



TO: The Oregon House Judiciary Committee
FR: Nancy Haque, Co-Executive Director, Basic Rights Oregon
DA: February 2, 2016
RE: Support for HB 4127 Updating Marriage Statutes

Chair Barker, Members of the Committee, my name is Nancy Haque and I am the Co-Executive Director of Basic Rights Oregon, our state's leading advocacy group working to ensure that all lesbian, gay, bisexual, transgender and queer (LGBTQ) Oregonians experience equality.

Almost two years ago now —on May 19th, 2014—U.S. District Court Judge Michael McShane ruled that gay and lesbian couples in Oregon have the right and the freedom to marry. Since that momentous day, same-sex couples who were previously denied the ability to marry the person they love have now done so. So much joy, so much love, so many happy families. Then right towards the end of our 2015 session and after we passed the first portion of this bill on June 26th the Supreme Court ruled that the freedom to marry is the law of the land.

In fact, with the federal court ending the ban on committed LGBTQ couples marrying here, Oregon had already joined 36 other states plus the District of Columbia that recognize marriage between two loving individuals, regardless of their sexual orientation or gender identity before the Supreme Court ruling. And, as has been true for other states that have extended the freedom to marry to same-sex couples, Oregon now must update and modernize its marriage statutes to reflect this reality. We started this process with HB 2478 in 2015 and now, as we had agreed to, we are returning with the final updates to the marriage statutes. Every state has or will go through a process to update and modernize its marriage statutes to reflect this Constitutional ruling.

As many other states before us have recognized and contended with, a discrepancy now exists between the recognized law of our land—the freedom to marry—and outdated, unenforceable language in our state statutes that still defines marriage as between a husband and wife.

House Bill 4127 updates and modernizes Oregon's marriage statutes to fix this discrepancy, and to reflect that we now recognize the freedom to marry for all loving, committed couples—including same-sex couples.

In short, HB 4127 would amend Oregon's state statutes referring to marriage to be two spouses to ensure all couples who are married in Oregon are covered under the law.

Specific updates contained in HB 2478 include making statutes more gender neutral to reflect that both same-sex and opposite-sex couples can marry.

Specifically HB 4127:

1. Make statutory changes to achieve gender neutral language with respect to individuals who are in a marital partnership.
2. Amend ORS 40.255 to read two individuals rather than husband and wife:
 - a. "Marriage" means a marital relationship between [husband and wife] **two individuals**, legally recognized under the laws of this state. "**Spouse**" means an **individual in a marriage with another individual**.
3. Amend ORS 40.135 to read two individuals rather than husband and wife:
 - a. [A man and woman] **Two individuals** depicting themselves as [husband and wife] **legally married to each other** have entered into a legal contract of marriage.
4. Finally, the bill ensures that the policy of the state is that couples, regardless of whether they are same-sex or different-sex, have the same privileges, immunities, rights, benefits, and responsibilities granted or imposed by statute, administrative or court rule.

While it may sound dry, this bill will have very real positive effects for families by ensuring that our statutes are specific and in line with the law. Thank you for bringing forward this important bill, and I urge your support of HB 4127.