

4. giving the Public Welfare agency the authority to file personal injuries claims in behalf of a recipient.
5. giving the Public Welfare agency the authority to set aside illegal transfers of real property, discovered after the death the recipient.
6. giving the state statutory authority of requiring accounting of expenditures and remainder of funds in guardianships.

Norman Silver, Vocational Rehabilitation, requested the committee to amend the current Civil Rights Legislation, Chapter, 659, to guarantee the rights of the physically, mentally and sensory handicapped persons to gain full employment, and housing and accommodations

The committee voted unanimously to introduce all of the above mentioned bills.

HB5069

Rep. Ralph Groener made a motion as a recommendation to the Speaker, (Exhibit 1), containing four points:

1. property management
2. Middle management skills developer
3. secretary for the two above mentioned
4. request Ways and Means to attach a budget note to Department of Human Resource's budget to develop consolidated support services.

The motion was adopted unanimously.

HB 2041

Mr. Cornelius Bateson, Health Division Administrator, spoke in favor of the bill. He stated that the bill would require that before a license can be issued or renewed for a long term care facility, the applicant must tell the Health Division the name of any person who owns 10% or more of the facility. He felt that the Health Division should know who owns the facility, in order to enforce various regulations and in the event they are violated, to know who is responsible.

During questioning Mr. Bateson, stated that the information would be a matter of public record.

Mr. John Richards, Oregon Health Care Association, spoke in favor of bill 2041, stating that this is already standard practise when federal money is involved. He submitted written testimony (Exhibit 2).

The bill was reported out 'do pass', unanimously.

HB 2044

Mr. Cornelius Bateson offered an amendment to bill which would chan

(Tape accidentally erased)

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

May 23, 1973

3:00 p.m.

Room 15

Members Present: Rep. Blumenauer
Rep. Bazett
Rep. Fadeley
Rep. Grannell
Rep. Kinsey
Rep. Lindquist
Delayed: Rep. Hanneman
Rep. Sumner
Rep. AuCoin

The meeting was called to order by Vice Chairman, Representative Earl Blumenauer.

HEARING

HB 3057--Relating to handicapped persons

Witnesses: Jacob Tanzer, Director, Department of Human Resources
Karl Frederick, Associated Oregon Industries
Chris Casady, representing handicapped persons

JACOB TANZER, Director, Department of Human Resources, testified in support of the measure (see Exhibit #1). He stated that this bill is designed to enable people to be able to live their lives free of barriers which otherwise exist to their independence because of discrimination based upon physical or mental handicaps unrelated to the job.

KARL FREDERICK, Associated Oregon Industries, testified in opposition to the measure. He submitted an amendment (see Exhibit #2) because he had two concerns: (1) The employers in this state are already regulated in many areas, and there might be an affirmative action program enforced on this subject. (2) The handicapped person might be placed in a position where his handicap would cause possible increased injury.

CHRIS CASADY, representing handicapped persons, testified in support of the measure. He said that the proposed amendments would take away the credibility of the handicapped persons who will not be looking for employment that would impair their health or be physically dangerous to them.

(Several other witnesses had registered to testify in support of the measure, but the Chairman announced that since there was no further opposition he would end the hearing at this time.)

WORK SESSION

REPRESENTATIVE KINSEY moved HB 3057 to the Floor with a "do-pass recommendation. Motion carried (voting aye: Blumenauer, Fadeley, Grannell, Kinsey, Lindquist, Sumner; voting no: Bazett; excused: AuCoin, Hanneman)

VOCATIONAL REHABILITATION DIVISION

HB 3057

GUARANTEEING CIVIL RIGHTS FOR THE PHYSICALLY AND MENTALLY HANDICAPPED

The Vocational Rehabilitation Division, Department of Human Resources, is requesting that the 1973 Legislature consider legislation, HB 3057, which would guarantee the rights of physically and mentally handicapped persons to gainful employment, to use and enjoy places of public accommodation and to secure housing of choice without discrimination.

This proposal would amend the State's Civil Rights statutes, Chapter 659, which provides similar guarantees against discrimination on account of race, color, religion, national origin, or sex.

Specifically, the bill provides for the following:

- (a) It is an unlawful employment practice for any employer to refuse to hire, employ or promote or to bar, discharge, dismiss, reduce compensation, suspend, demote, or discriminate in work activities, terms or conditions because an individual has a physical or mental handicap, unless it can be shown that the particular handicap prevents the performance of the work involved. The term "physically handicapped" includes the sensorily handicapped, the deaf and the blind.
- (b) It is an unlawful practice for any place of public accommodation, resort or amusement to discriminate or restrict any customer or patron because of a physical or mental handicap.

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- (c) No person engaged in the business of selling, renting, or leasing of real property may refuse to sell, lease or rent; expel a purchaser, lessee, or renter; or make any discrimination or restriction in the price, terms, conditions in the sale, rental, or lease of property because of a physical or mental handicap of any person.
- (d) It does not constitute evidence of a person's inability to perform duties of a particular job or a person's inability to acquire, rent, or maintain property that he has been treated as a person in need of medical treatment or that he has undergone mental treatment or evaluation.

The bill also provides for a review of complaints of discrimination by the Commissioner of the Bureau of Labor in the same manner as similar complaints are handled under the State Civil Rights statute. We anticipate the Bureau of Labor would receive five complaints regarding discrimination with one going to the hearings level during the 1973-75 biennium.

However, the proposed bill does not require the Labor Commissioner to initiate affirmative action plans or to otherwise promote the elimination of discrimination for the handicapped. It is the plan of the Vocational Rehabilitation Division and the Department of Human Resources to expand its public information program promoting the employment of the handicapped.

The states of New Jersey and Illinois as well as the U. S. Government have recently enacted legislation guaranteeing civil rights for the handicapped. It is the position of Vocational Rehabilitation Division that the rights of Oregon's handicapped to participate fully in the economic and social life of the

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state should be enacted as a matter of public policy. The Division further feels that this legislation combined with an expanded public information program promoting the employment of the handicapped will result in significantly more opportunities for the handicap to secure employment. The Vocational Rehabilitation Division served 13,706 handicapped individuals during 1972 -- 8,551 physically handicapped and 5,155 mentally handicapped. Each of these clients are working toward the goal of becoming self-sufficient. It is important that these individuals have all opportunities possible to secure remunerative employment in order that they may be self-supporting and contributing citizens. This legislation will assist in achieving this objective.

PROPOSED AMENDMENTS TO HB 3057
by the Department of Human Resources
May 22, 1973

On page 3 of the printed bill, line 2, after the word "prevents" add a "," and "hinders, or impairs".

On page 3, line 3, delete "." after "involved" and add a "," and "or unless it can be shown that the performance of the work creates a likelihood of injury or aggravation to the handicapped condition."

Following testimony on HB 2250, Senator Ripper moved that the bill DO PASS. Motion unanimously carried. Senator Ripper will lead the floor discussion on the measure.

HB 2184 - Relating to veterans' farm and home loans

HJR 12 - Increases Veterans' Loan Fund limit from 4 to 6% of true cash value of property in state

Rep. Bill Gwinn, one of the sponsors of HB 2184 and HJR 12 testified in support of both measures. He said HB 2184 increases the state veterans' home loans from \$24,500 limit to \$28,500, and farm loans from \$80,000 to \$100,000. The figures insofar as home dollars are concerned are little more than enough to keep pace with inflation. When the President took the price ceiling off last Spring, the cost of construction of the average home increased by about \$1,200 to \$1,500. HB 2184 also increases the loan value ratio from 90% to 95%. 95% on conventional loans has been as common among the conventional lenders today as the 90% was two or three years ago. HJR 12 would involve a constitutional amendment increasing the bonded indebtedness program. Without this dollar increase there is danger of running out of funds.

Mr. H. C. Saalfeld, Director of the Department of Veterans' Affairs, testified in support of HB 2184 and HJR 12. Under the provisions of HB 2184, the increase in the percentage of loans is in keeping with the percentage of loans available from nearly all other lending institutions today. The change in the maximum loan is proposed due to increasing costs of construction and building sites. Regarding HJR 12, the current fund limit, plus anticipated increases in September of 1973 and 1974, will barely provide sufficient funds to carry the State Loan Program through the 1973-75 biennium. Referral of this resolution to the people would assure funds for this program.

Following discussion, Senator Ripper moved that HB 2184 DO PASS AND BE REFERRED TO WAYS AND MEANS COMMITTEE BY PRIOR REFERENCE, and that HJR 12 BE ADOPTED. Motion carried unanimously. Senator Mahoney will lead the floor debate on HJR 12.

HB 3057 - Relating to handicapped persons

Chairman Potts asked committee to look at amendments proposed to HB 3057 which he had asked Mr. Darrell Ackerman, who is handicapped, to review. The amendments were proposed by the Department of Human Resources and have the approval of the Oregon Council for the Blind and the business community. However, Mr. Ackerman has objections to a portion of the amendments and Chairman asked him to explain these objections to committee.

Mr. Darrell Ackerman, speaking as a private citizen and also as a representative of numerous handicapped individuals throughout the state, said there are three basic parts to the amendments. The first amendment was an oversight on the part of the handicapped in the original drafting of HB 3057, because sensory disorders were forgotten as part of the definition of physically handicapped. Sensory disorders is added to the definition under the first amendment and he supported this. He questioned the amendment on page 3 lines 2 and 3. The addition of "hinders or impairs" in line 2 and after the word "involved" in line 3 the addition of "or unless it can be shown that the performance of the work creates a likelihood of injury or aggravation to the handicapped condition.", were objectionable. He was somewhat skeptical over the words "creates a likelihood" because the word likelihood is rather ambiguous and can be taken to extremes either way.

Mr. Ackerman stated that no matter what kind of job you have, there is always a likelihood of injury or aggravation whether you are handicapped or not handicapped. In the case of the handicapped individual, this language could hinder his ability to bring suit, primarily on the definition of "likelihood". Mr. Ackerman proposed the deletion of the words "creates a likelihood of", and the insertion of "would cause". He said this would allow business the definition they need and would strengthen the ambiguity of the word likelihood.

Senator Jernstedt moved the adoption of the amendments proposed by Mr. Ackerman. Motion carried. Senator Jernstedt then moved HB 3057 DO PASS AS AMENDED. Motion unanimously carried. Senator Howard will lead the floor discussion on the Senate floor.

HB 2568 - Relating to police officers for airport security

Mr. Lloyd Robinson, Attorney for the Port of Portland, testified in support of HB 2568. He said this bill was introduced for the primary reason of airport security that must be performed today over and above what has been performed in the past. He said under present Oregon law, the definition of peace officer does not include officers at the airport. What HB 2568 proposes is to provide them in the definition of law enforcement unit so that they can qualify for more training under the Police Standards and Training Board. Mr. Robinson felt this was essential to airport security. He said they have hired an additional 20 to 30 people with the prospect of hiring more because of the pre-boarding screening process that passengers to the airlines are now going through. He said they want to have top-flight trained people and the Police Standards and Training Board is the best source in the state to provide this.

Mr. Paul Bettial, Executive Director of the Police Standards and Training Board, also testified in support of HB 2568. He said the bill would make airport police have to be trained the same as any other city or county police officer in the state. They would have to meet the minimum standards for employment and the minimum standards for training before they could be certified as other policemen in the state.

Mrs. Louise Weidlich, Portland, testified in opposition to HB 2568 on behalf of the Mothers for Children group. She objected to the lowering of physical requirements for these airport officers because the bill discriminates in favor of midgets and weaklings. She also felt that the bill should be amended to set forth the specific duties to be performed by the airport police.

Senator Howard moved HB 2568 out of committee with a DO PASS recommendation. Motion unanimously carried. Senator Howard will lead the floor discussion on the measure.

HB 3068, which repeals ORS 97.320, was discussed. Chairman explained that with the closure of the crematories at Oregon State Hospital and Eastern Oregon Hospital and Training Center, the state no longer owns any such facilities. HB 3068 would repeal a redundant statute. Senator Jernstedt's motion that HB 3068 DO PASS unanimously carried. Chairman Potts will lead the floor discussion on the measure.

Senator Jernstedt, one of the measure sponsors of HB 2407, said this is primarily a housekeeping bill which, in part, corrects errors and inconsistencies

May 23, 1973

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HB 3057 - Relating to handicapped persons

OREGON STATE ARCHIVES

HB 3057 extends the states civil rights statutes which prohibit discrimination on the basis of race, color, religion, national origin, sex, (Sexual orientation); to include discrimination on the basis of physical or mental handicap.

Similar legislation has been recently enacted in New Jersey and Illinois as well as the U.S. Government.

VOCATIONAL REHABILITATION DIVISION

HB 3057

GUARANTEEING CIVIL RIGHTS FOR THE PHYSICALLY AND MENTALLY HANDICAPPED

The Vocational Rehabilitation Division, Department of Human Resources, is requesting that the 1973 Legislature consider legislation, HB 3057, which would guarantee the rights of physically and mentally handicapped persons to gainful employment, to use and enjoy places of public accommodation and to secure housing of choice without discrimination.

This proposal would amend the State's Civil Rights statutes, Chapter 659, which provides similar guarantees against discrimination on account of race, color, religion, national origin, or sex.

Specifically, the bill provides for the following:

- (a) It is an unlawful employment practice for any employer to refuse to hire, employ or promote or to bar, discharge, dismiss, reduce compensation, suspend, demote, or discriminate in work activities, terms or conditions because an individual has a physical or mental handicap, unless it can be shown that the particular handicap prevents the performance of the work involved. The term "physically handicapped" includes the sensorily handicapped, the deaf and the blind.
- (b) It is an unlawful practice for any place of public accommodation, resort or amusement to discriminate or restrict any customer or patron because of a physical or mental handicap.

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(c) No person engaged in the business of selling, renting, or leasing of real property may refuse to sell, lease or rent; expel a purchaser, lessee, or renter; or make any discrimination or restriction in the price, terms, conditions in the sale, rental, or lease of property because of a physical or mental handicap of any person.

(d) It does not constitute evidence of a person's inability to perform duties of a particular job or a person's inability to acquire, rent, or maintain property that he has been treated as a person in need of medical treatment or that he has undergone mental treatment or evaluation.

The bill also provides for a review of complaints of discrimination by the Commissioner of the Bureau of Labor in the same manner as similar complaints are handled under the State Civil Rights statute. We anticipate the Bureau of Labor would receive five complaints regarding discrimination with one going to the hearings level during the 1973-75 biennium.

However, the proposed bill does not require the Labor Commissioner to initiate affirmative action plans or to otherwise promote the elimination of discrimination for the handicapped. It is the plan of the Vocational Rehabilitation Division and the Department of Human Resources to expand its public information program promoting the employment of the handicapped.

The states of New Jersey and Illinois as well as the U. S. Government have recently enacted legislation guaranteeing civil rights for the handicapped. It is the position of Vocational Rehabilitation Division that the rights of Oregon's handicapped to participate fully in the economic and social life of the

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state should be enacted as a matter of public policy. The Division further feels that this legislation combined with an expanded public information program promoting the employment of the handicapped will result in significantly more opportunities for the handicap to secure employment. The Vocational Rehabilitation Division served 13,706 handicapped individuals during 1972 -- 8,551 physically handicapped and 5,155 mentally handicapped. Each of these clients are working toward the goal of becoming self-sufficient. It is important that these individuals have all opportunities possible to secure remunerative employment in order that they may be self-supporting and contributing citizens. This legislation will assist in achieving this objective.

FISCAL IMPACT
 AT MOST \$5,000
 FOR HANDLING COMPLAINTS
 AND HEARINGS. -

February 1, 1973

Mr. Norman O. Nilsen, Commissioner
 Bureau of Labor
 115 Labor and Industries Building
 Salem, Oregon 97310

Avg \$450/COMPLAINT
 (PROBABLY NOT MORE THAN 10
 ON THIS SUBS BASED ON
 VEC. REHAB. EXPERIENCE.)

Dear Commissioner Nilsen:

Enclosed please find proposed legislation which the Vocational Rehabilitation Division is submitting to the 1973 Legislature to guarantee the rights of physically and mentally handicapped persons to gainful employment, to use and to enjoy public accommodations and to secure housing of choice without discrimination. This proposed bill involves the Bureau of Labor in that review and enforcement of complaints of discrimination would be the responsibility of the Commissioner of the Bureau of Labor. We feel this was an appropriate responsibility of your agency in view of your other responsibilities for administering the State's Civil Rights statutes. Undoubtedly, the resulting activities would have some budgetary effects.

The proposed bill does not require the Commissioner to initiate affirmative action plans or to otherwise promote the elimination of discrimination for the handicapped. It is the plan of the Vocational Rehabilitation Division to expand its public information program promoting the employment of the handicapped.

I would be pleased to have an opportunity to discuss this bill with you and also to lend any support we can concerning the effects upon your budget. We believe this bill is most essential for insuring that Oregon's handicapped can participate fully in the social and economic life of the State.

Sincerely,

NORM SILVER
 Administrator

NS:jo
 Enclosure



NORM SILVER
Administrator

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OREGON STATE ARCHIVES

VOCATIONAL REHABILITATION DIVISION
680 Cottage Street NE. Salem 97310 Phone 378-3854

PROPOSED BILL FOR AN ACT

GUARANTEEING CIVIL RIGHTS FOR THE PHYSICALLY AND MENTALLY HANDICAPPED

The Vocational Rehabilitation Division, Department of Human Resources, is requesting that the 1973 Legislature consider legislation which would guarantee the rights of physically and mentally handicapped persons to gainful employment, to use and enjoy places of public accommodation and to secure housing of choice without discrimination.

This proposal would amend the State's Civil Rights statutes, Chapter 659, which provides similar guarantees against discrimination on account of race, color, religion, national origin, or sex.

Specifically, the bill provides for the following:

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- (b) It is an unlawful practice for any place of public accommodation, resort or amusement to discriminate or restrict any customer or patron because of a physical or mental handicap.
- (c) No person engaged in the business of selling, renting, or leasing of real property may refuse to sell, lease or rent; expel a purchaser, lessee, or renter; or make any discrimination or restriction in the price, terms, conditions in the sale, rental, or lease of property because of a physical or mental handicap of any person.

- (d) It does not constitute evidence of a person's inability to perform duties of a particular job or a person's inability to acquire, rent, or maintain property that he has been treated as a person in need of medical treatment or that he has undergone mental treatment or evaluation.

The Bill also provides for a review of complaints of discrimination by the Commissioner of the Bureau of Labor in the same manner as similar complaints are handled under the State Civil Rights statute. However, the proposed bill does not require the Labor Commissioner to initiate affirmative action plans or to otherwise promote the elimination of discrimination for the handicapped. It is the plan of the Vocational Rehabilitation Division and the Department of Human Resources to expand its public information program promoting the employment of the handicapped through expanded activities of the Governor's Committee on Employment of the Handicapped. It is proposed that the Governor's Committee be transferred to the Vocational Rehabilitation Division where it will receive increased funding and emphasis during 1973-75.

The states of New Jersey and Illinois as well as the U.S. Government have recently enacted legislation guaranteeing civil rights for the handicapped. It is the position of Vocational Rehabilitation Division that the rights of Oregon's handicapped to participate fully in the economic and social life of the state should be enacted as a matter of public policy. The Division further feels that this legislation combined with an expanded public information program promoting the employment of the handicapped will result in significantly more opportunities for the handicap to secure employment. The Vocational Rehabilitation Division currently serves 7,200 handicapped individuals each year. Each of these clients are working toward the goal of becoming self-sufficient. It is important that these individuals have all opportunities possible to secure remunerative employment in order that they may be self-supporting and contributing citizens. This legislation will assist in achieving this objective.

Jacob Tanzer, Director
Department of Human Resources

February 2, 1973

Norm Silver, Administrator
Vocational Rehabilitation Division

Hemophiliacs

The Vocational Rehabilitation Division recognizes that most hemophiliacs cannot work and earn enough from salaries to cover basic living needs and unusual medical expenses, however, we do not deny rehabilitation services because of this. We provide services that will allow the person to acquire work skills and adapt to the limitations imposed by his hemophilia. A vital part of the planning is to help the person develop resources that are available to help with ongoing medical expenses. Medical expenses can only be provided by VRD during the period of time when a rehabilitation plan is in effect and then only for those medical problems that jeopardize the successful completion of a vocational plan. If it becomes evident at any time before the completion of the plan that the continued provision of rehabilitation services would not result in eventual work placement, all services would terminate. The plan does not guarantee services not relevant to progress of the person in the plan. Part of the vocational rehabilitation plan would be to help the client locate resources for his ongoing medical treatment, much the same as the National Hemophilia Foundation is attempting to do. The Vocational Rehabilitation Division is not a source of funds beyond the immediate rehabilitation plan duration.

On the list of hemophiliacs from the N.H.F., five persons are identified as rehabilitation clients; Bill Schuff, David Sharbuno, Alex Rering, and Charlene Lowry (all currently clients of this agency), and Barry Karath, whose application was closed as unsuccessfully rehabilitated in April 1971.

On the attached sheet we have listed the clients served by this agency and the services they are receiving.

Future consideration for services to this group of people in a high-risk, high-cost category will be through the Selection Committee for Severely Disabled which is comprised of business, industry, medical and lay people, along with VR representatives, and representatives of Public Welfare.

NSrjo
Attachment