

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING**  
A Statement of Need and Fiscal Impact accompanies this form.

Bureau of Labor and Industries	839
Agency and Division	Administrative Rules Chapter Number
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Rules Coordinator	Telephone
	Address

**RULE CAPTION**

Amending, adopting and renumbering rules in Division 839-006 regarding disabilities.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing  
**ADOPT:** 839-006-0291, 839-006-0292, 839-006-0345

**AMEND:** 839-006-0205, 839-006-0212, 839-006-0270, 839-006-0290, 839-006-0295, 839-006-0305, and any other Division 6 rules as necessary.

**REPEAL:**

**RENUMBER:** 839-006-0332 to 839-006-0350;

**AMEND & RENUMBER:** 839-006-0307 to 839-006-0340

Stat. Auth.: ORS 659A.805

Other Auth.:

Stats. Implemented: ORS 659A.103 – 659A.142; H.B. 2111, 77<sup>th</sup> Leg., Reg. Session (Or. 2013); H.B. 2668, 77<sup>th</sup> Leg., Reg. Session (Or. 2013); S.B. 610, 77<sup>th</sup> Leg., Reg. Session (Or. 2013)

**RULE SUMMARY**

Proposed amendments to 839-006-0205 and 839-006-0212 would make the rules consistent with newly enacted legislation regarding substantial limitations.

Proposed amendments to 839-006-0270 and 839-006-0295 and adoption of 839-006-0292 would provide definitions for auxiliary aids and services for state government. Adoption of 839-006-0291 would provide clarification for reasonable modifications by state government. These are all consistent with the Americans with Disabilities Act and ORS 659A.139. Proposed amendments to 839-006-0290 would implement newly enacted legislation regarding places of public accommodation and state government.

Proposed amendments to 839-006-0305 would modify the definition of place of public accommodation consistent with newly enacted legislation.

Proposed amendments to and renumbering of 839-006-0307 to 839-006-0340 would reorganize the rule as theories of discrimination that apply to state government and places of public accommodation. The proposed amendments would also replace the term "complainant" with "individual" because the Commissioner and the Attorney General may bring complaints on behalf of individuals with disabilities

The proposed adoption of 839-006-0345 will provide information on assistance animals in places of public accommodation and state government, consistent with newly enacted legislation.

The proposed renumbering of 839-006-0332 to 839-006-0350, will move the existing rule without amendments, as the subject of the rule, requirements for transient lodging, is separate and not a part of the Oregon disability statutes.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

November 28, 2013

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**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

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Marcia Ohlemiller

10/15/2013

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Signature

Printed name

Date

**Note:** Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*. A Rulemaking Hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following notice publication or 28 days from the date notice was sent to people on the agency's interested party mailing list, whichever is later. In such cases a Hearing Notice must be published in the *Oregon Bulletin* at least 14 days before the hearing.