

STAFF MEASURE SUMMARY

Senate Committee On Rules

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 06/09/15

Action: Do Pass With Amendments To The A-Eng Bill To Resolve Conflicts.
(Printed B-Eng)

Meeting Dates: 06/09

Vote:

Yeas: 3 - Beyer, Burdick, Rosenbaum

Nays: 2 - Boquist, Ferrioli

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:

- 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

EFFECT OF COMMITTEE AMENDMENT:

Resolves conflict with Senate Bill 604, 2015.

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 the ruling. House Bill 2478-B 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.