

## POLITICAL SNAPSHOTS

### THREE-RING ENDA

Barry Pack, executive director of Right to Pride, a statewide gay, lesbian and bisexual rights group, hopes the adage "third time's a charm" holds true for the Oregon Employment Non-Discrimination Act.

RTP is continuing to ponder ways to maneuver an employment nondiscrimination bill through a legislative minefield which has already forced the introduction of two versions of the measure.

That number has jumped to three.

"Since the Senate president refuses to allow any amendments of social issue bills, we've introduced another version that includes adjustments necessary to move forward," says Pack.

The new legislation, Senate Bill 1217, basically models House Bill 3719, a k a Oregon ENDA, which prohibits employment discrimination based on sexual orientation.

HB3719 cleared the Republican-controlled House on April 29 by a 40-20 vote. It mirrored HB2734, the first version of ENDA introduced, which was languishing in the House Judiciary Committee.

Some bold maneuvering by Republican Rep. Chuck Carpenter, ENDA's chief sponsor—as well as unwavering support from Republican colleague Jim Hill—spawned the creation of HB3719, which was sent to a more friendly committee, passed out and ultimately approved by the full House.

HB3719 then crossed over to the Senate Livability Committee, whose members include anti-gay-rights Republicans Eileen Qutub of Beaverton and Bob Kintigh of Springfield. (Pack wanted the bill to be assigned to the Senate Business, Law and Government Committee, considered to be the most amenable to ENDA.)

Pack says there appeared to be majority support for HB3719 but only if adjustments were made.

Senate leadership, however, disallowed social issue bills from being amended, a move which Pack dubbed a "real double-cross."

Enter a third ENDA.

According to Pack, SB1217 is basically the same as its predecessors, except for changes pertaining to a religious exemption and attorney fees.

The latest version is cosponsored by state Sens. Kate Brown (D-Portland), and Jeannette Hamby (R-Hillsboro), and cosponsored by Carpenter.

Pack says the adjustments should make it easier to muster the necessary 16 votes to pass ENDA in the 30-member, GOP-dominated Senate.

He adds that several Senate committees have already closed down in preparation for a June 13 adjournment—the date legislative leaders have selected to end the session. He says a special Senate committee will likely consider SB1217.

In related news, Deanna Smith, chair of the Oregon Republican Party, and vice chair Perry



Chuck Carpenter

Atkinson, got egg on their faces after suggesting Carpenter and Hill ponder leaving the GOP.

Smith and Atkinson expressed anger at the duo for threatening to join Democrats in a legislative blockade unless ENDA moved.

The letter, dated May 16, reads in part: "[ENDA] is in direct contrast to the Oregon Republican Platform. You are turning this legislative session into a circus to advance a philosophy that is detrimental to the philosophy of this party and the vast majority of its members." The missive then suggested the men straighten up their act or take a hike.

Thing is, if Carpenter and Hill had said yes to the invite, the GOP would relinquish its slim majority in the House (the Republicans control 31-29).

"Can't [Smith] count?" chuckles Pack.

Carpenter and Hill, however, say they're staying put—for now, at least.

### MARRIAGE LOOKS TO BE SAFE

The Oregon Defense of Marriage Act has been assigned to the House Judiciary Committee, chaired by John Minnis (R-Wood Village).

Minnis, you may recall, was widely viewed as the obstacle blocking the first version of ENDA.

DOMA, a k a Senate Bill 577, sponsored by state Sen. Marilyn Shannon (R-Brooks), defines marriage as the union between a man and woman. It also says same-sex marriages performed elsewhere will not be recognized in Oregon.

As expected, DOMA flew out of the Senate with a 20-7 vote. Nineteen Republicans and one Democrat, Mae Yih of Albany, approved the bill on May 22.

"We knew this was a tough issue for us," says Pack, who expects DOMA to be considered first by Judiciary's subcommittee on family law, chaired by the anti-gay rights Ron Sunseri (R-Gresham) and vice-chaired by the openly gay George Eighmey (D-Portland).

Pack expects DOMA will make its way through the subcommittee, full committee and the entire House.



George Eighmey

He says RTP will nonetheless attempt to stymie movement. Gov. John Kitzhaber remains mum on the matter.

If the governor did veto the bill, Shannon has a similar measure waiting in the wings, which includes a referendum clause, meaning if approved by lawmakers it would circumvent a gubernatorial veto and go directly to the people for a vote.

### WILL THE BAN BE BOMBED?

There's also no definitive word on whether Kitzhaber will veto Senate Bill 680, which prohibits any school board, community college, state college or university from barring military recruiters from campus.

The measure, sponsored by Republican Sens. Randy Miller of West Linn and Shirley Stull of Keizer, was prompted by the Portland School Board's approval two years ago of a recruiting ban on its campuses.

The board took that action in response to the U.S. military's ongoing discrimination against openly gay and lesbian service members.

In OKing the ban, the Portland School District became the first, and thus far only, district in Oregon to do so, and remains just one of a few nationwide.

SB680 cruised through the Senate in April and passed the House by a 38-22 vote on May 28.

A governor's aide has reportedly said Kitzhaber is leaning toward a veto, due to concerns about the state Legislature interfering with a local school board decision.

### TESTING, TESTING...

House Bill 2569, sponsored by Sunseri, has passed the House by a 25-23 vote.

That measure initially barred school administrators from administering tests, surveys, psychological or psychiatric exams, or evaluations that address, among other things, sexual behaviors, orientation or attitudes unless parental/guardian consent is obtained.

The bill was amended, however, to remove sexual "orientation," though it still includes the phrase "sexual behavior and attitudes."

"That's a positive change," Pack says of the removal.

"Orientation is different from behaviors or attitudes," he says.

In its original form, Pack worried HB2569 could negatively impact queer youth who may, for example, seek school counseling services.

He hopes the exclusion of "orientation" will make it easier for youth to get services.

Getting the information they need, however, may be more difficult due to another amendment that stipulates that school districts make "instructional materials that are part of any program available for inspection by the parents or guardians of any student."

Those materials "may include teachers' manuals, films, tapes or other supplementary material that will be used in connection with any survey, analysis or evaluation as part of any program."

The bill now shifts to the Senate for consideration.

### THE CLAUSE HAS CLAWS

Senate Bill 44 was approved June 2 by a 21-9 Senate vote. SB44 in part prohibits employment discrimination against an individual by reason of his or her relationship or association with a disabled person.

Recently hearings were held to consider an amendment to SB44, which in essence would blend the language of Senate Bill 482 into SB44.

SB482 aimed to revise Oregon discrimination laws against disabled persons by bringing state law more in line with federal statutes.

Its wording mirrored the federal Americans with Disabilities Act of 1990, a portion of which specifically excludes transsexuals.

Oregon's disability law is currently based on the Rehabilitation Act of 1973, which incorporates no such exclusion. In fact, last October the Oregon Bureau of Labor and Industries found that transsexuals are a protected class under disability law.

The passage of SB44 with the SB482 language intact could have placed those protections in jeopardy.

According to Pack, the transsexual exclusion was dropped from SB44. The bill does, however, include a clause which states "an employer may not be found to have engaged in an unlawful employment practice solely because the employer fails to provide reasonable accommodation to a person with a disability arising out of transsexualism."

"We're still not quite sure what that means," he says.

The bill moves to the House.

Inga Sorensen

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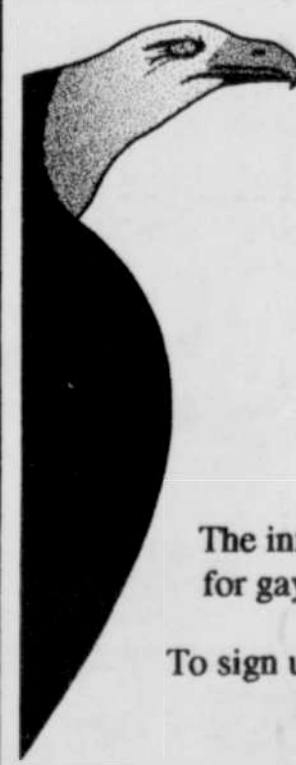
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**Gregg McCarty**

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THE REAL ESTATE



### Native American Gay and Bisexual Men

PROJECT RED TALON invites gay and bisexual Native American men to participate in a focus group. Topics will include: tribal/family acceptance; homophobia; HIV/AIDS; social networks; Native American culture; and other issues.

Earn \$25.00

Wednesday, June 11  
6:30-8:30 p.m.

The information will be used to develop HIV/AIDS prevention services for gay and bisexual Native American men in the greater Portland area.

To sign up, contact: Jay LaPlante, Northwest Portland Area Indian Health Board, (503) 228-4185. Co-sponsored by Cascade AIDS Project.