A-Bill for an Act

Relating to domestic partnerships; amending ORS 106.310 and 106.340.

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

SECTION 1. ORS 106.310 is amended to read:

106.310. As used in ORS 106.300 to 106.340 (Oregon Family Fairness Act):

(1) “Domestic partnership” means a civil contract described in ORS 106.300 to 106.340 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.

(2) “Partner” means an individual joined in a domestic partnership.

SECTION 2. ORS 106.340 is amended to read:

106.340. (1) Any privilege, immunity, right or benefit granted by statute, administrative or court rule, policy, common law or any other law to an individual because the individual is or was married, or because the individual is or was an in-law in a specified way to another individual, is granted on equivalent terms, substantive and procedural, to an individual because the individual is or was in a domestic partnership or because the individual is or was, based on a domestic partnership, related in a specified way to another individual.

(2) Any responsibility imposed by statute, administrative or court rule, policy, common law or any other law on an individual because the individual is or was married, or because the individual is or was an in-law in a specified way to another individual, is imposed on equivalent terms, substantive and procedural, on an individual because the individual is or was in a domestic partnership or because the individual is or was, based on a domestic partnership, related in a specified way to another individual.

(3) Any privilege, immunity, right, benefit or responsibility granted or imposed by statute, administrative or court rule, policy, common law or any other law to or on a spouse with respect to a child of either of the spouses is granted or imposed on equivalent terms, substantive and procedural, to or on a partner with respect to a child of either of the partners.

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.

LC 2069
(4) Any privilege, immunity, right, benefit or responsibility granted or imposed by statute, admin-
istrative or court rule, policy, common law or any other law to or on a former or surviving
spouse with respect to a child of either of the spouses is granted or imposed on equivalent terms,
substantive and procedural, to or on a former or surviving partner with respect to a child of either
of the partners.

(5) Many of the laws of this state are intertwined with federal law, and the Legislative Assembly
recognizes that it does not have the jurisdiction to control federal laws or the privileges, immunities,
rights, benefits and responsibilities related to federal laws.

(6) ORS 106.300 to 106.340 do not require [or permit] the extension of any benefit under ORS
chapter 238 or 238A, or under any other retirement, deferred compensation or other employee ben-
etit plan, [if the plan administrator reasonably concludes that the extension of benefits would conflict
with a condition for tax qualification of the plan, or a condition for other favorable tax treatment of
the plan, under the Internal Revenue Code or regulations adopted under the Internal Revenue Code.]

(7) ORS 106.300 to 106.340 do not require the extension of any benefit under any employee
benefit plan that is subject to federal regulation under the Employee Retirement Income Security

(8) For purposes of administering Oregon tax laws, partners in a domestic partnership, surviving
partners in a domestic partnership and the children of partners in a domestic partnership have the
same privileges, immunities, rights, benefits and responsibilities as are granted to or imposed on
spouses in a marriage, surviving spouses and their children.