

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Rules

MEASURE: HB 2478 A
CARRIER: Rep. Nosse

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/21/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 05/06, 05/21

Vote:

Yeas: 5 - Barnhart, Hoyle, Nosse, Rayfield, Smith Warner

Nays: 2 - Gilliam, Wilson

Exc: 2 - Kennemer, McLane

Prepared By: Erin Seiler, Committee Administrator

WHAT THE MEASURE DOES:

Makes statutory changes to achieve gender neutral language with respect to legally recognized marriages.

ISSUES DISCUSSED:

- Types of decisions that will be allowed to
- Administrative versus policy changes of neutralization
- Utility of gender neutrality in statute
- Removal of juvenile code, paternity, policy related items
- U.S. Federal Court decision
- Impact of future Supreme Court cases on Oregon
- Additional places where neutrality language needs to be addressed
- Impact on Oregon Constitution, neutrality in Constitution
- Unenforceable language in constitution
- Affirmation of Equal Protection Clause and decision of Federal Court

EFFECT OF COMMITTEE AMENDMENT:

Replaces original measure.

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.