

Task Force on Equality – June 2006 Meeting

The Governor's Task Force on Equality met for the third time in June. Members of the task force had requested additional background information about the interface between the U.S. Constitution, the Oregon Constitution and Oregon Statutes, a summary of BOLI sexual orientation discrimination complaints, and a further review of SB 1000, the comprehensive anti-discrimination/civil union bill introduced during the 2005 legislative session.

David Hicks, Attorney with the Department of Justice, provided members with information about discrimination and protection from discrimination provided by local, state and federal laws. Hicks also discussed *Li v. Oregon*, where the trial court held that the rights and benefits incident to marriage may not be denied on the basis of sexual orientation or gender and left it to the Legislature to craft an appropriate remedy. While the case was on appeal, voters approved Ballot Measure 36 (2004), which resolved the constitutional question regarding the extension of "marriage." The Supreme Court did not reach the underlying constitutional question regarding the rights and benefits incident to marriage because that question was not properly before the Court. In addition, Hicks pointed out that the *Li* decision did not address the ability of the Legislature to adopt a civil union system in Oregon.

Amy Klare, Civil Rights Administrator for BOLI, provided a brief summary of the types of sexual orientation complaints received by BOLI. Case types include discrimination based on perceived sexual orientation, discrimination based on sexual orientation alone or combined with harassment, termination or physical violence. Klare discussed the fact that the "cause rate" is less than ten percent in discrimination cases filed with BOLI, meaning that in less than ten percent of the cases BOLI is able to establish sufficient evidence of a link between the cause of the harm and discrimination on the basis of sexual orientation. Part of the reason the percentage is so low is because often times cases are taken to court after being filed with BOLI, so BOLI does not complete the investigation.

Tiffany Harris, Attorney at Schwabe, Williamson & Wyatt, reviewed SB 1000. SB 1000, as originally drafted, was a two-part bill containing anti-discrimination provisions as well as civil union provisions. She told members the anti-discrimination provisions of SB 1000 add sexual orientation to existing laws prohibiting discrimination on the basis of race, religion, ethnicity, etc.

The civil union language of SB 1000 was modeled on the Vermont statute. Harris discussed some of the common elements of civil union laws and legislation in various states, including the following: prohibition of civil unions between family members, minimum age requirements, requirement that civil union be between two people, establishment of a legal process for initiating and/or dissolving a civil union and language establishing that civil unions provide the same rights, benefits and responsibilities as marriage.

For further information about this meeting, go to the Equality Task Force's website, the link to which can be found on the Governor's webpage, <http://governor.oregon.gov/>. The next meeting of the task force on Equality will take place August 3rd from 1-5pm. The group will have at least one meeting in September where they plan to take public testimony.