

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure
Vote: 3 - 1 - 1
Yeas: Prozanski, Walker, Burdick
Nays: Beyer
Exc.: Kruse
Prepared By: Matt Kalmanson, Counsel
Meeting Dates: 4/25

WHAT THE MEASURE DOES: Creates domestic partnerships, which are civil contracts entered into by two qualified adults of the same sex, at least one of whom is an Oregon resident. Establishes eligibility, procedure and fees for creation of a domestic partnership, including requiring individuals to sign a "Declaration of Domestic Partnership" and file with the county clerk. Establishes that domestic partners have the same responsibilities, privileges, immunities, rights and benefits of married couples and, if applicable, divorced couples. Requires Oregon circuit courts to hear disputes relating to domestic partnerships, such as actions for dissolution, annulment or legal separation, so long as the partnership was created and filed in Oregon.

ISSUES DISCUSSED:

- Ballot Measure 36
- Rights, privileges, benefits and responsibilities of marriage
- Behavioral choices and unchangeable characteristics
- Diversity and innovation
- Differences between domestic partnerships and marriage

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: By Executive Order (06-03), Governor Kulongoski established the Governor's Taskforce on Equality in Oregon. In a report issued December 14, 2006, the Taskforce included recommendation #2: "the State of Oregon should recognize same-sex relationships in a manner that confers important rights, benefits and responsibilities on committed same-sex couples, within the limits of Measure 36." Measure 36, codified at Article 1, section 5a of the Oregon Constitution, states that it is "the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage."

HB 2007 A would implement the Taskforce's recommendation by allowing qualified adults who enter into domestic partnerships to share the rights, benefits and responsibilities that the state provides to married couples, while recognizing that the bill does not bestow the status of marriage on domestic partners. The legislative findings in HB 2007 A state that the "Oregon Constitution limits marriage to the union of one man and one woman" and the legislature "does not seek to alter this definition in any way through the Oregon Family Fairness Act and . . . cannot bestow the status of marriage on partners in a domestic partnership." HB 2007 A also recognizes that the legislature cannot alter the laws of other states or the federal government. The bill states: "The Legislative Assembly recognizes that the legal recognition of domestic partnerships under the laws of this state may not be effective beyond the borders of this state and cannot impact restrictions contained in federal law."

According to the National Conference of State Legislatures, Connecticut, Vermont, New Jersey, Hawaii, Maine and the District of Columbia provide some level of spousal rights to same-sex couples.

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This summary has not been adopted or officially endorsed by action of the committee.