

SENATE AMENDMENTS TO SENATE BILL 706

By COMMITTEE ON GENERAL GOVERNMENT

April 15

- 1 On page 1 of the printed bill, line 3, after "659A.421," insert "659A.800,".
- 2 On page 2, delete lines 2 through 8.
- 3 In line 9, restore "(3)" and delete "(4)".
- 4 In line 13, restore "(4)" and delete "(5)".
- 5 In line 17, restore "(5)" and delete "(6)".
- 6 In line 20, delete "(7)" and insert "(6)".
- 7 In line 25, delete "(8)" and insert "(7)" and delete "permit" and insert "commit".
- 8 In line 27, delete "(9)" and insert "(8)".
- 9 In line 31, delete "(10)" and insert "(9)".
- 10 After line 33, insert:
- 11 "(10) In the sale, lease or rental of real property, a person may not disclose to any person that
- 12 an occupant or owner of the real property has or died from human immunodeficiency virus or ac-
- 13 quired immune deficiency syndrome."
- 14 On page 3, line 5, delete "or (5)".
- 15 Delete lines 31 through 38.
- 16 In line 39, restore "(5)" and delete "(6)" and delete "subsections (1) to (5) of".
- 17 In line 42, restore "(6)" and delete "(7) Subsections (1), (3) and (5) of this section do" and insert
- 18 "This section does".
- 19 In line 44, delete "subsections (1), (3) and (5) of".
- 20 On page 4, line 1, restore "(7)(a)" and delete "(8)(a)".
- 21 Delete lines 21 through 23.
- 22 In line 24, delete "(10)" and insert "(8)".
- 23 In line 28, delete "(11)" and insert "(9)".
- 24 On page 6, line 18, after "to" insert a colon and begin a new paragraph and insert "(A)".
- 25 In line 19, delete ", to" and insert a semicolon and begin a new paragraph and insert "(B)".
- 26 In line 20, delete "and to" and insert "including but not limited to an award of actual damages
- 27 suffered by the complainant and injunctive or other equitable relief; and
- 28 "(C)".
- 29 Delete lines 28 through 39.
- 30 In line 40, restore "(5)" and delete "(6)".
- 31 On page 7, line 7, after "(2)(a)" insert "Notwithstanding subsection (1)(b) of this section,".
- 32 In line 12, delete "\$10,000" and insert "\$11,000".
- 33 In line 14, delete "\$25,000" and insert "\$27,500".
- 34 In line 18, delete "\$50,000" and insert "\$55,000".
- 35 On page 8, line 19, after "(6)" insert "Except as provided in subsections (3) and (4) of this sec-

1 tion.”.

2 In line 39, after “659A.421” delete the rest of the line.

3 In line 40, delete “(5)”.

4 In line 43, delete “(1), (3) or (5)”.

5 On page 9, delete lines 29 and 30 and insert:

6 “(6) When the commissioner or the Attorney General has reasonable cause to believe that a
7 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
8 by ORS 659A.145 or 659A.421 or an equivalent federal law, or that a group of individuals has been
9 denied any of the rights protected by ORS 659A.145 or 659A.421 or an equivalent federal law, the
10 commissioner or the Attorney General may file a civil action on behalf of the aggrieved individuals
11 in the same manner as an individual or group of individuals may file a civil action under this sec-
12 tion. In a civil action filed under this subsection, the court may”.

13 Delete lines 35 through 44.

14 In line 45, delete “(8)” and insert “(7)”.

15 On page 10, line 1, delete “(1), (3) or (5)”.

16 In line 24, after “10” insert “and 13”.

17 After line 25, insert:

18 “**SECTION 13.** ORS 659A.800 is amended to read:

19 “659A.800. (1) The Bureau of Labor and Industries may take all steps necessary to eliminate and
20 prevent unlawful practices. To eliminate the effects of unlawful discrimination, the bureau may
21 promote voluntarily affirmative action by employers, labor organizations, governmental agencies,
22 private organizations and individuals and may accept financial assistance and grants or funds for
23 such purpose.

24 “(2) The bureau is given general jurisdiction and power for the purpose of eliminating and pre-
25 venting unlawful practices.

26 “(3) The Commissioner of the Bureau of Labor and Industries shall employ a deputy commis-
27 sioner and such other personnel as may be necessary to carry into effect the powers and duties
28 conferred upon the Bureau of Labor and Industries and the commissioner under this chapter and
29 may prescribe the duties and responsibilities of [*such*] **the** employees. The commissioner may dele-
30 gate any of the powers under this chapter to the deputy commissioner employed under this sub-
31 section.

32 “(4) The commissioner or the designee of the commissioner may issue subpoenas to require the
33 production of evidence necessary for the performance of any of the duties under this chapter.

34 “(5) [*No*] **A** person delegated any powers or duties under this section and ORS 659A.805 [*shall*]
35 **may not** act as prosecutor and examiner in processing any violation under this chapter.

36 “(6) **The commissioner and the Department of Consumer and Business Services shall**
37 **adopt an interagency agreement to coordinate the following:**

38 “(a) **When the bureau, in the course of performing its duties under this chapter, learns**
39 **of complaints concerning architectural barriers related to design or construction that re-**
40 **strict access to covered multifamily dwellings, as defined in ORS 447.210, by persons with**
41 **disabilities, the bureau shall refer the complaints to the department. The department shall**
42 **refer the complaints to the appropriate administrative authority or municipality.**

43 “(b) **When the department, in the course of performing its duties, learns of complaints**
44 **concerning architectural barriers related to design or construction that restrict access to**
45 **covered multifamily dwellings, as defined in ORS 447.210, by persons with disabilities, the**

1 department shall refer the complaints to the bureau.

2 **“SECTION 14.** For the purposes of ORS 659A.145 and 659A.421, ‘discrimination’ includes:

3 **“(1) Failure to design and construct a covered multifamily dwelling as required by the**
4 **Fair Housing Act (42 U.S.C. 3601 et seq.); and**

5 **“(2) Failure to renovate, alter or modify a building as required by ORS 447.241.**

6 **“SECTION 15.** Section 14 of this 2005 Act becomes operative 60 days after the Legislative
7 Assembly receives notice from the Bureau of Labor and Industries that the bureau has en-
8 tered into a contract with the United States Department of Housing and Urban Development
9 to provide services under a fair housing assistance program.”.

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