

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON FAMILY LAW

June 4, 1997 Hearing Room 357

3:15 P.M. Tapes 101 - 102

MEMBERS PRESENT:

Rep. Ron Sunseri, Chair

Rep. George Eighmey, Vice-Chair

Rep. Roger Beyer

Rep. Charles Starr

Rep. Judy Uherbelau

MEMBER EXCUSED:

Rep. Peter Courtney

STAFF PRESENT:

William E. Taylor, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD:

SB 577A - Invited Testimony, Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
Tape 101, A		
003	Chair Sunseri	Calls the meeting to order at 4:21 p.m.
<u>SB 577A - PUBLIC HEARING AND WORK SESSION</u>		
	Chair	

004	Sunseri	Opens a public hearing and work session on SB 577A.
008	Sen. Marylin Shannon	District #15. Testifies in support as a Co-Sponsor of SB 577A and presents written testimony (EXHIBIT A).
058	Sen. Shannon	Continues testimony.
106	Rep. Uherbelau	Asks for reasons behind the measure being created? I don't feel there is any necessity in enacting this measure.
113	Sen. Shannon	Gives intent behind SB 577A.
132	Rep. Uherbelau	I am conversant with the Full Faith and Credit doctrine. No state has found that same-sex marriages are legal in their state. It seems we're rushing to enact a measure about something that might or might not occur in the future.
140	Sen. Shannon	Responds by stating anticipated Supreme Court action in Hawaii. Gives example.
158	Rep. Uherbelau	I would disagree with your legal interpretation from the Internet.
161	Rep. Shannon	I have read legal journals.
163	Rep. Eighmey	I believe you to support "traditional" marriages. You stated that Oregon's marriage laws should not be in any way dictated by other states and that we have a certain way of getting married in this state.
169	Sen. Shannon	"Oregon should decide what our marriage laws are going to be." If we want same-sex marriages, a measure should be introduced and enacted or placed on the ballot.
172	Rep. Eighmey	"Should we in fact not allow other states that would have laws that we find impugnable to impose those laws on us with regards to marriage, specifically to marriage?"
177	Sen. Shannon	Oregon has the right to set a public policy of what will or will not be accepted in marriages from other states. Our legislators in their wisdom have made it a policy to only say we will not accept marriages of incest.
183	Rep. Eighmey	Do you know that in the state of Oregon there are laws that prohibit anyone closer than a first cousin from getting married?
186	Sen. Shannon	Yes, but an uncle cannot marry his niece nor an aunt marry her nephew.
188	Rep. Eighmey	Did you know that in the state of Massachusetts that a fourteen year old boy can marry a twelve year old girl?
191	Sen. Shannon	Oregon would have to recognize the Massachusetts's marriage.
	Rep.	

193	Eighmey	Do you find that to be acceptable?
194	Sen. Shannon	"If it is unacceptable to you then you could introduce a priority bill and we would have to deal with it."
196	Rep. Eighmey	Would you support prohibiting that type of marriage like our Massachusetts example in Oregon?
197	Sen. Shannon	Probably.
198	Rep. Eighmey	Would you prohibit a seventeen year old boy and a fifteen year old girl from being married?
200	Sen. Shannon	"Probably not that is how old my parents were."
203	Rep. Eighmey	Would you prohibit first cousins who are able to produce, or first cousins who are unable to produce children from getting married?
204	Sen. Shannon	"I don't have to deal with that. It is already the law."
205	Rep. Eighmey	Oregon must recognize a marriage from another state.
206	Sen. Shannon	"No, we don't."
209	Rep. Eighmey	We don't?
210	Sen. Shannon	"First cousins is incest. Isn't that what you said."
212	Rep. Eighmey	Oregon must recognize marriages that are valid in other states even if they are prohibited in Oregon.
213	Sen. Shannon	"Except marriages of incest."
214	Rep. Eighmey	Incorrect. First cousins over the age of fifty-five are able to be married and who are not reproductive are recognized in the states of Arizona, Illinois, and Indiana. Oregon must recognize those marriages under the Full Faith and Credit laws of the US Constitution. Would you work with me in making certain that these marriages are really prohibited in this state?
215	Sen. Shannon	I doubt it.
218	Rep. Eighmey	Sen. Shannon, you stated that this measure is not a gratuitous assault and that you would work arm and arm to defend the rights of individuals. "Would you work arm and arm with me to deny (and I agree with you) same-sex marriages in this state but provide those same rights as everyone else has?"
	Sen.	

226	Shannon	"I believe they have them under the 14th Amendment."
227	Rep. Eighmey	I have the right under the 14th Amendment?
228	Sen. Shannon	Yes.
229	Rep. Eighmey	"Too marry?"
230	Sen. Shannon	"I thought you were talking about other rights."
231	Rep. Eighmey	"Okay, other rights? Do I have the right to file a joint tax return with my partner?"
233	Sen. Shannon	"I am not an expert on all the laws. But I believe that you can go and have a legal contract drawn up so that you will be a legal partner with whomever you want to be a legal partner. I don't think anything prevents legal partnerships in Oregon."
238	Rep. Eighmey	Can I have my partner under my health insurance plan?
239	Sen. Shannon	"I don't believe that people who are not married should (it's just my own opinion) but I wouldn't mandate to insurance companies that they insure everybody's roommate."
241	Rep. Eighmey	You mandate them for your husband and for you.
243	Sen. Shannon	"Of course, my husband is bound to provide for me."
244	Rep. Eighmey	I am bound to provide for my partner.
245	Sen. Shannon	"Well, if you have a contract then."
248	Lauren Houston Gevurtz	Citizen, Portland Testifies in opposition of SB 577A and presents written testimony (EXHIBIT B) .
298	L. Houston Gevurtz	Continues testimony.
333	Rep. JoAnn Bowman	District #19. Testifies in opposition to SB 577A. >need to defend marriages between loving and caring persons
383	Rep. Bowman	Continues testimony.
433	Rep. Bowman	Continues testimony.

460	Terri Gevurtz	Citizen, Portland Testifies in opposition of SB 577A and presents written testimony (EXHIBIT C) .
Tape 102, A		
035	T. Gevurtz	Continues testimony.
092	John Weston	<p>Citizen, Professor emeritus in English and Religious Studies - California State University in Los Angeles, Author, Member of Lake Oswego Arts Commission and Festival of the Arts Commission, Director/Curator of Lake Oswego Visual Chronicle</p> <p>Testifies in opposition of SB 577A.</p> <p>You have heard, or will hear, four baseless arguments which in reality are arguments against homosexuality disguised as defenses of family tradition:</p> <ul style="list-style-type: none"> >homosexuals have no rights in the first place >homosexuals can not understand what real love is >homosexuals can not possibly participate in a healthy family life >homosexuals can get over it and pretend to be straight <p>Whether inspired by ignorance or malicious, all four above ascertains are false.</p> <p>There are three reasons for marrying:</p> <ul style="list-style-type: none"> >to have a legally recognized ceremony >to have legal rights as to properties >to have legal rights as all citizens should be entitled to <p>Can this seem like anything but discrimination and prejudice. Is this august house to be noted for intolerance and bias or might it be remembered for it's willingness to govern with equal reverence for all Oregon citizens.</p>
144	Jim McBroom	<p>Citizen, Real Estate Broker and Builder</p> <p>Testifies in opposition of SB 577A.</p> <p>Shares personal views on same-sex marriages.</p>
		Plaintiff Civil Rights Attorney

199	Vance Day	Testifies in support of SB 577A. Shares action taken in Hawaii with regards to same-sex marriages.
249	Day	Continues testimony. Shares comments on two legal principles: 1) Would SB 577A violate the Full Faith and Credit clause of the US Constitution?, and 2) Does SB 577A violate the equal protection clause the US Constitution?
299	Day	Continues testimony. Shares comments on ORS 106.020.
326	Rep. Uherbelau	What would be so threatening to you personally, if say, Hawaii did authorized same-sex marriages, the couple returned to Oregon, and the state of Oregon had to recognize the marriage?
335	Day	When I do a constitutional analysis, I don't consider whether I would be personally threatened. My basis is how SB 577A relates to the Full Faith and Credit Act and to what the US Supreme Court has stated. I personally don't feel threatened.
346	Rep. Uherbelau	Do you, personally, have a stand on this measure?
347	Day	As an attorney, I believe that SB 577A does not violate equal protection clause nor will SB 577A violate the Full Faith and Credit Law. I personally feel Oregon needs to take a stand with regards to defining "marriage."
352	Rep. Uherbelau	"Hasn't that been already done in the statute before us pending?"
355	Day	The statute has taken a stand as to what will be prohibited under ORS 106.020 in particular subsections (1) and (2). The statute does not address same-sex marriages. That was the basis of my analysis under the Full Faith and Credit Act, when it comes to seeing whether Hawaii's law would have to be enforced here in Oregon. I think same-sex marriages would be enforced because marriage has not been defined in the terms that Hawaii is placing the issue in.
362	Chair Sunseri	Could you make your notes available to the Subcommittee Counsel?
366	Day	I can provide the cases cited in my testimony to the subcommittee.
369	Rep. Eighmey	Have you ever heard of this state or any person challenging a first cousin marriage in another state?
374	Day	No.
376	Rep. Eighmey	Would you agree, however, that in a marriage between a 14 year old boy and a 12 year old girl that is recognized in the state of Massachusetts, that Oregon would have to recognized that marriage.

385	Day	I would not agree that Oregon would have to recognize the marriage between a 14 year old boy and a 12 year old girl per the statute on point, ORS 106.010. Gives example.
400	Rep. Eighmey	Other constitutional lawyers would state the opposite of your conclusions.
419	Keith Churilla	Pastor, President of the Greater Salem Association of Evangelicals Testifies in support of SB 577A and presents written testimony (EXHIBIT D) .
469	Churilla	Continues testimony.
Tape 101, B		
035	Churilla	Continues testimony.
074	Rep. Uherbelau	You stated that there is a breakdown of our marriages. Gives example. I don't believe that the breakdown of marriages is due to the sex of people who are married. What would you think if the state of Oregon stepped in and said that Oregon would only recognize one marriage per person?
087	Churilla	I couldn't advocate a position.
091	Rep. Uherbelau	You stated that a homosexual union was unnatural because they can't conceive children but there are male and female relationships that can't conceive. Are those unions also unnatural?
094	Churilla	No.
096	Suzanne Cook	Citizen. Testifies in support of SB 577A and presents written testimony (EXHIBIT E) .
146	Cook	Continues testimony.
179	Michael Howden	Executive Director, Oregon Center for Family Policy Testifies in support of SB 577A and presents written testimony (EXHIBIT F) .
229	Howden	Continues testimony.
279	Howden	Continues testimony.
301	Bonnie Tinker	Director of Love Makes a Family, Inc., Member of Religious Society of Friends - Quakers, and as a Co-Chairperson of Oregon Freedom to Marry Coalition Testifies in opposition to SB 577A and presents articles/documents (EXHIBIT G) .
351	Tinker	Continues testimony.
401	Tinker	Continues testimony.
451	Tinker	Continues testimony.

Tape 102, B		
033	Tinker	Continues testimony.
045	Roy A. Cole	Pastor at Metropolitan Community Church of Portland Testifies in opposition of SB 577A and presents written testimony (EXHIBIT H) .
085	Candance D. Steele	Citizen, Jackson County Testifies in opposition of SB 577A and presents written testimony (EXHIBIT I) .
135	Steele	Continues testimony.
185	Chair Sunseri	Closes the public hearing on SB 577A. Adjourns the meeting at 5:55 p.m.

Submitted by, Reviewed by,

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - SB 577A, written testimony, Sen. Marylin Shannon, 5 pages.

B - SB 577A, written testimony, Lauren Houston Gevurtz, 2 pages.

C - SB 577A, written testimony, Terri Gevurtz, 2 pages.

D - SB 577A, written testimony, Keith Churilla, 4 pages.

E - SB 577A, written testimony, Suzanne Cook, 2 pages.

F - SB 577A, written testimony, Michael Howden, 17 pages.

G - SB 577A, written testimony, Bonnie Tinker, 8 pages.

H - SB 577A, written testimony, Roy Cole, 2 pages.

I - SB 577A, written testimony, Candance Steele, 2 pages.

J - SB 577A, written testimony, Donna Zenobia-Saffir, 1 page.

K - SB 577A, written testimony, Lois Kenagy, 2 pages.

L - SB 577A, written testimony, Arthur J. Saffir, 1 page.