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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**April 24, 1997 Hearing Room A**

**1:00pm Tapes 188 - 190**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**David J. Amesbury, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 726**

SB 44

SB 471

SB 494

SB 500

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 188, A</b>		
003	Chair Bryant	opens meeting at 1:14pm opens public hearing on SB 471
<b><u>SB 471--PUBLIC HEARING</u></b>		
013	Sen. Bill Fisher	State Senator
015	Sen. Fisher	explains SB 471
075	Sen. Nelson	line 13 page 10 of the bill
092	Kathleen Nickel	resident of Douglas County
094	Nickel	EXHIBIT A
155	Nickel	still discussing EXHIBIT A
164	Brenda Rogers	citizen from Benton County
166	Rogers	EXHIBIT B
198	Sen. Brown	Do children of divorced parents have a harder time
200	Rogers	yes, I believe that
222	Shirley DeLeon	public citizen
224	DeLeon	EXHIBIT C
247	Tamara Dykeman	Legislative Director for the Oregon Student
250	Dykeman	EXHIBIT D
295	Dykeman	still reading EXHIBIT D
317	Brown	students are being punished for the successes of their parents
334	Dykeman	yes that is true

344	Susan Olson	citizen from Keizer
346	Olson	EXHIBIT E
Tape 189, A		
002	Olson	still reading EXHIBIT E
040	Staff	EXHIBIT F
045	Sen. Brown	do you plan to help your 18 year old step child financially with college
048	Olson	we would like to, but the amount we pay out in support right now is great
050	Brown	so right now you are not able to put any money aside for your children
052	Olson	currently we are not
055	Sen. Leonard	do you intend to help your children go to college
057	Olson	yes, but we want to pay the school directly
085	Bryant	close public hearing on SB 471
<b><u>SB 44--PUBLIC HEARING</u></b>		
090	Bryant	open public hearing on SB 44
094	Jack Roberts	Commissioner of Labor, State of Oregon
100	Roberts	EXHIBIT G
109	Betsy Earls	AOI
111	Earls	EXHIBIT H
120	Mary James	attorney
124	James	EXHIBIT I
153	Bryant	isn't that true under the ADA that if you are a current user of drugs you are not considered disabled
155	James	yes
157	Sen. Leonard	what is the definition of current user
160	James	someone who is currently using drugs and is not in any rehabilitation program
169	Leonard	how do you define "current"
175	James	BOLI probably needs to examine the definition
179	Bryant	there is a definition of "current", it came from the ADA it was a fairly common sense definition, explains definition
200	Roberts	our rules today incorporate this language
212	Bryant	example of employee and employer and drug use of the employee

232	James	explaining EXHIBIT I
254	Leonard	is there a definition of "under the influence"
258	James	there is not a definition in the statute for purposes of employment; it is up to the employer
270	James	resumes explaining EXHIBIT I
317	Leonard	could you further explain section 8
323	James	explanation of section 8
353	Roberts	discusses disabilities under Oregon Law
Tape 188, B		
002	Roberts	continues explaining disabilities under Oregon Law
025	Leonard	I would like to hear from an expert on disabilities
033	James	there is substantial testimony on different conditions from the ADA
035	Bryant	if you could provide us with the medical testimony
040	Brown	BOLI holds transexualism to be a disability
047	Roberts	yes, we are following a court case and Washington State law discusses reasonable accommodation
054	Brown	this bill would allow for discrimination based on transexualism
058	Roberts	if the bill passes with these areas in it then that is correct transsexuals must be reasonably accommodated
067	Bryant	what is reasonable accommodation
071	Roberts	we haven't had a chance to reach that decision tells what he knows of transexualism discusses using restrooms of other gender
092	Sen. Brown	based on what you have learned why would you include it in the bill
100	Roberts	I haven't included it in the bill
119	Bryant	you want to be consistent with the Federal Law
123	Roberts	we want to make it consistent with one change (numbers of employees in company)
127	Bryant	it is confusing for employers when you have two different laws to follow, one State and one Federal
143	Sen. Derfler	it is confusing when you have two different laws to follow
155	Leonard	at what point during the gender change does the disability apply
165	Roberts	I am no expert, you are well beyond my area of expertise

175	James	resumes explanation of EXHIBIT I
207	Leonard	discusses Section 13
215	James	explanation
230	Leonard	further questions about Section 13
274	Brown	is the language in the amendments similar to SB 482
280	Earls	yes
282	Roberts	we went through 482 and changes were made after we voiced our concerns
301	Ken Morris	citizen from Portland
303	Morris	EXHIBIT J
Tape 189, B		
002	Rachel Koteles	Citizen
005	Koteles	EXHIBIT K
027	Margaret Deirdre O'Hartigan	Citizen
030	O'Hartigan	EXHIBIT L
072	O'Hartigan	still reading EXHIBIT L
081	Sen. Brown	we obviously have a problem here in terms of discrimination we need to find what category your discrimination is in
090	Morris	states that have tried to pursue discrimination under gender have failed
092	Brown	we have a bill that prohibits discrimination based on heterosexuality, homosexuality, or bisexuality
095	Morris	transsexuality is a medical problem, it is not a lifestyle choice
103	Dean Katulla	citizen
105	Katulla	EXHIBIT M
168	Joseph	citizen from Portland
169	Joseph	EXHIBIT N
182	Lynn Ford	citizen from Portland
184	Ford	EXHIBIT O
215	Tamara Kuhlman	citizen
217	Kuhlman	gives history of his/her transsexuality
230	Candace Helen Brown	citizen
232	Brown	diagnosed as a child with gender disorder disease

		gives testimony
300	Joanna McNamara	Attorney
302	McNamara	EXHIBIT P
Tape 190, A		
014	McNamara	still giving testimony
047	Sen. Brown	it seems that the most appropriate place in terms of discrimination for transsexuals in employment places is under the disability act not under the employment discrimination act
051	McNamara	that would be correct because transsexualism is a medical condition  gives differences between transsexuals and homosexuals  continues testimony
075	Bryant	close public hearing on SB 44
<b><u>SB 726--PUBLIC HEARING (TAP/TAP)</u></b>		
078	Bryant	open public hearing on SB 726  close public hearing on SB 726
<b><u>SB 500 PUBLIC HEARING (TAP/TAP)</u></b>		
079	Bryant	open public hearing on SB 500  close public hearing on SB 500
<b><u>SB 494--PUBLIC HEARING</u></b>		
080	Bryant	open public hearing SB 494
085	Sen. Brown	explains SB 494
087	Betsy Welch	Chief Family Court Judge in Multnomah County
089	Welch	EXHIBIT Q  EXHIBIT R  EXHIBIT S
150	Bryant	close public hearing on SB 494  adjourns meeting at 3:35pm

**Submitted By, Reviewed By,**

**Andrea Terry, David J. Amesbury,**

**Administrative Support Counsel**

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**EXHIBIT SUMMARY**

**A - Court Case from Pennsylvania - introduced by K. Nickel - 15 pages**

**B - Testimony by Brenda Rogers - introduced by B. Rogers - 1 page**

**C - Letter on SB #471 - introduced by S. DeLeon - 2 pages**

**D - Letter from OSA - introduced by T. Dykeman - 2 pages**

**E - Memo from Susan Olson on SB 471 - introduced by S. Olson - 2 pages**

**F - Memo on SB 471 - introduced by R. Lipetzky - 1 page**

**G - -2 amendments to SB 44 - introduced by Legislative Counsel - 2 pages**

**H - Proposed changes to SB 44 - introduced by B. Earls - 2 pages**

**I - -1 amendments to SB 44 - introduced by Legislative Counsel - 12 pages**

**J - Testimony on SB 44 - introduced by K. Morris - 5 pages**

**K - Testimony on SB 44 - introduced by R. Koteles - 2 pages**

**L - Letter from Margaret O'Hartigan - introduced by O'Hartigan - 12 pages**

**M - Handwritten opposition on SB 44 - introduced by D. Katulla - 4 pages**

**N - Testimony on SB 44 - introduced by Joseph - 1 page**

**O - Testimony of Lynn Ford - introduced by L. Ford - 2 pages**

**P - Memo from Joanna McNamara - introduced by J. McNamara - 2 pages**

**Q - -1 amendments to SB 494 - introduced by B. Welch - 2 pages**

**R - Statement in support of SB 494 - introduced by B. Welch - 2pages**

**S - Case flow from initial referral to adoption - introduced by B. Welch - 1 page**

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