

House Bill 2759

Sponsored by Representatives WILLIAMSON, NOSSE, Senator ROSENBAUM (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definition of "marriage." Expands types of prohibited marriages. Clarifies that clergy person, religious congregation or organization authorized to solemnize marriages may refuse to solemnize marriage that is contrary to tenets of religious congregation or organization. Provides that refusal to solemnize marriages does not affect tax exempt status of religious congregation or organization.

Provides that two individuals who have lawfully established civil union, domestic partnership or similar relationship under laws of another state shall be considered as having entered into marriage under laws of this state, with privileges, immunities, rights, benefits and responsibilities of married persons, for period not longer than 12 months after entering state or establishing domicile in this state, unless parties enter into marriage before expiration of 12-month period.

Authorizes same-sex, nonresident individuals who have lawfully established civil union, domestic partnership or similar relationship under laws of another state to make emergency medical decisions and funeral arrangements when in this state on temporary basis.

Modifies residence requirements to establish jurisdiction of court to enter judgment of separation, annulment or dissolution of marriage.

Provides that registered domestic partnerships that are not dissolved or annulled on or before December 31, 2016, shall become marriages for all legal purposes. Prohibits entering into or registering domestic partnerships after effective date of Act.

Repeals Oregon Family Fairness Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to marital-type relationships between individuals; creating new provisions; amending ORS
3 90.453, 106.010, 106.020, 106.100, 106.120, 106.165, 107.075, 107.615, 192.842, 205.320, 314.023,
4 342.195, 409.300, 432.088, 432.173, 432.178, 432.183, 432.235, 432.295, 432.350, 432.360, 432.380,
5 676.308 and 743.056; repealing ORS 106.300, 106.305, 106.310, 106.315, 106.320, 106.325, 106.330,
6 106.335 and 106.340; and declaring an emergency.

7 **Be It Enacted by the People of the State of Oregon:**

8 **SECTION 1.** ORS 106.010 is amended to read:

9 106.010. (1) Marriage is:

10 (a) A civil contract **that is:**

11 (A) Entered into in person by [*males*] **two individuals who are** at least 17 years of age [*and*
12 *females at least 17 years of age*], who are otherwise capable[, *and*];

13 (B) Solemnized in accordance with ORS 106.150; **and**

14 (C) **Evidenced by a State of Oregon marriage license and a record of marriage issued and**
15 **maintained by a county clerk under this chapter;**

16 (b) **A relationship described in section 5 of this 2015 Act until the expiration of the**
17 **12-month period as described under section 5 of this 2015 Act; or**

18 (c) **A registered domestic partnership that has become a marriage as provided in section**
19 **7 of this 2015 Act.**

20 (2) **As used in the statute laws of this state, unless the context or a specifically applicable**
21 **definition requires otherwise, references to:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) “Husband,” “wife” or “spouse” means one or the other of the two individuals who are
 2 in a marriage as defined in this section.

3 (b) “Husband and wife” or “spouses” means the two individuals who are in a marriage
 4 as defined in this section.

5 (c) “Date of marriage” means the date of the marriage ceremony or the date of marriage
 6 prescribed under section 7 of this 2015 Act.

7 **SECTION 2.** ORS 106.020 is amended to read:

8 106.020. The following marriages are prohibited; and, if solemnized within this state, are abso-
 9 lutely void:

10 (1) When either party [*thereto*] **to the marriage** had a [*wife or husband*] **spouse** living at the
 11 time of [*such*] **the** marriage.

12 (2) When the parties [*thereto*] are first cousins or any nearer of kin to each other, whether of
 13 the whole or half blood, whether by blood or adoption, computing by the rules of the civil law, ex-
 14 cept that when the parties are first cousins by adoption only, the marriage is not prohibited or void.

15 (3) **When either party to the marriage had a partner in a civil union, domestic partner-**
 16 **ship or similar relationship that was legally established and recognized under the laws of**
 17 **another state at the time of the marriage unless the partner is the other party to the mar-**
 18 **riage.**

19 **SECTION 3.** ORS 106.120, as amended by section 13, chapter 76, Oregon Laws 2014, is amended
 20 to read:

21 106.120. (1) As used in this section, “judicial officer” means:

22 (a) A judicial officer of this state as that term is defined in ORS 1.210 and includes but is not
 23 limited to a judge of a municipal court and a justice of the peace.

24 (b) An active judge of a federal court.

25 (c) An active United States magistrate judge.

26 (2) Marriages may be solemnized by:

27 (a) A judicial officer;

28 (b) A county clerk;

29 (c) Religious congregations or organizations as indicated in ORS 106.150 (2); or

30 (d) A clergyperson of any religious congregation or organization who is authorized by the con-
 31 gregation or organization to solemnize marriages.

32 (3) A person authorized to solemnize marriages under subsection (2) of this section may
 33 solemnize a marriage anywhere in this state.

34 (4) **A clergyperson, religious congregation or organization authorized to solemnize mar-**
 35 **riages under subsection (2)(c) or (d) of this section is not required to solemnize a marriage**
 36 **that is contrary to the tenets of the congregation or organization, or to the religious con-**
 37 **gregation or organization to which the clergyperson belongs. A refusal to solemnize a mar-**
 38 **riage under this subsection does not affect the tax exempt status of any religious**
 39 **congregation or organization.**

40 [(4)(a)] (5)(a) When a marriage is solemnized by a tax, appellate or circuit judge of this state,
 41 the clerk of the court or the county clerk shall collect a fee of \$105 and deposit the fee in the Ju-
 42 dicial Department Operating Account established in ORS 1.009.

43 (b) When a marriage is solemnized by a county clerk, the county clerk shall collect a fee of \$105,
 44 as provided in ORS 205.320.

45 (c) The fee described in this subsection may be collected only if:

1 (A) The marriage is solemnized during normal working hours, excluding holidays;

2 (B) The marriage is solemnized in court facilities or a county clerk’s office; or

3 (C) More than a minimal amount of staff time or other court or county clerk’s office resources
4 are used in connection with the solemnization.

5 (d) The Chief Justice of the Supreme Court or the county clerk may establish a written proce-
6 dure for waiver of the fee required under this subsection in exigent circumstances, including but not
7 limited to indigency of the parties to the marriage.

8 [(5)] (6) In addition to any fee collected under subsection [(4)] (5) of this section, a judicial of-
9 ficer of this state and a county clerk may charge and accept an agreed upon personal payment not
10 to exceed \$100 plus actual costs for the solemnization of a marriage if that solemnization is per-
11 formed:

12 (a) At a place other than the courthouse where the judicial officer or county clerk serves; or

13 (b) Outside of the judicial officer’s or county clerk’s normal working hours.

14 [(6)] (7) The charging and accepting of a personal payment by a judicial officer of this state or
15 a county clerk under subsection [(5)] (6) of this section does not constitute a violation of any of the
16 provisions of ORS chapter 244.

17 [(7)] (8) The amount of actual costs charged by a judicial officer of this state or a county clerk
18 under subsection [(5)] (6) of this section may not exceed:

19 (a) Actual expenses for food and lodging as verified by receipts.

20 (b) If travel is made by personal vehicle, the actual number of round-trip miles from the judicial
21 officer’s or county clerk’s home or office, whichever is greater, compensated at the rate of re-
22 imbursement then provided by the State of Oregon to its employees or, if travel is made by a com-
23 mercial carrier, reimbursement shall be made of the actual costs thereof, verified by receipts.

24 [(8)] (9) A judicial officer of this state or a county clerk shall maintain records of the amount
25 of personal payments received for performing marriages, of actual costs and the supporting doc-
26 umentation related thereto for a period of four years.

27 [(9)] (10) The parties to a marriage solemnized by a tax, appellate or circuit judge of this state
28 shall show to the judge proof of payment of the fee required under subsection [(4)(a)] (5)(a) of this
29 section before solemnization. Except as provided in subsection [(4)(d)] (5)(d) of this section, the
30 judge may not solemnize a marriage without proof of payment of the fee.

31 **SECTION 4. Sections 5 to 7 of this 2015 Act are added to and made a part of ORS chapter**
32 **106.**

33 **SECTION 5. (1) Subject to subsections (2) and (3) of this section, two individuals who**
34 **have lawfully established a civil union, domestic partnership or similar relationship under the**
35 **laws of another state will be considered as having entered into a marriage under the laws**
36 **of this state with all of the privileges, immunities, rights, benefits and responsibilities of**
37 **parties to a marriage if the marriage would otherwise be allowed under Oregon law. Indi-**
38 **viduals described in this section are not required to obtain a marriage license, establish a**
39 **record of marriage or solemnize their relationship for the purposes of complying with ORS**
40 **chapters 106 and 432.**

41 **(2) The status conferred by subsection (1) of this section expires, and the parties’**
42 **entitlement to all of the privileges, immunities, rights, benefits and responsibilities of parties**
43 **to a marriage terminates, 12 months after the date upon which the parties establish a**
44 **domicile in this state as determined under ORS 15.420, unless the parties enter into a mar-**
45 **riage before the end of the 12-month period.**

1 (3) If the parties fail to establish a domicile and do not enter into a marriage within 12
2 months following entry of either of the parties into this state, the status conferred by sub-
3 section (1) of this section expires and the parties' entitlement to all of the privileges, im-
4 munities, rights, benefits and responsibilities of parties to a marriage terminate.

5 **SECTION 6.** Individuals of the same sex who are residents of another state and who have
6 lawfully established a civil union, domestic partnership or similar relationship under the laws
7 of that state have the authority to make emergency medical decisions and funeral arrange-
8 ments for each other and for their children when either of the parties is within the bound-
9 aries of this state on a temporary basis.

10 **SECTION 7.** (1) Any registered domestic partnership established under ORS 106.300 to
11 106.340 as in effect immediately before the effective date of this 2015 Act that has not been
12 dissolved by judgment of dissolution or annulment on or before December 31, 2016, shall be-
13 come for all legal purposes a marriage as defined in ORS 106.010, and the parties shall be
14 entitled to all of the privileges, immunities, rights, benefits and responsibilities of parties to
15 a marriage.

16 (2) Subsection (1) of this section does not apply to a registered domestic partnership
17 when a suit has been commenced on or before December 31, 2016, to dissolve or annul the
18 partnership but judgment has not been entered.

19 (3)(a) An individual may not enter into a registered domestic partnership under ORS
20 106.300 to 106.340 as in effect immediately before the effective date of this 2015 Act.

21 (b) A county clerk may not register a Declaration of Domestic Partnership or issue a
22 Certificate of Registered Domestic Partnership under ORS 106.300 to 106.340 as in effect im-
23 mediately before the effective date of this 2015 Act.

24 (c) Partners in a registered domestic partnership under ORS 106.300 to 106.340 as in ef-
25 fect immediately before the effective date of this 2015 Act retain all of the privileges, im-
26 munities, rights, benefits and responsibilities of parties to a marriage set forth in ORS
27 106.340 as in effect immediately before the effective date of this 2015 Act until the parties
28 enter into a marriage or January 1, 2017, whichever occurs first.

29 (4) The date of marriage for a marriage established pursuant to this section shall be the
30 date upon which the registered domestic partnership was registered by the county clerk or
31 the date entered in the Certificate of Registered Domestic Partnership if different from the
32 date of registration, whichever is later.

33 (5) When parties to a marriage established pursuant to this section also enter into a
34 marriage that is solemnized in accordance with ORS chapter 106, the date of marriage shall
35 be the date upon which the registered domestic partnership was registered by the county
36 clerk or the date entered in the Certificate of Registered Domestic Partnership if different
37 from the date of registration, whichever is later.

38 **SECTION 8.** On or before December 31, 2015, the Secretary of State shall provide written
39 notice of the requirement and effect of section 7 of this 2015 Act to all registered domestic
40 partners at the mailing addresses listed in the Declaration of Domestic Partnership main-
41 tained by the county clerk in the domestic partnership registry created in accordance with
42 ORS 106.325 as in effect immediately before the effective date of this 2015 Act.

43 **SECTION 9.** ORS 107.075 is amended to read:

44 107.075. (1) If the marriage [*was solemnized in this state*] is a marriage as defined in ORS
45 106.010, and either party is a resident of or domiciled in the state at the time the suit is commenced,

1 a suit for its annulment or dissolution may be maintained where the ground alleged is one set forth
2 in ORS 106.020 or 107.015.

3 (2) When the marriage [*was not solemnized in this state*] **is not a marriage as defined in ORS**
4 **106.010** or when any ground other than set forth in ORS 106.020 or 107.015 is alleged, at least one
5 party must be a resident of or be domiciled in this state at the time the suit is commenced and
6 continuously for a period of six months prior thereto.

7 (3) In a suit for separation, one of the parties must be a resident of or domiciled in this state
8 at the time the suit is commenced.

9 (4)(a) **Notwithstanding subsections (1), (2) and (3) of this section, if the marriage of the**
10 **parties is a marriage as defined in ORS 106.010 but the parties reside in a state that will not**
11 **exercise jurisdiction to annul or dissolve the marriage, or to enter a judgment of separation,**
12 **at the time the suit is sought to be commenced, a suit may be commenced in this state to**
13 **annul or dissolve the marriage, or to enter a judgment of separation, without either party**
14 **being a resident of or domiciled in this state at the time the suit is commenced.**

15 (b) **For purposes of this subsection, there is a rebuttable presumption that if the state**
16 **where the parties reside at the time the suit is sought to be commenced does not legally**
17 **recognize marriage between individuals of the same sex, the courts of that state will not**
18 **exercise jurisdiction to annul or dissolve the marriage, or enter a judgment of separation.**

19 [(4)] (5) Residence or domicile under subsection (2) or (3) of this section is sufficient to give the
20 court jurisdiction without regard to the place where the marriage was solemnized **or entered into**
21 or where the cause of suit arose.

22 **SECTION 10.** ORS 106.100 is amended to read:

23 106.100. (1) The county clerk who issues the marriage license shall maintain records relating to
24 marriages licensed in the county. The records must include the names of the parties before and after
25 marriage, the consent of the parent or guardian, if any, the name of the affiant, the substance of the
26 affidavit upon which the license was issued and the date of the license.

27 (2) Upon return of the completed application, license and record of marriage under ORS 106.170,
28 the county clerk shall add the date of the marriage ceremony **or, if applicable, the date of mar-**
29 **riage prescribed under section 7 (5) of this 2015 Act** to the clerk's records maintained under
30 subsection (1) of this section and file the completed application, license and record of marriage.
31 Except as provided in ORS 205.320, the county clerk may not charge a fee for filing, recording or
32 indexing the application, license and record of marriage.

33 (3) The county clerk shall, upon completion of the requirements of this section and ORS 106.077,
34 deliver the original completed application, license and report of marriage to the Center for Health
35 Statistics as required under ORS 432.173.

36 (4) Notwithstanding any other provision of law, the record of marriage maintained by a county
37 clerk is not a vital record as defined in ORS 432.005 and is a public record open and subject to full
38 disclosure.

39 **SECTION 11.** ORS 106.165 is amended to read:

40 106.165. (1) The county clerk shall prescribe a standard form of a commemorative marriage
41 certificate to be issued by the county clerk and kept by the married couple. The certificate must
42 contain the names and addresses of the parties and of at least two witnesses, the date and place of
43 the marriage **ceremony or the date of marriage prescribed under section 7 (5) of this 2015 Act,**
44 **if applicable,** the signature of the person who solemnized the marriage, the date of the marriage
45 license and the name of the county clerk who issued the license.

1 (2) The commemorative marriage certificate must contain the following wording in legible font
2 type: "This is a commemorative certificate. This certificate is not the legal marriage record."

3 (3) The commemorative marriage certificate shall be of such size and appearance as to empha-
4 size the importance of the event.

5 **SECTION 12.** ORS 432.173 is amended to read:

6 432.173. (1) A report of each marriage [*performed*] **solemnized** [*and domestic partnership regis-*
7 *tered by the state*] shall be submitted to the Center for Health Statistics. The State Registrar of the
8 Center for Health Statistics shall register a marriage [*or domestic partnership*] if the report of mar-
9 riage [*or domestic partnership*] has been completed and submitted in accordance with this section
10 and any rules adopted by the state registrar.

11 (2) The county clerk or county official who issues the marriage license [*or registers the Decla-*
12 *ration of Domestic Partnership*] shall prepare the report of marriage [*or domestic partnership*] on a
13 form prescribed and furnished by the state registrar, using information obtained from the parties to
14 whom the marriage license [*or Declaration of Domestic Partnership*] is being issued.

15 (3) A person who [*performs*] **solemnizes** a marriage shall certify the fact of marriage and submit
16 the certification to the county clerk or county official who issued the license within five calendar
17 days of the marriage ceremony.

18 (4) A county clerk or county official who issues marriage licenses [*or registers declarations of*
19 *domestic partnership*] shall complete and submit the report of marriage [*or domestic partnership*] to
20 the Center for Health Statistics within 15 calendar days of receiving the completed marriage license
21 [*or registering the Declaration of Domestic Partnership*]. The report of marriage [*or domestic part-*
22 *nership*] must include a copy of the marriage license [*or Declaration of Domestic Partnership*].

23 **(5) The state registrar shall make a record of domestic partnerships registered under**
24 **ORS 106.300 to 106.340 as in effect immediately before the effective date of this 2015 Act that**
25 **have become marriages by operation of law pursuant to section 7 of this 2015 Act.**

26 **SECTION 13.** ORS 432.178 is amended to read:

27 432.178. The State Registrar of the Center for Health Statistics may register a marriage one
28 year or more after the date of the marriage ceremony **or, if applicable, the date of marriage**
29 **prescribed under section 7 (5) of this 2015 Act**, if:

30 (1) The report of marriage is submitted by the county clerk or county official responsible for
31 issuing marriage licenses; and

32 (2) The report of marriage indicates that the registration is delayed and identifies the date of
33 registration.

34
35 **CONFORMING AMENDMENTS**

36
37 **SECTION 14.** ORS 90.453 is amended to read:

38 90.453. (1) As used in this section:

39 (a) "Immediate family member" means, with regard to a tenant who is a victim of domestic vi-
40 olence, sexual assault or stalking, any of the following who is not a perpetrator of the domestic vi-
41 olence, sexual assault or stalking against the tenant:

42 (A) An adult person related by blood, adoption[,] **or** marriage [*or domestic partnership, as defined*
43 *in ORS 106.310*], or as defined or described in similar law in another jurisdiction;

44 (B) A cohabitant in an intimate relationship;

45 (C) An unmarried parent of a joint child; or

1 (D) A child, grandchild, foster child, ward or guardian of the victim or of anyone listed in sub-
2 paragraph (A), (B) or (C) of this paragraph.

3 (b) "Qualified third party" means a person that has had individual contact with the tenant and
4 is a law enforcement officer, attorney or licensed health professional or is a victim's advocate at a
5 victim services provider.

6 (c) "Verification" means:

7 (A) A copy of a valid order of protection issued by a court pursuant to ORS 30.866, 107.095 (1)(c),
8 107.716, 107.718 or 163.738 or any other federal, state, local or tribal court order that restrains a
9 person from contact with the tenant;

10 (B) A copy of a federal agency or state, local or tribal police report regarding an act of domestic
11 violence, sexual assault or stalking against the tenant;

12 (C) A copy of a conviction of any person for an act of domestic violence, sexual assault or
13 stalking against the tenant; or

14 (D) A statement substantially in the form set forth in subsection (3) of this section.

15 (d) "Victim services provider" means:

16 (A) A nonprofit agency or program receiving moneys administered by the Department of Human
17 Services or the Department of Justice that offers safety planning, counseling, support or advocacy
18 to victims of domestic violence, sexual assault or stalking; or

19 (B) A prosecution-based victim assistance program or unit.

20 (2)(a) If a tenant gives a landlord at least 14 days' written notice, and the notice so requests,
21 the landlord shall release the tenant and any immediate family member of the tenant from the rental
22 agreement.

23 (b) The notice given by the tenant must specify the release date and must list the names of any
24 immediate family members to be released in addition to the tenant.

25 (c) The notice must be accompanied by verification that the tenant:

26 (A) Is protected by a valid order of protection; or

27 (B) Has been the victim of domestic violence, sexual assault or stalking within the 90 days
28 preceding the date of the notice. For purposes of this subparagraph, any time the perpetrator was
29 incarcerated or residing more than 100 miles from the victim's home does not count as part of the
30 90-day period.

31 (3) A verification statement must be signed by the tenant and the qualified third party and be
32 in substantially the following form:

33 _____

34
35 QUALIFIED THIRD PARTY
36 VERIFICATION

37
38 _____

39 Name of qualified third party

40
41 _____

42 Name of tenant

43
44 PART 1. STATEMENT BY TENANT

45

1 I, _____ (Name of tenant), do hereby state as follows:

2

3 (A) I or a minor member of my household have been a victim of domestic violence, sexual assault
4 or stalking, as those terms are defined in ORS 90.100.

5

6 (B) The most recent incident(s) that I rely on in support of this statement occurred on the fol-
7 lowing date(s): _____.

8

9 _____ The time since the most recent incident took place is less than 90 days; or

10

11 _____ The time since the most recent incident took place is less than 90 days if periods when the
12 perpetrator was incarcerated or was living more than 100 miles from my home are not counted. The
13 perpetrator was incarcerated from _____ to _____. The perpetrator
14 lived more than 100 miles from my home from _____ to _____.

15

16 (C) I hereby declare that the above statement is true to the best of my knowledge and belief,
17 and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

18

19 _____

20 (Signature of tenant)

21 Date: _____

22

23 PART 2. STATEMENT BY QUALIFIED THIRD PARTY

24

25 I, _____ (Name of qualified third party), do hereby verify as follows:

26

27 (A) I am a law enforcement officer, attorney or licensed health professional or a victim's advo-
28 cate with a victims services provider, as defined in ORS 90.453.

29

30 (B) My name, business address and business telephone are as follows:

31 _____

32 _____

33 _____

34

35 (C) The person who signed the statement above has informed me that the person or a minor
36 member of the person's household is a victim of domestic violence, sexual assault or stalking, based
37 on incidents that occurred on the dates listed above.

38

39 (D) I reasonably believe the statement of the person above that the person or a minor member
40 of the person's household is a victim of domestic violence, sexual assault or stalking, as those terms
41 are defined in ORS 90.100. I understand that the person who made the statement may use this doc-
42 ument as a basis for gaining a release from the rental agreement with the person's landlord.

43

44 I hereby declare that the above statement is true to the best of my knowledge and belief, and
45 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

1 _____
 2 (Signature of qualified third party
 3 making this statement)
 4 Date: _____
 5 _____

6
 7 (4) A tenant and any immediate family member who is released from a rental agreement pursu-
 8 ant to subsection (2) of this section:

- 9 (a) Is not liable for rent or damages to the dwelling unit incurred after the release date; and
- 10 (b) Is not subject to any fee solely because of termination of the rental agreement.

11 (5) Notwithstanding the release from a rental agreement of a tenant who is a victim of domestic
 12 violence, sexual assault or stalking and any tenant who is an immediate family member of that
 13 tenant, other tenants remain subject to the rental agreement.

14 (6) A landlord may not disclose any information provided by a tenant under this section to a
 15 third party unless the disclosure is:

- 16 (a) Consented to in writing by the tenant;
- 17 (b) Required for use in an eviction proceeding;
- 18 (c) Made to a qualified third party; or
- 19 (d) Required by law.

20 (7) The provision of a verification statement under subsection (2) of this section does not waive
 21 the confidential or privileged nature of a communication between the victim of domestic violence,
 22 sexual assault or stalking and a qualified third party.

23 **SECTION 15.** ORS 107.615 is amended to read:

24 107.615. (1) The governing body of any county may impose a fee up to \$10 above that prescribed
 25 in ORS 205.320 (5) for issuing a marriage license [*or registering a Declaration of Domestic Partner-*
 26 *ship*].

27 (2) In addition to any other funds used therefor, the governing body shall use the proceeds from
 28 the fee increase authorized by this section to pay the expenses of conciliation services under ORS
 29 107.510 to 107.610 and mediation services under ORS 107.755 to 107.795. If there are none in the
 30 county, the governing body may provide conciliation and mediation services through other county
 31 agencies or may contract with a public or private agency or person to provide conciliation and
 32 mediation services.

33 (3) The governing body may establish rules of eligibility for conciliation services funded under
 34 this section so long as its rules do not conflict with rules of the court adopted under ORS 107.580.

35 (4) Fees collected under this section shall be collected and deposited in the same manner as
 36 other county funds are collected and deposited but shall be maintained in a separate account to be
 37 used as provided in this section.

38 **SECTION 16.** ORS 192.842 is amended to read:

39 192.842. (1) A county clerk or other elections official shall use the actual address of a program
 40 participant for voter registration purposes. Except as provided in ORS 192.820 to 192.868, a county
 41 clerk or other elections official may not disclose the actual address.

42 (2) A county clerk or other elections official shall use the substitute address of the program
 43 participant for purposes of mailing a ballot to an elector under ORS 254.470.

44 (3) A school district shall use the actual address of a program participant for any purpose re-
 45 lated to admission or assignment. The school district shall take such measures as necessary to pro-

1 tect the confidentiality of the actual address of the program participant. Student records created
 2 under ORS 326.565 and 326.580 shall use the substitute address of the program participant.

3 (4) A county clerk shall accept the substitute address of the program participant as the address
 4 of the applicant for the purpose of issuing a marriage license under ORS 106.041 [*or registering a*
 5 *Declaration of Domestic Partnership under ORS 106.325*].

6 **SECTION 17.** ORS 205.320 is amended to read:

7 205.320. In every county there shall be charged and collected in advance by the county clerk,
 8 for the benefit of the county, the following fees, and no more, for the following purposes and ser-
 9 vices:

10 (1) For filing and making entry when required by law of any instrument required or permitted
 11 by law to be filed, when it is not recorded, \$5 for each page.

12 (2) For filing and making entry of the assignment or satisfaction of any filed, but not recorded,
 13 instrument, \$5 for each page.

14 (3) For each official certificate, \$3.75.

15 (4)(a) For purposes of this subsection, “page” means one side of a sheet 14 inches, or less, long
 16 and 8-1/2 inches, or less, wide.

17 (b) For recording any instrument required or permitted by law to be recorded, \$5 for each page,
 18 but the minimum fee shall not be less than \$5.

19 (c) For supplying to private parties copies of records or files, not more than \$3.75 for locating
 20 a record requested by the party and 25 cents for each page.

21 (d) For each official certificate, \$3.75.

22 (5) For taking an affidavit for and making and issuing a marriage license and registering the
 23 return of the license, [*or for taking an affidavit for and registering a Declaration of Domestic Part-*
 24 *nership,*] \$25.

25 (6) For solemnizing a marriage under ORS 106.120, \$25. This subsection does not require that
 26 the county clerk charge a fee for solemnizing a marriage after normal working hours or on Satur-
 27 days or legal holidays. This subsection does not prohibit a county clerk from charging and accepting
 28 a personal payment for solemnizing a marriage if otherwise authorized by ORS 106.120.

29 (7) For taking and certifying acknowledgment or proof of execution of any instrument, the fee
 30 established in the schedule adopted by the Secretary of State under ORS 194.400.

31 (8) For issuing any license required by law, other than a marriage or liquor license, and for
 32 which no fee is otherwise provided by law, \$5.

33 (9) For any service the clerk may be required or authorized to perform and for which no fee is
 34 provided by law, such fees as may favorably compare with those established by this section for
 35 similar services and as may be established by order or rule of the county court or board of county
 36 commissioners.

37 (10) For recording any instrument under ORS 205.130 (2), as required by ordinance pursuant to
 38 ORS 203.148.

39 (11) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
 40 each additional municipal assessment lien recorded under ORS 93.643, \$5.

41 (12) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
 42 each additional assignment, release or satisfaction of any recorded instrument, \$5.

43 (13) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
 44 each additional transaction described under ORS 205.236, \$5.

45 (14) In addition to and not in lieu of the fees charged under subsection (4) of this section, for

1 each additional lien recorded under ORS 311.675, \$5.

2 (15) For preparing and recording the certificate under ORS 517.280, \$20 or such other fee that
3 is established by the county governing body.

4 (16) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
5 each additional claim listed on an affidavit of annual compliance under ORS 517.210, \$5.

6 (17) In addition to and not in lieu of the fees charged under subsection (4) of this section, for
7 each additional name listed on a cooperative contract under ORS 62.360 (2) or for recording the
8 termination of a cooperative contract under ORS 62.360 (4), \$5.

9 (18) Notwithstanding any other law, five percent of any fee or tax that is not collected for the
10 benefit of the county clerk shall be deducted from the fee or tax. The moneys deducted shall be
11 expended for acquiring storage and retrieval systems, payment of expenses incurred in collecting the
12 fee or tax and maintaining and restoring records as authorized by the county clerk. Moneys col-
13 lected under this subsection shall be deposited in a county clerk records fund established by the
14 county governing body. No moneys shall be deducted under this subsection from:

15 (a) Fees collected for the Domestic Violence Fund under ORS 106.045.

16 (b) Fees collected for conciliation services under ORS 107.615.

17 (c) Real estate transfer taxes enacted prior to January 1, 1998.

18 (d) Fees collected under ORS 205.323 for the Oregon Land Information System Fund.

19 (e) Fees collected under ORS 205.323 (1)(c) for the housing-related programs listed in ORS
20 294.187 (2)(b).

21 **SECTION 18.** ORS 314.023 is amended to read:

22 314.023. This chapter applies to partners in a domestic partnership, as defined in ORS 106.310
23 **as in effect immediately before the effective date of this 2015 Act**, and surviving partners as if
24 federal income tax law recognized a domestic partnership in the same manner as Oregon law **as in**
25 **effect immediately before the effective date of this 2015 Act.**

26 **SECTION 19.** ORS 409.300 is amended to read:

27 409.300. (1) There is established the Domestic Violence Fund in the Services to Children and
28 Families Account of the General Fund established under ORS 409.260.

29 (2) All moneys received by the Director of Human Services under ORS 106.045 [*or 106.330*] and
30 any other funds allocated for expenditure under ORS 409.292 shall be credited to the Domestic Vi-
31 olence Fund.

32 (3) All moneys credited to the Domestic Violence Fund are continuously appropriated for the
33 purposes of ORS 409.292 to be expended by the director as provided in ORS 409.290 and 409.292.
34 However, the director shall expend not more than 10 percent of such moneys for administrative
35 costs of the Department of Human Services incurred under ORS 409.290 and 409.292.

36 **SECTION 20.** ORS 432.088, as amended by section 51, chapter 45, Oregon Laws 2014, is
37 amended to read:

38 432.088. (1) A report of live birth for each live birth that occurs in this state shall be submitted
39 to the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for
40 Health Statistics, within five calendar days after the live birth and shall be registered if the report
41 has been completed and filed in accordance with this section.

42 (2) The physician, institution or other person providing prenatal care related to a live birth shall
43 provide prenatal care information as required by the state registrar by rule to the institution where
44 the delivery is expected to occur not less than 30 calendar days prior to the expected delivery date.

45 (3) When a live birth occurs in an institution or en route to an institution, the person in charge

1 of the institution or an authorized designee shall obtain all data required by the state registrar,
2 prepare the report of live birth, certify either by signature or electronic signature that the child
3 was born alive at the place and time and on the date stated and submit the report as described in
4 subsection (1) of this section.

5 (4) In obtaining the information required for the report of live birth, an institution shall use
6 information gathering procedures provided or approved by the state registrar. Institutions may es-
7 tablish procedures to transfer, electronically or otherwise, information required for the report from
8 other sources, provided that the procedures are reviewed and approved by the state registrar prior
9 to the implementation of the procedures to ensure that the information being transferred is the same
10 as the information being requested.

11 (5)(a) When a live birth occurs outside an institution, the information for the report of live birth
12 shall be submitted within five calendar days of the live birth in a format adopted by the state
13 registrar by rule in the following order of priority:

14 (A) By an institution where the mother and child are examined, if examination occurs within
15 24 hours of the live birth;

16 (B) By a physician in attendance at the live birth;

17 (C) By a direct entry midwife licensed under ORS 687.405 to 687.495 in attendance at the live
18 birth;

19 (D) By a person not described in subparagraphs (A) to (C) of this paragraph and not required
20 by law to be licensed to practice midwifery who is registered with the Center for Health Statistics
21 to submit reports of live birth and who was in attendance at the live birth; or

22 (E) By the father, the mother or, in the absence of the father and the inability of the mother,
23 the person in charge of the premises where the live birth occurred.

24 (b) The state registrar may establish by rule the manner of submitting the information for the
25 report of live birth by a person described in paragraph (a)(D) of this subsection or a physician or
26 licensed direct entry midwife who attends the birth of his or her own child, grandchild, niece or
27 nephew.

28 (6) When a report of live birth is submitted that does not include the minimum acceptable doc-
29 umentation required by this section or any rules adopted under this section, or when the state
30 registrar has cause to question the validity or adequacy of the documentation, the state registrar,
31 in the state registrar's discretion, may refuse to register the live birth and shall enter an order to
32 that effect stating the reasons for the action. The state registrar shall advise the applicant of the
33 right to appeal under ORS 183.484.

34 (7) When a live birth occurs on a moving conveyance:

35 (a) Within the United States and the child is first removed from the conveyance in this state,
36 the live birth shall be registered in this state and the place where it is first removed shall be con-
37 sidered the place of live birth.

38 (b) While in international waters or air space or in a foreign country or its air space and the
39 child is first removed from the conveyance in this state, the birth shall be registered in this state
40 but the report of live birth shall show the actual place of birth insofar as can be determined.

41 (8) For purposes of making a report of live birth and live birth registration, the woman who
42 gives live birth is the live birth mother. If a court of competent jurisdiction determines that a
43 woman other than the live birth mother is the biological or genetic mother, the court may order the
44 state registrar to amend the record of live birth. The record of live birth shall then be placed under
45 seal.

1 (9)(a) If the mother is married at the time of either conception or live birth, or within 300 days
 2 before the live birth, the name of the husband shall be entered on the report of live birth as the
 3 father of child unless parentage has been determined otherwise by a court of competent jurisdiction.

4 (b) If the mother is not married at the time of either conception or live birth, or within 300 days
 5 before the live birth, the name of the father shall not be entered on the report of live birth unless
 6 a voluntary acknowledgment of paternity form or other form prescribed under ORS 432.098 is:

7 (A) Signed by the mother and the person to be named as the father; and

8 (B) Filed with the state registrar.

9 (c) If the mother is a partner in a domestic partnership registered by the state **pursuant to**
 10 **ORS 106.300 to 106.340 as in effect immediately before the effective date of this 2015 Act** at
 11 the time of either conception or live birth, or between conception and live birth, the name of the
 12 mother's partner shall be entered on the report of live birth as a parent of the child, unless par-
 13 entage has been determined otherwise by a court of competent jurisdiction.

14 (d) In any case in which paternity of a child is determined by a court of competent jurisdiction,
 15 or by an administrative determination of paternity, the Center for Health Statistics shall enter the
 16 name of the father on the new record of live birth. The Center for Health Statistics shall change the
 17 surname of the child if so ordered by the court or, in a proceeding under ORS 416.430, by the ad-
 18 ministrator as defined in ORS 25.010.

19 (e) If a biological parent is not named on the report of live birth, information other than the
 20 identity of the biological parent may be entered on the report.

21 (10) A parent of the child, or other informant as determined by the state registrar by rule, shall
 22 verify the accuracy of the personal data to be entered on a report of live birth in time to permit
 23 submission of the report within the five calendar days of the live birth.

24 (11) A report of live birth submitted after five calendar days, but within one year after the date
 25 of live birth, shall be registered in the manner prescribed in this section. The record shall not be
 26 marked "Delayed."

27 (12) The state registrar may require additional evidence in support of the facts of live birth.

28 **SECTION 21.** ORS 432.183 is amended to read:

29 432.183. (1) A report of each dissolution of marriage or dissolution of domestic partnership
 30 **registered under ORS 106.300 to 106.340 as in effect immediately before the effective date of**
 31 **this 2015 Act** by a court of competent jurisdiction in this state shall be submitted by the clerk of
 32 the court to the Center for Health Statistics. The State Registrar of the Center for Health Statistics
 33 shall register the dissolution of marriage or dissolution of domestic partnership if the report of dis-
 34 solution of marriage or dissolution of domestic partnership is completed and submitted in accordance
 35 with this section and any rules adopted by the state registrar. A report of dissolution of marriage
 36 or dissolution of domestic partnership shall be prepared by the petitioner for dissolution or the
 37 petitioner's legal representative on a form prescribed by the state registrar and submitted to the
 38 clerk of the court with the petition for dissolution.

39 (2) The state registrar shall design the report of dissolution of marriage or dissolution of do-
 40 mestic partnership in a manner that allows, for judgments or orders issued in proceedings initiated
 41 under ORS 107.085 or 107.485, the state registrar, county clerks, county recording officers and
 42 courts to keep Social Security numbers confidential and exempt from public inspection. In all cases,
 43 the report of dissolution of marriage or dissolution of domestic partnership shall be completed and
 44 submitted to the clerk of the court prior to the issuance of the court's final order.

45 (3) Twice a month, as adopted by the state registrar by rule, the clerk of the court shall com-

1 plete and submit a report of dissolution of marriage or dissolution of domestic partnership for each
 2 judgment or final order of dissolution of marriage or dissolution of domestic partnership entered
 3 during the month.

4 **SECTION 22.** ORS 432.235 is amended to read:

5 432.235. (1) A vital record registered under this chapter must be amended or corrected in ac-
 6 cordance with this section or rules adopted by the State Registrar of the Center for Health Statistics
 7 for the purpose of protecting the integrity and accuracy of vital records.

8 (2)(a) A vital record that is amended under this section shall indicate that it has been amended,
 9 except as otherwise provided in this section or by rule of the state registrar.

10 (b) The state registrar shall keep and maintain:

11 (A) Documentation that identifies the evidence upon which an amendment or correction is based;

12 (B) The date of the amendment or correction; and

13 (C) The identity of the individual authorized by the Center for Health Statistics that made the
 14 amendment or correction.

15 (3) Upon receipt of a certified copy of an order of a court of competent jurisdiction changing
 16 the name of a person born in this state, and upon the request of a person 18 years of age or older
 17 or, if a person is younger than 18 years of age and is not an emancipated minor, by the person's
 18 parent, legal guardian or legal representative, the state registrar shall amend the record of live
 19 birth to show a new name.

20 (4) When an applicant to amend a vital record does not submit the minimum documentation re-
 21 quired to make an amendment, or when the state registrar has cause to question the validity or
 22 adequacy of the application, the state registrar, in the state registrar's discretion, may refuse to
 23 amend the vital record and shall enter an order to that effect, stating the reasons for the action.
 24 The state registrar shall advise the applicant of the right to appeal under ORS 183.484.

25 (5) When an amendment is made to a record of marriage or a record of domestic partnership
 26 **that was registered under ORS 106.300 to 106.340 as in effect immediately before the effective**
 27 **date of this 2015 Act** by the county clerk or other county official who issues marriage licenses and
 28 registers domestic partnerships or, if an amendment changes the name, date of birth or birthplace
 29 of a party, by the court that entered the judgment or final order of dissolution of marriage or dis-
 30 solution of domestic partnership, copies of the amendment must be forwarded to the state registrar.

31 (6) If a judgment or final order of dissolution of marriage or dissolution of domestic partnership
 32 is set aside by the court that entered the judgment or order, a copy of the notice setting aside the
 33 judgment or order must be forwarded to the state registrar and the state registrar shall void the
 34 related record.

35 **SECTION 23.** ORS 432.295 is amended to read:

36 432.295. (1) In consultation with the State Archivist, the State Registrar of the Center for Health
 37 Statistics shall develop and implement a preservation management program to preserve vital record
 38 documents and information and meet generally accepted standards for permanent preservation.

39 (2) The state registrar shall prepare typewritten, photographic, electronic or other reproductions
 40 of vital records or reports kept and maintained in the Center for Health Statistics. These reprod-
 41 uctions, when verified and approved by the state registrar, shall be accepted as the original vital
 42 record documents. The original vital record documents from which permanent reproductions have
 43 been made may be disposed of as described in ORS 192.105 or as provided by rule of the state
 44 registrar.

45 (3) The state registrar shall provide for the continued availability and integrity of vital event

1 information. To ensure such availability and integrity, the state registrar may keep and maintain
2 redundant copies of information in multiple locations and formats, such as microfilm, microfiche,
3 imaging and electronic databases.

4 (4) The preservation management program must provide for the continued availability of historic
5 vital record documents and information for research and related purposes. Vital records are historic
6 when 100 years have elapsed after the date of live birth for births occurring after 1914, 50 years
7 have elapsed after the date of death for deaths occurring after 1964, 50 years have elapsed after the
8 date of fetal death for fetal deaths occurring after 1964 or 50 years have elapsed after the date of
9 marriage, domestic partnership **registered under ORS 106.300 to 106.340 as in effect immediately**
10 **before the effective date of this 2015 Act**, dissolution of marriage or dissolution of domestic
11 partnership for such events occurring after 1964. Supporting documents, including corrections and
12 acknowledgments of paternity, may be included with historic vital records. Records under seal are
13 not historic unless unsealed by court order.

14 (5) Historic vital records shall be transferred to the State Archives in accordance with archival
15 procedures for the continued safekeeping of the vital records. The State Archives may not charge
16 the Center for Health Statistics for the transfer and maintenance of historic vital records under this
17 subsection. The state registrar shall adopt rules to ensure that the release of information contained
18 in records of birth, death, marriage, domestic partnership and dissolution of marriage or domestic
19 partnership, and reports of fetal death, comply with federal and state laws, regulations and rules.

20 **SECTION 24.** ORS 432.350 is amended to read:

21 432.350. (1)(a) Vital records and reports, and documents, data and information related to vital
22 records and reports, are exempt from public disclosure under ORS 192.410 to 192.505. Except as
23 provided in this section and ORS 432.380 or rules adopted by the State Registrar of the Center for
24 Health Statistics as described in paragraph (b) of this subsection, a person may not disclose or allow
25 a person to inspect vital records or reports or related documents, data or information.

26 (b) The state registrar may adopt rules permitting the disclosure of vital records and reports
27 and related documents, data or information if the disclosure is for public health purposes or if the
28 state registrar otherwise determines that:

- 29 (A) The requestor has a valid need for the information;
30 (B) The information cannot be obtained from other sources;
31 (C) The requestor is authorized to receive the information; and
32 (D) The integrity of the vital record or report can be assured.

33 (2)(a) Personally identifiable information that may be used to identify a natural person named
34 in a vital record or report may be disclosed for health research purposes after submission of a
35 written request for the information by a researcher and the approval of the state registrar through
36 the execution of a written research agreement that:

- 37 (A) Describes the research project;
38 (B) Documents, if necessary, applicable institutional review board approvals; and
39 (C) Protects the confidentiality and security of the information provided.

40 (b) An agreement entered into under this subsection:

41 (A) Must:

42 (i) Prohibit, except as explicitly permitted in the agreement, the further release of the personally
43 identifiable information by the researcher unless explicitly authorized by the state registrar; and

44 (ii) Specify that the state continues to own the information provided to the requester; and

45 (B) May require payment for the use of the requested information.

1 (3) A government agency may be furnished, upon written request and the approval of the state
 2 registrar, with copies of documents or other data from the system of vital statistics, provided that
 3 the copies or data are used solely in the conduct of the government agency's official duties. Before
 4 furnishing information under this subsection, the state registrar and the government agency re-
 5 questing the copies or data shall enter into a data sharing agreement that clearly specifies the uses
 6 for the copies or data. An agreement entered into under this subsection:

7 (a) Must:

8 (A) Contain measures to protect the confidentiality and security of the copies or data;

9 (B) Prohibit the further release of any personally identifiable information by the government
 10 agency unless explicitly provided in the agreement; and

11 (C) Specify that the state continues to own the copies or data; and

12 (b) May require payment for the use of the requested copies or data.

13 (4) The federal agency responsible for national vital statistics may be furnished with copies of
 14 records, reports or other data from the system of vital statistics as necessary for the maintenance
 15 of national statistics, provided that the agency shares in the cost of collecting, processing and
 16 transmitting the information and that the agency does not use the information for purposes other
 17 than statistical purposes unless the use is explicitly authorized by the state registrar. Before fur-
 18 nishing information under this subsection, the state registrar and the agency shall enter into a data
 19 sharing agreement that clearly specifies the uses for the information. An agreement entered into
 20 under this subsection must:

21 (a) Prohibit the further release of any information by the agency unless explicitly authorized by
 22 the state registrar; and

23 (b) Specify that the state continues to own the information.

24 (5)(a) The state registrar, pursuant to an interjurisdictional exchange agreement, may transmit
 25 copies of records, reports or other documents or other data from the system of vital statistics to
 26 offices of vital statistics in other states or neighboring countries. The exchange agreement must
 27 specify the purposes for which the copies or data may be used by the other state or neighboring
 28 country and provide instructions for the proper retention and disposition of the copies and data.

29 (b) Copies of records, reports or other documents or other data received by the Center for
 30 Health Statistics as a result of the exchange agreement are confidential and not subject to public
 31 disclosure under ORS 192.410 to 192.505, and the state or neighboring country in which the vital
 32 event occurred continues to own the copies and data.

33 (c) An exchange agreement entered into under this subsection may not allow the disclosure of
 34 copies of records, reports or other documents or other data of a vital event that did not occur in
 35 the state or country that is transmitting the information.

36 (6) When the death of a person who was born in this state or was a resident of this state at the
 37 time of death occurs in a country other than the United States, the state registrar shall receive a
 38 report of death from the United States Department of Defense or the United States Department of
 39 State.

40 (7) When 100 years have elapsed after the date of live birth for births occurring after 1914, 50
 41 years have elapsed after the date of death for deaths occurring after 1964, 50 years have elapsed
 42 after the date of fetal death for fetal deaths occurring after 1964 or 50 years have elapsed after the
 43 date of marriage, domestic partnership **registered under ORS 106.300 to 106.340 as in effect im-**
 44 **mediately before the effective date of this 2015 Act**, dissolution of marriage or dissolution of
 45 domestic partnership for such events occurring after 1964, the record available for disclosure under

1 this section, whether in paper, electronic or other form, may be transferred to the State Archives
2 as a public record in accordance with archival procedures for the continued safekeeping of the vital
3 records. The State Archives may not charge the Center for Health Statistics for the transfer and
4 maintenance of historic vital records under this subsection. The state registrar shall adopt rules to
5 ensure that, for records of dissolution of marriage or dissolution of domestic partnership issued in
6 proceedings under ORS 106.300 to 106.340 **as in effect immediately before the effective date of**
7 **this 2015 Act** or 107.085 or 107.485, the Social Security numbers of the parties are kept confidential
8 and exempt from public disclosure under ORS 192.410 to 192.505. Prior to transferring records of live
9 birth and death, the state registrar shall redact all information identified as having only a medical
10 or health purpose in the United States Standard Certificates of Live Birth and Death and the Report
11 of Fetal Death or by rule of the state registrar.

12 (8) A decision of the state registrar with regard to the disclosure of vital records, reports and
13 related documents, data and information is a final agency determination. If the state registrar re-
14 fuses an inspection under this section, the person seeking inspection may proceed in the manner set
15 forth in ORS 183.484.

16 (9) Nothing in this section prohibits the state registrar from publishing statistical compilations
17 or reports for public health purposes if the compilations and reports do not contain personally
18 identifiable information.

19 **SECTION 25.** ORS 432.360 is amended to read:

20 432.360. (1) Except as provided in subsection (2) of this section, notwithstanding any other pro-
21 vision of law, all marriage and domestic partnership records and all records of dissolution of mar-
22 riage and dissolution of domestic partnership **registered under ORS 106.300 to 106.340 as in effect**
23 **immediately before the effective date of this 2015 Act** in the custody of a county clerk or county
24 recording officer and all records of dissolution of marriage and dissolution of domestic partnership
25 in the custody of the state courts are open and subject to full disclosure.

26 (2) Records of dissolution of marriage and dissolution of domestic partnership in the custody of
27 the state courts shall be completed and maintained in accordance with procedures established under
28 ORS 107.840 to ensure that the Social Security numbers of parties to proceedings under ORS 107.085
29 and 107.485 are kept confidential and exempt from public inspection.

30 **SECTION 26.** ORS 432.380 is amended to read:

31 432.380. (1)(a) A certified copy of a record of live birth or any part of a record of live birth that
32 is issued under this section shall be considered the same as the original record of live birth and is
33 prima facie evidence of the facts stated on the certified copy. However, the evidentiary value of a
34 certified copy of a record of live birth submitted more than one year after the birth, an amended
35 record of live birth or a record of foreign live birth must be determined by the judicial or adminis-
36 trative body or official before whom the certified copy is offered as evidence.

37 (b) A certified copy of a record of death, fetal death, marriage, domestic partnership **registered**
38 **under ORS 106.300 to 106.340 as in effect immediately before the effective date of this 2015**
39 **Act**, dissolution of marriage or dissolution of domestic partnership or any part of such records that
40 is issued under this section shall be considered the same as the original record of death, fetal death,
41 marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership and
42 is prima facie evidence of the facts stated on the certified copy.

43 (2)(a) The State Registrar of the Center for Health Statistics shall require an applicant for a
44 certified copy to submit a signed application, documentation of identity and evidence of eligibility.

45 (b)(A) Upon receipt of an application, the state registrar shall review the documentation of

1 identity provided by the applicant. The documentation must be acceptable to the state registrar and,
 2 at a minimum, include:

3 (i) Government issued identification that includes a photograph;

4 (ii) At least three forms of identification; or

5 (iii) Identification submitted through an electronic process adopted by the state registrar by
 6 rule.

7 (B) Forms of identification that may be submitted under subparagraph (A)(ii) of this paragraph
 8 include, but are not limited to, letters from government or social agencies, payroll statements, utility
 9 bills, student identification with a photograph or other items acceptable to the state registrar.

10 (c)(A) Upon receipt of an application, the state registrar shall review the evidence of eligibility
 11 provided by the applicant. Evidence of eligibility submitted under this subsection may consist of
 12 copies of vital records establishing eligibility, court documents establishing eligibility or alternate
 13 methods identified and accepted by the state registrar. Evidence of eligibility must demonstrate that
 14 the applicant is qualified to receive a certified copy.

15 (B) To be qualified, an applicant must be:

16 (i) Eighteen years of age or older or an emancipated minor or, if the applicant is requesting to
 17 receive a certified copy of the applicant's own record of live birth, 15 years of age or older;

18 (ii) If the applicant is requesting a certified copy of a record of live birth, the registrant, the
 19 registrant's spouse, domestic partner who is registered by the state, parent, child, sibling,
 20 grandparent, grandchild, legal guardian or legal representative, an authorized representative or a
 21 government agency acting in the conduct of its official duties;

22 (iii) If the applicant is requesting a certified copy of a record of death, the decedent's spouse,
 23 domestic partner who is registered by the state, child, parent, sibling, grandparent, grandchild, next
 24 of kin, legal guardian immediately before death or legal representative, an authorized representative,
 25 a person in charge of disposition, a government agency acting in the conduct of its official duties,
 26 an employee or agent of a funeral home or person acting as a funeral service practitioner who is
 27 named in the record of death for up to two years following the date of death or a person that
 28 demonstrates to the satisfaction of the state registrar that the certified copy is necessary for a de-
 29 termination related to or the protection of a personal or property right of the applicant;

30 (iv) If the applicant is requesting a certified copy of a record of fetal death, the parent, legal
 31 guardian, legal representative of a parent, sibling, grandparent, an authorized representative, a
 32 person in charge of disposition, a government agency acting in the conduct of its official duties or
 33 an employee or agent of a funeral home or person acting as a funeral service practitioner who is
 34 named in the record of fetal death for up to two years following the date of delivery; and

35 (v) If the applicant is requesting a certified copy of a record of marriage, domestic partnership,
 36 dissolution of marriage or dissolution of domestic partnership, the registrant, the registrant's spouse,
 37 domestic partner who is registered by the state, child, parent, sibling, grandparent, grandchild, legal
 38 guardian or legal representative, an authorized representative or a government agency acting in the
 39 conduct of its official duties.

40 (d) The state registrar may verify documentation of identity and evidence of eligibility with any
 41 agency that issued that documentation or evidence in reviewing an application.

42 (3) Notwithstanding subsection (2) of this section, when 100 years have elapsed after the date
 43 of live birth for births occurring after 1914, 50 years have elapsed after the date of death for deaths
 44 occurring after 1964, 50 years have elapsed after the date of fetal death for fetal deaths occurring
 45 after 1964 or 50 years have elapsed after the date of marriage, domestic partnership **registered**

1 **under ORS 106.300 to 106.340 as in effect immediately before the effective date of this 2015**
2 **Act**, dissolution of marriage or dissolution of domestic partnership for such events occurring after
3 1964, the state registrar may issue a certified copy of a record to a person who submits an appli-
4 cation on a form and in a manner prescribed by the state registrar by rule. An application submitted
5 under this subsection must contain proof of identity.

6 (4) The state registrar shall, upon receipt and approval of an application under this section, is-
7 sue a certified copy of a vital record in the form of a physical image or abstract to the applicant.

8 (5) The state registrar shall require all certified copies of vital records registered in the state
9 to be issued from a central database.

10 (6)(a) The state registrar may issue certified copies directly to a government agency or other
11 institution as described in this subsection.

12 (b) Upon receipt of an application under subsection (2) of this section, the state registrar may
13 issue, upon request by the qualified applicant, a certified copy in electronic form to a government
14 agency or other institution approved by the state registrar.

15 (c) The state registrar may authorize a government agency or other institution to receive cer-
16 tified copies under this subsection in electronic form through an automated system approved by the
17 state registrar.

18 (d) The state registrar, in approving the issuance of a certified copy to a government agency
19 or other institution, shall consider the proposed use for the certified copy, the frequency of need for
20 the certified copy, the security afforded by the government agency or institution and other criteria
21 as determined by the state registrar by rule.

22 (e) Certified copies issued under this subsection may be used by a government agency only for
23 purposes related to the official duties of the government agency.

24 (7) The state registrar shall establish minimum information to be included in a certified copy.
25 A certified copy may not be issued without the minimum information, except that a record of live
26 birth without a first name for the registrant may be issued to government agencies for adoption or
27 custody purposes.

28 (8) A certified copy of a death record containing the cause and manner of death may not be is-
29 sued except as follows:

30 (a) Upon specific request by the spouse, domestic partner who is registered by the state, child,
31 parent or next of kin of the decedent, a person in charge of disposition or an authorized represen-
32 tative of a person described in this paragraph;

33 (b) When a documented need for the cause or manner of death to establish a legal right or claim
34 has been demonstrated; or

35 (c) Upon receiving an order from a court of competent jurisdiction that requires the issuance
36 of a certified copy of a death record containing the cause and manner of death.

37 (9) Each certified copy issued for a record registered after January 1, 2008, must indicate the
38 date of registration. If the record was amended, the certified copy must be marked or flagged as
39 having been amended and must indicate the effective date of the amendment. If the record is marked
40 or flagged "Delayed," the certified copy must be marked or flagged as having been delayed and must
41 include the date of registration and a description of the evidence used to establish the record. If the
42 record is a record of foreign live birth, the certified copy must indicate that fact and show the ac-
43 tual place of birth. A certified copy for a record of live birth that has been matched to a record of
44 death must be marked or flagged "Deceased."

45 (10) Information identified in the United States Standard Certificates of Live Birth and Death

1 and the Report of Fetal Death, or as identified by the state registrar by rule, as only being available
2 for medical or health purposes is not subject to subpoena or court order and is not admissible before
3 a court, tribunal or other judicial body. Information identified in the United States Standard Cer-
4 tificates of Live Birth and Death and the Report of Fetal Death, or as identified by the state
5 registrar by rule, as having an administrative, statistical, medical or health purpose may not be in-
6 cluded in a certified copy of a vital record.

7 (11) After acceptance of an application by a qualified applicant, if a record is not identified for
8 the requested certified copy, the state registrar shall issue a document indicating that a record for
9 the requested certified copy has not been identified. The document also must include the criteria
10 used in attempting to identify the record, including the type of vital event, the name of the regis-
11 trant, the date or range of dates for the vital event and other criteria used.

12 (12) Verification of facts contained in a certified copy may be furnished by the state registrar
13 to a government agency in the conduct of its official duties. The request for verification must:

14 (a) Include a copy of the certified copy and be in a format prescribed or approved by the state
15 registrar; or

16 (b) If the requester attests to having the certified copy and can provide verification, as deter-
17 mined by the state registrar by rule, of having the certified copy, be submitted electronically
18 through an automated system approved by the state registrar.

19 (13) The state registrar shall provide or approve forms and procedures for the issuance of cer-
20 tified copies of vital records in this state. All forms and procedures must be uniform and be in ac-
21 cordance with ORS 432.033.

22 (14) The state registrar shall maintain a searchable file, either physical or electronic, of each
23 application submitted under this section for a minimum of three years.

24 (15) A person may not prepare or issue any paper or electronic document that purports to be
25 an original vital record, a certified copy for verification of a vital record or a copy of a vital record
26 except as authorized in this chapter.

27 (16) All applications and supporting documentation submitted for the purpose of issuing certified
28 copies of vital records are confidential and not subject to public disclosure under ORS 192.410 to
29 192.505.

30 **SECTION 27.** ORS 342.195 is amended to read:

31 342.195. (1) An otherwise qualified applicant for an initial or basic teaching license shall be
32 granted the license upon payment of the required fees and the showing by proof satisfactory to the
33 Teacher Standards and Practices Commission that:

34 (a) While the applicant was in the Peace Corps program or was a volunteer under section 603
35 of the Economic Opportunity Act of 1964 (Public Law 88-452), the applicant:

36 (A) Completed two years of satisfactory service that emphasized teaching in any preprimary
37 program or in any grade 1 through 12 in subjects regularly taught in public schools; and

38 (B)(i) Has completed an approved teacher education program; or

39 (ii) Has earned at least a baccalaureate degree from an accredited institution of higher educa-
40 tion and has completed a teacher training program provided under the auspices of the federal pro-
41 gram; or

42 (b) The applicant was a certified instructor for the Armed Forces of the United States, if the
43 applicant provides the commission with documentation of military training or experience that the
44 commission determines is substantially equivalent to the training required for an initial or basic
45 teaching license.

1 (2)(a) The commission shall establish by rule an expedited process by which a military spouse
 2 [*or domestic partner*] who is licensed to teach in another state may apply for and obtain a teaching
 3 license.

4 (b) As used in this subsection, “military spouse [*or domestic partner*]” means a spouse [*or do-*
 5 *mestic partner*] of an active member of the Armed Forces of the United States who is the subject
 6 of a military transfer to Oregon.

7 **SECTION 28.** ORS 676.308 is amended to read:

8 676.308. (1) As used in this section:

9 (a) “Authorization” means a license, registration, certificate or other authorization to engage in
 10 a profession.

11 (b) “Board” means a health professional regulatory board, as defined in ORS 676.160, or a board
 12 or council listed in ORS 676.583.

13 (c) “Military spouse [*or domestic partner*]” means a spouse [*or domestic partner*] of an active
 14 member of the Armed Forces of the United States who is the subject of a military transfer to
 15 Oregon.

16 (2) A board shall issue an authorization to a military spouse [*or domestic partner*] if the military
 17 spouse [*or domestic partner*] provides the board with:

18 (a) Evidence that the applicant is married to, [*or in a domestic partnership with,*] an active
 19 member of the Armed Forces of the United States who is assigned to a duty station located in
 20 Oregon by official active duty military order;

21 (b) Evidence that the military spouse [*or domestic partner*] is authorized by another state or
 22 territory of the United States to provide services regulated by the board; and

23 (c) Evidence that the military spouse [*or domestic partner*]:

24 (A) Has provided services or taught the subject matter regulated by the board for at least one
 25 year during the three years immediately preceding the date on which the military spouse [*or do-*
 26 *mestic partner*] submits an application for an authorization; and

27 (B) Has demonstrated competency, as determined by the board by rule, over services regulated
 28 by the board.

29 (3) A board may issue a temporary authorization to an applicant who applies for an authori-
 30 zation under subsection (2) of this section before the board receives the evidence required by sub-
 31 section (2) of this section if the military spouse [*or domestic partner*] affirms on the application that
 32 the military spouse [*or domestic partner*]:

33 (a) Has requested evidence of authorization from the state or territory in which the military
 34 spouse [*or domestic partner*] is authorized; and

35 (b) Is not subject to disciplinary action in that state or territory for a matter related to services
 36 regulated by the board.

37 **SECTION 29.** The amendments to ORS 342.195 and 676.308 by sections 27 and 28 of this
 38 2015 Act become operative January 1, 2017.

39 **SECTION 30.** ORS 743.056 is amended to read:

40 743.056. (1) As used in this section:

41 (a) “Adverse event” means a negative consequence of patient care that is unanticipated, is
 42 usually preventable and results in or presents a significant risk of patient injury.

43 (b) “Claim” means a written demand for restitution for an injury alleged to have been caused
 44 by the medical negligence of a health practitioner or licensed health care facility.

45 (c) “Health practitioner” means a person described in ORS 31.740 (1).

1 (d) "Patient's family" includes:

2 (A) A parent, sibling or child by marriage, blood, adoption or domestic partnership **registered**
3 **under ORS 106.300 to 106.340 as in effect immediately before the effective date of this 2015**
4 **Act.**

5 (B) A foster parent or foster child.

6 (2) An insurer may not decline or refuse to defend or indemnify a health practitioner or a health
7 care facility with respect to a claim, for any reason that is based on:

8 (a) The disclosure to the patient or the patient's family by the health practitioner or facility of
9 an adverse event or information relating to the cause of an adverse event;

10 (b) A notice of adverse health care incident filed under section 2, chapter 5, Oregon Laws 2013;

11 or

12 (c) Participation in a discussion or mediation under section 3 or 5, chapter 5, Oregon Laws 2013.

13 (3) A policy or contract of insurance or indemnity may not include a provision or term excluding
14 or limiting coverage based on:

15 (a) The disclosure to a patient or the patient's family by a health practitioner or facility of an
16 adverse event or information relating to the cause of an adverse event;

17 (b) A notice of adverse health care incident filed under section 2, chapter 5, Oregon Laws 2013;

18 or

19 (c) Participation in a discussion or mediation under section 3 or 5, chapter 5, Oregon Laws 2013.

20 (4) An insurer may establish requirements and policy provisions for coverage of payments of
21 compensation made under section 3, chapter 5, Oregon Laws 2013, or as a result of a mediation
22 under section 5, chapter 5, Oregon Laws 2013. Requirements and policy provisions established under
23 this subsection may not be intended to or have the effect of preventing meaningful participation in
24 discussions and mediations under sections 3 and 5, chapter 5, Oregon Laws 2013.

25 (5) An insurer may not provide or be required to provide information related to an adverse
26 health care incident as defined in section 1, chapter 5, Oregon Laws 2013, for credentialing pur-
27 poses.

28 **SECTION 31.** ORS 743.056, as amended by section 16, chapter 5, Oregon Laws 2013, is amended
29 to read:

30 743.056. (1) As used in this section:

31 (a) "Adverse event" means a negative consequence of patient care that is unanticipated, is
32 usually preventable and results in or presents a significant risk of patient injury.

33 (b) "Claim" means a written demand for restitution for an injury alleged to have been caused
34 by the medical negligence of a health practitioner or licensed health care facility.

35 (c) "Health practitioner" means a person described in ORS 31.740 (1).

36 (d) "Patient's family" includes:

37 (A) A parent, sibling or child by marriage, blood, adoption or domestic partnership **registered**
38 **under ORS 106.300 to 106.340 as in effect immediately before the effective date of this 2015**
39 **Act.**

40 (B) A foster parent or foster child.

41 (2) An insurer may not decline or refuse to defend or indemnify a health practitioner or a health
42 care facility with respect to a claim, for any reason that is based on the disclosure to the patient
43 or the patient's family by the health practitioner or facility of an adverse event or information re-
44 lating to the cause of an adverse event.

45 (3) A policy or contract of insurance or indemnity may not include a provision or term excluding

1 or limiting coverage based on the disclosure to a patient or the patient's family by a health practi-
2 tioner or facility of an adverse event or information relating to the cause of an adverse event.

3 **SECTION 32. ORS 106.300, 106.305, 106.310, 106.315, 106.320, 106.325, 106.330, 106.335 and**
4 **106.340 are repealed.**

5 **SECTION 33. This 2015 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
7 **on its passage.**

8
