

REVENUE: No revenue impact
FISCAL: Minimal fiscal impact, no statement issued
SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Erin Seiler, Administrator

Meeting Dates: 6/9

WHAT THE MEASURE DOES: Makes statutory changes to achieve gender neutral language with respect to legally recognized marriages.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: Same-sex marriage has been legally recognized in Oregon since May 19, 2014, after a U.S. federal district court judge ruled that Oregon's 2004 state constitutional amendment banning such marriages discriminated on the basis of sexual orientation in violation of the Equal Protection Clause of the federal constitution. In the decision the judge wrote "Oregon's marriage laws discriminate on the basis of sexual orientation without a rational relationship to any legitimate government interest, the laws violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution."

Following the court decision, gender-based statutory language defining marriage as between a husband and wife needed to be updated to align with ruling. House Bill 2478-A updates and modernizes statutes where gender distinction has no policy impact, but is in conflict with now legal same-sex marriages. The measure amends statutes in the areas of: real property, tax and estate; civil rights which reference marital status; parental obligations and dissolutions of marriage.