

Governor set to OK state civil unions

May 03, 2007

By [James Sinks](#) / *The Bulletin*

SALEM - Oregon will join the growing list of states that extend marriagelike rights to same-sex couples, under a landmark bill that earned final legislative approval Wednesday.

With jubilant advocates for gays and lesbians watching from the gallery above, the Oregon Senate debated and then endorsed the creation of domestic partnerships, which would extend to same-sex couples most of the rights and responsibilities afforded married people under Oregon law.

The bill passed 21-9, with all of the chamber's Democrats and two Republicans voting in favor.

"This is a giant step forward for gays and lesbians in Oregon," said Senate Majority Leader Kate Brown, D-Portland, who is now married but previously considered herself a bisexual.

To obtain rights, same-sex couples would need to file with county clerk offices and obtain certificates of domestic partnership. Both partners would need to be at least 18, and one would need to be an Oregon resident.

Couples would then qualify for spousal benefits, such as the automatic inheritance of a partner's estate and the ability to file joint state tax returns. The state law would not extend any of the benefits under federal law and would not be recognized in other states.

Couples that want to end a domestic partnership would need to get divorced, and then could owe alimony and child support.

The legislation — part of a two-bill gay rights package — has already passed the House, and both bills will be signed into law by Gov. Ted Kulongoski in a public ceremony next week, according to the governor's office.

The other bill makes it illegal to discriminate against somebody based on their sexual orientation.

Although critics say the new partnership status is "same-sex marriage by a different name," the legislature's lawyers say the bill was constructed so that it does not violate a Constitutional ban on same-sex marriage passed by voters in 2004.

Measure 36 said "only a marriage between one man and one woman shall be valid or legally recognized as a marriage."

Opposition

That legal distinction isn't enough to mollify opponents, however, who say voters might get the final word on both bills.

"There are tens of thousands of Oregonians who are offended that legislators and the governor could undo the will of one million people," said Marilyn Shannon, a former legislator from Marion County.

A meeting is set for today to start putting together a coalition to refer the law to the ballot and try to overturn it, she said. It would take just over 55,000 signatures per law to refer them to voters.

A referendum would put the laws in limbo until November 2008.

The Oregon Family Council, which led the successful campaign to ban same-sex marriage, won't participate in a referendum, lobbyist Nick Graham said Tuesday.

Lawmakers addressed that group's critiques, such as ensuring civil unions could not be solemnized by a minister, he said.

"We would encourage folks to support a referendum, but we would not be actively involved," he said.

While gay rights organizations in Oregon and nationally trumpeted the passage of House Bill 2007 on Tuesday, the potential of domestic partnerships leaves some couples with mixed feelings.

At the Capitol, an Nathaline Frener of Eugene rushed out of the Senate with her cell phone on her ear, calling her 8-year-old son first, then her partner.

"It's exciting, but it's bittersweet," she said. "Ultimately we want to be treated like everybody else."

Becky Plassmann, of Bend, said in a telephone interview Tuesday that, while she is thrilled that lawmakers passed endorsed legal status for gays and lesbians, she is not sure whether she'll seek the status.

"It's a step in the right direction and I'd like to congratulate everybody who did such a good job," she said. "But I am really looking forward to the day when we have access to full marriage rights, because almost equal is not the same as equal."

Plassmann and her partner, Dorothy Leman, were married in Canada, and in 2003, were the first same-sex couple to run their marriage photo in the nuptials announcements in The Bulletin.

But that Canadian marriage is not recognized in Oregon — so there will be some temptation to get a domestic partnership in order to get marriagelike rights, she said.

"It is hard to swallow because it would really be acknowledging second-class citizenship, even though it is a step in the right direction."

But for lawmakers who have tried to pass some kind of legal recognition, the vote was momentous.

"A part of me wants to jump with joy and scream," said Sen. Ben Westlund, D-Tumalo, who supported Measure 36 in 2004 but then helped lead a doomed effort in 2005 to provide an alternative of civil unions.

"This chamber and the chamber to the west finally have the political will and courage to afford basic civil rights to all of our citizens," he said.

Just one opponent spoke during the floor debate. Sen. Roger Beyer, R-Molalla, said the legislation will change much of the state's lawbooks — but the exact modifications weren't spelled out to lawmakers in a 10-page bill. "I don't even know what I'm voting no on," he said.

You could tell that a noteworthy vote was about to happen because, as the Senate debate wound down, the upstairs gallery began to fill up.

Lobbyists, staffers, former Gov. Barbara Roberts and even state Treasurer Randall Edwards witnessed the floor vote. "This is historic," Edwards whispered.

If the bills are not referred to the ballot, both would go into effect in January.

Mike Hollern, the chief executive of Bend-based Brooks Resources, said Tuesday the passage of the gay-rights bills isn't just about ensuring fairness, which is a good thing, but it will help keep Oregon competitive in the job market.

"Young, bright and creative people will be attracted to communities, states and neighborhoods, that have antidiscrimination laws and allowances for same sex marriages or civil unions," he said in a telephone interview. "The passage of these laws removes an impediment to Oregon's future economic growth."

Julia Brim-Edwards, the lobbyist for Nike, who attended the Senate vote and a celebration afterward, said the state's only Fortune 500 company has supported the bills and will help oppose any effort to overturn them.

"We view diversity as a strength," she said.

According to the National Gay and Lesbian Task Force, Oregon becomes the seventh state to approve robust rights for same-sex couples, joining Massachusetts, Vermont, Connecticut, New Jersey, California and New Hampshire, where a bill is awaiting the governor's signature.

There are limited domestic partnership laws in Maine and Washington state, the group said in a press release celebrating Tuesday's passage.

Hawaii also offers a domestic registry that grants some rights to both same-sex and opposite-sex couples.

Becky Groves, the president of the Central Oregon chapter of Parents, Families and Friends of Lesbians and Gays, said the pursuit of some kind of legal rights for same-sex couples has been an emotional roller-coaster for the past three years.

She is heterosexual and married and has a son who is gay.

"It may be a while before same-sex couples are granted full marriage rights, but we won't give up hope," Groves said. "Domestic partnerships are a lot better than what we had before, which is nothing, and as the parent of a gay son I'm glad he can have the same rights as his sisters."