

House Bill 2767

Sponsored by Representatives SCHOUTEN, PILUSO, Senator GELSER; Representatives NERON, SOLLMAN

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**.

Modifies description of marriage. Increases minimum legal marriageable age to 18 years of age.

A BILL FOR AN ACT

1
2 Relating to marriage; amending ORS 106.010, 106.041, 106.050 and 125.315; and repealing ORS
3 106.060.

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

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

6 106.010. Marriage is a civil contract entered into in person by [*males*] **two persons who are**
7 at least [*17*] **18** years of age and [*females at least 17 years of age, who are otherwise capable, and*]
8 solemnized in accordance with ORS 106.150.

9 **SECTION 2.** ORS 106.041 is amended to read:

10 106.041. (1) All persons wishing to enter into a marriage contract shall obtain a marriage license
11 from the county clerk upon application, directed to any person, religious organization or congre-
12 gation, or secular organization, authorized by ORS 106.120 to solemnize marriages, and authorizing
13 the person, religious organization or congregation, or secular organization, to join together as
14 spouses in a marriage the persons named in the license.

15 (2) The State Registrar of the Center for Health Statistics shall provide a standard form of the
16 application, license and record of marriage to be used in this state that must include:

17 (a) Each applicant's Social Security number recorded on a confidential portion of the applica-
18 tion, license and record of marriage;

19 (b) Certain statistical data regarding age, place of birth, sex, occupation, residence and previous
20 marital status of each applicant;

21 (c) The name and address of the affiant under ORS 106.050, if required; and

22 (d) Each applicant's name after marriage as provided in ORS 106.220.

23 (3) The form of application, license and record provided by the state registrar under subsection
24 (2) of this section may not require an address for any religious organization or congregation au-
25 thorized by ORS 106.120 to solemnize marriages.

26 (4) Each applicant for a marriage license shall file with the county clerk from whom the mar-
27 riage license is sought a written application for the license on forms prescribed for this purpose by
28 the Center for Health Statistics.

29 (5) A marriage license must contain the following statement: "Neither you nor your spouse is
30 the property of the other. The laws of the State of Oregon affirm your right to enter into marriage
31 and at the same time to live within the marriage free from violence and abuse."

32 (6) An applicant may not intentionally make a material false statement in the records required

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 by this section.

2 (7) The county clerk may not issue a marriage license until the provisions of this section and
 3 ORS 106.050 [and 106.060] are complied with.

4 **SECTION 3.** ORS 106.050 is amended to read:

5 106.050. [(1)] The county clerk may accept any reasonable proof of the applicant’s age satisfac-
 6 tory to the clerk. The clerk may require proof of age by affidavit of some person other than either
 7 of the parties seeking the license if the clerk deems it necessary in order to determine the age of
 8 an applicant to the clerk’s satisfaction.

9 [(2) *If an applicant for a marriage license is less than 18 years of age, the applicant must file with*
 10 *the county clerk an affidavit of some person other than either of the parties seeking the license showing*
 11 *the facts other than age necessary to be shown under ORS 106.060 in the particular case, except the*
 12 *consent of the parent or guardian required by ORS 106.060 shall not be part of the affidavit. The af-*
 13 *fidavit is sufficient authority to the clerk, so far as the facts stated therein, for issuing the license.*]

14 **SECTION 4. ORS 106.060 is repealed.**

15 **SECTION 5.** ORS 125.315 is amended to read:

16 125.315. (1) A guardian has the following powers and duties:

17 (a) Except to the extent of any limitation under the order of appointment, the guardian has
 18 custody of the protected person and may establish the protected person’s place of abode within or
 19 without this state.

20 (b) The guardian shall provide for the care, comfort and maintenance of the protected person
 21 and, whenever appropriate, shall arrange for training and education of the protected person.
 22 Without regard to custodial rights of the protected person, the guardian shall take reasonable care
 23 of the person’s clothing, furniture and other personal effects unless a conservator has been ap-
 24 pointed for the protected person.

25 (c) Subject to the provisions of ORS 127.505 to 127.660 and subsection (3) of this section, the
 26 guardian may consent, refuse consent or withhold or withdraw consent to health care, as defined in
 27 ORS 127.505, for the protected person. A guardian is not liable solely by reason of consent under
 28 this paragraph for any injury to the protected person resulting from the negligence or acts of third
 29 persons.

30 (d) The guardian may:

31 (A) Make advance funeral and burial arrangements;

32 (B) Subject to the provisions of ORS 97.130, control the disposition of the remains of the pro-
 33 tected person; and

34 (C) Subject to the provisions of ORS 97.965, make an anatomical gift of all or any part of the
 35 body of the protected person.

36 (e) The guardian of a minor has the powers and responsibilities of a parent who has legal cus-
 37 tody of a child, except that the guardian has no obligation to support the minor beyond the support
 38 that can be provided from the estate of the minor, and the guardian is not liable for the torts of the
 39 minor. The guardian may consent to the [marriage or] adoption of a protected person who is a mi-
 40 nor.

41 (f) Subject to the provisions of ORS 125.320 (2), the guardian may receive money and personal
 42 property deliverable to the protected person and apply the money and property for support, care and
 43 education of the protected person. The guardian shall exercise care to conserve any excess for the
 44 protected person’s needs.

45 (2) If a conservator has been appointed for the protected person, the guardian may file a motion

1 with the court seeking an order of the court on the duties of the conservator relating to payment
2 of support for the protected person.

3 (3) A guardian may consent to the withholding or withdrawing of artificially administered nu-
4 trition and hydration for a protected person only under the circumstances described in ORS 127.580
5 (1)(a), (b), (d), (e) or (f) and, if the protected person has a medical condition specified in ORS 127.580
6 (1)(b), (d), (e) or (f), the condition has been medically confirmed.

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