

Enrolled

House Bill 3057

Sponsored by COMMITTEE ON HUMAN RESOURCES

CHAPTER

AN ACT

Relating to handicapped persons.

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

SECTION 1. Sections 2 to 9 of this Act are added to and made a part of ORS 659.010 to 659.085.

SECTION 2. As used in sections 2 to 9 of this 1973 Act, unless the context requires otherwise:

(1) "Physical or mental handicap" means a physical or mental disability including but not limited to sensory disabilities and resulting in a handicap unrelated to a person's ability to perform the duties of a particular job or position for which he would otherwise be eligible and qualified for employment or promotion, or a handicap unrelated to a person's ability to acquire, rent or maintain property.

(2) "Employer" means any person who has six or more persons in his employ and includes the state, counties, cities, districts, authorities, public corporations and entities and their instrumentalities, except the Oregon National Guard.

SECTION 3. (1) It is declared to be the public policy of Oregon to guarantee physically and mentally handicapped persons the fullest possible participation in the social and economic life of the state, to engage in remunerative employment, to use and enjoy places of public accommodation, resort or amusement, and to secure housing accommodations of their choice, without discrimination.

(2) The right to otherwise lawful employment without discrimination because of physical or mental handicap where the reasonable demands of the position do not require such a distinction, and the right to use and enjoy places of public accommodation, resort or amusement, and to purchase or rental of property without discrimination because of physical or mental handicap, are hereby recognized and declared to be the rights of all the people of this state. It is hereby declared to be the policy of the State of Oregon to protect these rights and this 1973 Act shall be construed to effectuate such policy.

SECTION 4. It is an unlawful employment practice for an employer to discriminate against a workman with respect to hire or tenure or any term or condition of employment because the workman has applied for benefits or invoked or utilized the procedures provided for in ORS 656.001 to 656.794 and 656.802 to 656.824, or of this 1973 Act or has given testimony under the provisions of such sections or of this 1973 Act.

SECTION 5. A workman who has sustained a compensable injury shall be reinstated by his employer to his former position of employment or employment which is available and suitable upon demand for such reinstatement, provided that the workman is not disabled from performing the duties of such position. A certificate by a duly licensed physician

that the physician approves the workman's return to his regular employment shall be prima facie evidence that the workman is able to perform such duties.

**SECTION 6. (1)** A workman who has sustained a compensable injury and is disabled from performing the duties of his former regular employment shall, upon demand, be reemployed by his employer at employment which is available and suitable.

(2) A certificate of the workman's attending physician that he is able to perform described types of work shall be prima facie evidence of such ability.

(3) Such right of reemployment shall be subject to the provisions for collective bargaining agreement between the employer and a representative of his employees.

**SECTION 7. (1)** It is an unlawful employment practice for any employer to refuse to hire, employ or promote or to bar, discharge, dismiss, reduce in 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.

(2) It is an unlawful practice for any place of public accommodation, resort or amusement as defined in ORS 30.675, or any person acting on behalf of such place, to make any distinction, discrimination or restriction on account of any physical or mental handicap of a customer or patron.

(3) Receipt or alleged receipt of treatment for a mental disorder shall not constitute evidence of a person's inability to perform the duties of a particular job or position, or of a person's inability to acquire, rent or maintain property.

**SECTION 8. (1)** No person engaged in the business of selling, renting or leasing real property shall solely because of physical or mental handicap of any person:

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

(b) Expel a purchaser, lessee or renter from any real property;

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

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

(2) No person shall publish, circulate, issue or display or cause to be published, circulated, issued or displayed any communication, notice, advertisement, or sign of any kind relating to the sale, rental or leasing of real property which indicates any preference, limitation, specification or discrimination based on physical or mental handicap.

(3) No real estate broker or salesman shall accept or retain a listing of real property for sale, lease, or rental with an understanding that the purchaser may be discriminated against with respect to the sale, rental or lease thereof solely because of physical or mental handicap.

(4) No person shall assist, induce, incite or coerce another person to permit an act or engage in a practice that violates this section.

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

**SECTION 9.** Any person claiming to be aggrieved by an unlawful employment practice may file a complaint under ORS 659.040, and any person claiming to be aggrieved by an unlawful practice may file a complaint under ORS 659.045. The Commissioner of the Bureau of Labor may then proceed and shall have the same enforcement powers, and if the complainant is found to be justified the complainant shall be entitled to the same remedies, under ORS 659.050 to 659.085 as in the case of any other complaint filed under ORS 659.040 or 659.045.

A BILL FOR  
AN ACT

Relating to handicapped persons.

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Section 2. As used in sections 2 to 6 of this Act, unless the context requires otherwise:

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related to a person's ability to perform the duties of a particu-  
lar job or position for which he would otherwise be eligible  
and qualified for employment or promotion, or a handicap un-  
related to a person's ability to acquire, rent or maintain  
property.

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sons in his employ and includes the state, counties, cities,  
districts, authorities, public corporations and entities and  
their instrumentalities, except the Oregon National Guard.

Section 3. (1) It is declared to be the public policy of

Oregon to guarantee physically and mentally handicapped persons  
the fullest possible participation in the social and economic  
life of the state, to engage in remunerative employment, to  
use and enjoy places of public accommodation, resort or amuse-  
ment, and to secure housing accommodations of their choice,  
without discrimination.

selling, renting or leasing real property shall solely because

Section 5. (1) No person engaged in the business of

a person's inability to acquire, rent or maintain property. to perform the duties of a particular job or position, or of disorder shall not constitute evidence of a person's inability (3) Receipt or alleged receipt of treatment for a mental

physical or mental handicap of a customer or patron.

tinction, discrimination or restriction on account of any any person acting on behalf of such place, to make any dis- accommodation, resort or amusement as defined in ORS 30.675, or (2) It is an unlawful practice for any place of public

performance of the work involved.

less it can be shown that the particular handicap prevents the because an individual has a physical or mental handicap, un- mote or discriminate in work activities, terms or conditions bar, discharge, dismiss, reduce in compensation, suspend, de- for any employer to refuse to hire, employ or promote or to Section 4. (1) It is an unlawful employment practice

and this Act shall be construed to effectuate such policy.

to be the policy of the State of Oregon to protect these rights rights of all the people of this state. It is hereby declared mental handicap, are hereby recognized and declared to be the of property without discrimination because of physical or

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(2) The right to otherwise lawful employment without

Section 6. (1) Any person claiming to be aggrieved by (5) Any violation of this section is an unlawful practice.

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solely because of physical or mental handicap. against with respect to the sale, rental or lease thereof with an understanding that the purchaser may be discriminated retain a listing of real property for sale, lease, or rental (3) No real estate broker or salesman shall accept or

crimination based on physical or mental handicap. indicating any preference, limitation, specification or dis- relating to the sale, rental or leasing of real property which communication, notice, advertisement, or sign of any kind re- or cause to be published, circulated, issued or displayed any (2) No person shall publish, circulate, issue or display any real property.

(d) Attempt to discourage the sale, rental or lease of facilities or services in connection therewith; or or occupancy of real property or the furnishing of any conditions or privileges relating to the sale, rental, lease against a purchaser, lessee or renter in the price, terms,

(c) Make any distinction, discrimination or restriction property; (b) Expel a purchaser, lessee or renter from any real a purchaser;

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

of physical or mental handicap of any person:

an unlawful employment practice may file a complaint under ORS 659.040, and any person claiming to be aggrieved by an unlawful practice may file a complaint under ORS 659.045. The Commissioner of the Bureau of Labor may then proceed and shall have the same enforcement powers, and if the complaint is found to be justified the complainant shall be entitled to the same remedies, under ORS 659.050 to 659.085 as in the case of any other complaint filed under ORS 659.040 or 659.045.

# HOUSE BILL BACK

▼ CROSS OUT INAPPLICABLE WORDS ▼

RECEIVED  
HOUSE DESK

1

BILL  
~~RESOLUTION~~  
~~MEMORIAL~~

NUMBER **3057** 1973 FEB 21 PM 12 57

Title:

Relating to Handicapped persons

Sponsored by Representatives

*POE*

Committee on Human Resources  
(at the request of the Vocational Rehabilitation  
Division of the Department of Human Resources)

### ADDITIONAL SIGNERS

HOUSE

SENATE

Akeson .....  
AuCoin .....  
Bazett .....  
Blumenauer .....  
Bunn .....  
Burrows .....  
Byers .....  
Cherry .....  
Cole .....  
Densmore .....  
Dereli .....  
Elliott .....  
Eymann .....  
Fadeley .....  
Gilmour .....  
Grannell .....  
Groener .....  
Gwinn .....  
Hampton .....  
Hanneman .....  
Hansell .....  
Ingalls .....  
Johnson, L. ....  
Johnson, S. ....  
Jones .....  
Kafoury .....  
Katz .....  
Kinsey .....  
Lang .....  
Lindquist .....  
LA 24 HD

Macpherson .....  
Magruder .....  
Markham .....  
Martin .....  
Marx .....  
McCoy .....  
Morris .....  
Oakes .....  
Otto .....  
Patterson .....  
Paulus .....  
Peck .....  
Perry .....  
Priestley .....  
Ragsdale .....  
Rieke .....  
Roberts .....  
Skelton .....  
Stevenson .....  
Stults, D. ....  
Stults, R. ....  
Sumner .....  
Walden .....  
Whallon .....  
Whitehead .....  
Whiting .....  
Wilhelms .....  
Willits .....  
Wolfer, C. ....  
Wolfer, M. ....

Atiyeh .....  
Boe .....  
Browne .....  
Burbidge .....  
Burns, J. ....  
Burns, K. ....  
Carson .....  
Cook .....  
Eivers .....  
Fadeley .....  
Groener .....  
Hallock .....  
Hartung .....  
Heard .....  
Holmstrom .....  
Howard .....  
Hoyt .....  
Jernstedt .....  
Macpherson .....  
Mahoney .....  
Meeker .....  
Newbry .....  
Ouderkirk .....  
Potts .....  
Ripper .....  
Roberts .....  
Smith .....  
Stevenson .....  
Thorne .....  
Wingard .....

Staple

Staple

RE-ENGROSSED

# House Bill 3057

Ordered by the House June 29  
(Including Amendments by Senate June 20  
and by Conference Committee June 29)

Sponsored by COMMITTEE ON HUMAN RESOURCES (at the request of  
the Vocational Rehabilitation Division of the Department of Human  
Resources)

## 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.

**Declares policy.** Makes it an unlawful employment practice or an unlawful practice to discriminate on account of physical or mental handicap in employment, sale, rental or lease of real property, or in places of public accommodation, resort or amusement, and provides recourse to be enforced by Commissioner of Bureau of Labor on account of such discrimination.

**Makes it an unlawful employment practice for employer to discriminate against workman with respect to hire or tenure or any term or condition of employment because workman has applied for benefits or invoked or utilized procedures provided for in Workmen's Compensation Law, Occupational Disease Law, or Act or because workman has given testimony under such provisions.**

**Requires reinstatement of workman who has sustained compensable injury to his former position or employment which is available and suitable upon demand if workman is not disabled from performing duties of such position or employment. Requires reemployment of workman who has sustained compensable injury and is disabled from performing duties of his former regular employment at employment which is available and suitable upon demand; subjects such reemployment to provisions in valid collective bargaining agreement.**

**NOTE:** Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted; complete new sections begin with SECTION.

~~A BILL FOR AN ACT~~

Relating to handicapped persons.

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

SECTION 1. Sections 2 to 9 of this Act are added to and made a part

of ORS 659.010 to 659.085.

SECTION 2. As used in sections 2 to 9 of this 1973 Act, unless the con-

text requires otherwise:

(1) "Physical or mental handicap" means a physical or mental dis-

ability including but not limited to sensory disabilities and resulting in a

handicap unrelated to a person's ability to perform the duties of a particular

job or position for which he would otherwise be eligible and qualified for

employment or promotion, or a handicap unrelated to a person's ability to

acquire, rent or maintain property.

(2) "Employer" means any person who has six or more persons in his

employ and includes the state, counties, cities, districts, authorities, public

corporations and entities and their instrumentalities, except the Oregon

National Guard.

SECTION 3. (1) It is declared to be the public policy of Oregon to

guarantee physically and mentally handicapped persons the fullest possible

participation in the social and economic life of the state, to engage in re-

munerative employment, to use and enjoy places of public accommodation,

resort or amusement, and to secure housing accommodations of their choice,

without discrimination.

(2) The right to otherwise lawful employment without discrimination

because of physical or mental handicap where the reasonable demands of

the position do not require such a distinction, and the right to use and

enjoy places of public accommodation, resort or amusement, and to pur-

chase or rental of property without discrimination because of physical or

mental handicap, are hereby recognized and declared to be the rights of

all the people of this state. It is hereby declared to be the policy of the

State of Oregon to protect these rights and this 1973 Act shall be construed

to effectuate such policy.

SECTION 4. It is an unlawful employment practice for an employer

to discriminate against a workman with respect to hire or tenure or any

*Handwritten initials and scribbles*

1 term or condition of employment because the workman has applied for  
2 benefits or invoked or utilized the procedures provided for in ORS 656.001  
3 to 656.794 and 656.802 to 656.824, or of this 1973 Act or has given  
4 testimony under the provisions of such sections or of this 1973 Act.

5 **SECTION 5.** A workman who has sustained a compensable injury  
6 shall be reinstated by his employer to his former position of employment  
7 or employment which is available and suitable upon demand for such  
8 reinstatement, provided that the workman is not disabled from performing  
9 the duties of such position. A certificate by a duly licensed physician  
10 that the physician approves the workman's return to his regular employ-  
11 ment shall be prima facie evidence that the workman is able to perform  
12 such duties.

13 **SECTION 6.** (1) A workman who has sustained a compensable in-  
14 jury and is disabled from performing the duties of his former regular em-  
15 ployment shall, upon demand, be reemployed by his employer at employ-  
16 ment which is available and suitable.

17 (2) A certificate of the workman's attending physician that he is able  
18 to perform described types of work shall be prima facie evidence of such  
19 ability.

20 (3) Such right of reemployment shall be subject to the provisions for  
21 seniority rights and other employment restrictions contained in a valid  
22 collective bargaining agreement between the employer and a representa-  
23 tive of his employes.

24 **SECTION 7.** (1) It is an unlawful employment practice for any em-  
25 ployer to refuse to hire, employ or promote or to bar, discharge, dismiss,  
26 reduce in compensation, suspend, demote or discriminate in work activities,  
27 terms or conditions because an individual has a physical or mental handi-  
28 cap, unless it can be shown that the particular handicap prevents the per-  
29 formance of the work involved.

30 (2) It is an unlawful practice for any place of public accommodation,  
31 resort or amusement as defined in ORS 30.675, or any person acting on  
32 behalf of such place, to make any distinction, discrimination or restriction  
33 on account of any physical or mental handicap of a customer or patron.

34 (3) Receipt or alleged receipt of treatment for a mental disorder shall

1 not constitute evidence of a person's inability to perform the duties of a  
2 particular job or position, or of a person's inability to acquire, rent or main-  
3 tain property.

4 SECTION 8. (1) No person engaged in the business of selling, renting  
5 or leasing real property shall solely because of physical or mental handicap  
6 of any person:

7 (a) Refuse to sell, lease or rent any real property to a purchaser;

8 (b) Expel a purchaser, lessee or renter from any real property;

9 (c) Make any distinction, discrimination or restriction against a pur-  
10 chaser, lessee or renter in the price, terms, conditions or privileges  
11 relating to the sale, rental, lease or occupancy of real property or the  
12 furnishing of any facilities or services in connection therewith; or

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

14 (2) No person shall publish, circulate, issue or display or cause to be  
15 published, circulated, issued or displayed any communication, notice, ad-  
16 vertisement, or sign of any kind relating to the sale, rental or leasing of real  
17 property which indicates any preference, limitation, specification or dis-  
18 crimination based on physical or mental handicap.

19 (3) No real estate broker or salesman shall accept or retain a listing  
20 of real property for sale, lease, or rental with an understanding that the  
21 purchaser may be discriminated against with respect to the sale, rental or  
22 lease thereof solely because of physical or mental handicap.

23 (4) No person shall assist, induce, incite or coerce another person to  
24 permit an act or engage in a practice that violates this section.

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

26 SECTION 9. Any person claiming to be aggrieved by an unlawful  
27 employment practice may file a complaint under ORS 659.040, and any per-  
28 son claiming to be aggrieved by an unlawful practice may file a complaint  
29 under ORS 659.045. The Commissioner of the Bureau of Labor may then  
30 proceed and shall have the same enforcement powers, and if the complaint  
31 is found to be justified the complainant shall be entitled to the same reme-  
32 dies, under ORS 659.050 to 659.085 as in the case of any other complaint  
33 filed under ORS 659.040 or 659.045.

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RE- ENGROSSED

# House Bill 3057

Ordered by the Senate June 20  
(Including Amendments by Senate June 20)

Sponsored by COMMITTEE ON HUMAN RESOURCES (at the request of  
the Vocational Rehabilitation Division of the Department of Human  
Resources)

## 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.

Makes it an unlawful employment practice or an unlawful practice to discriminate on account of physical or mental handicap in employment, sale, rental or lease of real property, or in places of public accommodation, resort or amusement, and provides recourse to be enforced by Commissioner of Bureau of Labor on account of such discrimination.

**NOTE:** Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

A BILL FOR AN ACT

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2 Relating to handicapped persons.

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

4 SECTION 1. Sections 2 to <sup>9</sup>6 of this Act are added to and made a part  
5 of ORS 659.010 to 659.085.

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7 text requires otherwise:

8 (1) "Physical or mental handicap" means a physical or mental dis-  
9 ability including but not limited to sensory disabilities and resulting in a  
10 handicap unrelated to a person's ability to perform the duties of a particular  
11 job or position for which he would otherwise be eligible and qualified for  
12 employment or promotion, or a handicap unrelated to a person's ability to  
13 acquire, rent or maintain property.

14 (2) "Employer" means any person who has six or more persons in his  
15 employ and includes the state, counties, cities, districts, authorities, public  
16 corporations and entities and their instrumentalities, except the Oregon  
17 National Guard.

18 SECTION 3. (1) It is declared to be the public policy of Oregon to  
19 guarantee physically and mentally handicapped persons the fullest possible  
20 participation in the social and economic life of the state, to engage in re-  
21 munerative employment, to use and enjoy places of public accommodation,  
22 resort or amusement, and to secure housing accommodations of their choice,  
23 without discrimination.

24 (2) The right to otherwise lawful employment without discrimination  
25 because of physical or mental handicap where the reasonable demands of  
26 the position do not require such a distinction, and the right to use and  
27 enjoy places of public accommodation, resort or amusement, and to pur-  
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30 all the people of this state. It is hereby declared to be the policy of the  
31 State of Oregon to protect these rights and this 1973 Act shall be construed  
32 to effectuate such policy.

33 SECTION 4. (1) It is an unlawful employment practice for any em-

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Section 4. It is an unlawful employment practice for an  
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26 the position do not require such a distinction, and the right to use and  
27 enjoy places of public accommodation, resort or amusement, and to pur-  
28 chase or rental of property without discrimination because of physical or  
29 mental handicap, are hereby recognized and declared to be the rights of  
30 all the people of this state. It is hereby declared to be the policy of the  
31 State of Oregon to protect these rights and this 1973 Act shall be construed  
32 to effectuate such policy.

Section 4. It is an unlawful employment practice for an employer to discriminate against a worker with respect to hire or tenure or any term or condition of employment because the worker has applied for benefits or invoked or utilized the procedures provided for in ORS 656.001 to 656.794, and ORS 656.802 to 656.824, or of this Act or has given testimony under the provisions of such sections of this Act.

Section 5. A worker who has sustained a compensable injury shall be reinstated by his employer to his former position of employment upon demand for such reinstatement, provided that the worker is not disabled from performing the duties of such position. A certificate by a duly licensed physician that the physician approves the worker's return to his regular employment shall be prima facie evidence that the worker is able to perform such duties.

Section 6. (1) A worker who has sustained a compensable injury and is disabled from performing the duties of his former regular employment shall, upon demand, be reemployed by his employer at employment which is available and suitable.

(2) A certificate of the workman's attending physician that he is able to perform described types of work shall be prima facie evidence of such ability.

(3) Such right of reemployment shall be subject to the provisions for seniority rights and other employment restrictions contained in a valid collective bargaining agreement between the employer and a representative of his employees.

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 2 terms or conditions because an individual has a physical or mental handi-  
 3 cap, unless it can be shown that the particular handicap prevents, hinders  
 4 ~~or impairs the performance of the work involved or unless it can be shown~~  
 5 ~~that the performance of the work would cause injury or aggravation to~~  
 6 ~~the handicapped condition.~~

7 (2) It is an unlawful practice for any place of public accommodation,  
 8 resort or amusement as defined in ORS 30.675, or any person acting on  
 9 behalf of such place, to make any distinction, discrimination or restriction  
 10 on account of any physical or mental handicap of a customer or patron.

11 (3) Receipt or alleged receipt of treatment for a mental disorder shall  
 12 not constitute evidence of a person's inability to perform the duties of a  
 13 particular job or position, or of a person's inability to acquire, rent or main-  
 14 tain property.

15 **SECTION 8** (1) No person engaged in the business of selling, renting  
 16 or leasing real property shall solely because of physical or mental handicap  
 17 of any person:

18 (a) Refuse to sell, lease or rent any real property to a purchaser;

19 (b) Expel a purchaser, lessee or renter from any real property;

20 (c) Make any distinction, discrimination or restriction against a pur-  
 21 chaser, lessee or renter in the price, terms, conditions or privileges  
 22 relating to the sale, rental, lease or occupancy of real property or the  
 23 furnishing of any facilities or services in connection therewith; or

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

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 26 published, circulated, issued or displayed any communication, notice, ad-  
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 29 crimination based on physical or mental handicap.

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 31 of real property for sale, lease, or rental with an understanding that the  
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2 permit an act or engage in a practice that violates this section.

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

4 *EYE* SECTION ~~19~~ Any person claiming to be aggrieved by an unlawful  
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6 son claiming to be aggrieved by an unlawful practice may file a complaint  
7 under ORS 659.045. The Commissioner of the Bureau of Labor may then  
8 proceed and shall have the same enforcement powers, and if the complaint  
9 is found to be justified the complainant shall be entitled to the same reme-  
10 dies, under ORS 659.050 to 659.085 as in the case of any other complaint  
11 filed under ORS 659.040 or 659.045.



**SENATE AMENDMENTS TO  
HOUSE BILL 3057**

By COMMITTEE ON STATE AND FEDERAL AFFAIRS

June 20

1 On page 2 of the printed bill, line 8, after "means" insert "a physical  
2 or mental disability including but not limited to sensory disabilities and  
3 resulting in".

4 On page 3, line 2, after "prevents" insert ", hinders or impairs".

5 In line 3, after "involved" insert ", or unless it can be shown that the  
6 performance of the work would cause injury or aggravation to the handi-  
7 capped condition".



CONFERENCE COMMITTEE AMENDMENTS TO  
PRINTED ENGROSSED HOUSE BILL 3057,  
June 29

PRINTER  
print on  
both sides

Mr. President or Speaker:

*Printed engrossed House Bill 3057*

Your Conference Committee to whom was referred ENG. HB 3057, having had the same under consideration, respectfully report it back with the recommendation that the printed engrossed bill be further amended as follows and repassed:

On page 2 of the printed engrossed bill, line 4, delete "6" and insert "9".

On page 2, line 6, delete "6" and insert "9".

After line 32 insert:

*lf* "Section 4. It is an unlawful employment practice for an employer to discriminate against a workman with respect to hire or tenure or any term or condition of employment because the workman has applied for benefits or invoked or utilized the procedures provided for in ORS 656.001 to 656.794, and ORS 656.802 to 656.824, or of this 1973 Act or has given testimony under the provisions of such sections or of this 1973 Act.

*lf* "Section 5. A workman who has sustained a compensable injury shall be reinstated by his employer to his former position of employment or employment which is available and suitable upon demand for such reinstatement, provided that the workman is not disabled from performing the duties of such position. A certificate by a duly licensed physician that the physician approves the workman's return to his regular employment shall be prima facie evidence that the workman is able to perform such duties.

*Nancy Fadeley*  
Rep. Nancy Fadeley

*Lloyd Kinsey*  
Rep. Kinsey

*Ken Jernstedt*  
Senator Jernstedt

*Jack Ripper*  
Senator Ripper

1  
"Section 6. (1) A workman who has sustained a compensable injury and is disabled from performing the duties of his former regular employment shall, upon demand, be reemployed by his employer at employment which is available and suitable.

"(2) A certificate of the workman's attending physician that he is able to perform described types of work shall be prima facie evidence of such ability.

"(3) Such right of reemployment shall be subject to the provisions for seniority rights and other employment restrictions contained in a valid collective bargaining agreement between the employer and a representative of his employes."

In line 33, delete "4" and insert "7".

On page 3, line 3, delete "hinders".

In line 4 delete "or impairs" <sup>in the same line after "involved"</sup> and insert a period and delete the rest of the line.

Delete lines 5 and 6.

On page 3, line 15, delete "5" and insert "8".

On page 4, line 4, delete "6" and insert "9".

15/ Maurice Hickey  
Representative

15/ Lloyd Kenney  
Representative

15/ Ken Jamstall  
Senator

15/ Jack Ripper  
Senator

**CONFERENCE COMMITTEE AMENDMENTS TO  
PRINTED ENGROSSED HOUSE BILL 3057**

June 29.

1 Mr. Speaker:

2 Your Conference Committee to whom was referred printed engrossed  
3 House Bill 3057, having had the same under consideration, respectfully  
4 report it back with the recommendation that the printed engrossed bill  
5 be further amended as follows and repassed:

6 On page 2 of the printed engrossed bill, line 4, delete "6" and insert "9".

7 In line 6, delete "6" and insert "9".

8 After line 32, insert:

9 "SECTION 4. It is an unlawful employment practice for an employer  
10 to discriminate against a workman with respect to hire or tenure or any  
11 term or condition of employment because the workman has applied for  
12 benefits or invoked or utilized the procedures provided for in ORS 656.001  
13 to 656.794, and ORS 656.802 to 656.824, or of this 1973 Act or has given  
14 testimony under the provisions of such sections or of this 1973 Act.

15 "SECTION 5. A workman who has sustained a compensable injury  
16 shall be reinstated by his employer to his former position of employment  
17 or employment which is available and suitable upon demand for such  
18 reinstatement, provided that the workman is not disabled from performing  
19 the duties of such position. A certificate by a duly licensed physician  
20 that the physician approves the workman's return to his regular employ-  
21 ment shall be prima facie evidence that the workman is able to perform  
22 such duties.

23 "SECTION 6. (1) A workman who has sustained a compensable in-  
24 jury and is disabled from performing the duties of his former regular em-  
25 ployment shall, upon demand, be reemployed by his employer at employ-  
26 ment which is available and suitable.

*John S.  
Fisher  
ch-712  
- sec  
par 1  
emp.  
bill*

1   “(2) A certificate of the workman’s attending physician that he is able  
2 to perform described types of work shall be prima facie evidence of such  
3 ability.

4   “(3) Such right of reemployment shall be subject to the provisions for  
5 seniority rights and other employment restrictions contained in a valid  
6 collective bargaining agreement between the employer and a representa-  
7 tive of his employes.”.

8   In line 33, delete “4” and insert “7”.

9   On page 3, line 3, delete “, hinders”.

10   In line 4 delete “or impairs” and in the same line after “involved” in-  
11 sert a period and delete the rest of the line.

12   Delete lines 5 and 6.

13   On page 3, line 15, delete “5” and insert “8”.

14   On page 4, line 4, delete “6” and insert “9”.

/s/ Nancie Fadeley  
Representative

/s/ Lloyd Kinsey  
Representative

/s/ Ken Jernstedt  
Senator

/s/ Jack Ripper  
Senator



ENGROSSED

# House Bill 3057

Ordered by the Senate June 20  
(Including Amendments by Senate June 20)

Sponsored by COMMITTEE ON HUMAN RESOURCES (at the request of the Vocational Rehabilitation Division of the Department of Human Resources)

## 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.

Makes it an unlawful employment practice or an unlawful practice to discriminate on account of physical or mental handicap in employment, sale, rental or lease of real property, or in places of public accommodation, resort or amusement, and provides recourse to be enforced by Commissioner of Bureau of Labor on account of such discrimination.

**NOTE:** Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

A BILL FOR AN ACT

2 Relating to handicapped persons.

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

4 SECTION 1. Sections 2 to 6 of this Act are added to and made a part

5 of ORS 659.010 to 659.085.

6 SECTION 2. As used in sections 2 to 6 of this 1973 Act, unless the con-

7 text requires otherwise:

8 (1) "Physical or mental handicap" means a physical or mental dis-

9 ability including but not limited to sensory disabilities and resulting in a

10 handicap unrelated to a person's ability to perform the duties of a particular

11 job or position for which he would otherwise be eligible and qualified for

12 employment or promotion, or a handicap unrelated to a person's ability to

13 acquire, rent or maintain property.

14 (2) "Employer" means any person who has six or more persons in his

15 employ and includes the state, counties, cities, districts, authorities, public

16 corporations and entities and their instrumentalities, except the Oregon

17 National Guard.

18 SECTION 3. (1) It is declared to be the public policy of Oregon to

19 guarantee physically and mentally handicapped persons the fullest possible

20 participation in the social and economic life of the state, to engage in re-

21 munerative employment, to use and enjoy places of public accommodation,

22 resort or amusement, and to secure housing accommodations of their choice,

23 without discrimination.

24 (2) The right to otherwise lawful employment without discrimination

25 because of physical or mental handicap where the reasonable demands of

26 the position do not require such a distinction, and the right to use and

27 enjoy places of public accommodation, resort or amusement, and to pur-

28 chase or rental of property without discrimination because of physical or

29 mental handicap, are hereby recognized and declared to be the rights of

30 all the people of this state. It is hereby declared to be the policy of the

31 State of Oregon to protect these rights and this 1973 Act shall be construed

32 to effectuate such policy.

33 SECTION 4. (1) It is an unlawful employment practice for any em-

34 ployer to refuse to hire, employ or promote or to bar, discharge, dismiss,

1 reduce in compensation, suspend, demote or discriminate in work activities,  
2 terms or conditions because an individual has a physical or mental handi-  
3 cap, unless it can be shown that the particular handicap prevents, hinders  
4 or impairs the performance of the work involved, or unless it can be shown  
5 that the performance of the work would cause injury or aggravation to  
6 the handicapped condition.

7 (2) It is an unlawful practice for any place of public accommodation,  
8 resort or amusement as defined in ORS 30.675, or any person acting on  
9 behalf of such place, to make any distinction, discrimination or restriction  
10 on account of any physical or mental handicap of a customer or patron.

11 (3) Receipt or alleged receipt of treatment for a mental disorder shall  
12 not constitute evidence of a person's inability to perform the duties of a  
13 particular job or position, or of a person's inability to acquire, rent or main-  
14 tain property.

15 **SECTION 5.** (1) No person engaged in the business of selling, renting  
16 or leasing real property shall solely because of physical or mental handicap  
17 of any person:

18 (a) Refuse to sell, lease or rent any real property to a purchaser;

19 (b) Expel a purchaser, lessee or renter from any real property;

20 (c) Make any distinction, discrimination or restriction against a pur-  
21 chaser, lessee or renter in the price, terms, conditions or privileges  
22 relating to the sale, rental, lease or occupancy of real property or the  
23 furnishing of any facilities or services in connection therewith; or

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

25 (2) No person shall publish, circulate, issue or display or cause to be  
26 published, circulated, issued or displayed any communication, notice, ad-  
27 vertisement, or sign of any kind relating to the sale, rental or leasing of real  
28 property which indicates any preference, limitation, specification or dis-  
29 crimination based on physical or mental handicap.

30 (3) No real estate broker or salesman shall accept or retain a listing  
31 of real property for sale, lease, or rental with an understanding that the  
32 purchaser may be discriminated against with respect to the sale, rental or  
33 lease thereof solely because of physical or mental handicap.

1 (4) No person shall assist, induce, incite or coerce another person to  
2 permit an act or engage in a practice that violates this section.

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

4 **SECTION 6.** (1) Any person claiming to be aggrieved by an unlawful  
5 employment practice may file a complaint under ORS 659.040, and any per-  
6 son claiming to be aggrieved by an unlawful practice may file a complaint  
7 under ORS 659.045. The Commissioner of the Bureau of Labor may then  
8 proceed and shall have the same enforcement powers, and if the complaint  
9 is found to be justified the complainant shall be entitled to the same reme-  
10 dies, under ORS 659.050 to 659.085 as in the case of any other complaint  
11 filed under ORS 659.040 or 659.045.



*Engraved*

# House Bill 3057

Sponsored by COMMITTEE ON HUMAN RESOURCES (at the request of the Vocational Rehabilitation Division of the Department of Human Resources)

*Amended by the Senate June 20*  
*(Amended by the House by Senate June 20)*

## 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**.

Makes it an unlawful employment practice or an unlawful practice to discriminate on account of physical or mental handicap in employment, sale, rental or lease of real property, or in places of public accommodation, resort or amusement, and provides recourse to be enforced by Commissioner of Bureau of Labor on account of such discrimination.

**NOTE:** Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

*7/15/73*  
*115*

A BILL FOR AN ACT

2 Relating to handicapped persons.

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

4 SECTION 1. Sections 2 to 6 of this Act are added to and made a part

5 of ORS 659.010 to 659.085.

6 SECTION 2. As used in sections 2 to 6 of this 1973 Act, unless the con-

7 text requires otherwise:

8 "a physical or mental disability including but not limited to sensory

9 disabilities and resulting in"

11 promotion, or a handicap unrelated to a person's ability to acquire, rent or

12 maintain property.

13 (2) "Employer" means any person who has six or more persons in his

14 employ and includes the state, counties, cities, districts, authorities, public

15 corporations and entities and their instrumentalities, except the Oregon

16 National Guard.

17 SECTION 3. (1) It is declared to be the public policy of Oregon to

18 guarantee physically and mentally handicapped persons the fullest possible

19 participation in the social and economic life of the state, to engage in re-

20 munerative employment, to use and enjoy places of public accommodation,

21 resort or amusement, and to secure housing accommodations of their choice,

22 without discrimination.

23 (2) The right to otherwise lawful employment without discrimination

24 because of physical or mental handicap where the reasonable demands of

25 the position do not require such a distinction, and the right to use and

26 enjoy places of public accommodation, resort or amusement, and to pur-

27 chase or rental of property without discrimination because of physical or

28 mental handicap, are hereby recognized and declared to be the rights of

29 all the people of this state. It is hereby declared to be the policy of the

30 State of Oregon to protect these rights and this 1973 Act shall be construed

31 to effectuate such policy;

32 SECTION 4. (1) It is an unlawful employment practice for any em-

33 ployer to refuse to hire, employ or promote or to bar, discharge, dismiss,

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 2 cap, unless it can be shown that the particular <sup>①</sup>, or unless it can be shown  
 3 that the performance of the work would cause injury or aggravation to  
 4 the handicapped condition<sup>②</sup>.

5 behalf of such place, to make any distinction, discrimination or restriction  
 6 on account of any physical or mental handicap of a customer or patron.

7 (3) Receipt or alleged receipt of treatment for a mental disorder shall  
 8 not constitute evidence of a person's inability to perform the duties of a  
 9 particular job or position, or of a person's inability to acquire, rent or main-  
 10 tain property.

11 **SECTION 5.** (1) No person engaged in the business of selling, renting  
 12 or leasing real property shall solely because of physical or mental handicap  
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14 (a) Refuse to sell, lease or rent any real property to a purchaser;

15 (b) Expel a purchaser, lessee or renter from any real property;

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 17 chaser, lessee or renter in the price, terms, conditions or privileges  
 18 relating to the sale, rental, lease or occupancy of real property or the  
 19 furnishing of any facilities or services in connection therewith; or

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

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 27 of real property for sale, lease, or rental with an understanding that the  
 28 purchaser may be discriminated against with respect to the sale, rental or  
 29 lease thereof solely because of physical or mental handicap.

30 (4) No person shall assist, induce, incite or coerce another person to  
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33 **SECTION 6.** (1) Any person claiming to be aggrieved by an unlawful  
 34

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 3 formance of the work involved.

*hinders or impairs*

*Insert 2*  
*Review*

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# House Bill 3057

Sponsored by COMMITTEE ON HUMAN RESOURCES (at the request of the Vocational Rehabilitation Division of the Department of Human Resources)

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5 is found to be justified the complainant shall be entitled to the same reme-  
6 dies, under ORS 659.050 to 659.085 as in the case of any other complaint  
7 filed under ORS 659.040 or 659.045.



# SENATE COMMITTEE REPORT

Salem, Oregon June 13, 1973

Mr. President:

Your Committee on STATE AND FEDERAL AFFAIRS to whom was referred  
HOUSE BILL 3057, having had the same under consideration,

respectfully report it back with the recommendation that it:

- Do pass:  Do pass with amendments:  
 Be adopted:  Be adopted with amendments:  
 Do pass with amendments to the printed engrossed bill.  
 (Referred to Committee on Ways and Means by prior reference)  
 (Other—specify)

( ) ling no: \_\_\_\_\_

Voting aye: \_\_\_\_\_

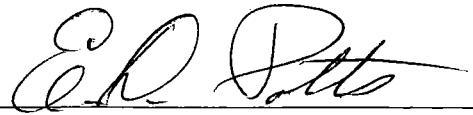
Excused: \_\_\_\_\_

On page 2 of the printed bill, line 8, after "means" insert  
"a physical or mental disability including but not limited to sensory  
disabilities and resulting in".

On page 3, line 2, after "prevents" insert ", hinders or  
impairs".

In line 3, after "involved" insert ", or unless it can be shown  
that the performance of the work would cause injury or aggravation to  
the handicapped condition".

Submit:  
2 copies if no amdts.  
4 copies if amdts.  
5 copies if to be printed engrossed.



(Chairman)

**HOWARD**

Sen. \_\_\_\_\_ will lead floor discussion.

Representative KINSEY

will lead the floor discussion on this measure.

### Committee Report Review – Engrossed and Enrolled Bills Unit

Date 5-23-73

We have examined the report of the House Committee on STATE AND FEDERAL AFFAIRS,  
dated 5-23-73, on measure HB 3057, and,  
pursuant to House Rule 8.20(2), attest that the measure in the form reported out is accurate in form and style  
according to the **Form and Style Manual for Legislative Measures.**

For Engrossed and Enrolled Bills Unit

## Committee Report Review - Legislative Counsel

Date 5-23-73

We have examined the report of the House Committee on STATE AND FEDERAL AFFAIRS,  
dated 5-23-73, on measure HB 3057, and,  
pursuant to House Rule 8.20(2), attest that the revised bill summary complies with the requirements of House  
Rule 14.15(4) and that the identification of substantive changes in the report is accurate.

\_\_\_\_\_  
For Legislative Counsel

- MEASURE HAS NO REVISED SUMMARY.  
 MEASURE HAS NO SUBSTANTIVE CHANGES.

Luis Nuss  
Committee Clerk

# HOUSE COMMITTEE REPORT

HB 3057

COMMITTEE ON STATE AND FEDERAL AFFAIRS DATED 5-23-73

Mr. Speaker: The committee on STATE AND FEDERAL AFFAIRS to whom was referred

\_\_\_\_\_, having had the same under consideration, respectfully reports it back with the recommendation:

- that the bill do pass.
- that the bill do pass as amended.
- that the bill be now referred to the Committee on \_\_\_\_\_

\_\_\_\_\_ (according to prior reference)

\_\_\_\_\_

## IDENTIFICATION OF SUBSTANTIVE AMENDMENTS BY THE COMMITTEE:

NONE

## EXPLANATION OF THE BILL:

SEE MEASURE SUMMARY.

## ATTACHMENTS

- Engrossed bill
- Attested by E & E
- Attested by Leg. Counsel

-Les AuCoin  
Chairman Representative Les AuCoin

Date: 5-23-73

# HOUSE AMENDMENTS

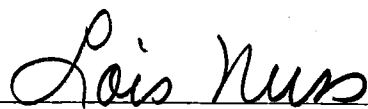
TO HB 3057

COMMITTEE ON STATE AND FEDERAL AFFAIRS

Committee Report dated 5-23-73 Date(s) of Committee Action: 5-23-73

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NONE

  
\_\_\_\_\_  
Committee Clerk