

HB 2032 A STAFF MEASURE SUMMARY

Carrier: Sen. Lieber

Senate Committee On Rules

Action Date: 02/28/23

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Hansell, Knopp, Lieber, Manning Jr, Steiner

Fiscal: Has minimal fiscal impact

Revenue: Revenue impact issued

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Meeting Dates: 2/16, 2/28

WHAT THE MEASURE DOES:

Expands eligibility for domestic partnership under Oregon Family Fairness Act to partners of any sex. Removes language stating domestic partnership statutes do not permit extension of retirement benefit. Removes requirement for retirement plan administrator to reasonably conclude extension of benefit conflicts with condition for tax qualification of plan under Internal Revenue Code regulations.

ISSUES DISCUSSED:

- Creation of a standardized and fair process that equally serves all constituents
- Creation of uniform guidance to employers and couples about domestic partnerships
- Process Public Employees Retirement System undergoes when reviewing extension of benefits

EFFECT OF AMENDMENT:

Removes language stating domestic partnership statutes do not permit extension of retirement benefit. Removes requirement for retirement plan administrator to reasonably conclude extension of benefit conflicts with condition for tax qualification of plan under Internal Revenue Code regulations.

BACKGROUND:

[Chapter 106](#) of Oregon’s revised statutes defines both marriage and domestic partnerships. The Oregon Family Fairness Act was adopted in 2007 and defined a domestic partnership to mean a civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable, and at least one of whom is a resident of Oregon.

After the United States Supreme Court found that marriage equality was a fundamental right guaranteed to all couples based on the Fourteenth Amendment to the United States Constitution, couples of the same sex were entitled to marry to the same extent as couples of the opposite sex. In 2016, the Legislative Assembly adopted House Bill 4127, which established state policy that any privilege, immunity, right, benefit, or responsibility governed by law given to a person because of marriage to a person of the opposite sex applies with equal force to a person who is or was married to a person of the same sex. The measure also adopted gender neutral language in relation to marriage to harmonize Oregon statutes with current law.

House Bill 2032 A expands the eligibility for domestic partnership under the Oregon Family Fairness Act to partners of any sex.