures, languages, classes, races, ethnic backgrounds,
 27 disabilities, **castes**, religions, genders, gender identities, sexual orientations and other diversity
 28 factors in a manner that recognizes, affirms and values the worth of individuals, families and com-
 29 munities, and that protects and preserves the dignity of each.

30 (4) “Family” includes, with respect to a youth:

31 (a) A biological or legal parent;

32 (b) A sibling;

33 (c) An individual related by blood, marriage or adoption;

34 (d) A foster parent;

35 (e) A legal guardian;

36 (f) A caregiver;

37 (g) An individual with a significant social relationship with the youth;

38 (h) Any person who provides support to the youth that the youth identifies as important; and

39 (i) Any person identified by the youth as being family.

40 (5) “Participating state agency” means a state officer, board, commission, department, institu-
 41 tion, branch or agency of state government whose costs are paid wholly or in part from funds held
 42 in the State Treasury and who:

43 (a) Is identified by the System of Care Advisory Council as a provider of services and supports
 44 that are part of the state system of care; or

45 (b) Provides services or resources to the council.

1 (6) "Services and supports" means public, private and community resources that assist youth in
 2 the achievement of positive outcomes, including but not limited to education, child welfare, public
 3 health, primary care, pediatric care, juvenile justice, mental health treatment, substance use treat-
 4 ment and services for individuals with intellectual and developmental disabilities.

5 (7) "System of care" means a coordinated network of services and supports to youth that:

6 (a) Integrates care planning and management across multiple levels of care;

7 (b) Recognizes disability as a natural and healthy part of the human experience;

8 (c) Is culturally and linguistically competent;

9 (d) Is designed to build meaningful partnerships with families and youth in the delivery and
 10 management of services and the development of policy;

11 (e) Has a supportive policy and management infrastructure at the state and local levels; and

12 (f) Is community-based with relationships at the local level.

13 (8) "Youth" means an individual 25 years of age or younger who has, or is at increased risk of
 14 developing, chronic behavioral, emotional, physical or developmental conditions and is under the
 15 supervision of or engaged with two or more systems of care.

16 **SECTION 65.** ORS 458.505 is amended to read:

17 458.505. (1) The community action agency network, established initially under the federal Eco-
 18 nomic Opportunity Act of 1964, is the delivery system for federal antipoverty programs in Oregon,
 19 including:

20 (a) The Community Services Block Grant;

21 (b) Low Income Home Energy Assistance Program; and

22 (c) The United States Department of Energy Weatherization Assistance Program.

23 (2) Funds for such programs shall be distributed to the community action agencies by the
 24 Housing and Community Services Department with the advice of the Community Action Partnership
 25 of Oregon.

26 (3) In areas not served by a community action agency, funds other than federal community ser-
 27 vices funds may be distributed to and administered by organizations that are found by the Housing
 28 and Community Services Department to serve the antipoverty purpose of the community action
 29 agency network.

30 (4) In addition to complying with all applicable requirements of federal law, a community action
 31 agency shall:

32 (a) Be an office, division or agency of the designating political subdivision or a not for profit
 33 organization in compliance with ORS chapter 65.

34 (b) Have a community action board of at least nine but no more than 33 members, constituted
 35 so that:

36 (A) One-third of the members of the board are elected public officials currently serving or their
 37 designees. If the number of elected officials reasonably available and willing to serve is less than
 38 one-third of the membership, membership of appointed public officials may be counted as meeting the
 39 one-third requirement;

40 (B) At least one-third of the members are persons chosen through democratic selection proce-
 41 dures adequate to assure that they are representatives of the poor in the area served; and

42 (C) The remainder of the members are officials or members of business, industry, labor, religious,
 43 welfare, education or other major groups and interests in the community.

44 (c) If the agency is a private not for profit organization, be governed by the Community Action
 45 Board. The board shall have all duties, responsibilities and powers normally associated with such

1 boards, including, but not limited to:

2 (A) Selection, appointment and dismissal of the executive director of the agency;

3 (B) Approval of all contracts, grant applications and budgets and operational policies of the
4 agency;

5 (C) Evaluation of programs; and

6 (D) Securing an annual audit of the agency.

7 (d) If the organization is an office, division or agency of a political subdivision, be administered
8 by the board that shall provide for the operation of the agency and be directly responsible to the
9 governing board of the political subdivision. The administering board at a minimum, shall:

10 (A) Review and approve program policy;

11 (B) Be involved in and consulted on the hiring and firing of the agency director;

12 (C) Monitor and evaluate program effectiveness;

13 (D) Ensure the effectiveness of community involvement in the planning process; and

14 (E) Assume all duties delegated to it by the governing board.

15 (e) Have a clearly defined, specified service area. Community action service areas may not
16 overlap.

17 (f) Have an accounting system that meets generally accepted accounting principles and be so
18 certified by an independent certified accountant.

19 (g) Provide assurances against the use of government funds for political activity by the com-
20 munity action agency.

21 (h) Provide assurances that no person shall, on the grounds of race, color, **caste**, sex, sexual
22 orientation, gender identity or national origin be excluded from participation in, be denied the ben-
23 efits of or be subjected to discrimination under any program or activity funded in whole or in part
24 with funds made available through the community action program.

25 (i) Provide assurances the community action agency shall comply with any prohibition against
26 discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an
27 otherwise qualified individual with disabilities as provided in section 504 of the Rehabilitation Act
28 of 1973.

29 (5) For the purposes of this section, the Oregon Human Development Corporation is eligible to
30 receive federal community service funds and low-income energy assistance funds.

31 (6) The Housing and Community Services Department shall:

32 (a) Administer federal antipoverty programs listed in subsection (1) of this section.

33 (b) In conjunction with the Oregon Housing Stability Council, culturally specific organizations,
34 the Community Action Partnership of Oregon and service providers, develop a collaborative role in
35 advocating for, and addressing the needs of, all low income Oregonians.

36 (c) On a regular basis provide information to service providers on the activities and expen-
37 ditures of the Housing and Community Services Department.

38 (d) As resources are available, provide resources for technical assistance, training and program
39 assistance to Community Action Partnership of Oregon, service providers and other eligible entities.

40 (e) As resources are available, provide resources pursuant to ORS 409.750 for the training and
41 technical assistance needs of service providers.

42 (f) Fully integrate the Oregon Human Development Corporation into the antipoverty delivery
43 system, which must include a minimum level of services and funding for low income migrant and
44 seasonal agricultural workers from the antipoverty programs administered by the agency.

45 (g) Limit its administrative budget in an effort to maximize the availability of antipoverty federal

1 and state funds for expenditures by local service providers.

2 **SECTION 66.** ORS 541.551 is amended to read:

3 541.551. (1) As used in this section:

4 (a) “Community engagement plan” means a plan to meaningfully engage and provide suitable
5 access to decision-making processes for disproportionately impacted communities, underrepresented
6 communities, tribal communities and all persons regardless of race, color, **caste**, national origin or
7 income in planning for water projects using identified best practices.

8 (b) “Disproportionately impacted communities” may include:

9 (A) Rural communities;

10 (B) Coastal communities;

11 (C) Areas with above-average concentrations of historically disadvantaged households or resi-
12 dents with low levels of educational attainment, areas with high unemployment, high linguistic iso-
13 lation, low levels of homeownership or high rent burden or sensitive populations; or

14 (D) Other communities that face barriers to meaningful participation in public processes.

15 (c) “Local government” has the meaning given that term in ORS 174.116.

16 (d) “Local organization” means an organization that:

17 (A) Is a special government body as defined in ORS 174.117, a federally recognized Indian tribe,
18 a nonprofit organization or other organization identified by a provider of water project support by
19 rule as eligible to receive water project support; and

20 (B) Operates in an area affected by a water project.

21 (e) “Water project” includes watershed enhancement, in-stream flow protection or enhancement,
22 water resource conservation or development, or water supply and wastewater treatment and dis-
23 posal projects.

24 (f) “Water project support” means planning, technical assistance or financial support related to
25 a water project that is provided to an eligible recipient by one of the following providers:

26 (A) The Department of Environmental Quality;

27 (B) The Oregon Business Development Department;

28 (C) The State Department of Fish and Wildlife;

29 (D) The Oregon Health Authority;

30 (E) The Oregon Watershed Enhancement Board; or

31 (F) The Water Resources Department.

32 (2) A provider of water project support:

33 (a) May make water project support available for the purpose of enabling local organizations
34 and local governments to develop and implement community engagement plans related to a water
35 project, including funding to increase participation by representatives of disproportionately impacted
36 communities in planning processes and water project decision-making.

37 (b) Shall require that community engagement plans supported by the provider utilize goals and
38 approaches for increased participation of disproportionately impacted communities in decisions re-
39 lated to the identification, scoping, design and implementation of water projects.

40 (c) Shall require that community engagement plans supported by the provider utilize best prac-
41 tices recognized by the provider under subsection (4) of this section.

42 (3) A provider of water project support may condition support for community engagement plan-
43 ning on the local organization or local government:

44 (a) Identifying disproportionately impacted communities and local demographics through the use
45 of established systems; and

1 (b) Using best practices recognized by the provider under subsection (4) of this section to de-
 2 velop a plan for water project decision-making that:

3 (A) Invites and supports broad community participation that includes disproportionately im-
 4 pacted communities;

5 (B) Invites and supports tribal participation in the areas of water projects or proposed water
 6 projects, regardless of whether tribal members are represented in the community demographics;

7 (C) Establishes specific goals for equitable participation and water project decision-making and
 8 identifies specific realistic and achievable approaches for use in meeting those goals; and

9 (D) Provides for periodic reporting on the attempted or successful achievement of best practices
 10 in the decision-making process.

11 (4) Each provider of water project support shall, in coordination with the other providers, adopt
 12 rules recognizing best practices for use by the provider, local organizations and local governments
 13 to ensure that community engagement planning activities are carried out in the manner described
 14 in this section. Providers of water project support shall periodically coordinate with each other to
 15 ensure that best practices recognized by the providers are updated as necessary and are adminis-
 16 tered and used by the providers in a consistent manner. The Water Resources Department shall
 17 oversee the coordination process. The department shall ensure that the coordination process occurs
 18 at least once every five years.

19 **SECTION 67.** ORS 646A.787 is amended to read:

20 646A.787. (1) A person that is subject to ORS 646A.770 to 646A.787 shall act in a fiduciary ca-
 21 pacity with respect to funds the person receives or holds for the benefit of another person.

22 (2) A person that sells a guaranteed asset protection waiver in connection with a retail sale of
 23 a motor vehicle may not:

24 (a) Charge more for the guaranteed asset protection waiver than five percent of the amount the
 25 borrower finances under a finance agreement; or

26 (b) Vary the benefits, terms, conditions or price of the guaranteed asset protection waiver on
 27 account of a borrower's race, sex, sexual orientation, gender identity, **caste**, income or education.

28 **SECTION 68.** ORS 653.547 is amended to read:

29 653.547. (1) As used in this section:

30 (a) "Domestic service" means services related to the care of persons in private homes or the
 31 maintenance of private homes or their premises.

32 (b)(A) "Domestic worker" means an individual who works in the home of another person for the
 33 purpose of caring for a child, doing housekeeping or providing other domestic service and who is
 34 not compensated with public funds for the work performed.

35 (B) "Domestic worker" does not include:

36 (i) A parent or spouse of the employer.

37 (ii) A child of the employer who is under 26 years of age.

38 (iii) Students who regularly attend elementary or secondary school during the day.

39 (iv) Children, other than children of the employer, who are under 14 years of age.

40 (v) Children under 18 years of age who provide babysitting services and persons who provide
 41 babysitting on a casual basis.

42 (vi) Persons who perform casual labor in private homes or the maintenance of private homes or
 43 their premises, including but not limited to yard work, washing windows and shoveling snow.

44 (vii) Individuals employed by organizations licensed as required by ORS 443.015 or 443.315.

45 (viii) Independent contractors.

1 (ix) Individuals performing companionship services exempt from the provisions of the Fair Labor
 2 Standards Act of 1938 (29 U.S.C. 201 et seq.).

3 (x) Persons who perform house sitting duties that do not involve domestic service.

4 (xi) Persons who provide domestic service in exchange for an in-kind good or service.

5 (c) “Employer” means a person that employs another person in this state.

6 (2) A person employing a domestic worker shall:

7 (a) Notwithstanding ORS 653.020, pay the domestic worker an overtime wage at a rate of one
 8 and one-half times the worker’s base rate for hours worked in excess of 40 hours in a workweek,
 9 or in excess of 44 hours in a workweek if the domestic worker lives in the home of the employer.

10 (b) Provide the domestic worker at least 24 consecutive hours of rest each workweek. If the
 11 domestic worker agrees to work on the anticipated day of rest, the employer shall pay the employee
 12 the overtime rate specified in paragraph (a) of this subsection.

13 (c) If the domestic worker lives in the home of the employer, provide at least eight consecutive
 14 hours of rest within each 24-hour period and provide a space with adequate conditions for uninter-
 15 rupted sleep.

16 (d) If the domestic worker lives in the home of the employer, permit the domestic worker to cook
 17 the worker’s own food, subject to reasonable restrictions based on the religious or health needs of
 18 the home’s residents.

19 (e) If the domestic worker worked an average of at least 30 hours per week during the previous
 20 year, provide the domestic worker with at least three paid personal leave days off.

21 (3) Notwithstanding subsection (2)(a) of this section, the Commissioner of the Bureau of Labor
 22 and Industries shall adopt rules for the calculation of overtime wages for domestic workers during
 23 periods of travel and medical emergencies.

24 (4) A person that employs a domestic worker may not:

25 (a) Request that the domestic worker allow the employer, on either a mandatory or voluntary
 26 basis, to have possession of the worker’s passport.

27 (b) Engage in unwelcome sexual advances, request sexual favors or engage in other verbal or
 28 physical conduct of a sexual nature directed toward a domestic worker when:

29 (A) Submission to the conduct is made, either explicitly or implicitly, a term or condition of the
 30 domestic worker’s employment;

31 (B) Submission to or rejection of the conduct by the domestic worker is used as the basis for
 32 employment decisions affecting the domestic worker; or

33 (C) The conduct has the purpose or effect of unreasonably interfering with the domestic
 34 worker’s work performance by creating an intimidating, hostile or offensive work environment.

35 (c) Subject a domestic worker to harassment based on gender, race, **caste**, religion, disability,
 36 sexual orientation, gender identity or national origin if the harassment has the purpose or effect of
 37 unreasonably interfering with the worker’s work performance by creating an intimidating, hostile
 38 or offensive work environment.

39 (d) Retaliate or in any way discriminate against an individual with respect to hire or tenure or
 40 any other term or condition of employment because the individual has inquired about the provisions
 41 of this section and ORS 653.549 or has reported a violation to, or filed a complaint with, the Bureau
 42 of Labor and Industries alleging a violation of this section.

43 **SECTION 69.** ORS 660.139 is amended to read:

44 660.139. (1) Unless the State Apprenticeship and Training Council determines there is an adverse
 45 impact on apprenticeship opportunities based on an individual’s race, **caste**, sex, sexual orientation,

1 gender identity or ethnic group, an applicant who is otherwise eligible for selection as an apprentice
2 under the selection method used by the local joint committee may, with the consent of the applicant,
3 be indentured to a family business or the applicant's current employer without regard to whether
4 another employer would otherwise be entitled to indenture the apprentice under the selection
5 method used by the local joint committee.

6 (2) As used in this section:

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

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

12 **SECTION 70.** ORS 243.305 is amended to read:

13 243.305. (1) It is declared to be the public policy of Oregon that all branches of state government
14 shall be leaders among employing entities within the state in providing to its citizens and employees,
15 through a program of affirmative action, fair and equal opportunities for employment and advance-
16 ment in programs and services and in the awarding of contracts.

17 (2) "Affirmative action" means a method of eliminating the effects of past and present discrimi-
18 nation, intended or unintended, on the basis of race, **caste**, religion, national origin, age, sex, mar-
19 ital status or physical or mental disabilities.

20 **SECTION 71.** A state agency, as defined in ORS 291.002, that exercises its rulemaking
21 authority under the laws of this state to adopt rules implementing the amendments to stat-
22 utes by sections 1 to 70 of this 2023 Act shall do so no later than January 1, 2024.

23 **SECTION 72.** The amendments to ORS 93.270, 279A.100, 279A.112, 735.500, 744.382 and
24 757.306 by sections 6, 22, 23, 55, 56 and 58 of this 2023 Act apply to contracts that are entered
25 into, renewed, modified or extended on or after the effective date of this 2023 Act.

26 **SECTION 73.** This 2023 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
28 on its passage.

29 _____