

# EQUALITY

## FROM STATE TO STATE

Gay, Lesbian, Bisexual and Transgender Americans  
and State Legislation

2004



HUMAN  
RIGHTS  
CAMPAIGN  
FOUNDATION®

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## **Acknowledgements**

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Equality from State to State:  
Gay, Lesbian, Bisexual and Transgender Americans  
and State Legislation in 2004

*A Report by the Human Rights Campaign  
December 2004*

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# 1. Introduction

Dear Readers,

*Equality from State to State*, the Human Rights Campaign's annual state legislative report, has both heartbreaking and heartwarming news. Thirteen states passed constitutional amendments this year that ban marriage and, in many cases, civil unions, domestic partnership laws and other legal arrangements between same-sex couples. This year was a somber one for millions of gay, lesbian, bisexual and transgender families nationwide.

But there's also a brighter side. In 15 states, attempts to add discrimination to the state constitution died or failed in the legislature in 2004. Thoughtful discussions in statehouses nationwide led legislators to reject these bans. Further, while some political leaders attempted to divide the electorate with discrimination, state legislators also introduced some 160 bills this year to promote equality for all people regardless of their sexual orientation and, in most cases, gender identity or expression.

Several of these bills passed — the addition of gender identity and expression to Connecticut's hate crimes law, the right of domestic partners to visit one another in New York health care facilities and the establishment of statewide domestic partner registries and other partnership rights in Maine and New Jersey, to name a few.

Along with GLBT Americans and our allies across the country, I watched many Massachusetts lawmakers stand up for fairness as the Legislature there considered adding a discriminatory marriage amendment to the state constitution. While the amendment narrowly passed, it must be voted on again during the 2005-2006 session and under the leadership of the MassEquality Coalition, I am confident it can be defeated.

I also saw extraordinary acts of courage and leadership by fair-minded legislators in other states who took principled stands against putting discrimination in their state constitutions. We are proud to highlight some of these legislators throughout this publication.

Working behind the scenes and in the foreground, state GLBT organizations stepped up to the plate and invested extraordinary resources, both financial and human, to educate legislators and their fellow citizens about GLBT issues. To the legislators, state leaders, GLBT individuals and families and our allies who stood against those seeking to enshrine discrimination in state constitutions and promote inequality under the law I offer the deepest thanks from a grateful community. It is the voice of every one of you that will bring us equality.

We at HRC will proudly continue our work for equality at the state level. In 2004, this work took the form of grants, as well as strategic and legislative involvement on key measures. In total, HRC provided almost \$1.6 million directly to state GLBT organizations and ballot campaigns.

For example, in Maine, HRC was proud to help draft a bill — that later became law — establishing a statewide domestic partner registry and extending several important rights to domestic partners. Supporting Equality Maine through this two-year process, HRC sent action alerts and trained citizen activists. We also provided technical assistance to the state group such as compiling polling research and developing a press strategy.

HRC was also honored to send staff to fight amendments at various stages in several states, including Georgia, Louisiana, Ohio and Oregon. While these measures succeeded, exit polls showed that more Americans than ever before support legal protections for same-sex couples.

As we look to the 2005 legislative year, we must remain committed to continuing conversations with our families, friends, neighbors, co-workers and elected officials. These conversations serve to educate and enlighten our fellow citizens about the many ways that the law unfairly denies GLBT people and our families protections that other tax-paying American families take for granted.

So to all of you reading this report, I ask you to join with HRC and state and local GLBT groups in seeking fairness for all Americans. Until every state treats its GLBT citizens with dignity, respect and equality under the law, our work as a community will not be done.

Sincerely,



Seth Kilbourn  
*National Field Director*

## 2. Executive Summary

State lawmakers across the country spent more time than ever before debating legislation affecting the lives of gay, lesbian, bisexual and transgender Americans and their families. During 2004, there were nearly 300 GLBT-related bills introduced in state capitols.

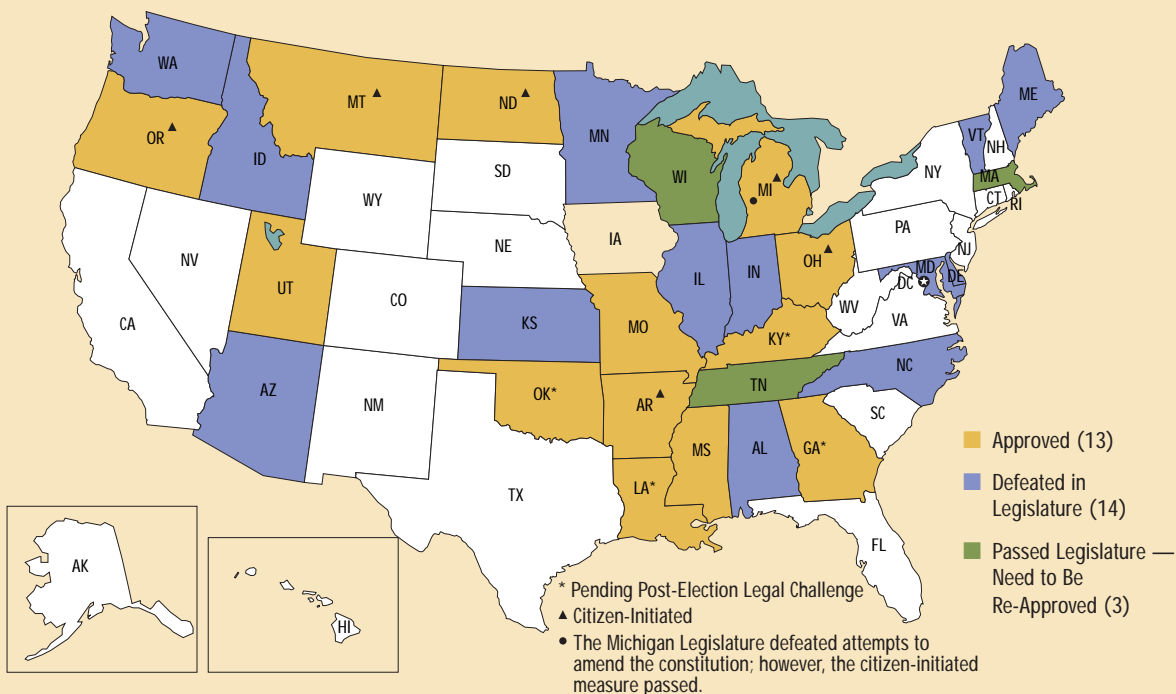
Those bills that drew the most attention in 2004 centered on issues of marriage and relationship recognition for same-sex couples. More than 100 marriage-related bills were introduced in 40 states. Ninety-two percent of these bills were intended to restrict marriage and other civil rights for same-sex couples. Despite the dominance of marriage-related bills, approximately 175 measures were introduced in other areas affecting GLBT Americans. This report examines legislation in the areas of marriage, anti-discrimination, hate crimes, other relationship recognition (i.e. civil unions, domestic

partnerships and other rights for same-sex couples), parenting and education/schools.

Discriminatory marriage amendments were introduced in 25 states, 15 of which defeated them in the legislature. Three of the 10 state legislatures that approved measures — Massachusetts, Tennessee and Wisconsin — must approve them again during the next legislative session and if passed, send them to the voters for approval. Seven state legislatures passed constitutional amendments and referred them to the voters in 2004. All of these amendments were approved. The margins of approval

4

**Proposed State Constitutional Amendments Limiting Marriage in 2004**  
As of Nov. 3, 2004



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ranged from a low of 57 percent in Oregon to a high of 86 percent in Mississippi. In addition to these legislative referrals, six citizen-initiated attempts to amend state constitutions to prohibit marriage for same-sex couples were also approved by voters.<sup>1</sup>

In summary, only 3 states had provisions in their constitutions barring marriage for same-sex couples in early 2004. By year end, 16 states had such provisions.<sup>2</sup>

Although the marriage issue dominated the agendas of most state legislatures, a few states managed to pass measures in other areas that affect GLBT individuals, couples and their families. Maine and New Jersey enacted laws that created statewide domestic partner registries and extended several rights to registered couples. New York extended the right of hospital visitation to domestic partners. Connecticut passed a measure adding gender identity and expression to its statewide hate crimes law, making it the eighth state to include hate crime protections for transgender individuals.

Unfortunately, not all of the non-marriage measures were positive. The Oklahoma Legislature passed a mean-spirited law that purports to deny state recognition of adoptions from other states in which both parents are of the same sex.

## Key Findings:

### Marriage-Related

- ▶ Twenty states introduced resolutions urging Congress to pass a federal constitutional amendment to prohibit marriage for same-sex couples. Two passed (in Alabama and Virginia).

- ▶ Two jurisdictions passed resolutions urging Congress to defeat the Federal Marriage Amendment (California and the District of Columbia).
- ▶ Twenty-five states introduced legislation to amend the state constitution to prohibit the performance and/or recognition of marriages between same-sex couples and, in some cases, civil unions, domestic partnerships and other forms of relationship recognition.

States where an amendment was introduced: 25

States where an amendment died or was defeated: 15

States where the legislature passed an amendment and must re-approve it before sending it to voters: 3

States where an amendment passed and was approved by voters: 7

States where citizen-initiated constitutional amendments were approved by voters: 6

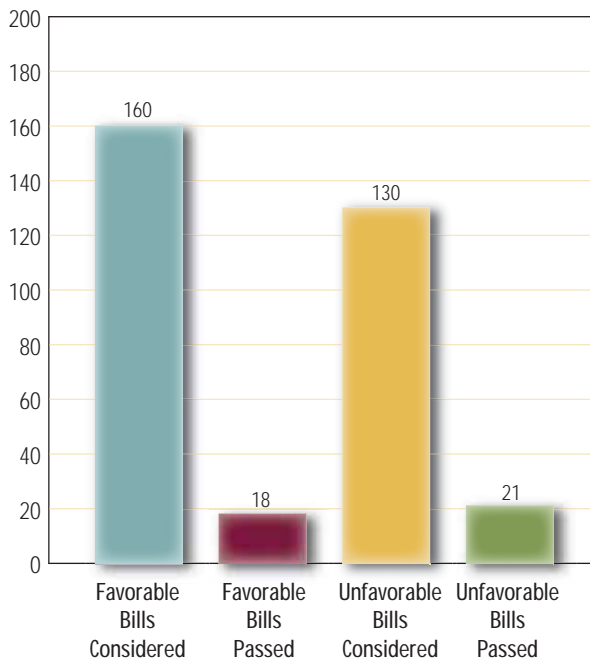
- ▶ Fifteen states introduced or carried over 2003 legislation declaring or reaffirming that marriage (and other similar relationships or arrangements) between same-sex couples will not occur or be honored in the state. Measures became law in New Hampshire, Ohio, Oklahoma, Utah and Virginia during 2004.
- ▶ Five states introduced or carried over 2003 legislation permitting same-sex couples to marry. None of these measures became law.

### Other GLBT-Related Legislation (Non-Marriage)

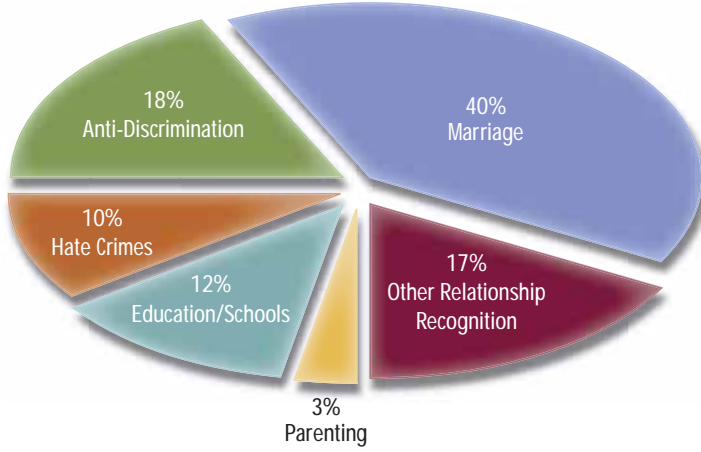
- ▶ Of the 160 favorable bills introduced in 2004, 151 were in the areas of: anti-discrimination (44), hate crimes (29), other relationship recognition (45), parenting (two) and education/schools (31). Sixteen of these favorable measures passed. For a state-by-state listing of these measures, see Appendices A and B, pages 22-25.
- ▶ Twenty-five of the 130 unfavorable bills introduced in 2004 were in the areas of: anti-discrimination (eight), hate crimes (one), relationship recognition (three), parenting (eight) and education/schools (five); two of these unfavorable non-marriage measures passed. For a state-by-state listing of these measures, see Appendices A and B, pages 22-25.

For a summary and final status of the nearly 300 GLBT-related bills, see Appendix C, beginning on page 26.

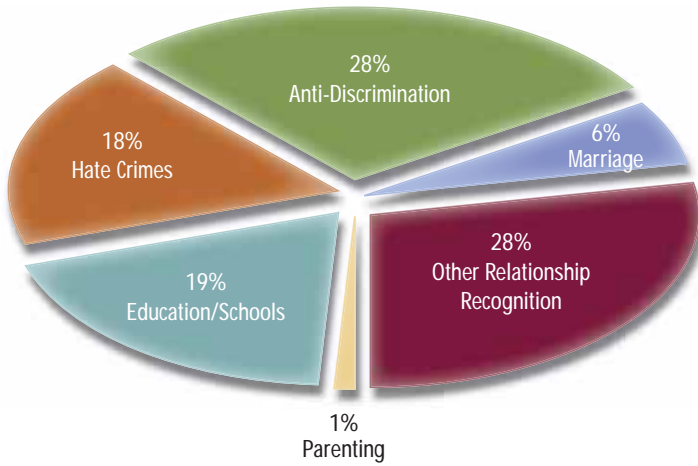
### Comparison of 2004 Bills Introduced and Passed



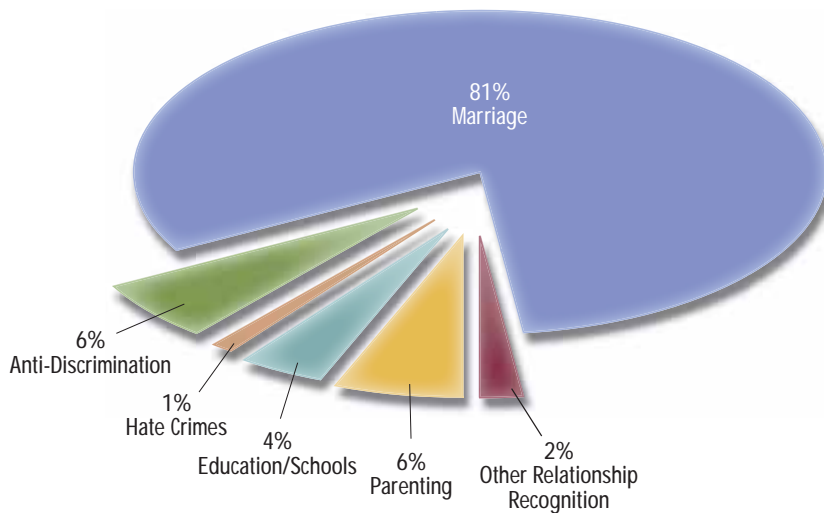
Percentage of All 2004 Measures by Topic



Percentage of 2004 Favorable Measures by Topic



Percentage of 2004 Unfavorable Measures by Topic

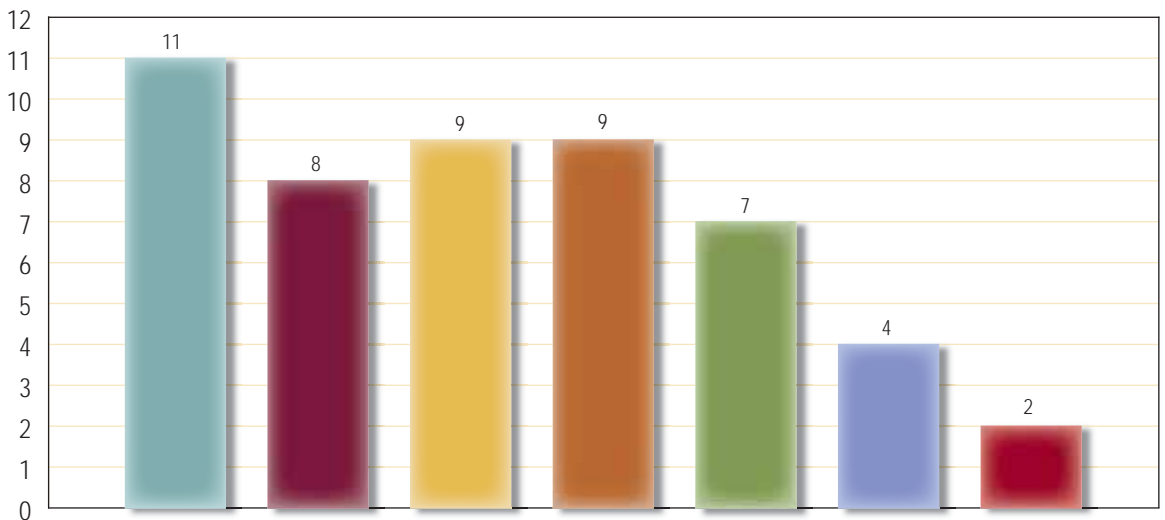


### 3. The 2004 Political Landscape

The year began with Republicans controlling the Senate and House chambers in 20 states; Democrats controlled those chambers in 17 states (and the District of Columbia). Eleven state legislatures had split control — that is, Republicans controlled one chamber and Democrats, the other. Additionally, Republicans held the governorships in 28 states, compared to 22 states held by Democrats. Republican-controlled legislatures were most frequent in the Midwest and West, while Democrat-controlled legislatures were most likely to be found in the Northeast and South. The Midwest not only had the most legislatures controlled by Republicans but also was the only region to be dominated by one party. Of the 12 states in the Midwest, eight had Republican-controlled legislatures. This partisan monopoly was not present within the other regions.

#### 2004 Partisan Composition of State Legislatures and Governors

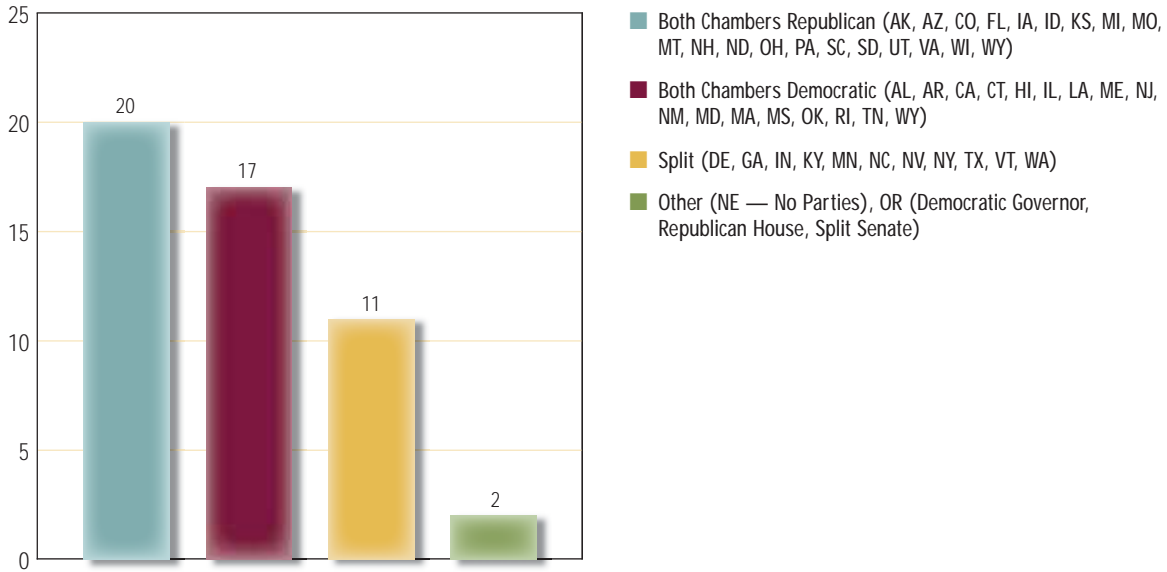
*Prior to November 2004*



- Republican Governor and Legislature (AK, CO, FL, ID, MT, NH, ND, OH, SC, SD, UT)
- Democratic Governor and Legislature (IL, LA, ME, NJ, NM, OK, TN, WV)
- Democratic Governor and Both Chambers Republican (AZ, IA, KS, MI, MO, PA, VA, WI, WY)
- Republican Governor and Both Chambers Democratic (AL, AR, CA, CT, HI, MD, MA, MS, RI)
- Majority Republican (Governor and One Chamber) (GA, KY, MN, NV, NY, TX, VT)
- Majority Democratic (Governor and One Chamber) (DE, IN, NC, WA)
- Other (NE — No Parties), OR (Democratic Governor, Republican House, Split Senate)

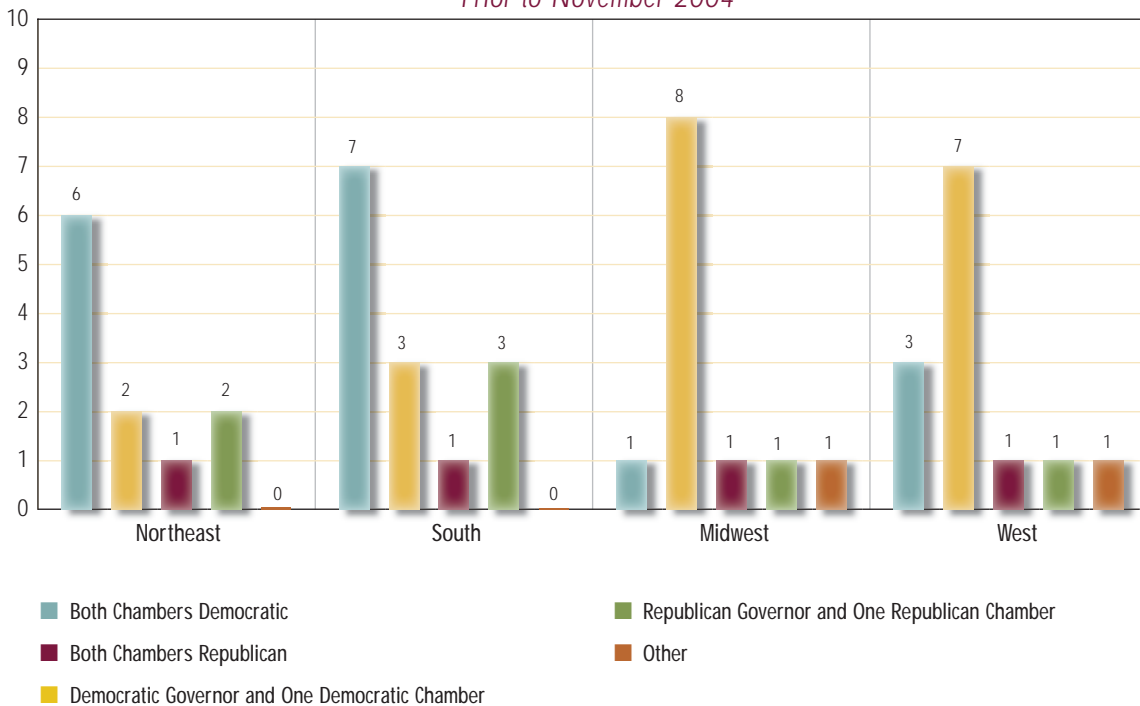
## 2004 Partisan Composition of State Legislatures

Prior to November 2004



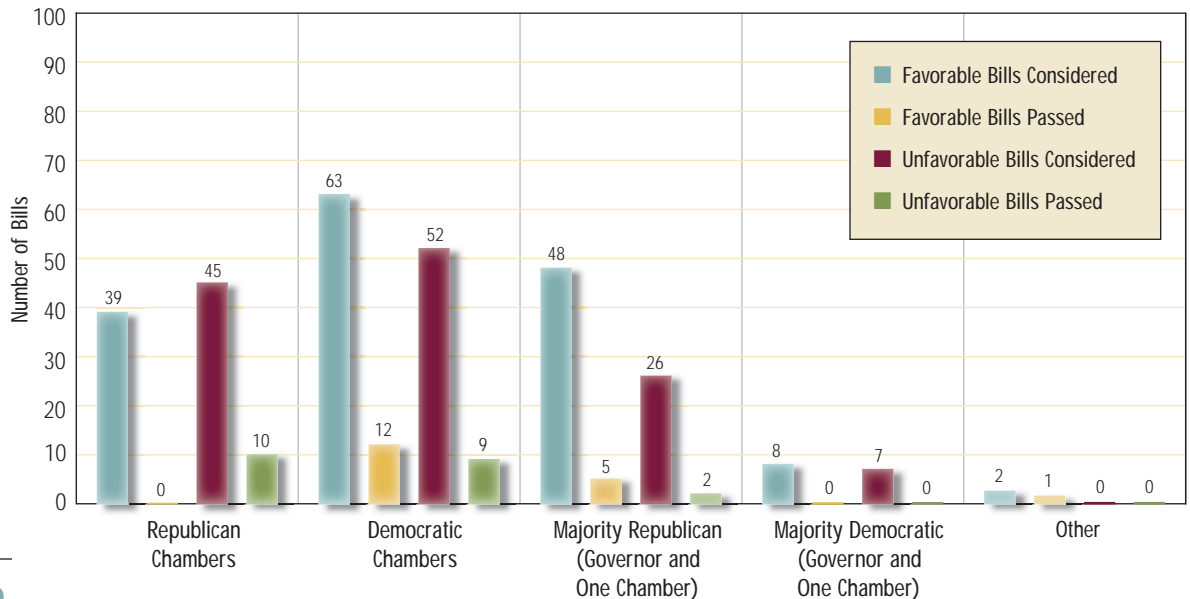
## 2004 Regional Analysis of Party Control

Prior to November 2004



## 2004 Bills Considered and Passed and Partisan Composition

Prior to November 2004



### Did Partisan Politics Make a Difference?

The partisan composition of legislatures appears to have affected the number of favorable bills introduced and passed in 2004. States with Democrat-controlled legislatures introduced 63 measures that intended to further the equality of GLBT people, and 12 such measures were passed. States with Republican-controlled legislatures introduced 39 favorable measures; none were passed.

There were no discernable partisan differences in the number of unfavorable bills introduced and passed in 2004. States with Democrat-controlled legislatures introduced 52 bills that were unfavorable to GLBT people, and nine of those were passed. Republican-controlled states introduced 45 unfavorable bills; 10 of those measures passed.

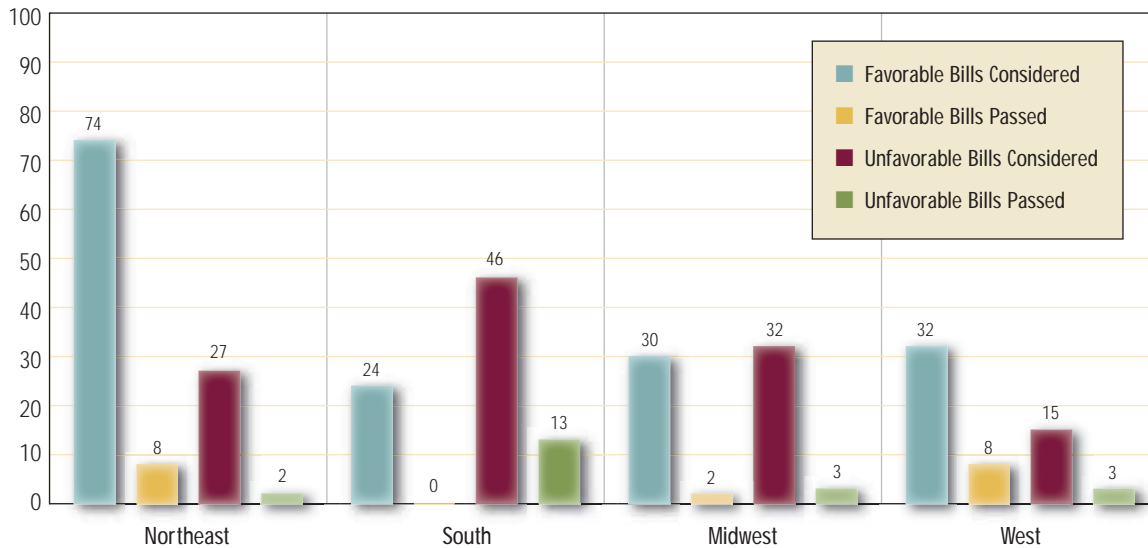
### Regional Differences in the Bills Considered and Passed

There were marked regional differences in the number and types of bills introduced and passed. The state legislatures in the Northeast introduced more than twice the amount of favorable bills. In fact, 46 percent of all the favorable bills in 2004 were in Northeast legislatures. State legislatures in the South introduced the smallest number of favorable bills in 2004 and failed to pass any of them. Southern legislatures accounted for 38 percent of all unfavorable bills introduced and almost two-thirds (62 percent) of all unfavorable bills passed in 2004.

### November 2004 Elections

Approximately 78 percent of the nation's state legislative seats were subject to elections this year. All states except Alabama, Louisiana, Maryland, Mississippi, New Jersey and Virginia

## 2004 Bills Considered and Passed by Region



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## Legislative Champion | Kansas Sen. David Adkins, R-Leawood



Adkins led efforts in the Kansas Senate to defeat a proposed state constitutional amendment prohibiting marriage and civil unions for same-sex couples.

During one of several floor debates on this measure, Adkins held a 4½-hour mini-filibuster, in which the Senate used all its allowed recorded, roll-call votes. Adkins said he wasn't trying to tie up the Senate on procedural issues, but added that he wasn't going to let the majority will "screw the little guy."

"It seems to me that whenever hate rears its head, we have an obligation not to be an innocent bystander," Adkins said. Addressing his colleagues, he inquired, "I ask each of you to examine why you are here today. Why are we putting a sign outside the clubhouse door that says, 'No homosexuals allowed?' I just think Kansas is better than that. Kansas is a place where tolerance should be embraced and celebrated."

The measure failed to garner the two-thirds majority vote needed in the Senate. A similar measure was brought up later in the year and passed the Senate with the 27 votes needed, but enough members of the Kansas House had changed their votes, based in large part on the arguments advanced by Adkins in his Senate speech, to defeat the measure.

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had at least one legislative seat up for election in November. Additionally, governorships in 11 states were subject to election in 2004. These states were Delaware, Indiana, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Utah, Vermont, Washington and West Virginia.

Although not all of these seats were challenged, many were. Consequently, the balance of power in several states was subject to change. In 25 chambers, a shift of just three seats would have meant a change in party control. The most competitive state races in 2004 were in the Colorado Senate where, for example, Democrats needed just one seat to take power. In the Georgia House of Representatives, a new redistricting plan gave Republicans the best opportunity in decades to make gains. In the Indiana House of Representatives, Democrats held a one-seat advantage; in the Maine Senate, only one seat separated the parties. In the Montana House of Representatives, a new redistricting plan gave Democrats their best hope in years to seize control of the House.

Chambers where the two parties were within five seats of each other included the senates

in Alaska, Arizona, Delaware, Georgia, Mississippi, Nevada, New Hampshire, North Carolina, Oklahoma, South Carolina, South Dakota and Wisconsin.

In addition to these competitive legislative races, 261 legislators in 12 states were subject to term limits in 2004. Ten percent of these legislators were legislative leaders (presiding officers, majority leaders or minority leaders) and the chairs of 114 standing committees. The state most affected by term limits in 2004 was Oklahoma. There, 28 percent of legislators were term-limited.

Redistricting was also predicted to play a major role in how the 2004 state legislative races unfolded. Typically, redistricting is the dominant factor affecting elections that occur in the cycle following the Census. However, a large number of legislative candidates were running in newly drawn districts in 2004 because of delayed or court-ordered redistricting. Newly crafted districts had the potential to be a factor in at least 10 states.<sup>3</sup>

### The Results Partisan Comparisons Before and After November 2004 Elections

	Prior to November 2004			After November 2004		
	Republican	Democrat	Independent/Other	Republican	Democrat	Independent/Other
Governors	28	22	0	28	21***	0
State Legislatures*	Republican	Democrat	Split	Republican	Democrat	Split
	20	17	12	20	19	11
State Legislators**	Republican	Democrat	Independent/Other	Republican	Democrat	Independent/Other
	3,683 (50%)	3,619 (49%)	71 (1%)	3,655 (49.5%)	3,656 (49.5%)	24 (.3%)

\*Nebraska has a unicameral Legislature that is non-partisan.

\*\* Percentages do not add up to 100 percent because of vacancies and other factors. There are 7,382 state legislators in the United States.

\*\*\* As of press time, results from the governor's race in Washington are still being manually recounted.



## Legislative Champion Idaho Sen. Sheila Sorenson, R-Boise



A proposal to amend the state constitution to ban marriage rights for same-sex couples in Idaho passed the House by a 53-17 vote. However, when it arrived in the Senate and was assigned to the Senate Affairs Committee, Sorenson, the committee chairwoman, refused to hold a hearing on the resolution. "What this bill is doing is pulling us from dealing with the important issues, such as recovering from the recession. I think the bill is bad for our state," she said.

When her Republican colleague, the Senate pro tem, made a motion to schedule a hearing, thus overriding her decision, Sorenson replied: "The use of this motion simply underscores the fear that exists among some of our legislators. It is our responsibility as leaders, when we go home to our community, to rise above that fear, not just succumb to that fear. And I think that is what we need to do here. ... I don't want a small group of people to define what makes a Republican and what doesn't."

The measure died when the Idaho Legislature adjourned on March 20, 2004.

### Summary of Changes

The elections for state-level offices resulted in a change of party control in 12 legislative chambers. After Nov. 2, Republicans controlled 20 state legislatures and Democrats, 19. The remainder of states had split party control.

Party control shifted in favor of Democrats in the Colorado Senate and House of Representatives and in the houses in North Carolina, Oregon, Vermont and Washington. The Republicans took control of the houses in Georgia, Indiana, Oklahoma and Tennessee. Both the Iowa and Montana senates became tied after Republicans lost four seats in each.

Democrats took hits in Kentucky and Missouri, respectively losing nine and 10 seats in those legislatures. But Democrats still managed to keep control of both chambers in Kentucky. Republicans took their biggest losses in the Minnesota House, losing 14 seats; in Connecticut, where they lost four seats in the House and three in the Senate; and in Iowa, losing three House and four Senate seats.

The predictions about the effects of redistricting proved to be accurate. Party control shifted in the Georgia and North Carolina houses, while the Montana Senate went from Republican control to being split evenly between the two parties.

Two states elected their first openly gay or lesbian legislators — Nicole LeFavour in Idaho and Julia Boseman in North Carolina. Missouri also elected Jeanette Mott Oxford, its first openly lesbian legislator. All of the openly gay and lesbian incumbent state legislators won re-election.

Neither party made net gains in the 11 races for governor. Democrats picked up Montana and New Hampshire while Republicans picked up Indiana and Missouri. Washington state has certified Republican Dino Rossi the state's gubernatorial winner by 42 votes. However, a manual recount was requested by the Democrats and ordered by the secretary of state on Dec. 3, 2004. The party of the winner will pick up one additional governor's mansion.

## 4. Marriage in the States

In November 2003, the Massachusetts Supreme Judicial Court ruled that it was unconstitutional “to deny the protections, benefits and obligations conferred by civil marriage to two individuals of the same sex who wish to marry.”<sup>4</sup> On May 17, 2004, clerks began issuing marriage licenses to same-sex couples in Massachusetts.

Favorable Marriage Bills Introduced: 9

Favorable Marriage Bills Passed: 2

Unfavorable Marriage Bills Introduced: 105

Unfavorable Marriage Bills Passed: 19

Against this backdrop, several other jurisdictions were issuing marriage licenses to same-sex couples.<sup>5</sup> At the same time, same-sex couples from the United States continued to travel to Canada to marry.<sup>6</sup>

These developments ignited a national debate about how GLBT individuals, couples and families should be treated in society. Supporters of full equality for GLBT Americans correctly recognized the significance of the Massachusetts court decision, which said that same-sex couples in the state are entitled to equal protection under the law and, therefore, should have full access to the rights and privileges that the government provides through civil marriage. The decision also galvanized those who oppose equal treatment for GLBT Americans on a wide variety of issues, from marriage rights to workplace protections.

The GLBT community and our allies anticipated an intense response to these legal and political changes from those organizations and elected officials who oppose equal treatment for GLBT Americans. As expected, opponents of equality used the marriage issue to further advance their broader anti-gay legislative agendas. They initiated a number of measures in various states, most of which already had laws restricting marriage rights for same-sex couples. Nevertheless, they sought to enshrine those restrictions in state constitutions or to otherwise bar any form of relationship recognition for same-sex couples, such as civil unions and domestic partnerships.

Some legislatures were unable to attend to pressing economic and educational issues because of their focus on these discriminatory bills and amendments. For example, in Indiana, Republicans staged weeks of walk-outs in protest of Democratic Rep. Scott Pelath’s refusal to hear the proposed constitutional amendment in his committee. “With the multitude of issues we have to deal with that deal directly with people’s lives, this just isn’t a priority at this moment,” said Pelath.

The walkouts in Indiana caused Democratic Gov. Joseph Kernan to plead with Republican legislators to return, saying that state law clearly reserved marriage for women and men, and did not need additional action. “We are now using this as an excuse to not address the issues that face the state of Indiana,” Kernan said. “Those are issues that have to do with job creation, that have to do with property tax relief and education. There is no argument about what Indiana law says [about prohibiting marriage between same-sex couples]. Let’s move on.”

One disturbing trend was the breadth of the language used in these measures. The language in the proposed amendments in 19 states cast a net well beyond marriage. Either explicitly or by interpretation, these measures implicated other forms of relationship recognition for same-sex couples, such as civil unions and domestic partnerships. The scope of these measures worried many private employers, state and municipal governments and colleges and universities that offer domestic partner benefits to their employees.

Proposed constitutional amendments were defeated or died in 15 states.<sup>7</sup> Many of these defeats were attributable to one of three factors. First, in several states, openly gay and lesbian state legislators lent their voices, passion and personal

stories to the debate. They were able to put real faces on the issues and to talk first-hand about how these measures would hurt them and their families. Second, in a handful of states, the Democrats were able to hold the party line. Despite intense pressure, Democrats in Alabama, Indiana, Iowa and North Carolina successfully defeated these amendments. Third, a number of fair-minded Republicans broke from their caucuses and nearly single-handedly thwarted these measures. For example, in Idaho, Republican Sen. Sheila Sorensen, chair of the Senate Affairs Committee, refused to hold hearings on the measure. To her Republican colleagues who urged her to reconsider, Sorensen emphatically responded, "I don't want a small group of people to define what makes a Republican and what doesn't." Her steadfastness prevented the Senate from considering the measure. In Kansas, Republican Sen. David Adkins broke from the majority of his colleagues in both parties to passionately oppose that state's proposed amendment. The bill failed to

garner the two-thirds majority vote required of constitutional amendments.

One of the most discernible blocs opposing discrimination during the state marriage debates were the African-American legislators and caucuses. In most of the states facing these measures, African-American legislators were intensely pressured to support the amendments. Despite these efforts, most African-American legislators stood up to discrimination and voted against the amendments. In an article about the role of African-American legislators in these debates, *The New York Times* highlighted the importance of the Georgia Black Caucus in originally denying the proponents of that state's proposed amendment measure the two-thirds vote required for constitutional amendments.<sup>8</sup> African-American legislators, perhaps more so than their white counterparts, were deluged with pressure from some members of the religious community who urged them to support the amendments.

## Legislative Champion

## Massachusetts Sen. Dianne Wilkerson, D-Boston



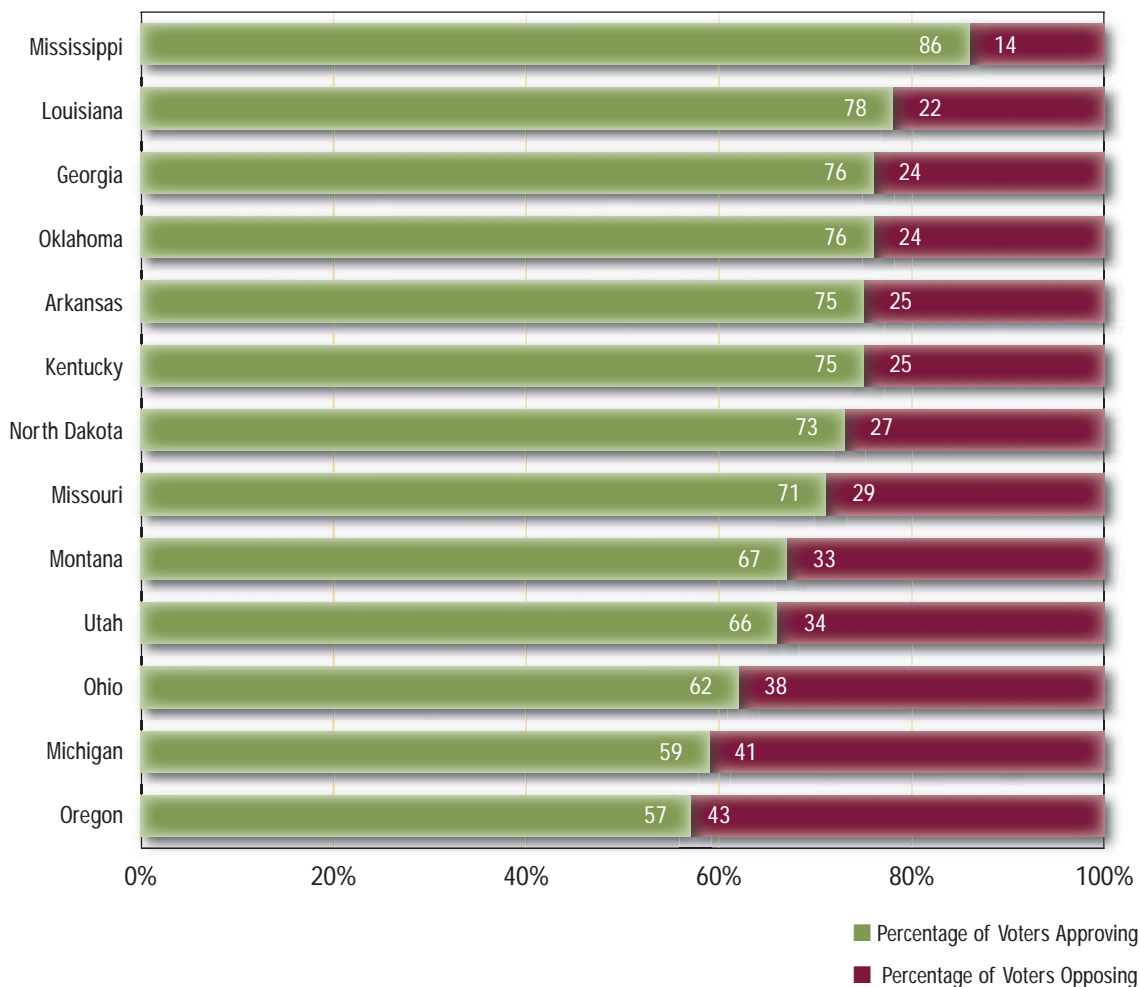
The marriage issue reached its zenith in Massachusetts. After the state Supreme Judicial Court decision that deemed it unconstitutional to deny marriage licenses to same-sex couples in Massachusetts and the impending May 17, 2004, start date for the issuance of these licenses, anti-gay legislators in the Massachusetts Legislature began the multi-year process of attempting to amend the state constitution to prohibit marriage for same-sex couples. During the joint sessions of the Legislature (called constitutional conventions), people from across the country and the state descended on Beacon Hill to try to influence the legislators.

Many Massachusetts legislators fought valiantly against writing discrimination into the state constitution. One who stands out is Wilkerson. Recalling her family's roots in Pine Bluff, Ark., in the era of segregation, Wilkerson said she refused to send any other group of people to the place that "my grandparents told me about, that they experienced, that my parents ran from. What I want you to know is the reason we have the courts is to protect people like us from ourselves. There are simply some issues that should never be decided by popular vote. The reasons are obvious. Because the very reason why there is so much pressure is because people are weighing the potential downside to the ability to be re-elected at the expense [of] the rights to you that all of us should enjoy as human beings."

The proposed amendment, with an amendment to offer civil unions to same-sex couples, passed the constitutional convention with a 105-92 vote. Proposed amendments to the Massachusetts constitution must be approved twice by the Legislature, and may come up during the 2005-2006 sessions of the Massachusetts Legislature.

*Equality from State to State: Gay, Lesbian, Bisexual and Transgender Americans and State Legislation in 2004*

### Results of Votes on 2004 State Constitutional Amendments



*Equality from  
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Legislation in 2004*

However, in most states, the black caucuses remained steadfast in their opposition to the measures. In the Mississippi House, African-American legislators cast every one of the 17 votes against the proposed amendment. Many African-American legislators articulated the connections between the discrimination faced by African Americans and GLBT Americans. During the legislative battle over the amendment in Massachusetts, when a civil unions compromise was being debated, Democratic Sen. Dianne Wilkerson said, “I cannot support the civil unions option ... [because it] would still be something less than marriage. ... I know what that world of being almost equal

is. I could not vote ... to send people to a place of almost being equal.”

### Putting It to the Voters

In 13 states, voters approved amending their state constitutions to bar marriage, and, in many cases, other forms of relationship recognition for same-sex couples.<sup>9</sup>

### Other Marriage-Related Bills

Non-constitutional legislative efforts to restrict marriage — and in many cases other forms of relationship recognition — for same-sex couples dominated the agendas of many states. In fact, 40 percent of all GLBT-related measures and 81 per-

cent of all unfavorable bills considered in 2004 were marriage-related. New Hampshire, for example, began the year as one of nine states that did not have an explicit law prohibiting marriage between same-sex couples. It ended the year, however, by becoming the 40th state to explicitly prohibit marriage between same-sex couples when it passed House Bill 427. But fair-minded legislators in Maryland were able to defeat both statutory and constitutional attempts to explicitly prohibit marriage between same-sex couples.

The most far-reaching and discriminatory measure in the country targeting same-sex couples became law in Virginia, when the Legislature rejected attempts by Democratic Gov. Mark Warner to lessen the severity of the measure. House Bill 751 reads: “A civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited. Any such civil union, partnership contract or other arrangement entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created thereby shall be void and unenforceable.” As Warner noted when he struck out

the most offending language and sent it back to the Legislature, this law could be interpreted to even void private contracts that same-sex couples have entered into in order to protect their families. Judges in Virginia could void documents like partnership and parenting agreements. Many hope that this law will be struck down, but until that time, same-sex couples and their families in Virginia are at risk of losing important protections they have put into place.

### Public Opinion

While the American public remains opposed to marriage for same-sex couples, they are more evenly split on whether the federal Constitution and/or state constitutions should be amended to prohibit it.<sup>10</sup> And in voter exit polling done on Nov. 2, 2004, 60 percent of those polled said they support some legal recognition for same-sex couples — 25 percent supporting marriage equality and 35 percent supporting civil unions. These polling data suggest that after an intense political year in which GLBT issues were discussed as never before, most Americans support some form of relationship recognition for same-sex couples.

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### Legislative Champion

### Kansas Rep. Stephanie Sharp, R-Lenexa/Shawnee



Sharp was another Kansas Republican who voted twice against amending the state constitution. She argued the marriage issue was not the most important of the session, saying it was not even the most important for people who profess to be Christians. Sharp believed a better biblical argument could be made for offering in-state tuition rates for children of immigrants seeking citizenship or for fully funding the part of the social services budget that offers assistance to the state’s elderly and disabled — two proposals that were opposed by many conservative legislators in recent years.

“Would Jesus obsess over two women or two men tying the knot?” Sharp said. “Or would he be more concerned by the adequate education of thousands of children?”

“I have a variety of reasons for opposing this amendment: philosophical, legal, religious and biblical. The underlying reason for all of these is the basic premise that we should not be constitutionalizing discrimination. We’re talking about amending the constitution.”

*Equality from  
State to State:  
Gay, Lesbian, Bisexual  
and Transgender  
Americans and State  
Legislation in 2004*

## 5. Other GLBT-Related Legislation in 2004

At the beginning of 2004, 14 states and the District of Columbia had laws prohibiting discrimination based on sexual orientation. Four of these states and the District of Columbia also include gender identity. Although measures to bar discrimination based on sexual orientation, and in most cases gender identity and expression, were introduced in 17 states, none passed. In fact, the only movement that occurred on a statewide anti-discrimination bill was in Washington, where House Bill 1809 passed the House by a 59-39 vote. It stalled in the Senate and then died.

### Anti-Discrimination

Favorable Anti-Discrimination Bills Introduced: 44

Favorable Anti-Discrimination Bills Passed: 3

Unfavorable Anti-Discrimination Bills Introduced: 8

Unfavorable Anti-Discrimination Bills Passed: 0

New York, which passed its statewide anti-discrimination law that includes sexual orientation in 2002, introduced legislation to expand the areas of protection. Three separate measures to prohibit discrimination in assisted living facilities, in the state's facilities operated by the Office of Children and Family Services and in insurance all passed the Assembly in June 2004.

### Hate Crimes

Favorable Hate Crime Bills Introduced: 29

Favorable Hate Crime Bills Passed: 4

Unfavorable Hate Crime Bills Introduced: 1

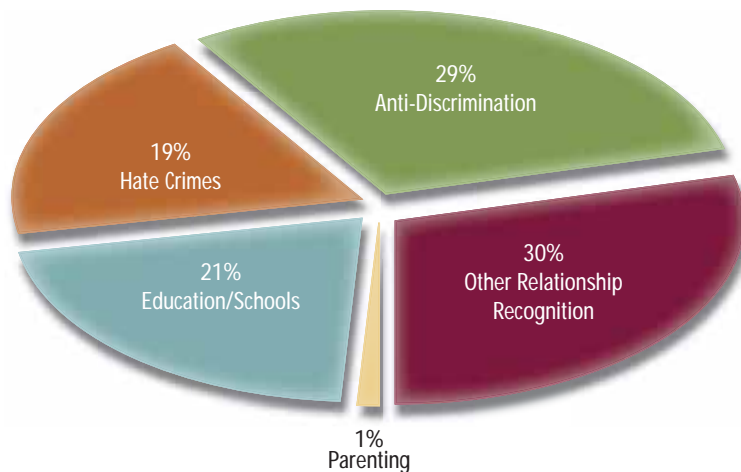
Unfavorable Hate Crime Bills Passed: 0

Since the FBI began collecting hate crime statistics in 1991, more than 13,000 crimes based on sexual orientation have been reported. Such crimes have more than tripled since 1991. In 2003 there were 1,239 hate crimes based on sexual orientation, or 16.4 percent of all hate crimes that year. However, because hate crimes are underreported to the FBI, the actual number of such crimes based on sexual orientation

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### 2004 Non-Marriage Bills

*Favorable and Unfavorable*



## Legislative Champion

## Utah Rep. David Litvack, D-Salt Lake City



Litvack can relate to being a minority — he is the only Jewish member of the Utah House, and he lives in a state settled and heavily influenced by the Church of Jesus Christ of Latter-day Saints (Mormons). Litvack has not been one to shy away from speaking up for fairness and equality. He was one of 16 members of the House who voted against the proposed amendment to the state constitution to prohibit marriage and, most likely, any other rights for same-sex couples, and one of 12 who voted against a similar statute that was enacted.

“I’ve heard it said over and over again: this is about civilization, to protect the downfall of our civilization,” Litvack said. “I’m struggling. How is my life, my marriage, going to be made more stable or stronger by this amendment? H.J.R. 25 in the Utah Constitution ‘leaves us stuck,’ not able to adopt other equal rights laws pertaining to gays and lesbians.” Unfortunately, the measure passed the Legislature and was approved by voters on Nov. 2, 2004.

Litvack also has authored bills in 2003 and 2004 that would enhance the penalty for perpetrators of hate crimes based on sexual orientation.

is probably higher. Additionally, anti-transgender hate crimes continue to occur at alarming rates.

Many states have passed laws that enhance penalties for crimes motivated by hate or bias. This year, legislators in several states introduced bills to amend or create hate crimes laws that would increase penalties and/or create separate offenses for criminal actions motivated by sexual orientation and/or gender identity or expression bias.

Several bills related to hate crimes passed in 2004. Connecticut became the eighth state to include gender identity and expression in its hate crimes law when House Bill 5657 was passed. Nebraska enhanced its hate crimes law to allow victims of hate crimes to initiate civil action against perpetrators. New York may pass a similar law — its bill, to allow victims to pursue civil action, passed the Assembly but still needs to pass the state Senate.

## Other Relationship Recognition

Favorable Bills Introduced: 45

Favorable Bills Passed: 6

Unfavorable Bills Introduced: 3

Unfavorable Bills Passed: 0

Despite the attack on GLBT families on the marriage front, two states were able to pass legislation in 2004 that established statewide registries for same-sex couples, along with a handful of rights and privileges. New Jersey and Maine became the third and fourth states, respectively, to pass statewide relationship recognition laws for same-sex couples. Additionally, New York passed a law that provides domestic partners with hospital visitation rights. The California Legislature continued the venture to afford same-sex couples the same state-level rights as spouses when it passed a bill that requires health care service plans and insurers to provide equal coverage to employees.

## Legislative Champion

## Louisiana Sen. Melvin “Kip” Holden, D-Baton Rouge, Mayor-Elect of Baton Rouge



Holden took tremendous political risks in 2004 when he passionately spoke out and voted twice against the proposed amendment banning same-sex marriage to Louisiana’s constitution. Holden cast these votes while in the middle of a very competitive campaign to become the mayor of Baton Rouge. Addressing his Senate colleagues, he urged them to see that “our country is big enough to embrace differences in people” and that “tolerance is the foundation of this country.”

Holden, a devout Christian, lamented, “It pains me greatly when we get into the religious battle and in the religious battle we want to start calling people names.” He withstood tremendous criticism and pressure from religious leaders during the legislative battle and during his recent bid to become mayor of Baton Rouge. For example, the Rev. Ricky Sinclair, in a public gathering, rebuked Holden for his votes against the amendment and challenged him to “from this day forward choose the things of God.”

Additionally, Holden’s opponent in the mayor’s race, Mayor Bobby Simpson, spotlighted Holden’s vote against the marriage ban in television ads. Not once during this process did Holden apologize or minimize his support for fairness and equality for all Louisianans. The majority of voters of Baton Rouge liked what they saw in Holden and on Nov. 2, 2004, elected him as their first African-American mayor.

Nevertheless, the constitutional amendment passed the Legislature and was approved by voters on Sept. 18, 2004.

## Parenting

Favorable Parenting Bills Introduced: 2

Favorable Parenting Bills Passed: 0

Unfavorable Parenting Bills Introduced: 8

Unfavorable Parenting Bills Passed: 1

Data from the 2000 U.S. Census show that same-sex couples live in 99.3 percent of all counties in America. Moreover, same-sex couples are having children at about the same rate as opposite-sex couples in many states, according to an Urban Institute analysis commissioned by the Human Rights Campaign Foundation. Estimates suggest that lesbian and gay individuals and same-sex couples are raising 6 to 14 million children.<sup>11</sup> However, discrimination against GLBT parents still exists. State legislators have

increasingly become involved in creating laws that expand parenting rights for GLBT families on the one hand, or deny them important protections on the other.

Three state legislatures — Iowa, Kentucky and Michigan — introduced bills that would have prohibited or restricted the ability of GLBT people to adopt children or to serve as foster parents. Measures like these potentially deny thousands of children awaiting adoption the opportunity to find a permanent home and loving family. Fortunately, there was little movement on these bills.

An alarming and rabidly anti-gay bill passed in Oklahoma that purports to deny recognition to adoption decrees or judgments from other states or foreign jurisdictions that list two indi-



viduals of the same sex as parents. The consequences for families headed by same-sex couples who live or travel through Oklahoma are shocking. Lawful same-sex parents could become legal strangers to their children in the eyes of Oklahoma.<sup>12</sup>

## Education/Schools

Favorable Education/Schools Bills Introduced: 31

Favorable Education/Schools Bills Passed: 3

Unfavorable Education/Schools Bills Introduced: 5

Unfavorable Education/Schools Bills Passed: 1

More than four out of five GLBT students report being verbally, sexually or physically harassed because of their sexual orientation or gender identity, according to a 2003 survey by the Gay, Lesbian and Straight Education Network. The survey also found a direct relationship between in-school victimization and the educational outcomes of GLBT students, particularly grade point average and college aspirations. One key finding was that GLBT students who did not have (or were unaware of) a policy protecting them from violence and harassment were 40 percent more likely to skip school due to fear.

GLSEN, HRC and the National Center for Lesbian Rights have developed a model safe-schools bill. These organizations are working with legislators and advocates across the country to ensure that the best bills to protect GLBT students are introduced and passed in state legislatures around the country.

Although several states introduced measures aimed at explicitly protecting GLBT students from harassment and discrimination, none passed. The three bills that passed dealt with allowing students to initiate civil actions (Vermont), reporting of harassment (Maryland) and bullying (Vermont).

## Outlook for the Future

It is likely that additional states across the country will introduce discriminatory constitutional amendments in 2005. In fact, legislators have pre-filed measures in Texas and Virginia. And Wisconsin legislators will likely debate and vote for a second time, as required for constitutional amendments, on that state's proposed amendment early in 2005. HRC will continue to work alongside state legislators and GLBT organizations to defeat these measures.

Further, the attacks on GLBT families also will continue in areas such as adoption and domestic partner benefits. Several bills will seek to prohibit or limit adoption by gay and lesbian individuals. Other bills will seek to bar public employers from offering equal benefits to employees' domestic partners.

On the brighter side, many measures will emerge that are favorable to GLBT individuals and families. In California, Democratic Assembly Member Mark Leno plans to vigorously pursue a measure to provide equal marriage rights to same-sex couples there. State GLBT organizations in Georgia, Illinois, Maine, Missouri and Washington will keep working on passing laws prohibiting discrimination against GLBT people.

Working in partnership with state GLBT organizations and our members, HRC is strongly committed to state-level work and will provide unprecedented support — financial, legislative and grassroots — to all of these state legislative endeavors in 2005.

## Appendix A | 2004 State Bills Introduced

	Marriage		Anti-Discrimination		Hate Crimes		Other Relationship Recognition		Parenting		Education/Schools		Total Good Bills	Total Bad Bills
	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad		
Alabama		6											0	6
Alaska					2								2	0
Arizona		2	1				1				1	1	3	3
Arkansas		1											0	1
California	2	1	1		3		3				1	1	10	2
Colorado		1	1				1		1			1	3	2
Connecticut					1		2						3	0
Delaware		1	1										1	1
District of Columbia	2						1						3	0
Florida											2		2	0
Georgia		4	1								1		2	4
Hawaii			3				1				3		7	0
Idaho		1											0	1
Illinois		4	1		4		2						7	4
Indiana		1	1		1						1		3	1
Iowa		4	3							2	2		5	6
Kansas		3											0	3
Kentucky		6	2	1						1	2		4	8
Louisiana		5	2				1				2		5	5
Maine		1					1						1	1
Maryland		2	1		1		1				2		5	2
Massachusetts	1	1					4		1				6	1
Michigan		3	1		1					2	1		3	5
Minnesota		2	2	1									2	3
Mississippi		3			1								1	3
Missouri		5	1	1							1		2	6

	Marriage		Anti-Discrimination		Hate Crimes		Other Relationship Recognition		Parenting		Education/Schools		Total Good Bills	Total Bad Bills
	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad		
Montana*													0	0
Nebraska			1		1								2	0
Nevada*													0	0
New Hampshire		1											0	1
New Jersey		4	1	1	1		2						4	5
New Mexico			1								1		2	0
New York	1	1	7	2	6		19				3	1	36	4
North Carolina		1									1		1	1
North Dakota*													0	0
Ohio		2	2								2		4	2
Oklahoma		9							1				0	10
Oregon*													0	0
Pennsylvania			4						1	2			6	1
Rhode Island	1	5	1		1		2						5	5
South Carolina		3			1				1	1			2	4
South Dakota		1											0	1
Tennessee		3						1					0	4
Texas		1											0	1
Utah		2			2								2	2
Vermont	1	4	1				1				2	1	4	6
Virginia		5	1		1		1	1					3	6
Washington		3	1	1			2						3	4
West Virginia		1	2	1	2	1							4	3
Wisconsin	1	1					1						2	1
Wyoming		1											0	1
<b>Total Bills</b>	<b>9</b>	<b>105</b>	<b>44</b>	<b>8</b>	<b>29</b>	<b>1</b>	<b>45</b>	<b>3</b>	<b>2</b>	<b>8</b>	<b>31</b>	<b>5</b>	<b>160</b>	<b>130</b>

\* No 2004 regular session.

## Appendix B | 2004 State Bills Passed

	Marriage		Anti-Discrimination		Hate Crimes		Other Relationship Recognition		Parenting		Education/Schools		Total Good Bills	Total Bad Bills
	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad		
Alabama		1											0	1
Alaska													0	0
Arizona													0	0
Arkansas		1											0	1
California	1		1		1		3						6	0
Colorado											1		0	1
Connecticut					1								1	0
Delaware													0	0
District of Columbia	1												1	0
Florida													0	0
Georgia		1											0	1
Hawaii											1		1	0
Idaho													0	0
Illinois						1							1	0
Indiana													0	0
Iowa													0	0
Kansas													0	0
Kentucky		1											0	1
Louisiana		1											0	1
Maine							1						1	0
Maryland													0	0
Massachusetts		1											0	1
Michigan													0	0
Minnesota													0	0
Mississippi		1											0	1
Missouri		1											0	1

	Marriage		Anti-Discrimination		Hate Crimes		Other Relationship Recognition		Parenting		Education/Schools		Total Good Bills	Total Bad Bills
	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad		
Montana*													0	0
Nebraska					1								1	0
Nevada*													0	0
New Hampshire		1											0	1
New Jersey													0	0
New Mexico			1										1	0
New York			1				2						3	0
North Carolina													0	0
North Dakota*													0	0
Ohio		1											0	1
Oklahoma		2							1				0	3
Oregon*													0	0
Pennsylvania													0	0
Rhode Island													0	0
South Carolina													0	0
South Dakota													0	0
Tennessee		1											0	1
Texas													0	0
Utah		2											0	2
Vermont											2		2	0
Virginia		3											0	3
Washington													0	0
West Virginia													0	0
Wisconsin		1											0	1
Wyoming													0	0
<b>Total Bills</b>	<b>2</b>	<b>19</b>	<b>3</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>18</b>	<b>21</b>

\* No 2004 regular session.

## Appendix C: 2004 Bills

The following is a categorized listing of GLBT-related bills introduced in the 2004 state legislatures. Some bills are carried over from the 2003 sessions.

Marriage-Related Bills: Passed — p. 26

Citizen-Initiated Marriage-Related  
Ballot Initiatives — p. 29

Marriage-Related Bills: Active — p. 30

Marriage-Related Bills: Dead — p. 31

Anti-Discrimination Bills: Passed — p. 40

Anti-Discrimination Bills: Active — p. 40

Anti-Discrimination Bills: Dead — p. 42

Hate Crimes Bills: Passed — p. 45

Hate Crimes Bills: Active — p. 45

Hate Crimes Bills: Dead — p. 46

Other Relationship Recognition Bills: Passed — p. 48

Other Relationship Recognition Bills: Active — p. 49

Other Relationship Recognition Bills: Dead — p. 50

Parenting Bills: Passed — p. 52

Parenting Bills: Active — p. 53

Parenting Bills: Dead — p. 53

Education/Schools-Related Bills: Passed — p. 53

Education/Schools-Related Bills: Vetoed — p. 54

Education/Schools-Related Bills: Active — p. 54

Education/Schools-Related Bills: Dead — p. 55

### Marriage-Related Bills: Passed

**Alabama House Joint Resolution 129** — This resolution urges Congress to pass the Federal Marriage Amendment.

**Status:** This resolution passed the House on Feb. 24, 2004, and the Senate on March 9, 2004.

**California Assembly Joint Resolution 85** — This resolution states that the Legislature of California is opposed to any “federal enactment designed to prohibit or restrict the provision of rights and obligations” to same-sex couples and their families.

**Status:** This resolution passed the Assembly on June 24, 2004, by a 44-28 vote, and it passed the Senate on Aug. 18, 2004, by a 21-13 vote.

**District of Columbia Proposed Resolution 751** — This resolution states that the City Council is opposed to amending the federal Constitution.

**Status:** This resolution passed on April 20, 2004, by a 10-0 vote.

**Georgia Senate Resolution 595** — This resolution amends the state constitution to read: “No union between persons of the same sex shall be recognized by this state as entitled to the benefits of marriage. This state shall not give effect to any public act, record or judicial proceeding of any other state or jurisdiction respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other state or jurisdiction. The courts of this state shall have no jurisdiction to grant a divorce or separate maintenance with respect to any such relationship or otherwise to consider or rule on any of the parties’ respective rights arising as a result of or in connection with such relationship.”

**Status:** This resolution passed the Senate on Feb. 16, 2004. It failed to get the two-thirds majority vote it needed in the House when it came up for a vote on Feb. 26, 2003. However, proponents of the resolution brought the measure up for another vote on March 30 and garnered enough votes to send it to voters in

November. Voters approved the measure by a 76 percent margin on Nov. 2, 2004.

**Kentucky Senate Bill 245** — This resolution amends the state constitution to read: “Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.”

**Status:** This bill passed the Senate on March 11, 2004, by a 33-4 vote and passed the House on April 12, 2004, by an 85-11 vote. The amendment was approved by 75 percent of voters on Nov. 2, 2004.

**Louisiana House Bill 61** — This bill amends the state constitution to declare that marriage is only between one man and one woman, and that the state constitution or state law shall not be interpreted to confer marital status “or legal incidents thereof” on unmarried couples.

**Status:** This bill passed the House on May 18, 2004, by an 87-11 vote and passed the Senate on June 9, 2004, by a 31-6 vote. Seventy-eight percent of voters approved the amendment on Sept. 18, 2004. This amendment is currently being challenged and the Louisiana Supreme Court will hear arguments Dec. 1, 2004.

**Massachusetts House Bill 3190** — This bill would amend the state constitution to read: “The unified purpose of this article is both to define the institution of civil marriage and to establish civil unions to provide same-sex persons with entirely the same benefits, protections, rights, privileges and obligations as are afforded to married persons, while recognizing that under present federal law same-sex persons in civil unions will be denied federal benefits available to married persons. It being the public policy of this commonwealth to protect the unique relationship of marriage, only the union of one man and one woman shall be valid or recognized as a marriage in the commonwealth. Two persons of the

same sex shall have the right to form a civil union if they otherwise meet the requirements set forth by law for marriage. Civil unions for same-sex persons are established by this article and shall provide entirely the same benefits, protections, rights, privileges and obligations that are afforded to persons married under the law of the commonwealth. All laws applicable to marriage shall also apply to civil unions. This article is self-executing, but the general court may enact laws not inconsistent with anything herein contained to carry out the purpose of this article.”

**Status:** Constitutional conventions were held Feb. 11-13 and March 11-13, 2004. However, the Legislature was unable to come to an agreement. The convention met again on March 29, 2004, and by a 105-92 vote, approved a measure that would prohibit marriage between same-sex couples and at the same time establish civil unions in the state. The measure must be re-approved by the Legislature during the 2005-2006 session before it can be put before voters.

**Mississippi House Concurrent Resolution 56** — This resolution amends the state constitution to provide that marriage will only be valid when it occurs between a man and woman and marriages between same-sex couples from other jurisdictions will be void in Mississippi.

**Status:** This resolution passed the House on March 1, 2004, and the Senate on April 7, 2004. It was approved by 86 percent of the voters on Nov. 2, 2004.

**Missouri Senate Joint Resolution 29** — This resolution amends the state constitution to read that only marriages between a man and woman are valid.

**Status:** This resolution passed the Senate on March 1, 2004, and the House on May 14, 2004. This amendment was approved by 71 percent of voters on Aug. 3, 2004.

**New Hampshire Senate Bill 427** — This bill would define marriage as only between a woman and man and purports to deny legal recognition to public acts, records or judicial proceedings between same-sex couples from other states that is treated like a marriage or the legal equivalent. The bill was amended to establish a commission “to study all aspects of same sex civil marriage and the legal equivalents thereof, whether referred to as civil unions, domestic partnerships, or otherwise.”

**Status:** This bill, as amended, was signed by Republican Gov. Craig Benson on May 14, 2004.

**Ohio House Bill 272** — This bill adds the following sentence to the state’s existing marriage laws: “A marriage may only be entered into by one man and one woman.” Furthermore, this bill purports not to recognize or extend any benefits of legal marriage that are conferred by a public act, record or judicial proceeding from other jurisdictions.

**Status:** Republican Gov. Robert Taft signed this measure into law on Feb. 6, 2004.

**Oklahoma House Bill 2134** — This bill declares: “A marriage, civil union, domestic partnership or other special relationship between persons of the same sex shall be unlawful and not recognized.”

**Status:** Democratic Gov. Brad Henry signed this bill on May 25, 2004.

**Oklahoma House Bill 2259** — This was an unrelated bill that was amended to be a proposed constitutional amendment that would declare that marriage is only between a man and a woman and that neither the state constitution, nor “any other provision of law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried groups or couples.”

**Status:** This bill passed the Senate on April 15, 2004, by a 38-7 vote, and the House on April 22, 2004, by a 92-4 vote. On Nov. 2, 2004, 76 percent of voters approved the measure.

**Tennessee House Joint Resolution 970/House Joint Resolution 990** — These joint resolutions would amend the state constitution to read: “Any policy or law or judicial interpretation, purporting to define marriage as anything other than the historical institution and legal contract between one man and one woman, is contrary to the public policy of this state and shall be void and unenforceable in Tennessee. If another state or foreign jurisdiction issues a license for persons to marry, and if such marriage is prohibited in this state by the provisions of this section, then the marriage shall be void and unenforceable in this state.”

**Status:** H. J. R. 990 passed the House on May 6, 2004, by an 85-5 vote, and the Senate on May 19, 2004, by a 28-1 vote. The measure must be re-approved by the next session of the Legislature.

**Utah Senate Bill 24** — This bill declares that it is the public policy of Utah that marriage is only a union between one man and one woman and that marriages and civil unions between people of the same sex are unenforceable in Utah.

**Status:** This bill passed the Senate on Jan. 24, 2004, by a 24-4 vote. It passed the House on Feb. 18, 2004, by a 62-12 vote. Republican Gov. Olene Walker signed the bill on March 23, 2004.

**Utah House Joint Resolution 25** — This resolution amends the state constitution to declare: “Marriage consists only of the legal union between a man and a woman, and no other domestic status or union, however denominated, between persons is valid or recognized or may be authorized, sanctioned or given the same or substantially equivalent legal effect as a marriage.”



**Status:** This resolution passed the House on Feb. 24, 2004, 56-16. It passed the Senate on March 3, 2004 by a 20-7 vote. This measure was approved by 66 percent of voters on Nov. 2, 2004.

**Virginia House Bill 751** — This bill reaffirms that Virginia has no constitutional or legal obligation to recognize a marriage, civil union, partnership contract or other arrangement purporting to extend marital privileges or obligations from other jurisdictions. It was amended to read: “A civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited. Any such civil union, partnership contract or other arrangement entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created thereby shall be void and unenforceable.”

**Status:** This bill passed the Senate on March 10, 2004, by a 28-10 vote and the House on March 11, 2004. Democratic Gov. Mark Warner amended the measure, striking out the last few sentences. These changes were rejected by the Legislature and the measure went into effect on July 1, 2004.

**Virginia Senate Joint Resolution 91 and House Joint Resolution 187** — These resolutions urge Congress to pass the Federal Marriage Amendment.

**Status:** S. J. R. 91 passed the Senate on Feb. 7, 2004, by a 29-11 vote, and passed the House on Feb. 27, 2004, by a 74-23 vote. H.J.R. 187 passed the House on Jan. 23, 2004, and passed the Senate on March 10, 2004.

**Wisconsin Assembly Joint Resolution 66** — This resolution proposes to amend the state constitution to state: “Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state, and legal status identical

or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.”

**Status:** This resolution passed the Assembly on March 5, 2004, by a 68-27 vote, and the Senate on March 11, 2004, by a 20-13 vote. It must be re-approved by the Legislature in 2005 before it can go to voters.

### Citizen-Initiated Marriage-Related Ballot Initiatives

**Arkansas** — This measure was approved by 75 percent of voters on Nov. 2, 2004.

This measure amends the state constitution to read: “Marriage consists only of the union of one man and one woman. Legal status for unmarried persons which are identical or substantially similar to marital status shall not be valid or recognized in Arkansas, except that the Legislature may recognize a common law marriage from another state between a man and a woman. The Legislature has the power to determine the capacity of persons to marry, subject to this amendment, and the legal rights, obligations, privileges and immunities of marriage.”

**Michigan** — This measure was approved by 59 percent of voters on Nov. 2, 2004.

This measure amends the state constitution to read: “To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose.”

**Montana** — This measure was approved by 67 percent of voters on Nov. 2, 2004.

This measure amends the state constitution to read: “Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state.”

**North Dakota** — This measure was approved by 73 percent of voters on Nov. 2, 2004.

This measure amends the state constitution to read: “Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent effect.”

**Ohio** — This measure was approved by 62 percent of voters on Nov. 2, 2004.

The measure amends the state constitution to read: “Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.”

**Oregon** — This measure was approved by 57 percent of voters on Nov. 2, 2004.

The measure amends the state constitution to read: “It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage.”

### Marriage-Related Bills: Active

**District of Columbia Proposed Resolution 790** — This proposed resolution would declare that it is the sense of City Council to work with the mayor to ensure recognition of marriages of same-sex couples lawfully performed in other states.

**Status:** This resolution was introduced on March 17, 2004.

**Massachusetts House Bill 3556, House Bill 3677 and Senate 935** — These bills would permit same-sex couples to marry.

**Status:** These bills were introduced on Jan. 1, 2003, and carried over to the 2004 session.

**Michigan House Resolution 109/Senate Concurrent Resolution 31** — These resolutions urge Congress to pass the Federal Marriage Amendment.

**Status:** These resolutions were introduced on July 16, 2004.

**New Jersey Assembly Bill 460** — This bill would declare that marriages between same-sex couples are void and purports to void marriages between same-sex couples from other jurisdictions

**Status:** This bill was introduced on Jan. 13, 2004.

**New Jersey Assembly Resolution 179** — This resolution encourages Congress to pass the Federal Marriage Amendment.

**Status:** This resolution was introduced on May 27, 2004.

**New Jersey Senate Bill 1148** — This bill would add “persons of the same sex shall not marry” to the state’s marriage laws.

**Status:** This bill was assigned to the Senate Judiciary Committee on Feb. 24, 2004.

**New York Assembly Bill 7392/Senate Bill 3816** — These bills would declare that marriages between same-sex couples from other jurisdictions will be deemed valid in New York.

**Status:** These bills were referred to the Judiciary Committee on Jan. 7, 2004.

**New York Senate Bill 2220/Assembly Bill 2998** — These bills would permit same-sex couples to marry in New York.

**Status:** These bills are carry-over bills from 2003. The Assembly bill was assigned to the Judiciary Committee on Jan. 7, 2004, and the Senate bill was assigned to the Judiciary Committee on Feb. 21, 2004.

**Ohio Senate Concurrent Resolution 23** — This resolution would urge Congress to pass the Federal Marriage Amendment.

*Status:* This resolution was introduced on Jan. 14, 2004.

### Marriage-Related Bills: Dead

**Alabama House Bill 8** — This bill would amend the state constitution to prohibit courts in Alabama from hearing or determining any question pertaining to the interpretation of the definition of marriage in state law.

*Status:* This bill died when the Legislature adjourned on May 17, 2004.

**Alabama House Bill 44** — This bill proposes to amend the state constitution to state that marriage licenses will not be issued to same-sex couples nor will marriages between same-sex couples from other jurisdictions be recognized. Additionally, this bill would prohibit common law marriages. Furthermore, this bill would prohibit the courts from interpreting the amendment in a way that would change or have the effect of changing the meaning of it.

*Status:* This bill died when the Legislature adjourned on May 17, 2004.

**Alabama House Bill 94** — This bill would amend the state constitution to declare that marriage licenses will not be issued to same-sex couples and that the state will not recognize marriages from other jurisdictions between same-sex couples. The substitute bill passed by the House Constitution and Elections Committee adds the provision that common law marriages will also be invalid in Alabama, as well as any “union replicating marriage of or between persons of the same sex.”

*Status:* The substitute version of this bill passed House committee on Feb. 19, 2004, by 7-1 vote but was “indefinitely postponed” on May 5, 2004.

**Alabama House Bill 283** — This bill would amend the state constitution by abolishing common law marriages and prohibiting marriage between same-sex couples in the state, as well as giving no force or effect to legal marriages between same-sex couples from other jurisdictions.

*Status:* This bill died when the Legislature adjourned on May 17, 2004.

**Alabama Senate Bill 415 and Senate Bill 433** — These bills would amend the state constitution to declare that marriage licenses will not be issued to same-sex couples nor will the state recognize marriages from other jurisdictions.

*Status:* Senate Bill 415 failed in committee. Senate Bill 433 passed the Senate on April 14, 2004, by a 21-4 vote and passed House committee on April 29, 2004, but died when the Legislature adjourned on May 17, 2004.

**Arizona House Concurrent Memorial 2004/ Senate Concurrent Memorial 1004** — These memorials urge Congress to pass the Federal Marriage Amendment.

*Status:* The Senate version passed committee on Jan. 29, 2004, by a 4-3 vote. The House version passed on March 2, 2004, by a 41-19 vote, and passed the Senate committee on March 11, 2004, by a 4-2 vote. The measure died when the Legislature adjourned on May 26, 2004.

**Arizona Senate Concurrent Resolution 1015** — This resolution would have amended the state constitution to define marriage as only between a man and woman and state that the state constitution shall not be construed to require marital status or the privileges and legal incidents of marital status be conferred on unmarried couples or groups.

*Status:* This bill was assigned to the Family Services Committee. However, state Sen. Mark Anderson, the Republican chairman of the com-

mittee, refused to hold hearings on the bill. He believes the current law in Arizona that prohibits marriage between same-sex couples is sufficient, saying, "I don't see that this is going to necessarily bring any great benefits." The bill died when the Legislature adjourned on May 26, 2004.

**Arkansas Senate Resolution 12/House Resolution 1029** — These resolutions would request that all members of Arkansas' congressional delegation support the Federal Marriage Amendment.

*Status:* The Senate adopted S.R. 12 on Jan. 17, 2004. The House resolution died when the Legislature adjourned on June 9, 2004.

**California Assembly Bill 1967** — This bill would permit same-sex couples to marry.

*Status:* This bill was withdrawn on May 19, 2004.

**California Assembly Joint Resolution 67** — This resolution urges Congress to pass the Federal Marriage Amendment.

*Status:* This resolution failed in the Assembly Judiciary Committee on June 22, 2004.

**Colorado House Joint Resolution 1013** — This resolution asks the Colorado congressional delegation to support the Federal Marriage Amendment.

*Status:* This resolution died when the Legislature adjourned on May 5, 2004.

**Delaware Senate Bill 246** — This bill proposes to amend the state constitution to read: "Marriage is prohibited and void between persons of the same gender. A marriage obtained or recognized outside this state between persons of the same gender shall not constitute a legal or valid marriage within this state. The uniting of two persons of the same gender in a civil union, domestic partnership or other similar same-gender legal relationship shall not be valid or recognized in this state."

*Status:* This bill died when the Legislature adjourned on July 1, 2004.

**Georgia House Resolution 1063** — This resolution urged Congress to pass the Federal Marriage Amendment.

*Status:* This measure died when the Legislature adjourned on April 7, 2004.

**Georgia House Resolution 1470** — This bill would have amended the state constitution to read: "Marriage in this state shall consist only of the union of a man and a woman."

*Status:* This resolution failed in House committee on March 9, 2004.

**Georgia House Resolution 1970** — This resolution proposed to amend the state constitution to prohibit the performance of marriages between same-sex couples, but not the recognition of marriages from other jurisdictions.

*Status:* This measure failed in the House on March 9, 2004.

**Idaho House Joint Resolution 9** — This resolution would have amended the state constitution to read: "Only marriage between one man and one woman at one time shall be recognized as valid in this state. No other relationship shall be recognized as a marriage or its legal equivalent by the state of Idaho or its political subdivisions, regardless of whether such relationship is recognized by the laws of any jurisdiction outside of this state."

*Status:* This resolution passed the House on Feb. 11, 2004, on a 53-17 vote. The Republican chair of the Senate State Affairs Committee refused to hold a hearing on this measure and it died when the Legislature adjourned on March 20, 2004.

**Illinois House Joint Resolution Constitutional Amendment 24/Senate Joint Resolution Constitutional Amendment 56** — These joint resolutions propose to amend the state constitu-

tion to state that only marriage between one man and one woman is valid and recognized in Illinois. This would include civil unions, domestic partnerships or “other similar same-sex relationships.”

**Status:** These resolutions died on May 1, 2004, when the deadline for action passed.

**Illinois House Joint Resolution Constitutional Amendment 25** — This joint resolution proposes to amend the state constitution to state that only marriage between one man and one woman is valid and recognized in Illinois.

**Status:** This resolution died on May 1, 2004, when the deadline for action passed.

**Illinois House Joint Resolution Constitutional Amendment 31** — This resolution would amend the state constitution to read: “Only marriage between one man and one woman shall be valid or recognized in Illinois. The uniting of persons of the same sex in a civil union, domestic partnership or other similar same-sex relationship shall not be valid or recognized in Illinois.”

**Status:** This resolution died on May 1, 2004, when the deadline for action passed.

**Illinois Senate Joint Resolution 48** — This resolution urges Congress to pass the Federal Marriage Amendment.

**Status:** This resolution was introduced on Jan. 22, 2004.

**Indiana House Joint Resolution 3/Senate Joint Resolution 7** — This bill would have amended the state constitution to define marriage as only between a man and woman.

**Status:** S.J.R. 7 passed the Senate on Feb. 3, 2004, by a vote of 42-7. However, the chair of the House Rules and Legislative Procedure Committee, Rep. Scott Pelath, a Democrat, would not grant the bill a hearing in the House. “With the multitude of issues we have to deal with that

deal directly with people’s lives, this just isn’t a priority at this moment,” he said. The bill officially died on Feb. 5, 2004.

**Iowa House Bill 2251** — This bill would invalidate civil contracts or legal arrangements that confer upon an unmarried couple the rights, benefits, protections, responsibilities or other incidents of marriage.

**Status:** This bill died on March 5, 2004, when the deadline for the bill to be heard by a House committee passed.

**Iowa House Joint Resolution 2002/Senate Joint Resolution 2005** — This resolution would urge Congress to pass the Federal Marriage Amendment.

**Status:** These resolutions died when they missed the deadlines to pass out of their original house.

**Iowa House Joint Resolution 2003** — This resolution would amend the state constitution to not only prohibit marriage between same-sex couples, but also goes on to state: “A civil contract valid in any other state, territory, country or foreign jurisdiction that does not confer the legal status of marriage but only confers the exclusive legal union, incidents, privileges or immunities of such status on an unmarried couple or group of persons is not valid in this state.”

**Status:** This resolution died when the Legislature adjourned on April 20, 2004.

**Iowa Senate Joint Resolution 2002** — This resolution would amend the state constitution to not only prohibit marriage between same-sex couples, but also goes on to state: “A civil contract valid in any other state, territory, country or foreign jurisdiction that does not confer the legal status of marriage but only confers the exclusive legal union, incidents, privileges or immunities of such status on an unmarried couple or group of persons is not valid in this state.”

**Status:** This resolution failed in the Senate on March 23, 2004, by a 25-24 vote.

**Kansas Senate Concurrent Resolution 5005 —** This was an unrelated proposed amendment that was amended by a joint conference committee to read: “Marriage shall be constituted by one man and one woman only.” All other marriages are void. “No relationship other than a marriage shall be recognized by the state as entitling the parties to the rights or incidents of marriage.”

**Status:** This measure passed the Senate on May 1, 2004, by a 27-13 vote, but failed to get enough votes in the House on May 4, 2004.

**Kansas House Concurrent Resolution 5033 —** This resolution would amend the state constitution to declare that marriages between same-sex couples are void.

**Status:** This resolution passed the House on March 5, 2004, by an 88-36 vote; however, the measure failed to get the required two-thirds vote in the Senate on March 25, 2004.

**Kansas Senate Concurrent Resolution 1619 —** This resolution would amend the state constitution to read that only marriages between a man and a woman are valid and that civil unions, domestic partnerships “or other similar same-sex relationships” will not be valid in Kansas.

**Status:** This resolution died on Feb. 28, 2004, when the deadline for it to pass out of the Senate passed.

**Kentucky House Bill 95/B.R. 839 —** This resolution would have amended the state constitution to state that marriage in Kentucky refers “only to the civil status, condition or relation of one man and one woman in law for life, for the discharge to each other and the community of the duties legally incumbent upon those whose association is founded on the distinction of sex.” Additionally, the bill stated: “Marriage is prohibited and void between members of the

same sex and such other persons as the General Assembly may prohibit by general law.”

**Status:** This bill was introduced on Jan. 6, 2004. A discharge petition to force the bill out of committee was filed on Feb. 26, 2004. To avoid his bill becoming a “political football,” the sponsor, Democratic Rep. J. R. Gray, withdrew it. The next day, House Bill 613 was filed.

**Kentucky House Bill 613 —** This bill would amend the state constitution to read that marriage “refers only to the civil status, condition or relation of one man and one woman in law for life, for the discharge to each other and the community of the duties legally incumbent upon those whose association is founded on the distinction of sex. Marriage is prohibited and void between members of the same sex and such other persons as the General Assembly may prohibit by general law.”

**Status:** This bill was filed on Feb. 26, 2004, in response to the withdrawal of House Bill 95. It died, however, when the Legislature adjourned on April 13, 2004.

**Kentucky House Concurrent Resolution 4/B.R. 150 & House Concurrent Resolution 6/B.R. 160 & House Concurrent Resolution 17/B.R. 840 —** These resolutions would encourage Congress to pass the Federal Marriage Amendment.

**Status:** H.C.R. 17 passed the House on March 2, 2004, by a 75-11 vote and passed the Senate State and Local Committee on March 25, 2004. It died, however, when the Legislature adjourned on April 13, 2004.

**Louisiana House Bill 767 —** This bill would amend the “Right to Individual Dignity” section of the state constitution to read: “Persons of the same gender shall not contract marriage with each other.”

**Status:** This bill died when the Legislature adjourned on June 21, 2004.

**Louisiana Senate Bill 166** — This bill would amend the state constitution to read that state will not give effect to any public act, record or judicial proceeding respecting a relationship between persons of the same sex that is treated as marriage.

*Status:* This bill failed to garner enough votes in its first vote in the Senate, but on the second vote on May 18, 2004, the measure was passed by a vote of 31-4. This bill and House Bill 61 (see “Marriage Bills Passed”) were made duplicate bills.

**Louisiana Concurrent House Resolution 29** — This resolution urges Congress to pass the Federal Marriage Amendment.

*Status:* This resolution died when the Legislature adjourned on June 21, 2004.

**Maine House Paper 1381** — This measure was a joint order directing the Joint Standing Committee on the Judiciary to report out a constitutional amendment that defines marriage as between one man and one woman.

*Status:* The motion to “indefinitely postpone” the measure passed the House by a 73-63 vote. The Senate rejected the measure by a 17-16 vote.

**Maryland House Bill 16/Senate Bill 673** — These bills propose a state constitutional amendment that would state: “Only a marriage between a man and woman is valid in this state.”

*Status:* The House bill was defeated in the Judiciary Committee on March 5, 2004, by a 13-7 vote. The Senate bill had a hearing on March 10, 2004; no vote was taken.

**Maryland House Bill 728/Senate Bill 746** — These bills would have declared marriages between same-sex couples to be against the public policy of the state and would have invalidated such marriages.

*Status:* The House bill was defeated in the Judiciary Committee on March 5, 2004, by an 11-9 vote. The Senate bill was withdrawn.

**Michigan Senate Joint Resolution E** — This resolution would add a section to Michigan’s constitution defining marriage as between one man and one woman only.

*Status:* This resolution was discharged from its original committee on Jan. 21, 2004. With the approval of the citizen-initiated constitutional amendment, this measure is dead.

**Michigan House Joint Resolution U** — This resolution would amend the state constitution to read: “Only marriage between one man and one woman shall be recognized as valid in this state.” The resolution would also declare that “No other relationship shall be recognized as a marriage or its legal equivalent by the state, its political subdivisions or educational institutions.”

*Status:* This resolution passed the House on March 9, 2004, by 65-38; however, it fell short of the two-thirds needed for a constitutional amendment.

**Minnesota House Bill 2798/Senate Bill 2715** — These bills would amend the state constitution to read: “Only the union of one man and one woman shall be valid or recognized in Minnesota. Any other relationship shall not be recognized as a marriage or its legal equivalent.”

*Status:* The House version of this bill passed the House on March 24, 2004, by a 88-42 vote. However, it failed in the Senate Judiciary Committee on March 26, 2004, by a 5-4 vote. The committee voted for an alternative proposal that would declare that only the Legislature can define marriage. The measure died, however, when the Legislature adjourned on May 16, 2004.

**Minnesota Senate Bill 3003** — This bill proposes to amend the state constitution to read: “The judicial branch does not have the power to direct or require the Legislature to define marriage or a legal equivalent to marriage such as a civil union between parties. The Legislature has the sole power to define marriage and equivalent civil unions.”

**Status:** This measure passed the Senate Judiciary Committee on March 26, 2004, but died when the Legislature adjourned on May 16, 2004.

**Mississippi House Concurrent Resolution 60** — This resolution would amend the state constitution to declare that the only marriages that are valid in Mississippi are those between one man and one woman.

**Status:** This resolution died in committee on March 9, 2004.

**Mississippi Senate Concurrent Resolution 519** — This resolution urges Congress to pass the Federal Marriage Amendment.

**Status:** This resolution passed the Senate on Feb. 27, 2004, but died when the Legislature adjourned on May 9, 2004.

**Missouri House Joint Resolution 39** — This resolution would amend the state constitution to prohibit the issuance of marriage licenses to same-sex couples and purports to not recognize marriages between same-sex couples from other jurisdictions.

**Status:** This resolution passed the House on April 22, 2004, by a 124-19 vote and then passed Senate Committee on May 6, 2004, but died when the Legislature adjourned on May 14, 2004.

**Missouri House Joint Resolution 42** — This resolution would amend the state constitution to define marriage as only between a man and woman and that “full faith and credit of such marital status entered into in another state shall not be recognized as marriage.”

**Status:** This resolution died when the Legislature adjourned on May 14, 2004.

**Missouri House Joint Resolution 47/House Joint Resolution 38** — These resolutions would amend the state constitution to prohibit the issuance of marriage licenses to same-sex couples and purports not to recognize marriages between same-sex couples from other jurisdictions.

**Status:** These resolutions died when the Legislature adjourned on May 14, 2004.

**North Carolina House Bill 1606/Senate Bill 3816** — These bills would amend the constitution to declare that marriage is only between a man and a woman and that marriages, civil unions, domestic partnerships and other similar relationships would not be valid or recognized.

**Status:** These bills died when the Legislature adjourned on July 18, 2004.

**Oklahoma House Bill 2207** — This bill would declare that “a marriage, civil union, domestic partnership or other spousal relationship between persons of the same gender” is not authorized or recognized in Oklahoma.

**Status:** This bill died on March 11, 2004, when the deadline for House action passed.

**Oklahoma House Bill 2255** — This bill would invalidate marriages between same-sex couples from other territories or countries.

**Status:** This bill died on March 11, 2004, when the deadline for House action passed.



**Oklahoma House Resolution 1051** — This resolution condemns Massachusetts for legalizing marriage for same-sex couples and “implores the Legislature ... to impeach the Supreme Court judges who made this immoral and unconstitutional ruling.”

**Status:** This measure died when the Legislature adjourned on May 28, 2004.

**Oklahoma House Joint Resolution 1042** — This bill would amend the state constitution to “allow only the union of a man and a woman to be recognized and valid as a marriage in Oklahoma.”

**Status:** This resolution died on March 11, 2004, when the deadline for it to pass out of the House passed.

**Oklahoma House Joint Resolution 1045** — This bill would amend the state constitution to read: “No marriage, civil union, domestic partnership or other such spousal relationship between persons of the same gender performed or authorized in another state, territory or country shall be recognized as valid and binding in this state as of the date of the said marriage, civil union, domestic partnership or other spousal relationship.”

**Status:** This resolution died on March 11, 2004, when the deadline for it to pass out of the House passed.

**Oklahoma House Joint Resolution 1055** — This resolution would declare: “Marriage in this state shall consist only of the union of a man and a woman. No provision of this constitution or laws of this state shall be construed to require that marital status or the incidents thereof be conferred upon unmarried couples or groups.”

**Status:** This resolution died on March 11, 2004, when the deadline for it to pass out of the House passed.

**Oklahoma House Joint Resolution 1065** — This resolution would amend the state constitution to read: “Marriage in this state shall consist only of the union of one man and one woman.”

**Status:** This resolution died on March 11, 2004, when the deadline for it to pass out of the House passed.

**Oklahoma Senate Joint Resolution 38/Senate Joint Resolution 46** — These resolutions would amend the state constitution to read: “Marriage in this state shall consist only of the union of a man and a woman. No provision of this constitution or laws of this state shall be construed to require that marital status or the incidents thereof be conferred upon unmarried couples or groups” Additionally, the resolution would invalidate marriages between same-sex couples from other states.

**Status:** These resolutions died on March 11, 2004, when the deadline for them to pass out of the Senate passed.

**Rhode Island House Bill 7395** — This bill would declare that: “Any marriage between persons of the same sex is against the strong public policy of this state. Any marriage entered into by persons of the same sex in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state.”

**Status:** This measure died when the Legislature adjourned on June 26, 2004.

**Rhode Island House Bill 7571** — This bill would declare that the state and its bureaus and agencies can only interpret marriage and spouse as one man and one woman.

**Status:** This measure died when the Legislature adjourned on June 26, 2004.

**Rhode Island House Bill 7995/Senate Bill 2705** — These bills would permit same-sex couples to marry in Rhode Island.

**Status:** These measures died when the Legislature adjourned on June 26, 2004.

**Rhode Island House Bill 8223** — This bill would submit the question, “Should marriage be defined as a union between one man and one woman?” to the voters in a non-binding referendum.

*Status:* This measure died when the Legislature adjourned on June 26, 2004.

**Rhode Island Senate Bill 2583** — This bill would declare marriages between same-sex couples as against the strong public policy of the state and void any such marriages.

*Status:* This measure died when the Legislature adjourned on June 26, 2004.

**Rhode Island Senate Bill 2663** — This bill would prohibit marriage between people of the same sex and prohibit the state and its agencies and bureaus from interpreting marriage and spouse in any way that does not involve one man and one woman.

*Status:* This measure died when the Legislature adjourned on June 26, 2004.

**South Carolina House Bill 4657 and House Bill 4674** — These bills would worsen the state’s existing discriminatory marriage law and declare that: “Any public act, record or judicial proceeding of any other state, country or other jurisdiction outside this state that extends the specific benefits of legal marriage to non-marital relationships between persons of the same sex or different sexes must be considered and treated in all respects as having no legal force or effect in this state and must not be recognized by this state.”

*Status:* H.B. 4657 passed the House on March 17, 2004, by a 103-7 vote, but died when the Legislature adjourned on June 3, 2004.

**South Carolina House Concurrent Resolution 4736** — This resolution encourages Congress to pass the Federal Marriage Amendment.

*Status:* This resolution died when the Legislature adjourned on June 3, 2004.

**South Dakota House Bill 1289** — This bill would have added the following sentence to existing state law: “The uniting of persons of the same or opposite sex in a civil union, domestic partnership or other similar quasi-marital relationship is not valid and does not confer any legal benefit or privilege of marriage allowed under state law.”

*Status:* On Feb. 9, 2004, the State Affairs Committee voted 12-1 to defer this measure. The bill officially died when the Legislature adjourned on March 15, 2004.

**Tennessee Senate Joint Resolution 887** — This resolution would amend the state constitution to read that marriages between same-sex couples will be void and unenforceable in the state.

*Status:* This measure died when the Legislature adjourned on May 21, 2004.

**Tennessee Senate Joint Resolution 27** — This resolution would urge Congress to adopt the Federal Marriage Amendment.

*Status:* This resolution died when the Legislature adjourned on May 27, 2004.

**Texas Concurrent Resolution 1** — This resolution urges Congress to pass the Federal Marriage Amendment.

*Status:* This resolution died when the Legislature adjourned on May 17, 2004.

**Vermont House Joint Resolution 77** — This resolution urges the Vermont congressional delegation to support the Federal Marriage Amendment.

*Status:* This measure died when the Legislature adjourned on May 20, 2004.

**Vermont House Bill 676** — This bill would allow same-sex couples to marry and would recognize marriages and civil unions from other states and countries.

**Status:** This bill died when the Legislature adjourned on May 20, 2004.

**Vermont Proposed Resolution 3** — This proposal would amend the state constitution to read that “marriage between people of the same sex is invalid.”

**Status:** This bill died when the Legislature adjourned on May 20, 2004.

**Vermont Proposed Resolution 5** — This proposal would amend the state constitution to read: “Marriage in this state shall consist only of the union of a man and a woman. This constitution shall not be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.”

**Status:** This bill died when the Legislature adjourned on May 20, 2004.

**Virginia House Bill 727** — This bill would have deemed judges who ruled that the Virginia Defense of Marriage Act was unconstitutional would have committed malfeasance in office and may have been subject to impeachment.

**Status:** This bill failed in committee on Jan. 19, 2004, by a 19-3 vote.

**Virginia House Bill 750** — This bill would have reaffirmed that Virginia has no constitutional or legal obligation to recognize a marriage, a civil union, partnership contract or other arrangement purporting to extend marital privileges or obligations from other jurisdictions.

**Status:** H.B. 750 was tabled to pursue a substitute version of H.B. 751.

**Washington House Bill 2176** — This bill would have invalidated any “uniting of two persons in a non-marital domestic relationship, including a civil union, domestic partnership or other similar relationship when the persons are other than a male and a female.”

**Status:** This bill was introduced on Feb. 28, 2004, and died on March 11, 2004, when the Legislature adjourned.

**Washington House Joint Memorial 4045** — This memorial urged the state Supreme Court to “reject any challenge thereto advocating the recognition of same-sex marriage.”

**Status:** This memorial was introduced on Feb. 6, 2004, and died on March 11, 2004, when the Legislature adjourned.

**Washington House Joint Memorial 4220** — This resolution would have amended the state constitution to declare that only marriages between one man and one woman are valid.

**Status:** This memorial was assigned to the House Juvenile Justice and Family Law Committee on Feb. 6, 2004, but died when the Legislature adjourned on March 11, 2004.

**West Virginia House Concurrent Resolution 66** — This concurrent resolution encourages Congress and the West Virginia delegation to pass the Federal Marriage Amendment

**Status:** This resolution died when the Legislature adjourned on March 21, 2004.

**Wisconsin Assembly Bill 992** — This bill would permit same-sex couples to marry in Wisconsin.

**Status:** This bill was carried over from the 2003 session and died when the Legislature adjourned on March 31, 2004.

**Wyoming Senate Bill 85** — This bill would have invalidated marriages between individuals of the same sex.

**Status:** This bill failed in committee on Feb. 20, 2004, by a 3-2 vote.

### Anti-Discrimination Bills: Passed

**California Assembly Bill 2900** — This bill amends existing labor and employment non-discrimination provisions in California law to be consistent with the non-discrimination provisions in the Fair Employment and Housing Act.

**Status:** This bill was signed by Republican Gov. Arnold Schwarzenegger on Sept. 24, 2004.

**New Mexico House Bill 277** — This bill changes the exemption for employers with four or more employees in the law prohibiting discrimination based on sexual orientation and gender identity to employers with 15 or more employees. All other categories that are protected from discrimination in employment in New Mexico apply to employers with four or more employees. The Legislature had not intended for this different standard to apply to the categories of sexual orientation and gender identity when it passed the anti-discrimination law in 2003. However, the wrong bill was sent to the governor to sign and this bill corrects the error.

**Status:** This bill was signed by Democratic Gov. Bill Richardson on March 10, 2004.

**Rhode Island House Bill 5808** — This bill adds gender identity and expression to the educational program that the Commission Against Discrimination and state Department of Education develops that is calculated to emphasize the origins of prejudice and its harmful effect. This bill also adds sexual orientation and gender identity and expression to the prohibited grounds that state agencies cannot consider when granting, denying or revoking a license or charter.

**Status:** This bill became effective without the governor's signature on April 14, 2004.

### Anti-Discrimination Bills: Active

**Michigan House Bill 4850/Senate Bill 609** — This bill would prohibit discrimination based on sexual orientation and gender identity in the areas of employment, housing and real estate, public accommodations and services and education.

**Status:** This measure was introduced on June 17, 2003, and carried over to the 2004 session.

**New Jersey Assembly Bill 1415** — This bill would exempt "fraternal, service, veterans, ethnic, religious or other similar organizations," including the Boy Scouts, from the definition of public accommodations in New Jersey's anti-discrimination law, which includes sexual orientation.

**Status:** This bill was introduced on Jan. 13, 2004.

**New Jersey Senate Bill 1043** — This bill would make state police employees subject to termination if they were found civilly liable or held responsible pursuant to a departmental finding of depriving another person of any constitutional right or statutory right or privilege based on that person's sexual orientation.

**Status:** This bill was introduced on Feb. 9, 2004.

**New York Assembly Bill 421** — This bill would require assisted living facilities to adopt non-discrimination policies that include sexual orientation and gender identity.

**Status:** This 2003 bill passed the Assembly on June 22, 2004.

**New York Assembly Bill 7355** — This bill would remove sexual orientation from the state civil rights law.

**Status:** This bill was held for consideration in the Assembly Government Operations Committee on May 5, 2004.

**New York Assembly Bill 8319** — This bill would add gender identity and expression to existing state law that prohibits discrimination in the areas of employment, housing, credit and education. Additionally, this bill would add gender identity and expression to the state hate crimes law.

**Status:** This is a 2003 carryover bill that was reassigned to the Assembly Governmental Operations Committee.

**New York Assembly Bill 10250/Assembly Bill 11504** — These bills would prohibit discrimination and harassment based on sexual orientation and gender identity and expression (among other categories) of children living in facilities operated by the Office of Children and Family Services.

**Status:** Assembly Bill 10250 passed committee on May 12, 2004, and Assembly Bill 11504 passed committee on June 17, 2004.

**New York Assembly Bill 10285** — This bill would prohibit discrimination based on sexual orientation in insurance.

**Status:** This bill passed the Assembly on June 14, 2004.

**New York Senate Bill 535** — This bill clarifies that a club or organization is “distinctly private” and thus not subject to the anti-discrimination laws of New York if it is not licensed by the state and it does not receive any abatement or exemption from taxes.

**Status:** This bill was referred to committee on Jan. 7, 2004.

**New York Senate Bill 4457** — This bill would add gender identity and expression to the state civil rights law.

**Status:** This measure was introduced on April 14, 2004.

**Ohio House Bill 147** — This bill would prohibit discrimination based on sexual orientation and

“transgenderism” in the areas of employment, housing, credit and public accommodations.

**Status:** This bill was introduced in 2003 and carried over to the 2004 session.

**Ohio Senate Bill 77** — This bill would prohibit discrimination based on sexual orientation in the areas of employment, housing, credit and public accommodations.

**Status:** This bill was introduced on April 29, 2004.

**Pennsylvania House Bill 1850/Senate Bill 706** — These bills would add sexual orientation and gender identity and expression to the existing laws prohibiting discrimination in employment, housing and public accommodation.

**Status:** The House version of this bill was introduced on Oct. 27, 2003, and the Senate version was introduced on June 17, 2003.

**Pennsylvania House 1851/Senate Bill 707** — These bills would prohibit discrimination in educational institutions based on sexual orientation and gender identity and expression.

**Status:** The House version of this bill was introduced on Oct. 27, 2003, and the Senate version on June 17, 2003.

**Pennsylvania Senate Bill 608** — This bill would add sexual orientation and gender identity and expression to the law prohibiting discrimination in education.

**Status:** This bill was introduced on April 24, 2004.

**Pennsylvania Senate Bill 609** — This bill would add sexual orientation and gender identity/expression as protected classes against discriminatory practices in Pennsylvania educational institutions.

**Status:** This bill was introduced on April 24, 2004.

### Anti-Discrimination Bills: Dead

**Arizona House Bill 2415** — This bill would prohibit discrimination in employment based on sexual orientation and gender identity and expression.

**Status:** This bill died when the Legislature adjourned on May 26, 2004.

**Colorado Senate Bill 49** — This bill would have prohibited discrimination based on sexual orientation and gender variance in employment.

**Status:** This bill failed in committee on Feb. 4, 2004.

**Delaware House Bill 99** — This bill would prohibit discrimination based on sexual orientation in housing, employment, public works, public accommodations and insurance.

**Status:** This bill passed the House on June 26, 2003. The bill was assigned to the Senate Judiciary Committee; however, the Democratic chair, Sen. James T. Vaughn Sr., stated he would not hold a hearing on the bill, and it died when the Legislature adjourned on July 1, 2004.

**Georgia House Bill 885** — This bill would prohibit discrimination on the basis of sexual orientation and gender identity and expression in employment, public accommodations, credit and banking practices, insurance practices and educational practices.

**Status:** This bill died when the Legislature adjourned on April 7, 2004.

**Hawaii House Bill 537** — This bill would prohibit discrimination in housing based on sexual orientation. Existing law in Hawaii prohibits discrimination based on sexual orientation in employment. At the urging of Brigham Young University-Hawaii, an amendment was passed exempting housing associated with schools that have a religious affiliation.

**Status:** This bill passed the House on March 9, 2004, and passed the Senate on April 20, 2004. However, the two chambers could not come to an agreement on the religious housing exemption, and the measure died when the Legislature adjourned.

**Hawaii Senate Bill 620** — This bill would prohibit discrimination in real property transactions and public accommodations on the basis of sexual orientation.

**Status:** This was a 2003 carryover bill that died when the Legislature adjourned on March 11, 2004.

**Hawaii Senate Bill 2673** — This bill would extend to three years the window during which a person could file a complaint with the Civil Rights Commission. It would also prohibit the use of sexual orientation as grounds of discrimination in the state's employment laws.

**Status:** This bill died when the Legislature adjourned on May 6, 2004.

**Illinois Senate Bill 2597** — This bill would prohibit discrimination based on sexual orientation and gender identity in employment, real estate transactions, credit and public accommodations.

**Status:** This bill was introduced on Feb. 3, 2004. The regular session of the Legislature has ended and only a veto session remains in 2004.

**Indiana Senate Bill 458** — This bill would have prohibited discrimination based on sexual orientation and gender identity in employment, public accommodations, housing, property insurance, hospitals and health centers and charter and public schools. This bill would also require contractors with the state to not discriminate on these grounds. In addition, this bill would add gender identity to the grounds that constitute a bias crime (for purposes of data collection).

**Status:** The Republican chair of the Senate Judiciary Committee, Richard Bray, said he would not hold a hearing on the bill, and the measure officially died on Feb. 3, 2004.

**Iowa House Bill 270** — This bill would add sexual orientation to the state's existing anti-discrimination laws.

**Status:** This measure died when the Legislature adjourned on April 20, 2004.

**Iowa Senate Bill 33** — This bill would add sexual orientation and gender identity to the state's anti-discrimination laws.

**Status:** This measure died when the Legislature adjourned on April 20, 2004.

**Iowa Senate Bill 105** — This bill would add sexual orientation to the state's anti-discrimination law.

**Status:** This measure died when the Legislature adjourned on April 20, 2004.

**Kentucky House Bill 338** — This bill would prohibit discrimination based on sexual orientation and gender identity in employment, public accommodations, housing, insurance, financial, banking and credit services

**Status:** This bill died when the Legislature adjourned on April 13, 2004.

**Kentucky House Bill 659** — This bill would prohibit local jurisdictions from enacting civil rights ordinances and would repeal existing ordinances in Covington, Lexington and Louisville that bar discrimination based on sexual orientation and gender identity.

**Status:** This bill died when the Legislature adjourned on April 13, 2004.

**Kentucky Senate Bill 105** — This bill would prohibit discrimination based on sexual orientation and gender identity in employment, housing, insurance and credit/financial practices. Additionally, this bill would explicitly permit

local jurisdictions to pass ordinances that prohibit discrimination based on sexual orientation and gender identity. This bill also expands the definition of familial status.

**Status:** This bill died when the Legislature adjourned on April 13, 2004.

**Louisiana House Bill 845** — This bill would prohibit discrimination based on sexual orientation in employment, housing and real estate and public accommodations.

**Status:** This bill was deferred in committee on May 13, 2004, and died when the Legislature adjourned on June 21, 2004.

**Louisiana House Bill 1229** — This bill would prohibit discrimination in state employment based on sexual orientation.

**Status:** This bill failed in the House on May 11, 2004, by a 50-45 vote.

**Maryland House Bill 107** — This bill would require that state procurement contracts include a clause that prohibits discrimination based on sexual orientation, among other grounds; contracts with religious organizations are included.

**Status:** This bill was withdrawn on March 17, 2004.

**Minnesota House File 341/Senate File 545** — This bill would have removed sexual orientation (as defined, it includes protections for transgender individuals) from the state laws prohibiting discrimination in employment, housing, education, public accommodation and other areas. Additionally, it would have removed sexual orientation from the state's hate crimes law and from the list of recognized Holocaust survivors.

**Status:** This measure was introduced in 2003 and died when the Legislature adjourned on May 16, 2004.

**Minnesota House Bill 2943/Senate Bill 2901** — This bill would create the offense of “official deprivation of civil rights,” defined as when a peace officer acting or purporting to act in an official capacity if the conduct is unlawful and is with the purpose of intimidating or discriminating against an individual or group of individuals because of sexual orientation, along with other categories.

*Status:* This bill died when the Legislature adjourned on May 16, 2004.

**Minnesota Senate Bill 2819** — This bill would expand the definition of “educational institutions” in the anti-discrimination law to include religious schools.

*Status:* This bill died when the Legislature adjourned on May 16, 2004.

**Missouri House Bill 885** — This bill would prohibit any public institution or entity that receives state funds, including companies with contracts with the state, from adopting a discrimination policy that exceeds current federal protections against discrimination. Currently, sexual orientation and gender identity and expression are not included in federal anti-discrimination laws.

*Status:* This bill passed the Workforce Development and Workplace Safety Committee on March 31, 2004, but then died when the Legislature adjourned on May 14, 2004.

**Missouri House Bill 1521** — This bill would prohibit discrimination based on sexual orientation (defined to include gender identity and expression) in employment, public accommodations and housing.

*Status:* This bill died when the Legislature adjourned on May 14, 2004.

**Nebraska Legislative Bill 441** — This bill would prohibit discrimination based on sexual orientation in employment.

*Status:* This bill died when the Legislature adjourned on April 14, 2004.

**Vermont House Bill 366** — This bill would prohibit discrimination based on gender identity in employment, housing, credit, insurance underwriting and public accommodations. This bill also classifies harassment of students as a form of discrimination.

*Status:* This bill died when the Legislature adjourned on May 20, 2004.

**Virginia House Bill 880** — This bill would have allowed counties in Virginia to enact anti-discrimination ordinances that included sexual orientation.

*Status:* This bill failed in committee on Jan. 30, 2004, by a 19-3 vote.

**Washington House Bill 1809** — This bill would have prohibited discrimination based on sexual orientation and gender identity and expression in employment, credit and insurance, public accommodations and real estate transactions.

*Status:* This bill passed the House on Feb. 16, 2004, by a 59-39 vote. On March 8, 2004, a Senate motion to bring the bill up for a vote was passed 25-24. However, before a vote occurred, Senate Republicans moved to adjourn, the motion passed and they adjourned, killing all remaining Democratic bills, including H.B. 1809.

**Washington House Bill 2174** — This bill would prohibit the state and its political subdivisions (counties, cities, towns and school districts) from enacting or enforcing a policy that extends any “special classification or privilege; minority status; quota preferences; affirmative action right; legal standing; public benefit; marital, spousal, parental, familial or domestic privilege, advantage, entitlement, benefit, position or status; claim of discrimination; or special right or protection” to GLBT people. If passed, this



bill would require the secretary of state to put the issue before Washington voters.

**Status:** This bill died when the Legislature adjourned on March 8, 2004.

**West Virginia House Bill 2474** — This bill would prohibit discrimination based on sexual orientation in employment, housing and public accommodations.

**Status:** This bill died when the Legislature adjourned on March 13, 2004.

**West Virginia House Bill 3148** — This bill would prohibit discrimination based on sexual orientation and gender identity and expression in employment, housing and public accommodations.

**Status:** This bill died when the Legislature adjourned on March 13, 2004.

**West Virginia Senate Bill 610** — This bill would prohibit any state agency or political subdivision (county or city) from passing anti-discrimination ordinances, regulations or rules that include enumerated categories not found in state anti-discrimination law; sexual orientation and gender identity are not found in state law.

**Status:** This bill died when the Legislature adjourned on March 13, 2004.

## Hate Crimes Bills: Passed

**California Assembly Bill 2428** — This bill adds to the conditions of the parole of an individual convicted of a hate crime: “Obey a criminal court protective order protecting the victim, or known next of kin or domestic partner of the victim, from further acts of violence, threats, stalking or harassment, including any residence exclusion or stay-away conditions.”

**Status:** Republican Gov. Arnold Schwarzenegger signed this measure on Sept. 27, 2004.

**Connecticut House Bill 5657** — This bill adds gender identity and expression to the existing hate crime law.

**Status:** This bill was signed by Republican Gov. John Rowland on May 21, 2004.

**Illinois House Bill 4506** — This bill expands the definition of educational institutions in the existing hate crime law to include “an administrative facility or public or private dormitory facility of or associated with the school or other educational facility.”

**Status:** This bill was signed by Democratic Gov. Rod Blagojevich on July 19, 2004.

**Nebraska Legislative Bill 270** — This bill allows victims of hate crimes to pursue a civil action to seek an injunction and extends several additional rights to victims of hate crimes. Sexual orientation is included in the state’s hate crimes law.

**Status:** Republican Gov. Mike Johanns signed this bill into law on March 2, 2004.

**New York Senate Bill 6334** — This bill requires colleges to provide incoming students with information regarding incidence of bias related crimes on campus, the college’s procedures for handling bias related crimes and other relevant information. Sexual orientation is included in the state’s hate crime law.

**Status:** This bill was signed by Republican Gov. George Pataki on April 29, 2004.

## Hate Crimes Bills: Active

**Michigan House Bill 4851/Senate Bill 411** — This bill would add sexual orientation and gender identity and expression to the state’s hate crime law.

**Status:** This bill was introduced on June 17, 2003, and carried over to the 2004 session.

**New Jersey Senate Bill 613** — This bill would establish a law enforcement officers' bias crime training program.

*Status:* This bill was introduced on Jan. 13, 2004.

**New York Assembly Bill 1740/Senate Bill 373** — These bills would permit survivors of hate crimes to bring a civil action against the perpetrator of the crime. Sexual orientation is included in New York's hate crimes law.

*Status:* Assembly Bill 1740 has passed two Assembly committees and is awaiting final passage in the Assembly.

**New York Assembly Bill 4842** — This bill would require all non-state-operated colleges and universities to develop and implement policies to address bias-related crimes and violations.

*Status:* This bill was introduced on Jan. 7, 2004.

**New York Assembly Bill 5957/Senate Bill 3595** — This bill would require that the court impose a mandatory anti-hate/bias rehabilitation program on individuals convicted of crimes motivated by hate or bias.

*Status:* This bill was referred to committee on Jan. 7, 2004.

**New York Assembly Bill 8319** — This bill would add gender identity and expression to existing state law that prohibits discrimination in employment, housing, credit and education. Additionally, this bill would add gender identity and expression to the state hate crimes law.

*Status:* This bill passed the Governmental Operations Committee on June 9, 2003, and the Codes Committee on June 19, 2003, and carried over to 2004. It was returned to the Governmental Operations Committee on Jan. 7, 2004.

**New York Assembly Bill 8824** — This bill would create the offense of "inciting a hate crime."

*Status:* This bill was introduced on Jan. 7, 2004.

**New York Senate Bill 3718** — This bill would require that campuses provide training for campus security and other personnel, including campus disciplinary or judicial boards, that address "gender-motivated offenses" defined as being motivated by a person's actual or perceived sex or sexual orientation.

*Status:* This measure was introduced on Jan. 7, 2004.

### Hate Crimes Bills: Dead

**Alaska Senate Bill 246** — This bill would permit a person to initiate a civil action for discriminatory harassment against anyone who has caused injury or damaged the first person's property with the intent to intimidate because of that person's sexual orientation (among other grounds). Additionally, this bill would create the crime of "motivation by prejudice, bias or hatred" if someone targeted a person because of his or her sexual orientation (among other grounds). The bill also would prohibit suspended sentences for people convicted under this law and would mandate community service and a diversity tolerance program for minors convicted of this offense.

*Status:* This bill died when the Legislature adjourned on May 11, 2004.

**Alaska Senate Bill 261** — This bill would create the offense of "motivation by prejudice, bias or hatred" if a person commits a crime targeting the victim because of his or her race, sex, color, creed, physical or mental disability, sexual orientation, ancestry or national origin.

*Status:* This bill died when the Legislature adjourned on May 11, 2004.

**California Assembly Bill 1671** — This bill would state that it is the intent of the Legislature to enact legislation to require the Commission on Peace Officer Standards and Training to develop a standardized method of identifying and reporting hate incidences.

*Status:* This measure died on Feb. 2, 2004.

**California Assembly Bill 1673** — This bill would state that it the intent of the Legislature to enact legislation to require local law enforcement agencies to track and report hate crimes and hate incidences to the attorney general.

*Status:* This bill died on Feb. 2, 2004.

**Illinois House Bill 4071** — This bill would ensure that the state police collect and disseminate hate crime information regardless of the availability of state and federal funds.

*Status:* This bill passed the House on March 3, 2004, by a vote of 105-0. The regular session of the Legislature has ended and only a veto session remains in 2004.

**Illinois House Bill 4376** — This bill would add “transgender status” to the state hate crimes law.

*Status:* This bill was introduced on Feb. 3, 2004. The regular session of the Legislature has ended and only a veto session remains in 2004.

**Illinois House Bill 4609** — This bill would state that a victim of a crime of violence shall be treated equally for purposes of victims’ compensation and that compensation may not be reduced or denied to a victim based on his or her sexual orientation, among other factors.

*Status:* This bill was introduced on Feb. 4, 2004. The regular session of the Legislature has ended and only a veto session remains in 2004.

**Indiana Senate Bill 240** — This bill would have allowed a judge to consider whether a person committed a crime did so because of sexual orientation (among other grounds) in sentencing.

*Status:* This bill died on Feb. 4, 2004, when the deadline for the bill to pass the Senate passed.

**Maryland House Bill 365/Senate Bill 698** — These bills would add sexual orientation and gender identity and expression to the state hate crime laws. The bill was amended by the House Judiciary Committee to remove gender identity and expression.

*Status:* The amended version of H. B. 365 passed the House on March 26, 2004, by a 94-41 vote and passed the Senate Judicial Proceedings Committee on April 10, 2004, but then died when the Legislature adjourned on April 12, 2004.

**Mississippi House Bill 119** — This bill would have added age and sexual orientation to the state’s existing hate crimes law.

*Status:* This bill died in committee on March 9, 2004.

**Rhode Island House Bill 7331** — This bill would add “actual or perceived” sexual orientation (among other categories) to the law allowing victims of harassment or intimidation to initiate civil action. It would also allow the state attorney general to bring an action.

*Status:* This measure died when the Legislature adjourned on June 26, 2004.

**South Carolina House Bill 3711** — This bill would create a hate crimes law in South Carolina, one of four states that does not already have one. Sexual orientation is included in the protections.

*Status:* This bill died when the Legislature adjourned on June 3, 2004.

**Utah House Bill 68** — This bill would have allowed for enhanced penalties if a person was found guilty of a crime motivated by bias. Sexual orientation was included as one of the categories.

*Status:* This bill died on March 3, 2004.

**Utah Senate Bill 41** — This bill would have allowed enhanced penalties for crimes motivated by bias.

**Status:** This bill died on March 3, 2004.

**Virginia Senate Bill 473** — This bill would have added sexual orientation to the existing hate crimes law.

**Status:** This bill failed in the Committee of Courts of Justice on Jan. 21, 2004, by a vote of 8-7.

**West Virginia House Bill 2004/House Bill 2042** — These bills would add sexual orientation and disability to the state's existing hate crimes law.

**Status:** These measures died when the Legislature adjourned on March 21, 2004.

**West Virginia House Bill 2226** — This bill would add sexual orientation, sex and disability to the state's existing hate crimes law.

**Status:** This measure died when the Legislature adjourned on March 21, 2004.

**West Virginia House Bill 2876** — This bill would eliminate the categories from the state's hate crime law and replace them with: "Therefore, the punishments called for in this chapter should be vigorously enforced to ensure the protection of all persons from violence against their person or property."

**Status:** This measure died when the Legislature adjourned on March 21, 2004.

### Other Relationship Recognition Bills: Passed

**California Assembly Bill 2208** — This bill would require health care service plans and health insurers to provide equal coverage (as spouses) to employees. Furthermore, this bill would extend this requirement to all other forms of insurance regulated by the Department of Insurance.

**Status:** This bill was signed by Republican Gov. Arnold Schwarzenegger on Sept. 13, 2004.

**California Assembly Bill 2233** — This law specifies that the provisions of the teachers' retirement law that currently are applicable to a spouse, surviving spouse or former spouse also apply to a registered domestic partner, surviving domestic partner or former domestic partner.

**Status:** This bill was signed by Republican Gov. Arnold Schwarzenegger on Sept. 29, 2004.

**California Assembly Joint Resolution 60** — This resolution urges the president and U.S. Congress to pass the Permanent Partners Immigration Act of 2003, a bill that would modify the federal Immigration and Nationality Act to provide same-sex partners of U.S. citizens and same-sex partners of lawful permanent residents the same immigration rights that legal spouses of U.S. residents enjoy.

**Status:** This measure passed in the Assembly on June 24, 2004, and the Senate on Aug. 19, 2004.

**Maine Legislative Document 1579/H.P. 1152** — This law creates a statewide domestic partner registry and adds domestic partners to certain provisions of the state Probate Code and to the laws governing the custody of remains of a deceased person.

**Status:** This bill was signed by Democratic Gov. John Baldacci on April 29, 2004.

**New Jersey Assembly Bill 3743** — This law establishes a statewide domestic partner registry and provides several rights to couples. These include the right to make medical decisions for their incapacitated domestic partner, an exemption from the New Jersey transfer inheritance tax on the same basis as a spouse and eligibility for dependent coverage under health insurance contracts.

**Status:** This measure was signed by Democratic Gov. Jim McGreevey on Jan. 1, 2004.

**New York Assembly Bill 9872** — This law allows domestic partners to have the same hospital visitation rights as spouses.

**Status:** This bill was signed by Republican Gov. George Pataki on Sept. 21, 2004.

**New York Assembly Bill 11790** — This law allows racetracks to issue free passes to the spouses, domestic partners and children of owners, jockeys and trainers.

**Status:** This bill was signed by Republican Gov. George Pataki on Aug. 24, 2004.

### Other Relationship Recognition Bills: Active

**District of Columbia Bill 756** — This bill would bring the percentage of the cost of health insurance paid by a district government employee for the coverage of a domestic partner into parity with the percentage of health insurance paid for other family coverage.

**Status:** This bill was introduced on March 16, 2004.

**New York Assembly Bill 3129/Senate Bill 372** — These bills would allow domestic partners to have control of the remains of their deceased partner.

**Status:** Assembly Bill 3129 passed the Assembly Health Committee on Jan. 27, 2004.

**New York Assembly Bill 3425/Senate Bill 712** — These bills would allow a surviving domestic partner of a state employee who died before retirement to continue health insurance coverage.

**Status:** This bill was introduced on Feb. 5, 2003, and carried over to 2004.

**New York Assembly Bill 6221/Senate Bill 351** — These bills would require employers to extend bereavement and funeral leave to employees with same-sex partners.

**Status:** These bills were introduced on March 4, 2003, and carried over to 2004.

**New York Assembly Bill 6315/Senate Bill 5393** — These bills would add “domestic partner” alongside “spouse” in the list of individuals who can make medical decisions for a person, absent a power of attorney.

**Status:** These bills were introduced on March 4, 2003, and carried over to 2004.

**New York Assembly Bill 7304/Senate Bill 3393** — This bill would create a statewide domestic partner registry and confer several rights — adding the term “surviving domestic partner” to the laws that govern “surviving spouses” in the estates, powers and trust laws, would require insurers who write policies that include spouses to also include domestic partners and would prohibit the state and local agencies from discriminating on the basis of domestic partner status.

**Status:** These measures were introduced in 2003 and carried over to 2004.

**New York Assembly Bill 7943** — This bill would allow the surviving domestic partners of World Trade Center firefighters to receive benefits.

**Status:** This bill was introduced on Jan. 7, 2004.

**New York Assembly Bill 8112** — This bill would add “domestic partner” to the workers’ compensation law governing who is included in an employer’s disability benefits insurance contract.

**Status:** This measure was introduced on April 16, 2003, and carried over to 2004.

**New York Assembly Bill 8844** — This bill would add domestic partners to the definition of spouse for purposes of death benefits for World Trade Center rescue workers.

**Status:** This bill was referred to the Assembly Labor Committee on Jan. 27, 2004.

**New York Assembly Bill 9191** — This bill would require certain employers to allow employees to use their sick leave to care for a domestic partner.

**Status:** This measure passed the Assembly Labor Committee on May 11, 2004, and is awaiting final passage in the Assembly.

**New York Assembly Bill 9794** — This bill would extend the school tax relief program to domestic partners who jointly own their primary residence.

**Status:** This bill passed the Assembly Real Property Taxation Committee on June 3, 2004.

**New York Assembly Bill 10551** — This bill would establish civil unions in New York and confer all of the state-level marriage rights and responsibilities on parties to a civil union.

**Status:** This bill was introduced on April 20, 2004.

**New York Assembly Bill 11464** — This bill would require that group policies that provide hospital, surgical or medical expense insurance and hospital service corporations to family members must, upon request, extend the policies to domestic partners.

**Status:** This bill passed the Assembly on June 23, 2004.

**New York Senate Bill 350** — This bill would require employers who extend bereavement leave to employees for the death of a spouse to also allow this leave to be taken for the death of a domestic partner.

**Status:** This bill was introduced in 2003 and carried over to 2004.

**New York Senate Bill 1828** — This bill would require that contractors with the state agree to not discriminate based on sexual orientation.

**Status:** This bill was introduced on Feb. 12, 2004.

**New York Senate Bill 2449** — This bill would permit the surviving “eligible domestic partner” of a deceased retired member of the New York City police or fire department to continue with health insurance coverage.

**Status:** This bill was introduced on Feb. 27, 2003, and carried over to 2004.

**New York Senate Bill 4693** — This bill would permit certain surviving domestic partners (those registered or named as a beneficiary) of deceased rescue workers from the World Trade Center to receive certain benefits.

**Status:** This bill was introduced on April 14, 2003, and carried over to 2004.

## Other Relationship Recognition Bills: Dead

**Arizona Senate Bill 1203** — This bill would add “registered domestic partner” alongside “spouse” to the law on who can serve as a surrogate decision-maker when a patient does not have a written directive or is unable to communicate.

**Status:** This bill passed the Senate Health Committee on Feb. 5, 2004, by a 7-2 vote. It died when the Legislature adjourned on May 26, 2004.

**Colorado House Bill 1085** — This bill would have established civil unions in Colorado and extended all of the state-level marital rights and responsibilities to parties of a civil union.

**Status:** This bill failed in committee on Feb. 2, 2004.

**Connecticut House Bill 5574** — This bill would add domestic partner to the current law that extends health insurance to retired teachers and their families.

**Status:** This bill died in committee on March 29, 2004.

**Connecticut House Bill 5607** — This bill would provide same-sex domestic partners of retired teachers with the same opportunity to participate in health plans offered by the retired member's local board of education that is presently available to spouses.

*Status:* This measure died on March 29, 2004.

**Hawaii House Bill 1024** — This bill would have established civil unions and repealed the reciprocal beneficiary law.

*Status:* This bill died in committee on Feb. 19, 2004.

**Illinois House Bill 3204** — This bill would permit the surviving domestic partners of Illinois public school teachers to receive survivor and death benefits.

*Status:* This bill was introduced on Feb. 27, 2004. The regular session of the Legislature has ended and only a veto session remains in 2004.

**Illinois Senate Bill 2484** — This bill would permit teachers to designate a domestic partner to receive survivor and death benefits.

*Status:* This bill was introduced on Feb. 3, 2004. The regular session of the Legislature has ended and only a veto session remains in 2004.

**Louisiana Senate Bill 159** — This bill would purport to not recognize civil unions, domestic partnerships or "similar relationships."

*Status:* This bill died when the Legislature adjourned on June 21, 2004.

**Louisiana Senate Bill 217** — This bill would require that employers allow employees to use sick leave or other paid time off to care for a family member. Domestic partners (undefined) are included.

*Status:* This bill died when the Legislature adjourned on June 21, 2004.

**Maryland House Bill 1284** — This bill would create a statewide domestic partner registry and confer a handful of rights, including hospital visitation, medical decision-making and the right to make funeral arrangements.

*Status:* This bill passed the House on March 29, 2004, by a 103-30 vote, and failed in a Senate committee on April 12, 2004, by a 6-5 vote.

**Massachusetts House Bill 1349/Senate Bill 1617** — This bill would extend domestic partner benefits to state employees.

*Status:* This bill was introduced in 2003 and carried over to 2004. With the advent of marriage for same-sex couples in Massachusetts, this bill is probably dead.

**Massachusetts House Bill 2383** — This bill would add domestic partners, children of domestic partners and parents of domestic partners to the state's family and medical leave laws.

*Status:* This bill was introduced in 2003 and carried over to 2004. With the advent of marriage for same-sex couples in Massachusetts, this bill is probably dead.

**Massachusetts Senate Bill 2175/Senate Bill 935/House Bill 1149** — These bills would have created civil unions for same-sex couples.

*Status:* With the advent of marriage for same-sex couples along with the pending state constitutional amendment that would prohibit marriage but establish civil unions, these measures are probably dead.

**New York Assembly Bill 6717/Senate Bill 4269** — These bills would allow domestic partners to be treated as next-of-kin for hospital visitation and health care decision-making purposes.

*Status:* These bills were introduced on March 4, 2003, and carried over to 2004. However, with the passage of Assembly Bill 9872, these measures are probably dead.

**Rhode Island House Bill 7746** — This bill would allow surviving domestic partners to recover damages for the loss of consortium for the wrongful death of their partners.

**Status:** This bill died when the Legislature adjourned on June 26, 2004.

**Rhode Island House Bill 7582/Senate Bill 2370** — This bill would allow the domestic partner of a deceased police officer, correctional officer or firefighter to receive a death benefit.

**Status:** This bill died when the Legislature adjourned on June 26, 2004.

**Tennessee House Bill 2627/Senate Bill 2661** — This bill would declare that “a civil union or a domestic partnership between individuals of the same sex is not a legally recognized relationship in this state.”

**Status:** House Bill 2627 failed in a House committee, and Senate Bill 2661 passed the Senate on March 31, 2004, by a 26-2 vote. Both measures died when the Legislature adjourned on May 21, 2004.

**Vermont House Bill 274** — This bill would repeal the current civil union and reciprocal beneficiary laws.

**Status:** This bill died when the Legislature adjourned on May 20, 2004.

**Virginia House Bill 187** — This bill would have prohibited all unmarried couples from being eligible for mortgage loans from the state Housing Development Authority.

**Status:** This bill failed in the House on Feb. 16, 2004, by a 54-44 vote.

**Virginia House Bill 1016** — This bill would have allowed group accident and health insurance carriers to provide coverage for a person living in the same household as the insured.

**Status:** A substitute version of this bill passed the House on Feb. 16, 2004, by a 50-49 vote. It

failed in a Senate committee on March 1, 2004, by a 9-6 vote.

**Washington House Bill 1939/Senate Bill 6014** — These bills would have created civil unions in Washington and extended all of the state-level marital rights and responsibilities to parties of a civil union.

**Status:** These measures died on Feb. 17, 2004.

**Washington House Bill 2399/Senate Bill 6272** — These bills would have established family leave insurance in the state that included domestic partners.

**Status:** These bills died on Feb. 17, 2004, when the deadline for them to pass out of the original chamber passed.

**Washington House Bill 2665** — This bill would have added domestic partners to the senior citizen property tax exemption program.

**Status:** This bill died on Feb. 17, 2004, when the deadline for it to pass out of the House passed.

**Wisconsin Assembly Bill 955** — This bill would establish a statewide domestic partner registry and confer all state-level marital rights and responsibilities on domestic partners.

**Status:** This bill died on March 31, 2004.

## Parenting Bills: Passed

**Oklahoma House Bill 1821** — This bill dealt with foreign adoptions. It was amended in the House to add that the state, its agencies and any courts shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction.

**Status:** This bill was signed by Democratic Gov. Brad Henry on May 3, 2004.



## Parenting Bills: Active

**Massachusetts Senate Bill 1033** — This bill would allow adoptive parents who are not married to one another access to provisions of the law when custody and visitation disputes arise.

*Status:* This bill was carried over from the 2003 session.

**Michigan House Bill 5690** — This bill would allow adoption agencies to not participate in a placement if the agency has written religious or moral convictions or beliefs.

*Status:* This bill was introduced on March 23, 2004.

**Michigan House Bill 5691** — This bill would prohibit the family independence agency from refusing to issue a license to an adoption agency based solely on the agency's objection to participating in a placement that violates its written religious or moral convictions.

*Status:* This bill was introduced on March 23, 2004.

## Parenting Bills: Dead

**Colorado House Bill 1105** — This bill would have allowed same-sex couples to jointly adopt their children.

*Status:* This bill died in the House Committee on Information and Technology on Jan. 26, 2004.

**Iowa House Bill 64** — This bill would permit the court to consider "exposure to a cohabitating intimate partner" as a change in circumstances that would permit the court to award custody of the child or children to the other parent.

*Status:* This bill died when the Legislature adjourned on April 20, 2004.

**Iowa Senate Study Bill 1057** — This study bill would prohibit "homosexuals" from serving as foster parents or from adopting in Iowa.

*Status:* This bill died on March 5, 2004, when the deadline for the bill to be heard by Senate committee passed.

**Kentucky House Bill 358 and House Bill 661** — These bills would prohibit the placement "or adoption or consent to an adoption where the petitioner or other person acting as a parent in the home is homosexual, bisexual or otherwise transgendered, or where more than two persons are cohabiting or are otherwise engaging in sexual relations with one another."

*Status:* These measures died when the Legislature adjourned on April 13, 2004.

**South Carolina Senate Bill 387** — This bill would prohibit the placement of foster children with a person who has engaged in a sexual relationship with another person residing in the house who is not their legal spouse.

*Status:* This was a 2003 bill that carried over to 2004 and died when the Legislature adjourned on June 3, 2004.

## Education/Schools-Related Bills: Passed

**Colorado House Bill 04-1375** — This bill would prohibit school districts from providing instruction relating to "sexual lifestyles that are alternative to heterosexual relationships, including but not limited to homosexual relationships." The bill was amended in committee to remove this language and to require parental approval for all human sexuality instruction.

*Status:* This bill, as amended, was signed by Republican Gov. Bill Owens on May 28, 2004.

**Vermont House Bill 113** — This bill as introduced would have added "motivated or perceived" to the categories included in Vermont's law against harassment at schools and other places of public accommodations. This bill also permits victims to seek injunctive relief and damages. The

amended version of this bill as passed by the House adds protection for students who have a family member in one of the protected categories. It removes a civil right of action and elaborates on the process a school must follow if it receives notice of alleged harassment.

**Status:** This bill was signed by Republican Gov. James Douglas on April 13, 2004.

**Vermont House Bill 629** — This bill would require school districts to expand their harassment prevention policies to include bullying. The categories of sexual orientation and gender identity and expression are included in the definition of bullying.

**Status:** This bill was signed by Republican Gov. James Douglas on May 18, 2004.

### Education/Schools-Related Bills: Vetoed

**Maryland House Bill 740** — This bill would require each county board of education to create a “victim of harassment or intimidation report” that would be forwarded to the state board of education on an annual basis. Sexual orientation and gender identity and expression are included in the bill.

**Status:** This bill passed the House on March 28, 2004, by a 137-1 vote and the House on April 12, 2004, by a 27-19 vote. Republican Gov. Robert Ehrlich vetoed the bill on May 25, 2004.

### Education/Schools-Related Bills: Active

**Michigan House Bill 4957/Senate Bill 92** — This bill would require school districts to adopt a policy prohibiting harassment, intimidation and bullying. Sexual orientation is included in the definition.

**Status:** These measures were 2003 bills carried over to 2004.

### New York Assembly Bill 1118/Senate

**Bill 1925** — These bills would prohibit harassment and discrimination of students based on sexual orientation and gender identity.

**Status:** This bill passed the Assembly on June 9, 2003, and then died in the Senate when a compromise between this bill and the Republican bill (Assembly Bill 9320/Senate Bill 4023-A) was not achieved. On Jan. 20, 2004, the Assembly version of this bill was ordered to a third reading and final vote in the Assembly. The bill passed the Assembly on March 8, 2004.

### New York Assembly Bill 9320/Senate

**Bill 4023-A** — This bill would prohibit bullying students and includes sexual orientation.

**Status:** This bill, filed by Republicans, was introduced on Jan. 7, 2004.

**New York Assembly Bill 9985** — This bill would require the commissioner of education to develop rules and regulations to provide that no student shall be subjected to harassment or discrimination. The bill does not include any enumerated categories.

**Status:** This bill was referred to the Assembly Education Committee on March 2, 2004.

**New York Assembly Bill 10141** — This bill would prohibit school districts from providing instruction relating to “sexual lifestyles that are alternative to heterosexual relationships, including but not limited to homosexual relationships.”

**Status:** This bill was introduced on March 8, 2004.

**New York Senate Bill 4023** — This bill would prohibit harassment of students based on sexual orientation.

**Status:** This bill passed the Senate on March 2, 2004.

**Ohio House Bill 530** — This bill would require local school districts to establish policies that prohibit harassment, intimidation or bullying. There are no enumerated categories.

*Status:* This measure was introduced on July 20, 2004.

**Ohio Senate Bill 219** — This bill would require the state board of education to develop a model anti-harassment policy that local boards of education and community schools can use to develop their own. Additionally, when a school is being audited the auditor must note whether or not it has adopted a policy.

*Status:* This bill was introduced on March 30, 2004.

**Pennsylvania House Bill 2178** — This bill would encourage “school entities” to adopt policies that prohibit harassment, bullying and intimidation. No categories are enumerated.

*Status:* This bill passed the House on May 26, 2004.

**Pennsylvania Senate Bill 46** — This bill would require schools to develop anti-bullying policies.

*Status:* This measure is a 2003 bill carried over to 2004.

### Education/Schools-Related Bills: Dead

**Arizona House Bill 2189** — This bill would have required that instruction on sexuality occurring outside of a formal sexual education class must be approved by the governing board of the school district.

*Status:* This bill failed in committee on Feb. 11, 2004.

**Arizona House Bill 2533** — This bill would require the governing board of schools to develop anti-bullying, intimidation and harassment policies. There are no enumerated categories in the bill.

*Status:* This bill passed the House Education Committee on Feb. 25, 2004, by a vote of 11-1, but died when the Legislature adjourned on May 26, 2004.

**Florida House Bill 275/Senate Bill 1966** — These bills would prohibit harassing and discriminating against students based on sexual orientation and gender identity or expression, among other grounds.

*Status:* This bill died in committee on April 30, 2004.

**Florida House Bill 2628** — This bill would prohibit harassing and discriminating against students based on sexual orientation and gender identity or expression, among other grounds.

*Status:* This bill died in committee on April 30, 2004.

**Georgia House Bill 1125/Senate Bill 476** — These bills would add additional components to the existing anti-bullying law.

*Status:* H.B. 1125 passed the House on Feb. 12, 2004, but died when the Legislature adjourned on April 7, 2004.

**Hawaii House Concurrent Resolution 88/House Concurrent Resolution 58/Senate Concurrent Resolution 71** — These resolutions would direct the State Department of Education to study the demographics and needs of gay, lesbian, bisexual and transgender youth in Hawaii’s public schools

*Status:* H.C.R. 88 passed the House on April 16, 2004, and S.C.R. 71 passed the Senate on April 16, 2004. All the resolutions died, however, when the Legislature adjourned on May 16, 2004.

**Hawaii House Bill 1892** — This bill would add sexual orientation to existing state law that prohibits discrimination in athletics in public high schools.

*Status:* This bill passed the House on March 4, 2004, but died when the Legislature adjourned on May 6, 2004.

**Hawaii Senate Bill 68** — This bill would require an anonymous student survey each school year to determine the incidence and prevalence of bullying in public schools.

**Status:** This bill died when the Senate Education Committee voted to hold the bill on Feb. 6, 2004.

**Indiana Senate Bill 231** — This bill would require schools to develop anti-bullying policies.

**Status:** This bill passed the Senate on Jan. 22, 2004, by a 38-10 vote, and the House Education Committee on Feb. 19, 2004. It died when the Legislature adjourned on March 4, 2004.

**Iowa Senate Bill 2176** — This bill would require school districts to adopt anti-bullying policies. There are no categories stated.

**Status:** This bill died on March 5, 2004, when the deadline for the bill to be heard by a Senate committee passed.

**Iowa Senate Study Bill 3109** — This is a study bill that would require school districts to adopt anti-bullying policies.

**Status:** This bill died on March 5, 2004, when the deadline for the bill to be heard by a Senate committee passed.

**Kentucky House Bill 540** — This bill would require school districts to adopt anti-bullying policies. Categories are not included, nor is discrimination.

**Status:** This bill passed its House Committee on Feb. 24, 2004, but died when the Legislature adjourned on April 13, 2004.

**Kentucky Senate Bill 113** — This bill would require local boards of education to include in their code of acceptable behavior a section that prohibits the harassment, intimidation or bullying of a student based on sexual orientation, among other characteristics.

**Status:** This bill was passed in the Senate Education Committee on Jan. 29, 2004, but died when the Legislature adjourned on April 13, 2004.

**Louisiana Senate Bill 700 now Senate Bill 872** — This bill was a substitute bill that would amend the current anti-bullying law to make it stronger and to require a model policy with minimum requirements.

**Status:** This bill passed Senate committee on May 6, 2004, but died on June 21, 2004, when the Legislature adjourned.

**Louisiana Senate Bill 867** — This bill would establish a “Safe School Ambassador” pilot program that would provide training and support to influential students to cause them to prevent or stop acts of bullying. There is no definition of bullying provided.

**Status:** This bill died when the Legislature adjourned on June 21, 2004.

**Maryland Senate Bill 77** — This bill would prohibit intimidation and harassment of students based on sexual orientation, among other grounds.

**Status:** This bill died on March 29, 2004, when the deadline for the Senate to consider its own bills passed.

**Minnesota House Bill 329/Senate Bill 831** — This bill would require school boards to adopt anti-bullying and intimidation policies. There are no enumerated categories in the bill.

**Status:** This measure died when the Legislature adjourned on May 16, 2004.

**Missouri Senate Bill 1135** — This bill would require public school districts to develop and implement a “bully-free school plan.”

**Status:** This bill died when the Legislature adjourned on May 14, 2004.

**New Mexico House Bill 199/Senate Bill 185** — These bills would have required the public education department to establish guidelines for bullying prevention policies to be promulgated by local school districts.

**Status:** These bills died when the Legislature adjourned on Feb. 19, 2004.

**North Carolina House Bill 1572** — This bill would require local school boards to adopt anti-bullying policies; there are no enumerated categories.

**Status:** This bill died when the Legislature adjourned on July 18, 2004.

**South Carolina House Bill 3781/Senate Bill 614** — This bill would require school districts to adopt policies prohibiting harassment, bullying and intimidation; categories of protection include sexual orientation and gender identity and expression.

**Status:** This bill carried over from 2003 and died when the Legislature adjourned on June 3, 2004.

**Vermont House Bill 291** — This bill would require parental consent before a student could receive sexuality education.

**Status:** This bill died when the Legislature adjourned on May 20, 2004.

## Endnotes

- <sup>1</sup> In Arkansas, Michigan, Montana, North Dakota, Ohio and Oregon.
- <sup>2</sup> The three states that amended their constitutions before 2004 to bar marriage for same-sex couples were Alaska (1998), Nebraska (2000) and Nevada (2002). Hawaii is often mistaken as having a constitutional amendment prohibiting marriage for same-sex couples. The state's constitution was amended in 1998 to read: "The Legislature shall have the power to reserve marriage to opposite-sex couples." It was the Hawaii Legislature that passed a law prohibiting marriage for same-sex couples. By the end of 2004, an additional 13 states had amended their state constitutions — Arkansas, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Ohio, Oklahoma, Oregon, North Dakota and Utah.
- <sup>3</sup> National Conference of State Legislatures, <http://ncsl.org/programs/legman/statevote/effectstl.htm>.
- <sup>4</sup> *Goodridge et al. v. Dept. of Health*, 798 N.E. 2d 941 (Mass. 2003).
- <sup>5</sup> In 2004, marriage licenses were issued to same-sex couples in San Francisco, Calif.; Multnomah County, Ore.; and Sandoval County, N.M. Marriages between same-sex couples were performed in Asbury Park, N.J., and New Paltz, N.Y.
- <sup>6</sup> As of November 2004, same-sex couples could marry in British Columbia, Manitoba, Nova Scotia, Ontario, Quebec, Saskatchewan and Yukon Territory.
- <sup>7</sup> Alabama, Arizona, Delaware, Kansas, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Michigan (citizen-initiated measure proceeded), Minnesota, North Carolina, Vermont and Washington.
- <sup>8</sup> "Black Legislators Stall Marriage Amendment in Georgia," *The New York Times*, March 3, 2004.
- <sup>9</sup> Post-election legal challenges to these amendments are pending in Georgia, Kentucky, Louisiana and Oklahoma.
- <sup>10</sup> Attempts to amend the U.S. Constitution to ban same-sex marriage failed in the U.S. Senate on July 14, 2004, and in the U.S. House of Representatives on Sept. 30, 2004.
- <sup>11</sup> See <http://www.hrc.org/childrenreport>.
- <sup>12</sup> Lambda Legal filed a federal lawsuit challenging this law in October 2004.