

Senate Bill 799

Sponsored by Senator GEORGE; Representative SUMNER

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**.

Declares that same-sex marriages are against public policy of state. Declares that same-sex marriages entered into in other jurisdictions are not recognized by state. Declares that recognition or extension by state of specific statutory benefits of marriage to nonmarital relationships, including civil unions, is against public policy of state. Makes other declarations regarding same-sex marriages.

A BILL FOR AN ACT

1
2 Relating to marriage; creating new provisions; and amending ORS 106.010.

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

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

5 106.010. (1) Marriage is a civil contract entered into in person [*by males*] **between one man** at
6 least 17 years of age and [*females*] **one woman** at least 17 years of age, who are otherwise capable,
7 and solemnized in accordance with ORS 106.150.

8 **(2)(a) Any marriage between persons of the same sex is against the strong public policy**
9 **of this state. Any marriage between persons of the same sex has no legal force or effect in**
10 **this state and, if attempted to be entered into in this state, is void ab initio and is not re-**
11 **cognized by this state.**

12 **(b) Any marriage entered into by persons of the same sex in any other jurisdiction is**
13 **considered and treated in all respects as having no legal force or effect in this state and is**
14 **not recognized by this state.**

15 **(3)(a) Except as provided in ORS 656.226, the recognition or extension by a public body**
16 **of this state of the statutory benefits of marriage to nonmarital relationships between per-**
17 **sons of the same sex or different sexes is against the strong public policy of this state. Any**
18 **public act, record or judicial proceeding of a public body of this state that extends the stat-**
19 **utory benefits of marriage to nonmarital relationships between persons of the same sex or**
20 **different sexes is void ab initio.**

21 **(b) Any public act, record or judicial proceeding of any other state or country or other**
22 **jurisdiction outside this state that extends the statutory benefits of marriage to nonmarital**
23 **relationships between persons of the same sex or different sexes is considered and treated**
24 **in all respects as having no legal force or effect in this state and is not recognized in this**
25 **state.**

26 **(c) Nothing in this subsection may be construed to:**

27 **(A) Prohibit the extension of statutory benefits otherwise enjoyed by all persons, married**
28 **or unmarried, to nonmarital relationships between persons of the same sex or different**
29 **sexes, including the extension of benefits conferred by any statute that is not expressly**
30 **limited to married persons; or**

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 **(B) Affect the validity of private agreements that are otherwise valid under the laws of**
2 **this state.**

3 **SECTION 2. (1) The Legislative Assembly declares and reaffirms this state’s historical**
4 **commitment to the institution of marriage as a union between one man and one woman as**
5 **husband and wife.**

6 **(2) The Legislative Assembly declares its intent to define marriage and clarify that re-**
7 **lationships that are intended as substitutes for marriage, including but not limited to “civil**
8 **unions” as provided for in Vt. Stat. Ann. tit. 15, 1202 (2004), are not recognized in this state.**
9 **It is not the intent of the Legislative Assembly to prohibit the extension of specific benefits**
10 **otherwise enjoyed by all persons, married or unmarried, to nonmarital relationships between**
11 **persons of the same sex or different sexes.**

12 **(3) The Legislative Assembly declares its intent not to make substantive changes in the**
13 **law of this state that is in effect on the day before the effective date of this 2005 Act with**
14 **respect to the validity of marriages occurring within this state before the effective date of**
15 **this 2005 Act.**

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