Equality from State to State:
Gay, Lesbian, Bisexual and Transgender Americans
and State Legislation in 2005

A Report by the Human Rights Campaign

December 2005
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Equality from State to State:
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Dear Readers,

In statehouses across the country this year, one characteristic of fair-minded Americans has resounded loud and clear: resiliency.

*Equality from State to State* — the Human Rights Campaign’s annual report on state legislative activity — details the progress made this year by gay, lesbian, bisexual and transgender Americans and fair-minded elected officials.

At the end of 2004, 13 states had amended their constitutions to ban marriage and, in most cases, all other legal relationships and rights for same-sex couples. Facing sobering defeats, fair-minded Americans did not surrender.

As 2005 comes to a close, we have much to celebrate — anti-discrimination laws in Illinois and Maine, civil unions in Connecticut and hate crimes laws in Colorado and Maryland, to name a few. Moreover, we had victories in California and the first anniversary of marriage for same-sex couples in Massachusetts.

Every step forward this year reminds us that the conversation about the lives of GLBT people and our families continues to gain momentum. In fact, 2005 holds a place in state legislative history with more state anti-discrimination bills passed than in any other year.

Overall, state legislators across the country introduced a record number of bills — 240 — aimed at furthering the equality of people regardless of their sexual orientation and, in most cases, gender identity or expression. While 26 states introduced state constitutional amendments attempting to ban marriage and other legal relationships for same-sex couples, 15 were defeated. Amendments in another three states are likely to be defeated before the year ends.

Unfortunately, with steps forward there have been some steps back. Voters in Kansas and Texas ratified amendments to their state constitutions that ban marriage and other legal relationships and rights for same-sex couples. Governors in California, Colorado, Hawaii and Maryland vetoed bills that would have improved the lives of many GLBT people in their states.

As we take the stories of our lives across America, the Human Rights Campaign will proudly continue our work for equality at the state level. In 2005, this work took the form of direct financial contributions as well as strategic and legislative involvement on key measures. For instance, to defend Maine’s anti-discrimination bill, we sent more staff to assist the state campaign than we have ever sent to work on a single campaign in our 25-year history.
In total, we provided more than $820,000 directly to state organizations, ballot campaigns and other work in the states during 2005. Building strong partnerships between national and statewide organizations is key to our success. From drafting bills to testifying in statehouses to phone-banking to our members, we’ve been proud to be there for state groups, lending strategic resources and staff assistance.

As we look forward to 2006, we remain committed to winning hearts and minds through conversations with our families, friends, neighbors, co-workers, candidates for office and elected officials. As we educate our fellow Americans, they come to learn that the equality we seek is not only good for our community, but for our country.

I ask you to join with the Human Rights Campaign as well as state and local organizations seeking fairness for all Americans. Until every state treats its gay, lesbian, bisexual and transgender citizens with dignity, respect and equality under the law, our work as a community will not be done.

Sincerely,

Joe Solmonese
President
Although the marriage issue still dominates the public discourse about GLBT Americans, several very significant non-marriage measures became law. More state anti-discrimination measures passed in 2005 than in any other year, and nine measures extending rights to same-sex couples passed. And the third time was the charm in Maine, when 55 percent of the electorate cast their vote to keep the anti-discrimination law passed by the Legislature earlier in the year. Voters had repealed this law twice before.

Marriage

Most of the bills receiving attention in 2005 centered on issues of marriage and legal recognition for same-sex couples.

- There were 100 marriage-related bills introduced in 53 states.
- Eighty-eight percent of these bills were intended to restrict marriage and other civil rights for same-sex couples.
Twenty-six states introduced measures intended to amend their constitutions to discriminate against same-sex couples.

These amendments failed in 15 states — including in Massachusetts, the only state where marriage is legal for same-sex couples — and another three state amendments are likely to fail by year’s end.

Of the eight other amendments, two were ratified by voters (Kansas and Texas), four will go to voters in 2006 and two need to be voted on again by the legislature.

Most significantly, California became the first state to pass a bill extending marriage equality to same-sex couples, which Republican Gov. Arnold Schwarzenegger ultimately vetoed.

The year 2004 ended with 13 states amending their constitutions to prohibit marriage for same-sex couples, and, in most cases, other legal responsibilities and rights for same-sex couples. Shortly after voters approved these measures, we began to see the ramifications of these amendments on such things as domestic partner benefits and legal protections from domestic violence.

In an ongoing attempt to overturn same-sex couples’ freedom to marry, Massachusetts legislators held their second vote on a proposed constitutional amendment that would have rolled back marriage equality. With several key legislators changing their previous “yes” votes to a “no,” the amendment was handily defeated by a 157-39 vote.

Other GLBT-Related Legislation (Non-Marriage)

Despite the dominance of marriage-related bills, there were 275 measures introduced in other areas affecting GLBT Americans, including anti-discrimination, hate crimes, other relationship recognition, parenting and education/schools.

Two hundred and twenty-eight of the 241 favorable bills introduced in 2005 were in the areas of anti-discrimination (88), hate crimes (36), other relationship recognition (82), parenting (three) and education/schools (20).

Twenty-four of these favorable measures passed. For a state-by-state listing of these measures, see Appendices A and B, pages 22-25.

Forty-seven of the 135 unfavorable bills introduced in 2005 were in the areas of anti-discrimination (15), hate crimes (one), other relationship recognition (10), parenting (14) and education/schools (seven).

Only one 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 400 GLBT-related bills, see Appendix C, beginning on page 26.

**Noteworthy Changes from 2004 to 2005**

Between 2004 and 2005, there was a 29 percent increase in the overall number of bills introduced. Most of this increase was found in the number of favorable bills introduced, which went from 160 in 2004 to 241 in 2005 — a 51 percent increase. There were also changes in the number of unfavorable bills that passed in 2005 — 11, down from 22 in 2004.

Likewise, there were increases in the number of favorable anti-discrimination and other relationship-recognition bills introduced. There were also increases in the number of unfavorable bills introduced in the areas of education/schools, parenting, other relationship recognition and anti-discrimination.

One of the most notable changes between 2004 and 2005 was the number of gubernatorial vetoes of favorable bills. In 2004, there was one veto of GLBT-related legislation; in 2005 there were six vetoes. All six of these vetoes were signed by Republican governors, and all six vetoed bills were passed by Democratic legislatures.
3. The 2005 Political Landscape

This year began with Republicans controlling the Senate and House chambers in 20 states, compared to the 18 (plus the District of Columbia) that Democrats controlled. Ten states legislatures had split control: that is, Republicans controlled one chamber and Democrats the other. (Note: The Nebraska Legislature has no parties and in Iowa the House is Republican and the Senate is tied). Additionally, Republicans held the governorships in 28 states, compared to 22 states held by Democrats. Republican-controlled legislatures were concentrated mainly in the Midwest, while Democrat-controlled legislatures were found primarily in the Northeast and South. The Midwest not only had the most legislatures controlled by Republicans, but it 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.

**2005 Partisan Composition of State Legislatures and Governors**

*Prior to November 2005*

- Republican Governor and Legislature (AK, FL, GA, ID, IN, MO, ND, OH, SC, SD, TX, UT)
- Democratic Governor and Legislature (IL, LA, ME, NJ, NM, NC, WA, WV)
- Democratic Governor and Both Chambers Republican (AZ, KS, MI, NH, PA, VA, WI, WY)
- Republican Governor and Both Chambers Democratic (AL, AR, CA, CO, CT, HI, MA, MS, RI, VT)
- Majority Republican (Governor and One Chamber) (KY, MN, NV, NY)
- Majority Democratic (Governor and One Chamber) (DE, MT, OK, OR, TN)
- Other (NE — No Parties), (IA — Democratic Governor, Republican House, Split Senate)
Equality from State to State: Gay, Lesbian, Bisexual and Transgender Americans and State Legislation in 2004

2005 Partisan Composition of State Legislatures
Prior to November 2005

2005 Regional Analysis of Party Control
Prior to November 2005

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

The partisan composition of legislatures appears to have affected the number of favorable bills introduced and passed in 2005. States with Democratically controlled legislatures introduced 85 measures that intended to further the equality of GLBT people; 21 measures were passed. States with Republican-controlled legislatures introduced 52 favorable measures; one was passed.

Democratically controlled legislatures introduced more unfavorable bills than Republican-controlled legislatures. States with Democratically controlled legislatures introduced 56 bills that were unfavorable to GLBT people; two were passed. While Republican-controlled legislatures introduced a smaller number of unfavorable bills, they passed 21 percent of their introduced unfavorable measures.

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 41 percent of the favorable bills in the nation. State legislatures in the Midwest introduced the least number of favorable bills in 2005, 32, and failed to pass any of them. Although southern legislatures introduced 47 percent of all the unfavorable introduced, they accounted for a full 90 percent of all unfavorable bills passed in 2005.

A Postscript to the 2004 Elections

In 2004, voters in 13 states ratified discriminatory state constitutional amendments. HRC and the Equality Federation examined whether this apparent animus toward GLBT people and their families was also directed toward the

*continued on page 12*
The 2005 Political Landscape

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2005 Bills Considered and Passed by Region

![Graph showing bills considered and passed by region.]

Legislative Champion  South Carolina Rep. Gilda Cobb-Hunter  
(D-Orangeburg County)

Cobb-Hunter was the first African-American woman elected to statewide office in Orangeburg County. During her 14 years in the South Carolina Legislature, Cobb-Hunter has been one of the most consistent supporters of equality for the GLBT community.

Cobb-Hunter was one of three state representatives to vote against a proposed state constitutional amendment prohibiting marriage and other legal unions for same-sex couples. “I don’t believe we ought to put discrimination of any sort into our constitution,” she said about the amendment. “I’ve been married almost 30 years and I am not threatened at all by people of the same sex wanting to marry each other.”

Despite some individuals being offended at comparing the GLBT movement and African-American civil rights movement, Cobb-Hunter commented, “When you look at the issue of civil justice and human rights ... it’s all the same thing.”

The measure passed the Legislature and will be put before voters in 2006.
The re-election of state legislators who voted against the amendments in the legislature. We found that less than 2 percent of state legislators running for re-election lost their race because of their vote against discrimination. Indeed, 94 percent of legislators who voted against these discriminatory amendments were re-elected. This reflects a re-election rate that is consistent with, or higher than, the average state legislator re-election rate. Moreover, 98 percent of legislators of color who voted against discrimination were re-elected. These findings convincingly demonstrate that state legislators, whether Democrat or Republican, African-American or Latino, from rural or suburban districts, can vote against discrimination and win re-election.

**November 2005 Elections**

Only two states, New Jersey and Virginia, had regularly scheduled gubernatorial and state legislative elections in 2005. Democrats retained the governor's mansion and picked up a couple of legislative seats in both states.

Virulently anti-gay Virginia Del. Dick Black, R-Loudoun County, was defeated in a race that GLBT political organizations had targeted. Black had introduced and advocated for many anti-gay measures during his tenure in the House of Delegates. Most recently he introduced a bill aimed at prohibiting “homosexuals” from adopting.

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<tr>
<th>The Results</th>
<th>Partisan Comparisons Before and After November 2005 Elections</th>
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<tr>
<td><strong>Governors</strong></td>
<td>Prior to November 2005</td>
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<td>Republican</td>
<td>Democrat</td>
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<td>28</td>
<td>22</td>
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<td><strong>State Legislatures</strong></td>
<td>Prior to November 2005</td>
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<td>Republican</td>
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<td>20</td>
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<td><strong>State Legislators</strong></td>
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<tr>
<td>Republican</td>
<td>Democrat</td>
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<td>3,658 (49.5%)</td>
<td>3,656 (49.5%)</td>
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* 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.
(D-Prince George’s and Anne Arundel Counties)

Giannetti went from being instrumental in killing a hate crimes bill in 2003, to voting for and speaking in favor of the bill in 2004, to serving as the bill's sponsor and chief advocate in the state Senate for the measure in 2005. Moreover, he shifted from his earlier belief, when he said, “The bill would not pass on the floor if you included transgender individuals,” to passionately arguing, “Some of the most egregious crimes are committed against the transgender community.”

Giannetti immersed himself in the reality and horror of hate crimes against the GLBT community and demonstrated this knowledge and commitment while testifying for the measure in committee and leading its debate on the floor of the Senate. Giannetti, a Catholic, garnered the state’s Catholic Conference’s quiet support of the measure, the first time since the bill’s introduction in the late 1990s.

This measure passed the General Assembly and became law on Oct. 1, 2005, making Maryland the 31st state to include sexual orientation in its hate crimes law and the 10th to include protections for the transgender community.

2005 Ballot Measures
The electorate in three states cast votes on GLBT equality in 2005. In April 2005, 70 percent of voters in Kansas ratified a constitutional amendment prohibiting marriage and other legal relationships and rights for same-sex couples. In November, Mainers were asked, for the third time, to repeal an anti-discrimination law. Fifty-five percent of those voting approved the law and Maine became the 16th state with an anti-discrimination law that includes sexual orientation and the sixth to include gender identity. Also in November, 76 percent of voting Texans ratified a state constitutional amendment that prohibits marriage and other legal relationships and rights for same-sex couples.

Looking Ahead to the 2006 Elections
In 2006, state elections will abound — 35 gubernatorial races and 84 percent of all state legislative seats are subject to election. There will be at least four discriminatory state constitutional amendments on marriage before voters in 2006, with another five likely to occur. Moreover, the next round of constitutional amendments (those prohibiting GLBT individuals and couples from adopting) will likely make their appearance in 2006.
Like the year 2004, when same-sex couples were first issued marriage licenses in Massachusetts, 2005 will be remembered as a watershed year in the fight for marriage equality. This year marked the first time that a U.S. legislative body passed a bill granting same-sex couples the freedom to marry. Led by its chief advocate, Democratic Assemblymember Mark Leno, the California Legislature passed Assembly Bill 849 in September 2005. A few weeks later, Republican Gov. Arnold Schwarzenegger vetoed the bill. Litigation aimed at securing the freedom to marry for same-sex couples is progressing through the California court system.9

An additional four states (Connecticut, Maine, New York and Rhode Island) also introduced bills that would have allowed same-sex couples to marry. None of these measures passed.

As was the case last year, in 2005, state legislatures defeated more anti-gay constitutional amendments than they passed. During the 2005 sessions, 26 states introduced measures to amend their state constitutions to prohibit marriage, and, in most cases, other legal relationships and rights for same-sex couples.10 Fifteen of these measures were killed, with another two likely to die before year’s end.11 Two states, Kansas and Texas, passed and ratified discriminatory constitutional amendments.

African-American legislators continued to be some of the most vocal opponents of these measures. In some states, like South Carolina, African-American legislators were the only ones to vote against the constitutional amendments. In other states, they gave impassioned speeches from the floor about the need to treat all citizens with dignity and equality, and urged their colleagues to reject adding discrimination to their state constitutions.

The year began with 16 states having amended their constitutions; 13 of these in 2004. The year ended with the total number increasing to 18. One disturbing feature of these measures, which carried over from 2004, was the breadth of the language used. The language in the majority of these amendments 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 local governments and colleges and universities that offer domestic partner benefits to their employees.

Even before 2005 began, the impact of the over-reaching language became apparent when Michigan Democratic Gov. Jennifer Granholm stripped domestic partner benefits for state workers from their new contracts.12 The dire consequences of this expansive language continued to be felt throughout 2005 when lawyers in Ohio and Utah argued that the amendments should be interpreted to mean that the state domestic violence laws do not protect unmarried individuals — straight and gay. In April 2005, the Human Rights Campaign issued a report detailing these and other devastating consequences of the broad language of these amendments.13

In 2004, Massachusetts legislators had their first vote on a state constitutional amendment aimed at prohibiting marriage for same-sex couples, potentially divorcing the thousands of legally wedded same-sex couples. The amend-
ment passed with a 105-92 vote. However, the amendment process in Massachusetts requires a second vote. That vote occurred on Sept. 14, 2005. Several key legislators who had voted for the amendment in 2004 announced they were changing their votes and the amendment was handily defeated by a 157-39 vote. While the issue may be dead in the Legislature, opponents of GLBT equality have vowed to collect signatures and put the issue before voters.

Following the passage of a so-called “Defense of Marriage Act” in 2004, the New Hampshire Legislature extended an olive branch to the GLBT community by establishing a commission to study the feasibility of marriage and other legal rights for same-sex couples. Not only did the commission reject the option of marriage for same-sex couples, it also rejected recommending civil unions. Although the final report has not been submitted to the Legislature, the chair of the commission called for a vote on the recommendation that the state amend its constitution to prohibit marriage for same-sex couples. The committee accepted this recommendation by a 7-4 vote. It is unknown whether the Legislature will follow this recommendation.

In addition to proposed constitutional amendments, several states considered other discriminatory marriage bills. Connecticut began the year as one of five states that did not have an explicit law prohibiting marriage for same-sex couples. It ended the year, however, by becoming the 42nd state to explicitly prohibit marriage, by statute, between same-sex couples when it added discriminatory language to the civil union bill that was passed and signed into law.

**Legislative Champion**

**Texas Rep. Senfronia Thompson (D-Houston)**

Thompson’s speech on the floor of the Texas House of Representatives on April 4, 2005, will be remembered as one of the most impassioned pleas for GLBT equality from the floor of a legislative body.

On the verge of a 102-29 vote to pass a constitutional amendment prohibiting marriage and other legal relationships for same-sex couples, Thompson avowed, “We are going in the wrong direction, in the direction of hate and fear and discrimination. … This is the politics of divisiveness at its worst.

When I was a small girl, white folks used to talk about ‘protecting the institution of marriage’ as well. What they meant was if people of my color tried to marry people of Mr. Chisum’s [the white sponsor of the amendment, Rep. Warren Chisum, R-Pampa] color, you’d often find the people of my color hanging from a tree. That’s what the white folks did back then to ‘protect marriage.’ … I’m a proud Christian. I read the good book. I have never read the verse where it says, ‘Gay people can’t marry.’ I have never read the verse where it says, ‘Thou shalt discriminate against those not like me.’ You want to pass this ridiculous amendment so you can go home and brag — brag about what? Declare that you saved the people of Texas from what? We have worked hard at putting our prejudices against homosexuals in law. We have denied them basic job protection. We have denied them and their children freedom from bullying and harassment at school. We have tried to criminalize their very existence. But, we have also absolved them of all family duties and responsibilities: to care for and support their spouses and children. … And then we stand on our two hind legs and proclaim, ‘See, I told you homosexual families are unstable.’ I want you to know that this amendment is blowing smoke to fuel the hell-fire flames of bigotry.”

The Texas amendment was approved by 76 percent of voters on Nov. 8, 2005.
5. Other GLBT-Related Legislation in 2005

At the beginning of 2005, 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 included gender identity in their laws. The year ended with two additional states passing statewide anti-discrimination laws protecting GLBT people — Illinois and Maine. Additionally, Hawaii passed a law prohibiting housing discrimination against GLBT people.

**Anti-Discrimination**

- Favorable Bills Introduced: 12
- Favorable Bills Passed: 11*
- Unfavorable Bills Introduced: 15
- Unfavorable Bills Passed: 1

*Three of these bills were vetoed*

There was a 100 percent increase between 2004 and 2005 in the number of favorable anti-discrimination bills introduced in state legislatures. In 2004, 44 measures were introduced and in 2005, this number jumped to 88. Not only was 2005 a record year for the number of positive anti-discrimination bills introduced, it was a record year for the number of anti-discrimination bills passed. Ten bills aimed at reducing discrimination against GLBT people were passed in state legislatures, though three were vetoed. It was also a notable year for the number of gubernatorial vetoes of anti-discrimination bills. Republican Govs. Linda Lingle of Hawaii and Bill Owens of Colorado vetoed anti-discrimination bills passed by the legislatures in those states. Lingle’s veto was especially frustrating. At the same time she signed the bill that prohibits housing discrimination based on sexual orientation and gender identity, she

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2005 Non-Marriage Bills
Favorable and Unfavorable

- 37% Anti-Discrimination
- 13% Hate Crimes
- 34% Other Relationship Recognition
- 10% Education/Schools
- 6% Parenting

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vetoed a bill that would have added gender identity to the prohibited grounds of employment discrimination.

A heartbreaking loss occurred in Washington, when the anti-discrimination measure was defeated by one vote in the state Senate. The Democrats took control of the Senate after the 2004 election, giving state GLBT leaders optimism that the decade’s old bill may pass. However, two Democratic senators, Tim Sheldon and Jim Hargrove, broke with the caucus and voted against the bill.

Voters in Maine were asked for the third time to repeal the anti-discrimination law passed by the Legislature earlier in the year. This time 55 percent of voters approved the law, bringing Maine in line with all of the other New England states that have anti-discrimination laws.

Four states and the District of Columbia introduced measures that would have added protections for transgender individuals to anti-discrimination laws that include sexual orientation. The measure in New Jersey is expected to pass in the lame-duck session and the district’s measure has passed its first reading.

The Georgia Legislature responded to Atlanta enforcing its anti-discrimination ordinance by passing a mean-spirited law intended to undermine the ability of localities to enforce their duly passed laws. The situation arose when fair-minded Atlanta Mayor Shirley Franklin ordered her city solicitor to fine the Druid Hills Golf Club for violating the city’s anti-discrimination ordinance when it refused to provide spousal benefits to domestic partners. The newly passed House Bill 67 declares, “Any organization or person may elect to, or elect not to, contractually provide to unmarried persons, one or more benefits … that such organization or person … provides to married persons.” Thus, any person, employer, club or organization can treat spouses and domestic partners differently and not be in violation of local laws prohibiting discrimination.

Legislative Champion  Idaho Sen. Tom Gannon (R-Buhl)

For the second year in a row, the Idaho Senate, led by fair-minded Republicans, defeated an attempt to amend that state’s constitution to prohibit marriage and other legal relationships for same-sex couples. While eight Republicans courageously voted against their party platform, Gannon perhaps is the most vulnerable of them. Gannon, a retired naval officer, is a relatively new senator from a conservative district who has not defeated right-wing primary challengers, as many of his seven colleagues have.

On the eve of the vote, he was advised to “take the easy way out.” But Gannon responded, “At one time I thought about that, but then I thought, no, that’s not what I believe.” Gannon had many people calling him and spewing hatred, and he answered, “I am not going to subject the state to what we’ve [legislators] been subjected to these last two weeks. My life is just a microcosm of what the entire state would go through. It would just be a bloodbath.”

On Feb. 2, 2005, the proposed constitutional amendment failed when it did not garner the required two-thirds vote of the Senate.
Legislative Champion  California Assemblymember Tom Umberg  
(D-Anaheim)

Umberg’s vote for Assembly Bill 849 was crucial in catapulting the California Legislature into the history books as the first U.S. legislative body to pass a bill extending the freedom to marry to same-sex couples. The first time the bill came before the Assembly, Umberg abstained from voting and the bill failed to garner enough votes for passage. Three months later, after the bill returned to the Assembly, Umberg changed his vote to a “yes” vote. His shift to a “yes” vote is noteworthy for several reasons: he is term-limited and will have to leave the Assembly in 2006, and his likely next step will be running for state Senate and some think his vote for marriage equality may negatively factor heavily into his Senate race; he is from the relatively conservative Orange County; and he has more than $1 million in past campaign debt. Despite these downsides, Umberg took the floor of the Assembly before his “yes” vote and expounded:

“This is one of those times that history looks upon us to be in the lead. This is one of those times when history looks upon us to see where we are. … Ten years from now there are a handful of issues that history will record where we stood. And this is one of those issues. History will record whether we pushed a bit, whether we took the lead to encourage tolerance, to encourage equality, to encourage fairness … the constituency I’m concerned about is a very small one — that’s the constituency of my three children, should they decide to look back on my record and look back and reflect on where I was when I could have made a difference. … If I stood with those who sought to take a leadership role in terms of tolerance, equity and fairness. And I’ll be proud to say I did.”

Assembly Bill 849 was vetoed by Republican Gov. Arnold Schwarzenegger.

Hate Crimes

Favorable Bills Introduced: 36
Favorable Bills Passed: 3
Unfavorable Bills Introduced: 1
Unfavorable Bills Passed: 0

Since the FBI began collecting hate crime statistics in 1991, more than 14,500 crimes based on sexual orientation have been reported. Such crimes have more than tripled since 1991. In 2004, there were 1,406 hate crime incidents based on sexual orientation, or 15.6 percent of all hate crimes that year. However, because hate crimes are underreported to the FBI, the actual number of 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 bias.

Several hate crimes bills passed in 2005. Maryland and Colorado became the ninth and 10th states to include gender identity and expression, and the 30th and 31st states to include sexual orientation in their hate crimes laws.

The New Hampshire Legislature considered a measure to repeal its hate crimes law. The law, which had passed in 1990, was one of the first in the nation and passed by almost unanimous sup-
port. The state House of Representatives defeated this bill by an overwhelming 298-48 vote.

**Other Relationship Recognition**

Favorable Bills Introduced: 82

Favorable Bills Passed: 8*

Unfavorable Bills Introduced: 10

Unfavorable Bills Passed: 0

*Two of these bills were vetoed*

Despite the continuing attack on GLBT families on the marriage front, eight measures extending rights to same-sex couples passed in 2005. Connecticut became the first state to pass a civil union bill without a judicial mandate. This bill began the session as a marriage equality bill but was amended to permit only civil unions. Furthermore, language was added to the bill to restrict marriage to a man and woman under state law. Since the law went into effect on Oct. 1, 2005, a smaller than expected number of couples has obtained civil unions. Some point to the inherent inequality between civil unions and marriage as an explanation for the tepid response to this new law. Activists have vowed to continue the struggle to attain marriage equality for same-sex couples in Connecticut.

Oregon was strategically poised to pass a civil union bill in 2005. The split state Senate tipped in favor of the Democrats after the 2004 election. This partisan shift created an opportunity for some type of legal protections, less than marriage, for same-sex couples. Marriage for same-sex couples did not appear to be an option after voters approved a state constitutional amendment restricting marriage to a man and woman in November 2004. The Oregon Senate responded and passed a combination bill — establishing civil unions for same-sex couples and prohibiting discrimination based on sexual orientation and gender identity — by a 19-10 vote. However, Republican House Speaker Karen Minnis refused to allow the measure to come up for a vote, thus killing the bill. The Oregon Legislature does not meet again until 2007.

In what would appear to be an inappreciable step, the Virginia General Assembly passed, and Democratic Gov. Mark Warner signed, a measure allowing companies in that state to purchase insurance policies for their employees that include coverage for individuals other than spouses. Prior to this, many companies in Virginia were unable to provide this benefit to their employees and were at a competitive disadvantage with neighboring Maryland and the District of Columbia that do not have such restrictions on insurance policies.

Maryland Republican Gov. Bob Ehrlich vetoed two bills that would have extended rights to unmarried couples. One would have created a state “life partnership” registry and conferred 11 critical rights on couples and the second would have added domestic partners to the list of individuals one could add to the deed of one’s home without paying sometimes onerous recordation and transfer taxes.

**Parenting**

Favorable Bills Introduced: 3

Favorable Bills Passed: 0

Unfavorable Bills Introduced: 14

Unfavorable Bills Passed: 0

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 at least 10 million children. However, discrimination against
GLBT parents still exists. State legislators have increasingly become involved in creating laws that either expand parenting rights for GLBT families or deny them important protections.

Alarmingly, there was an exponential increase in 2005 in the number of measures 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 foster care placement or adoption the opportunity to find a home and a loving family. Moreover, these malevolent measures and their sponsors disregard all of the social science research and professional opinion on GLBT parenting. There were seven states that introduced these mean-spirited measures. Fortunately, none of these bills passed.

After several children were killed by parents in known abusive homes, the Texas Legislature prioritized passing a bill aimed at overhauling the state’s Child Protective Services. Republican Rep. Robert Talton amended the bill on the floor of the House to prohibit “homosexuals” from serving as foster parents. Texas has approximately 17,200 children in foster care. The state House accepted this baseless and discriminatory amendment by an 88-58 vote. Because the Senate had passed a different version of the bill, both bills had to go to a joint conference committee, where the discriminatory amendment was removed. The overhaul bill, minus the discriminatory amendment, passed and became law. Talbot’s blatant anti-gay agenda put many of his House colleagues in a bad place as they were faced with the choice of voting against the bill because of the mean-spirited amendment or voting for the much needed provisions in the bill that would help reform a system that Texas’ children desperately needed and deserved.

**Education/Schools**

Favorable Bills Introduced: 20
Favorable Bills Passed: 1
Unfavorable Bills Introduced: 7
Unfavorable Bills Passed: 0

Ninety percent of GLBT students report being verbally, sexually or physically harassed because of their sexual orientation or gender identity, according to a 2005 survey by the Gay, Lesbian and Straight Education Network. Moreover, GLBT students are three times more likely than non-GLBT students to report they do not feel safe at school.

GLSEN, the Human Rights Campaign 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. Many states continue to introduce bills that prohibit bullying but do not include any categories of protection. The lack of categories renders these measures vague and difficult to implement and enforce. The findings of the GLSEN report underscore the need for explicit categories; students whose schools have a policy that explicitly includes sexual orientation or gender identity/expression are less likely than other students to report a serious harassment problem at their school (33 percent vs. 44 percent). Students from schools with an inclusive policy report that others are less often harassed in their school because of their physical appearance (36 percent vs. 52 percent), their sexual orientation (32 percent vs. 43 percent) or their gender expression (26 percent vs. 37 percent). Moreover, stu-
dents from schools with an inclusive policy are also more likely to feel very safe at school (54 percent vs. 36 percent) and one-third as likely to skip a class because they feel uncomfortable or unsafe (5 percent vs. 16 percent).22

In 2005, only one state, Maryland, passed a measure that explicitly aims to address the harassment that GLBT students encounter at school.

**Outlook for the Future**

The legislative attacks on GLBT families are expected to manifest themselves in 2006 in the form of proposed state constitutional amendments and statutory attempts that seek to restrict or prohibit GLBT individuals and couples from adopting and possibly even serving as foster parents. These measures would be put before voters in November 2006, when 35 gubernatorial races will be decided and 84 percent of the nation’s state legislative seats are subject to election.

The 2006 election slate will mirror much of what we saw in 2004. Once again the basic civil rights of GLBT Americans will be put to a popular vote with four states confirmed to have constitutional amendments restricting marriage on the ballot and another five likely.

Several state court cases seeking to secure the freedom to marry for same-sex couples may come to a conclusion in 2006. We fully expect 2006 will end with one or more additional states issuing marriage licenses to same-sex couples.23
### Appendix A  2005 State Bills Introduced

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## Equality from State to State: Gay, Lesbian, Bisexual and Transgender Americans and State Legislation in 2005

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*One good marriage bill and one good anti-discrimination bill were vetoed in California.

**One good anti-discrimination bill was vetoed in Colorado.

***One good anti-discrimination bill was vetoed in Hawaii.

****Two good other relationship-recognition bills were vetoed in Maryland.
Appendix C  2005 Bills

The following is a categorized listing of GLBT-related bills introduced in the 2005 state legislatures. Some of these bills will carry over from the 2003 sessions.*

Marriage-Related Bills: Passed p. 26
Marriage-Related Bills: Vetoed p. 27
Marriage-Related Bills: Active p. 28
Marriage-Related Bills: Dead p. 28
Other Relationship Recognition Bills: Passed p. 35
Other Relationship Recognition Bills: Vetoed p. 35
Other Relationship Recognition Bills: Active p. 35
Other Relationship Recognition Bills: Dead p. 37
Anti-Discrimination Bills: Passed p. 42
Anti-Discrimination Bills: Vetoed p. 43

Marriage-Related Bills: Passed

Alabama Senate Bill 109 — This bill would amend the state constitution to prohibit the performance and recognition of marriages between same-sex couples. The measure would also prohibit the recognition of “a union replicating marriage.”

Status: This bill passed the state Senate on Feb. 8, 2005, by 35-0 vote, and passed the House as amended on March 8, 2005, by an 85-7 vote. The Senate approved these amendments on March 10, 2005, by a 35-0 vote. This measure goes to voters for ratification in 2006.

Arizona House Concurrent Memorial 2005 — This concurrent memorial urges the U.S. Congress to pass the Federal Marriage Amendment.

Status: This memorial passed the state House on Feb. 21, 2005, by a 40-19 vote, and it passed the Senate on April 12, 2005, by a 16-14 vote.

Arkansas House Resolution 1016/Senate Resolution 9 — These resolutions urge the Arkansas congressional delegation to support the Federal Marriage Amendment.

Status: Senate Resolution 9 passed the state Senate on April 6, 2005. House Resolution 1016 passed the House on April 12, 2005.

Indiana Senate Joint Resolution 7 — This resolution would amend the state constitution to read, “Marriage in Indiana consists only of the union of one man and one woman. Neither this constitution nor any other Indiana law may be construed to confer marital status or any legal incidents of marriage upon unmarried couples or groups.”

Status: This resolution passed the state Senate on Feb. 21, 2005, by a 42-8 vote, and it passed the House on March 22, 2005, by a 76-23 vote. The Legislature must vote a second time on this measure during its 2007 session.

Kansas Senate Concurren Resolution 1601 — This measure amends the state constitution to read, “The marriage contract is to be considered in law as a civil contract. Marriage shall be constituted by one man and one woman only. All other marriages are declared to be contrary to the public policy of this state and 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 resolution passed the state Senate on Jan. 13, 2005, by a 28-11 vote, and it passed the House on Feb. 2, 2005, by an 86-37 vote. The amendment was approved by 70 percent of voters on April 5, 2005.

*NOTE: The last update on the status of these measures was on Nov. 9, 2005.
South Carolina House Joint Resolution 3133 — This resolution would amend the state constitution to read, “Marriage in the state of South Carolina, and its political subdivisions, is exclusively defined as a union between one man and one woman; all other attempted or putative unions, including those recognized by other jurisdictions, are void ab initio.”

Status: House Joint Resolution 3133 passed the state House on March 1, 2005, by a 96-3 vote, and passed the Senate on a voice vote on April 14, 2005. The measure will go to voters in 2006.

South Dakota House Joint Resolution 1001 — This resolution would amend the state constitution to read, “Only marriage between a man and a woman shall be valid or recognized in South Dakota. The uniting of two or more persons in a civil union, domestic partnership or other quasi-marital relationship shall not be valid or recognized in South Dakota.”

Status: This measure passed the state House on Feb. 3, 2005, by a 55-14 vote, and it passed the Senate on Feb. 28, 2005, by a 20-14 vote. It will go to voters in November 2006.

Tennessee Senate Joint Resolution 31 — This resolution 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: This resolution passed the state Senate on Feb. 28, 2005, by a 29-3 vote, and it passed the House on March 17, 2005, by an 88-7 vote. It goes to voters in November 2006.

Texas House Joint Resolution 6 — This resolution amends the state constitution to read, “Marriage in this state shall consist only of the union of one man and one woman. This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage.”

Status: This resolution passed the state House on April 4, 2005, by an 102-29 vote, and it passed the Senate on May 21, 2005, by a 21-9 vote. It was approved by 76 percent of voters on Nov. 8, 2005.

Virginia House Joint Resolution 586 — This measure would amend the state constitution to read, “That only a union between one man and one woman may be a marriage valid in or recognized by this commonwealth and its political subdivisions. This commonwealth 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 effects of marriage. Nor shall this commonwealth or its political subdivisions create or recognize another union, partnership or other legal status to which is assigned the rights, benefits, obligations, qualities or effects of marriage.”

Status: This measure passed the state House, as amended, on Feb. 8, 2005, by a 78-18 vote. A substitute bill passed the Senate on Feb. 18, 2005, by a 27-10 vote. The House rejected this substitute bill on Feb. 22, 2005, by an 84-6 vote. On Feb. 26, 2005, the Senate passed the Conference Committee’s substitute bill by a 30-10 vote, and the House passed it by an 80-17 vote. This resolution must be voted on again by the Legislature in 2006.

Marriage-Related Bills: Vetoed

California Assembly Bill 849 — This bill would have allowed same-sex couples to marry.

Status: This measure passed the state Senate on Sept. 1, 2005, by a 21-15 vote, and the Assembly on Sept. 6, 2005, by a 41-35 vote. It was vetoed by Republican Gov. Arnold Schwarzenegger on Sept. 29, 2005.
Marriage-Related Bills: Active

New Jersey Assembly Concurrent Resolution 212 — This resolution would amend the state constitution to declare that marriage is solely between a man and a woman unless the Legislature otherwise provides.

Status: This resolution was introduced on Jan. 10, 2005. There has been no action on it.

New Jersey Assembly Resolution 179 — This resolution would encourage the U.S. Congress to pass the Federal Marriage Amendment.

Status: This resolution was introduced on May 27, 2005. There has been no additional action on this resolution.

New Jersey Senate Bill 1148/Assembly Bill 460 — These bills would add “persons of the same sex shall not marry” to the state’s marriage laws.

Status: These measures were introduced on Jan. 13, 2005. There has been no action on them.

Marriage-Related Bills: Dead

Alabama House Bill 1 — This measure would amend the state constitution to purport to not honor or allow marriage of same-sex couples; language in the bill goes beyond marriage.

Status: This bill died when the Legislature adjourned on May 16, 2005. However, see Senate Bill 109 (Marriage-Related Bills: Passed).

Alabama House Bill 59 — This bill would amend the state constitution to prohibit the performance and recognition of marriage and common law marriage between same-sex couples. It also purports to prohibit “unions replicating marriage.”

Status: This bill passed the state House on Feb. 8, 2005, by an 85-7 vote. It died when the Legislature adjourned on May 16, 2005. However, see Senate Bill 109 (Marriage-Related Bills: Passed).

Alabama House Bill 320 — This bill would amend the state constitution to read, “In determining the meaning of any act of the Legislature, or of any ruling, regulation or interpretation of the various administrative agencies of the state, the term ‘marriage’ means the legal union of one man and one woman as husband and wife; and the term ‘spouse’ refers only to a person of the opposite sex who is a husband or wife. Any public act, record or judicial proceeding of this state that extends specific benefits of legal marriage to nonmarital relationships between persons of the same sex or different sexes is void ab initio. Any public act, record or judicial proceeding of any other state, country or other jurisdiction outside this state that extends specific legal benefits of legal marriage to nonmarital relationships between persons of the same sex or different sexes 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 bill died when the Legislature adjourned on May 16, 2005. However, see Senate Bill 109 (Marriage-Related Bills: Passed).

Alabama Senate Bill 4/Senate Bill 5/Senate Bill 33/Senate Bill 65 — These measures would amend the state constitution to purport to not honor or allow marriage of same-sex couples.

Status: These bills died when the Legislature adjourned on May 16, 2005. However, see Senate Bill 109 (Marriage-Related Bills: Passed).

Alaska Senate Joint Resolution 10 — This resolution would urge the U.S. Congress to pass the Federal Marriage Amendment.

Status: This resolution passed the Senate on April 6, 2005, by a 16-3 vote. It will carry over for consideration to the 2006 session.

Arizona House Concurrent Resolution 2027 — This resolution would amend the state constitution to read, “Marriage is the union of one man and one woman.”

Status: This measure died when the Legislature adjourned on May 13, 2005.

California Assembly Bill 19 — This bill would allow same-sex couples to marry in California.

Status: This bill passed the Assembly Judiciary Committee on April 27, 2005, by a 6-3 vote, and passed the Assembly Appropriations Committee
Equality from State to State: Gay, Lesbian, Bisexual and Transgender Americans and State Legislation in 2005

on May 25, 2005, by a 13-5 vote. The bill failed to garner enough votes on June 2, 2005, in the Assembly. However, see Assembly Bill 849 (Marriage-Related Bills: Vetoed).

California Assembly Constitutional Amendment 3/Senate Constitutional Amendment 1 — These measures would amend the state constitution to read, “Only marriage between a man and a woman is valid or recognized in California, whether contracted in this state or elsewhere. The rights, responsibilities, benefits and obligations of a marriage shall only be granted, bestowed and conferred upon a man and a woman joined in a valid marriage, and may not be conferred upon any other union or partnership.”

Status: Senate Constitutional Amendment 1 failed in the state Senate Judiciary Committee on May 10, 2005, by a 5-2 vote. Assembly Constitutional Amendment 3 failed in the Assembly Judiciary Committee on May 10, 2005, by a 6-3 vote.

Colorado House Concurrent Resolution 1002 — This resolution would amend the state constitution to read, “A marriage, including an otherwise valid common law marriage, shall be valid or recognized in the state of Colorado only if it is between one man and one woman. The state of Colorado shall neither create nor recognize a legal status of unmarried persons. Nothing in this section shall be deemed to prohibit or invalidate a legal obligation or contract between unmarried persons.”

Status: This bill failed in the state House Committee on the Judiciary on May 3, 2005.

Connecticut House Bill 6601 — This bill would allow for the recognition of marriages between same-sex couples in other jurisdictions.

Status: This measure died when the Legislature adjourned on June 8, 2005.

Connecticut House Joint Resolution 29 — This resolution would amend the state constitution to declare that only a marriage between a man and a woman will be recognized in the state.

Status: This measure died when the Legislature adjourned on June 8, 2005.

Connecticut Senate Bill 264 — This bill would permit marriage for same-sex couples.

Status: This measure died when the Legislature adjourned on June 8, 2005.

Delaware Senate Bill 15 — This bill would 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 was introduced on Jan. 25, 2005, and died when the Legislature adjourned on June 30, 2005.

Idaho Senate Joint Resolution 101 — This resolution would amend the state constitution to read, “Only a union of one man and one woman shall be valid or recognized as a marriage in this state. This state and its political subdivisions shall not create or recognize a legal status similar to that of marriage.”

Status: This resolution failed to garner the two-thirds majority vote in the state Senate on Feb. 2, 2005; the vote was 21-14.

Illinois House Joint Resolution Constitutional Amendment 1 — This measure would amend the state constitution to restrict marriage to a man and a woman.

Status: This resolution had no movement and died when the Legislature adjourned on May 31, 2005.

Illinois House Joint Resolution Constitutional Amendment 11 — This measure would amend the state constitution to read, “Only a union of one man and one woman shall be valid or recognized as a marriage in this state. This state and its political subdivisions shall not create or recognize a legal status similar to that of marriage.”

Status: This resolution had no movement and died when the Legislature adjourned on May 31, 2005.
Illinois Senate Joint Resolution Constitutional Amendment 23 — This resolution would amend the state constitution to read, “Only a marriage between one man and one woman shall be valid or recognized in Illinois. The uniting of person 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 bill had no movement and will carry over for consideration to the 2006 session.

Illinois Senate Joint Resolution 19 — This resolution would urge the U.S. Congress to pass a federal constitutional amendment that restricts marriage to a man and a woman.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Indiana House Joint Resolution 2/House Joint Resolution 8/House Joint Resolution 9 — These measures would amend the state constitution to read, “Only marriage between a man and a woman is valid in Indiana.”

Status: These resolutions died when the Legislature adjourned on April 29, 2005. However, see House Joint Resolution 7 (Marriage-Related Bills: Passed).

Indiana House Joint Resolution 3/House Joint Resolution 10/House Joint Resolution 11 — These resolutions would amend the state constitution to read, “Marriage in Indiana consists only of the union of a man and a woman. This constitution or any other Indiana law may not be construed to require that marital status or the legal incidents of marriage be conferred upon unmarried couples or groups.”

Status: These resolutions died when the Legislature adjourned on April 29, 2005. However, see House Joint Resolution 7 (Marriage-Related Bills: Passed).

Iowa House Joint Resolution 1 — This resolution would amend the state constitution to read, “Only marriage between a man and a woman shall be valid or recognized in the state of Iowa. The state of Iowa and its political subdivisions shall not create or recognize a legal status identical or substantially similar to that of marriage for unmarried individuals.”

Status: This resolution passed the state House on March 15, 2005, by a 54-44 vote, and had no movement in the Senate. It will carry over for consideration to the 2006 session.

Iowa Senate Joint Resolution 2 — This measure would amend the state constitution to read, “Only marriage between a man and a woman shall be valid or recognized in the state of Iowa.”

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Kentucky House Bill 234 — This bill would create a “Traditional Marriage” license plate.

Status: This measure died when the Legislature adjourned on March 21, 2005.

Kentucky House Concurrent Resolution 12 — This resolution would encourage the U.S. Congress to pass the Federal Marriage Amendment.

Status: This measure passed the state House Elections, Constitutional Amendments and Intergovernmental Affairs Committee on Feb. 17, 2005, but died when the Legislature adjourned on March 21, 2005.

Maine Legislative Document 1294 — This bill would amend 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 may not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.”

Status: This bill failed in the state House on June 7, 2005, by an 88-56 vote, and it failed in the Senate on June 8, 2005, by a 19-15 vote.

Maryland House Bill 693 — This bill would prohibit marriage between same-sex couples and invalidate marriages from other jurisdictions between same-sex couples.

Status: This bill failed in the state House Judiciary Committee on March 7, 2005.
Maryland House Bill 1220 — This bill would amend the state constitution to read, “Only a marriage between a man and woman is valid in this state.”

*Status:* This bill failed on March 8, 2005, in the state House Judiciary Committee.

Maryland Senate Joint Resolution 11 — This resolution would declare, “That the institution of marriage has been and will remain valid in Maryland only when the ceremony is between one man and one woman.”

*Status:* This measure died when the Legislature adjourned on April 11, 2005.

Massachusetts House Bill 653 — This measure would amend the state constitution to read, “Only the union of one man and one woman shall be valid or recognized as a marriage in Massachusetts. Any other relationship shall not be recognized as a marriage or its legal equivalent, nor shall it receive the benefits or incidents exclusive to marriage from the commonwealth, its agencies, departments, authorities, commissions, offices, officials and political subdivisions.”

*Status:* This measure had no movement during 2005. It may be considered on May 10, 2006, during the next joint session (constitutional convention) of the state Legislature.

Massachusetts House Bill 654 — This bill would declare, “That all same-sex marriages performed under public authority in Massachusetts since May 17, 2004, are without statutory basis; and no marriage performed in Massachusetts will be considered legally binding which is not established by Massachusetts statute, notwithstanding licensing through the Massachusetts Department of Public Health, or city or town clerk.”

*Status:* This bill had no movement and will carry over for consideration to the 2006 session.

Massachusetts House Bill 806 — This bill would repeal the portion of the state marriage law that requires prospective spouses to be residents of the state.

*Status:* This bill had no movement and will carry over for consideration to the 2006 session.

Massachusetts House Bill 967/House Bill 977 — These bills would explicitly amend state law to allow a couple of the same gender to marry. Although same-sex couples are issued marriage licenses, the authority comes from the state Supreme Judicial Court, not explicit state law.

*Status:* These bills had no movement and will carry over for consideration to the 2006 session.

Massachusetts Senate Bill 5 — This measure would amend the state constitution to declare that, “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.”

*Status:* This measure failed in the joint session (constitutional convention) of the Legislature on Sept. 14, 2005, by an 157-39 vote.

Minnesota House Bill 6/Senate Bill 1691 — These measures 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.”

The state House Ways and Means Committee amended the measure and added, “by the state or any of its political subdivisions” to the end.

*Status:* House Bill 6 passed the state House on March 31, 2005, by a 77-56 vote. On April 7, 2005, anti-gay Republican Sen. Michele Bachmann made a motion to discharge the measure from committee and to the Senate floor for second reading. This motion failed by a 36-30 vote.

Minnesota House Bill 8/House Bill 12/Senate Bill 22 — These measures would amend the state constitution to read, “Only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota. Any other relationship shall not be recognized as a marriage or its legal equivalent by the state or any of its political subdivisions.”

*Status:* These bills were introduced on May 26, 2005, during the special session and died when the session adjourned on July 13, 2005.
**Minnesotta Senate Bill 1958** — This measure would amend the state constitution to read, “The judicial power of this state does not include the power to define the gender of parties who may enter into a civil contract of marriage. The gender of parties who may enter into a civil contract of marriage must be defined by law as enacted by the Legislature.”

*Status:* This bill had no movement and will carry over for consideration to the 2006 session.

**Mississippi House Concurrent Resolution 12** — This resolution urges the U.S. Congress to “Amend the United States Constitution to provide that Congress shall make no law respecting an establishment of marriage between a man and a woman.”

*Status:* This resolution died in the state House Rules Committee on April 7, 2005.

**New Hampshire House Bill 283** — This bill would have established a “Same-Sex Civil Marriage Commission” to study the feasibility of extending marriage equality to same-sex couples.

*Status:* This measure failed in the state House on March 23, 2005, by a 217-133 vote.

**New Mexico House Bill 445** — This bill would prohibit the performance and recognition of marriage between same-sex couples.

*Status:* This measure died when the Legislature adjourned on March 19, 2005.

**New Mexico Senate Bill 597** — This bill would restrict marriage in New Mexico to a man and a woman.

*Status:* This measure passed the Senate on March 8, 2005, by a 25-12 vote, but died when the Legislature adjourned on March 19, 2005.

**New Mexico Senate Joint Resolution 18** — This resolution proposes to amend the state constitution to read, “The only marriage that is recognized or valid in the state of New Mexico, whether performed or entered into in New Mexico or elsewhere, is a marriage between one man and one woman.”

*Status:* This measure died when the Legislature adjourned on March 19, 2005.

**New York Assembly Bill 4097/Senate Bill 2056** — These bills would void all marriages between same-sex couples.

*Status:* These bills were introduced in February 2005. They will carry over to the 2006 session for consideration.

**New York Assembly Bill 7463/Senate Bill 5156** — These bills would validate existing marriages between individuals of the same sex and allow marriage licenses to be issued to same-sex couples.

*Status:* These bill were introduced in April 2005. They will carry over to the 2006 session for consideration.

**New York Assembly Bill 7723** — This bill would purport to prohibit marriage for same-sex couples.

*Status:* This bill was introduced on April 28, 2005. It will carry over to the 2006 session for consideration.

**North Carolina House Bill 55/Senate Bill 8** — These bills would amend the state constitution to read, “Marriage is the union of one man and one woman at one time. This is the only marriage that shall be recognized as valid in this state. The uniting of two persons of the same sex or the uniting of more than two persons of any sex in a marriage, civil union, domestic partnership or other similar relationship within or outside of this state shall not be valid or recognized in this state. This constitution shall not be construed to require that marital status or the rights, privileges, benefits or other legal incidents of marriage be conferred upon unmarried individuals or groups.”

*Status:* These bills had no movement and will carry over for consideration to the 2006 session.

**Oklahoma House Joint Resolution 1011** — This resolution would urge the U.S. Congress to pass the Federal Marriage Amendment.

*Status:* This resolution passed the state House on March 23, 2005.

**Oregon Senate Bill 799** — This bill would declare that any marriages between persons of the same sex are null and void.
sex have no legal force or effect. Additionally the bill goes on to state, “Any public act, record or judicial proceeding of a public body of this state that extends the statutory benefits of marriage to nonmarital relationships between persons of the same sex or different sexes is void ab initio. Any public act, record or judicial proceeding of any state or country or other jurisdiction outside this state that extends the statutory benefits of marriage to nonmarital relationships between persons of the same sex or different sexes is considered and treated in all respects as having no legal force or effect in this state and is not recognized in this state.”

Status: This measure died when the Legislature adjourned on Aug. 5, 2005.

Rhode Island House Bill 5660/Senate Bill 217 — These bills would allow same-sex couples to marry in Rhode Island.

Status: These bills were introduced in February 2005 and will carry over to the 2006 session.

Rhode Island Senate Bill 846 — This bill would declare that marriage can only occur between individuals of the opposite sex and the state and its bureaus and agencies can only interpret marriage and spouse as one man and one woman.

Status: This bill was introduced on Feb. 16, 2005, and will carry over to the 2006 session.

South Carolina House Bill 3032/House Bill 3140/House Bill 3180/Senate Bill 45/Senate Bill 90/Senate Bill 104 — These bills would add, “Any marriage entered into by persons of the same sex in any other jurisdiction 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,” to current state law.

Status: These bills had no movement.

However, see Senate Joint Resolution 3133 (Marriage-Related Bills: Passed).

Tennessee House Joint Resolution 10/House Joint Resolution 24/House Joint Resolution 72/House Joint Resolution 81/Senate Joint Resolution 45 — These 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: These resolutions died when the Legislature adjourned on May 28, 2005.

However, see Senate Joint Resolution 31 (Marriage-Related Bills: Passed).

Texas House Joint Resolution 19 — 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. Legal status for unmarried persons which is identical or substantially similar to marital status shall not be valid or recognized.”

Status: This measure died when the Legislature adjourned on May 30, 2005.

However, see House Joint Resolution 6 (Marriage-Related Bills: Passed).

Virginia House Bill 1660 — This bill would create a “Traditional Marriage” license plate.

Status: This bill passed the state House on Feb. 1, 2005, by a 62-35 vote. It was stricken from the Senate Transportation Committee docket on Feb. 17, 2005.

Virginia House Joint Resolution 528 — This measure would amend the state constitution to read, “To be valid or recognized in this commonwealth, a marriage may exist only between one man and one woman. No provision of this constitution shall be interpreted to require the commonwealth to recognize or permit marriage between individuals of the same sex.”

Status: This measure died when the Legislature adjourned on Feb. 26, 2005.

However, see House Joint Resolution 586 (Marriage-Related Bills: Passed).
Virginia House Joint Resolution 584 — This measure would amend the state constitution to read, “That marriage is essential to the liberty, happiness and prosperity of a free and virtuous people and is the natural and optimal institution for uniting the two sexes in a committed, complementary and conjugal partnership; for begetting posterity; and for providing children with the surest opportunity to be raised by their mother and father. Marriage is the legal union of one man and one woman as husband and wife, and no other combination of persons may be licensed to marry or recognized as a marriage by the government. A civil union, domestic partnership or similar civil arrangement that purports to bestow the rights, privileges or obligations of marriage upon unmarried persons may not be created, recognized or enforced by the government. A civil arrangement forbidden by this section shall be void and unenforceable even if lawful elsewhere. A right, privilege or obligation may be bestowed on an unmarried person by statute even if it is among the whole number of rights, privileges and obligations of marriage, but no imitation of marriage may be created by the government.”

Status: This measure passed the state House Privileges and Elections Committee on Feb. 4, 2005, by a 20-0 vote, but then died when the Legislature adjourned on Feb. 26, 2005. However, see House Joint Resolution 586 (Marriage-Related Bills: Passed).

Virginia Senate Joint Resolution 337 — This measure would amend the state constitution to read, “That only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions. This Commonwealth 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.”

Status: This measure passed the state Senate on Feb. 7, 2005, by a 30-10 vote. However, it did not have any movement in the House, and died when the Legislature adjourned on Feb. 26, 2005. However, see House Joint Resolution 586 (Marriage-Related Bills: Passed).

Washington House Joint Resolution 4207 — This resolution would amend the state constitution to prohibit marriage for same-sex couples and to prohibit the state or its political subdivisions from establishing civil unions, domestic partnerships or similar relationships for same-sex couples. Additionally, the resolution would prohibit state courts from hearing any marriage-related claims pertaining to same-sex couples.

Status: This bill was introduced on Jan. 31, 2005, and will be carried over the 2006 session.

Washington House Joint Resolution 4208/Senate Joint Resolution 8209 — These resolutions would amend the state constitution to read that, “No court established by this constitution or by an act of the legislature shall have jurisdiction to hear or decide any claim that a relationship other than that prescribed by the Legislature or the people as constituting lawful marriage is entitled to legal status that intends to or does approximate the design, qualities, significance or effect of marriage.”

Status: These resolutions were introduced on Jan. 31, 2005, and will be carried over the 2006 session.

Washington Senate Concurrent Resolution 8210 — This resolution would amend the state constitution to read, “Only a union between one man and one woman shall be valid or recognized in Washington state. The uniting of two persons other than a male and a female in any marital or quasi-marital relationship or spousal or quasi-spousal relationship, including any civil union, domestic partnership or other similar relationship, is not valid in this state, and, although valid in another state or jurisdiction, is not recognized as valid in this state and is void and unenforceable under the laws of this state. The Legislature may provide for such restrictions or sanctions on marriage related to age or degree of kinship as it deems necessary.”

Status: This resolution was introduced on Feb. 9, 2005, and will be carried over the 2006 session.
Wyoming House Bill 184 — This bill would void marriages between individuals of the same sex.  
**Status:** This measure died on Feb. 9, 2005, when it missed the deadline to pass out of the house of origin.

Other Relationship-Recognition Bills: Passed

California Senate Bill 565 — This bill excludes from the definition of “change in ownership,” for tax purposes, any transfer of property between registered domestic partners.  
**Status:** This measure was signed by Republican Gov. Arnold Schwarzenegger on Sept. 29, 2005.

California Senate Bill 973 — This bill ensures that registered domestic partners are treated equally in the state laws for teacher, public and county employees’ retirement.  
**Status:** This measure was signed by Republican Gov. Arnold Schwarzenegger on Sept. 29, 2005.

Colorado Senate Bill 235 — This bill clarifies that small employer insurance carriers may provide coverage to domestic partners.  
**Status:** This bill was signed by Republican Gov. Bill Owens on June 2, 2005.

Connecticut Senate Bill 963 — This bill, as introduced, would have allowed same-sex couples to marry in Connecticut. The original bill was replaced by a substitute in the Judiciary Committee that would allow for civil unions in Connecticut. The state House added an amendment that restricts marriage to one man and one woman.  
**Status:** Republican Gov. M. Jodi Rell signed this bill on April 20, 2005.

District of Columbia B 16-0050 — This measure provides that if a person dies in the process of their apartment being converted to a condominium, their domestic partner retains the right to buy the unit.  
**Status:** This measure was signed by Democratic Mayor Anthony Williams on May 27, 2005.

Virginia Senate Bill 1338 — This bill would expand the definition of who is eligible to be included in group accident and sickness insurance to include, “Any other class of persons as may mutually be agreed upon by the insurer and the group policyholder.” Prior to this law passing, many employers in Virginia were not able to purchase insurance policies that provided coverage to the domestic partners of their employees.  
**Status:** This bill was signed by Democratic Gov. Mark Warner on March 28, 2005.

Other Relationship-Recognition Bills: Vetoed

Maryland House Bill 1298 — This bill would have exempted domestic partners from transfer and recordation taxes on certain property transfers.  
**Status:** This bill was vetoed by Republican Gov. Robert Ehrlich on May 20, 2005.

Maryland Senate Bill 796 — This bill would have created a statewide “life partner” registry and would have provided certain rights to registered partners.  
**Status:** This bill was vetoed by Republican Gov. Robert Ehrlich on May 20, 2005.

Other Relationship-Recognition Bills: Active

District of Columbia B 16-0052 — This bill would grant domestic partners similar rights and responsibilities currently held by spousal couples in the areas of spousal immunity, inheritance, surviving spouses and children, spousal support and public assistance.  
**Status:** A public hearing was held on this measure on May 12, 2005.

District of Columbia B 16-0129 — This bill would increase the contribution, from 0 to 75 percent, that the district government contributes toward an employee’s health insurance premium for their domestic partner.
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Status: There was a public hearing held on this measure on July 7, 2005.

District of Columbia B 16-0320 — This bill would add “domestic partner” to the list of individuals authorized to make health care decisions in the absence of a power of attorney.

Status: A public hearing was held on this measure on July 14, 2005.

District of Columbia B 16-0405 — This bill would exempt from an individual’s gross income, for district income tax purposes, any amount an employer contributes for the health insurance of a domestic partner.

Status: This measure passed its first reading on Nov. 1, 2005.

New Jersey Assembly Bill 1240/Assembly Bill 1922/Senate Bill 224 — These bills would add “registered domestic partner” to the list of individuals who can be appointed as the guardian for an incapacitated person. These bills would also exempt a registered domestic partner from providing a bond when acting as a guardian for his or her deceased partner’s estate.

Status: Assembly Bill 1922 passed the Assembly on June 20, 2005, by a 79-0 vote; it awaits action in the state Senate.

New Jersey Assembly Bill 3429/Senate Bill 2083 — These bills would add “surviving domestic partner” alongside “spouse” in the law governing who can make funeral arrangements.

Status: These bills were introduced on Oct. 21, 2004, and carried over to 2005 (year two of a two-year session).

New Jersey Assembly Bill 3629 — This bill would extend eligibility to receive the total property tax exemption provided to 100 percent disabled veterans and their spouses to 100 percent disabled veterans and their same-sex domestic partners. This bill would also extend the property tax exemption to the same-sex domestic partner of a totally disabled veteran until such time as the surviving domestic partner establishes a new domestic partnership or marries.

Status: This bill passed the Assembly Military and Veteran Affairs Committee on March 7, 2005.

New Jersey Senate Bill 221/Assembly Bill 2869 — These bills would add domestic partners to the list of individuals who can serve as professional guardians for their incapacitated domestic partners.

Status: Senate Bill 221 passed the state Senate on June 20, 2005, by a 36-0 vote.

New Jersey Senate Bill 2167 — This bill would permit certain local public entities (that don’t participate in the State Health Benefits Program) to provide health benefits to an employee’s domestic partner.

Status: This bill passed the state Senate on May 12, 2005, by a 34-0 vote; it has had no action in the Assembly.

New Jersey Senate Bill 2518 — This bill would add registered “domestic partner” to the definition of “family” for purposes of the state Family and Medical Leave Act.

Status: This bill was introduced on May 12, 2005; it has had no additional action.

New York Assembly Bill 1238/Senate Bill 1924/Senate Bill 3388 — These bills would permit domestic partners to control the remains of their deceased partners in the same manner as spouses.

Status: Senate Bill 1924 passed the state Senate on June 24, 2005, by a 59-0 vote, and passed the Assembly on the same day by a 96-25 vote. The bill is awaiting delivery from the Legislature to Republican Gov. George Pataki.

Pennsylvania House Bill 1417 — This bill would allow unmarried couples to receive certificates of life partnership. Couples would acquire several rights, which include the right to make medical decisions, the right to control the remains of a deceased partner, the right to make an organ donation, the right to visit one another in the hospital and the right to accompany one another in an ambulance.

Status: This bill was introduced on April 20, 2005.
Other Relationship-Recognition Bills: Dead

California Senate Bill 300 — This bill would expand the list of family members for which an employee is allowed to take protected leave under the California Family Rights Act to include an employee’s domestic partner suffering from a serious health condition.

\textit{Status:} This measure passed the state Senate on May 31, 2005, by a 21-15 vote, and the Assembly Labor and Employment Committee on July 16, 2005, by a 6-2 vote. It will carry over for consideration to the 2006 session.

Arizona House Bill 2710 — This bill would create a statewide domestic partnership registry and confer a handful of rights including community property, inheritance, appointment as personal representative, guardianship and conservatorship, burial and cremation and surrogate decision making.

\textit{Status:} This measure died when the Legislature adjourned on May 13, 2005.

Arizona House Concurrent Resolution 2049 — This bill would ask voters to approve a statewide domestic partnership registry and confer a handful of rights including community property, inheritance, appointment as personal representative, guardianship, and conservatorship, burial and cremation and surrogate decision making.

\textit{Status:} This measure died when the Legislature adjourned on May 13, 2005.

Colorado Senate Bill 140 — This bill would declare that when two or more people enter into a relationship, whether known as a domestic partnership, civil union or by any other name, other than a marriage, it shall not be entitled to the totality of legal benefits, protections and responsibilities that uniquely accrue to a person in a relationship of marriage.

\textit{Status:} This bill failed in the state Senate’s State, Veterans and Military Affairs Committee on Feb. 16, 2005.

Connecticut House Bill 6930 — This bill would provide health insurance coverage to the same-sex partners of retired members of the Teacher’s Retirement Board.

\textit{Status:} This measure died when the Legislature adjourned on June 8, 2005.

Hawaii House Bill 1231/Senate Bill 545 — These bills would establish civil unions and confer all state-level rights and responsibilities on parties to a civil union.

\textit{Status:} These bills had no movement and will carry over for consideration to the 2006 session.

Illinois House Bill 177 — This bill would allow Chicago teachers to designate a domestic partner for purposes of survivor and death benefits.

\textit{Status:} This bill had no movement and will carry over for consideration to the 2006 session.

Iowa House Bill 78 — This bill would establish a “Healthy Iowa for All” program to provide access to health care coverage for eligible employers. “Domestic partner” is included in the definition of dependent.

\textit{Status:} This bill had no movement and will carry over for consideration to the 2006 session.

Maine Legislative Document 19 — This bill would add “registered domestic partners” to the Probate Code, as family members for purposes of the real estate transfer tax exemption for deeds.

\textit{Status:} This bill passed the state House on April 12, 2005, by a 91-49 vote, and it passed the Senate, with amendments, on April 14, 2005, by a 20-13 vote. It passed the House again on April 28, 2005, by an 89-51 vote; however, it failed to get concurrence in the Senate. It will carry over for consideration to the 2006 session.

Maryland House Bill 353/Senate Bill 841 — These bills would establish domestic partnerships and confer a handful of rights. There is no statewide registry included in the bill.

\textit{Status:} Senate Bill 841 failed in the state Senate Education, Health and Environmental Affairs Committee on March 21, 2005.
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**Michigan Senate Resolution 68** — This resolution urges the state Supreme Court to, “Take whatever steps are necessary” to ensure the denial of domestic partner benefits to state workers, until a final decision. This resolution came after a September 2005 court decision finding that Michigan’s constitutional amendment does not prohibit the state or localities from offering domestic partner benefits. In response to this decision, Democratic Gov. Jennifer Granholm has said she would work on ensuring these benefits were given to state workers.

*Status:* This measure passed the state Senate on Oct. 6, 2005, by a 22-16 vote; no action has occurred in the House. It will carry over for consideration to the 2006 session.

**Montana House Bill 259** — This bill would establish civil unions in Montana.

*Status:* This bill died on April 4, 2005, when it missed the deadline for action.

**Montana Senate Bill 283** — This bill would remove the “opposite-sex” restriction currently in the state domestic violence laws.

*Status:* This bill died on April 4, 2005, when it missed the deadline for action.

**Montana Senate Bill 485** — This bill would create a “next-of-kin” registry that would permit a person’s registered next-of-kin to visit him or her in medical care facilities, to make health care decisions and to receive the person’s deceased body.

*Status:* This bill passed the state Senate on March 3, 2005, by a 28-21 vote. On April 5, 2005, a motion to withdraw the measure from committee and bring it to second reading on the House floor failed.

**New Mexico House Bill 86** — This bill defines and would allow “domestic partners” to be considered an “insurable interest” for personal insurance purposes, would allow domestic partners to take out life or health insurance for one another, would allow group life insurers to include domestic partners in policies, would permit health care coverage to be offered to domestic partners and their dependent children and would allow a domestic partner to be a “dependent” for purposes of the Medical Care Savings Account Act.

*Status:* This measure passed the state House on Feb. 18, 2005, by a 35-31 vote, and passed the Senate Judiciary Committee on March 6, 2005, but died when the Legislature adjourned on March 19, 2005.

**New Mexico Senate Bill 576** — This bill would license domestic partnerships and would confer all state-level rights and responsibilities on domestic partners.

*Status:* This measure passed the state Senate Judiciary Committee on Feb. 21, 2005, but died when the Legislature adjourned on March 19, 2005.

**New York Assembly Bill 1279** — This bill would expand membership eligibility in a credit union to include domestic partners.

*Status:* This measure was introduced on Jan. 19, 2005. It will carry over for consideration to the 2006 session.

**New York Assembly Bill 1359** — This bill would extend the school tax relief program to senior domestic partners who jointly own their primary residence.

*Status:* This bill was introduced on Jan. 19, 2005. It will carry over for consideration to the 2006 session.

**New York Assembly Bill 1823** — This bill would create civil unions in New York and confer all state-level rights and responsibilities on parties to a civil union.

*Status:* This bill was introduced on Jan. 21, 2005. It will carry over for consideration to the 2006 session.

**New York Assembly Bill 2224/Senate Bill 5635** — These bills would require insurers who offer family health insurance to offer coverage for domestic partners and their dependent children.

*Status:* Assembly Bill 2224 passed the Assembly on Feb. 15, 2005, by an 108-30 vote. They will carry over for consideration to the 2006 session.
New York Assembly Bill 2673 — This bill would allow an employee to use his or her leave to care for an immediate family member, including a domestic partner.

**Status:** This bill passed the Assembly on May 31, 2005, by a 96-45 vote. It will carry over for consideration to the 2006 session.

New York Assembly Bill 2804/Senate Bill 3547 — These bills would establish certain labor rights and standards for domestic workers; one of these is the right to take leave to care for a domestic partner.

**Status:** Assembly Bill 2804 passed the Assembly Labor Committee on March 15, 2005. Both bills will carry over for consideration to the 2006 session.

New York Assembly Bill 3355 — This bill would add “domestic partner” to the worker’s compensation law governing who is included in an employer’s disability benefits insurance contract.

**Status:** This bill was introduced on Feb. 1, 2005. It will carry over for consideration to the 2006 session.

New York Assembly Bill 3694/Senate Bill 1888 — These bills would expand who is eligible to apply under the crime victim’s compensation fund to include a person “who resided with the victim at the time of the crime and with whom the victim maintained a long-term relationship characterized by emotional and financial commitment and interdependence.”

**Status:** These bills were introduced on Feb. 4, 2005. They will carry over for consideration to the 2006 session.

New York Assembly Bill 7577/Senate Bill 4795 — These bills would amend state and New York City law to exempt the amount paid for health insurance for a domestic partner from an employee’s gross income (for state and city income taxes).

**Status:** These bills were introduced in April 2005. They will carry over for consideration to the 2006 session.

New York Assembly Bill 7767 — This bill would extend the eligibility for the enhanced school tax relief exemption to include property owned by domestic partners.

**Status:** This bill was introduced on May 2, 2005. It will carry over for consideration to the 2006 session.

New York Assembly Bill 3439/Senate Bill 1176 — These bills would allow domestic partners to be treated as next-of-kin for hospital visitation and health care decision-making purposes.

**Status:** Assembly Bill 3429 was held for consideration in the Assembly Health Committee on June 16, 2005. They will carry over for consideration to the 2006 session.

New York Assembly Bill 3693/Senate Bill 1887 — These bills would create a statewide domestic partner registry and confer several rights on domestic partners, these include 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 bills had no movement and will carry over for consideration to the 2006 session.

New York Assembly Bill 5406/Senate Bill 5807 — These bills would establish a procedure to allow surrogate medical decision making by certain individuals when the patient does not have written instructions. Domestic partners are alongside spouses in the list of eligible individuals to be named surrogates.

**Status:** Assembly Bill 5406 passed the Assembly Health Committee on June 21, 2005. Both bills will carry over for consideration to the 2006 session.

New York Assembly Bill 8234 — This bill would add surviving domestic partners and dependent children of surviving domestic partners to the list of eligible beneficiaries for certain public...
employees' (outside of New York City) accidental death benefits.

*Status:* This bill was introduced on May 13, 2005. It will carry over for consideration to the 2006 session.

**New York Senate Bill 3403/Assembly Bill 2839 —** These bills would require that employers who provide bereavement or funeral leave for the death of an employee’s spouse or children to extend the same leave for an employee’s domestic partner, his or her children or relatives.

*Status:* These bills were introduced in March 2005. They will carry over for consideration to the 2006 session.

**New York Senate Bill 3463 —** This bill would add “domestic partner” to the existing state law that permits the surviving spouse of a retired member of the fire or police department to continue their eligibility for health insurance.

*Status:* This bill was introduced on March 18, 2005. It will carry over for consideration to the 2006 session.

**New York Senate Bill 3609/Assembly Bill 6948 —** These bills would allow the surviving spouse or domestic partner of a state employee or employee of a participating employer who has died prior to retirement to be eligible to use a deceased spouse or domestic partner’s earned but unused sick leave to continue health care coverage under the health insurance plan.

*Status:* These bills were introduced in March 2005. They will carry over for consideration to the 2006 session.

**New York Senate Bill 5157 —** This bill would permit the surviving domestic partners of certain New York City public employees to receive accidental death benefits.

*Status:* This bill was introduced on April 18, 2005. It will carry over for consideration to the 2006 session.

**New York Senate Bill 5826 —** This bill would add “surviving domestic partner” alongside spouse for some public employee accident and pension benefits.

*Status:* This measure was introduced on June 19, 2005. It will carry over for consideration to the 2006 session.

**Oklahoma Senate Joint Resolution 22 —** This resolution would amend the state constitution to prohibit the performance or recognition of civil unions.

*Status:* This resolution died on May 27, 2005, when the Legislature adjourned.

**Oregon House Bill 2589 —** This bill would require state universities to consider non-resident children of a non-resident parent married to, or in a domestic partnership with, an Oregon resident to be a resident for purposes of admission and tuition and fees.

*Status:* This measure died when the Legislature adjourned on Aug. 5, 2005.

**Oregon House Bill 2966 —** This bill would add “domestic partner” to the list of individuals eligible to receive benefits from the Public Safety Memorial Fund.

*Status:* This measure died when the Legislature adjourned on Aug. 5, 2005.

**Oregon House Bill 3476 —** This bill would establish a reciprocal beneficiary system for same-sex couples and provide the following rights: tenancy in common when land in conveyed, control of the remains of one another, the right to inherit the estate of a reciprocal beneficiary who dies without a will, preference in being appointed as the personal representative for the reciprocal beneficiary’s estate, the right to stay in the home for at least one year after the death of a reciprocal beneficiary, hospital visitation, the right to make health care decisions, the right to examine an autopsy report, certain tax deferrals, the right to inspect state vital records, the right to receive the bank account (if less than $25,000) proceeds upon the death of a reciprocal beneficiary, the right to access the safe deposit box of a deceased reciprocal beneficiary, the right to not have to undergo probate proceedings to establish rights.
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**Oregon House Bill 3508/Senate Bill 1000** — These bills would add sexual orientation, defined to include gender identity, to the state anti-discrimination law. These bills would also create civil unions.

Status: Senate Bill 1000 passed the state Senate on July 8, 2005, by a 19-10 vote, but died in the House when the Legislature adjourned on Aug. 5, 2005.

**Oregon Senate Bill 1073** — This bill would establish civil unions in Oregon.

Status: This measure passed the state Senate Rules Committee on June 23, 2005, but died when the Legislature adjourned on Aug. 5, 2005.

**Oregon Senate Joint Memorial 3** — This resolution urges the U.S. Congress to establish civil unions as the legal equivalent of marriage.

Status: This measure died when the Legislature adjourned on Aug. 5, 2005.

**Rhode Island House Bill 5342** — This bill would permit a domestic partner to recover damages for loss of consortium for the wrongful death of a domestic partner.

Status: This bill was introduced on Feb. 8, 2005, and will carry over to the 2006 session.

**Rhode Island House Bill 5707** — This bill would allow the surviving domestic partner of a police officer, correctional officer or firefighter to collect a one-time death benefit.

Status: This bill was introduced on Feb. 17, 2005, and will carry over to the 2006 session.

**Tennessee House Bill 334/House Bill 751/House Bill 2234/Senate Bill 914/Senate Bill 215** — These bills would declare that civil unions and domestic partnerships will not be recognized in Tennessee.

Status: These bills had no movement and will carry over for consideration to the 2006 session.

**Utah Senate Bill 89** — This bill would provide for the creation of “mutual dependence benefits contracts,” which would allow two adults, not eligible for marriage, to share certain rights and responsibilities regarding property ownership or health-related matters. These rights include the right to make an anatomical gift, the right to make health care decisions, the right to control the remains, presumption that a joint tenancy is created when the couple jointly owns property and the right to be notified of guardianship proceedings.

Status: This bill failed in the state Senate on Feb. 2, 2005, by an 18-10 vote.

**Virginia House Bill 1633** — This bill would repeal the anti-gay law passed in 2004 that declares, “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 failed in the state House Committee for Courts of Justice on Jan. 21, 2005, by a 17-3 vote.

**Virginia House Bill 2490** — This bill would add, “The provisions of this section shall not abridge the right of any person to enter into a lawful contract that pertains to the ownership or devising of joint property, the maintenance of personal health or the protection of private assets,” to the anti-gay law passed in 2004 that declares, “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 failed in the state House Courts of Justice Committee on Feb. 4, 2005, by a 12-6 vote.
Washington House Bill 1626 — This bill would add “domestic partner” to the state family care law that allows an employee to take leave to care for family members.

 Status: This bill was introduced on Jan. 31, 2005, and will be carried over the 2006 session.

Wisconsin Assembly Bill 100 — This is Democratic Gov. Jim Doyle's proposed budget bill. It included a provision that would extend domestic partner health care benefits to state employees.

 Status: The Legislature’s budget committee removed this provision in May 2005, by a 13-3 vote.

Wisconsin Assembly Bill 503 — This bill would extend health care coverage to the domestic partners of employees of the University of Wisconsin System. The bill would also create a state domestic partner system that would confer all state-level rights and responsibilities on partners. Additionally, this bill would declare, “It is the public policy of this state that marriage may be contracted only between one man and one woman.” The University of Wisconsin remains the only “Top Ten” university that does not provide domestic partner benefits to its staff.

 Status: This measure was introduced on June 17, 2005.

Anti-Discrimination Bills: Passed

California Assembly Bill 1400 — This bill explicitly prohibits discrimination by businesses on the basis of sexual orientation, familial and marital status. The bill was amended in the Assembly to remove “familial status.”

 Status: This measure was signed by Republican Gov. Arnold Schwarzenegger on Sept. 29, 2005.

California Assembly Bill 1586 — This bill prohibits California plans and insurers from denying an individual a plan contract or policy, or coverage for a benefit included in the contract or policy, based on the person’s gender identity.

 Status: This measure was signed by Republican Gov. Arnold Schwarzenegger on Sept. 29, 2005.

California Assembly Concurrent Resolution 69 — This resolution encourages the Boy Scouts to accept for membership and leadership positions all qualified boys and men without discriminating on the basis of sexual orientation or religious beliefs.

 Status: This measure passed the Assembly on May 23, 2005, by a 44-32 vote, and the state Senate on July 11, 2005, by a 23-14 vote.

California Senate Joint Resolution 11 — This resolution urges the president and the U.S. Congress to pass U.S. House Resolution 1059, which would repeal the military’s “Don’t Ask, Don’t Tell” rule.

 Status: This measure passed the state Senate on Aug. 22, 2005, by a 23-14 vote, and the Assembly on Aug. 31, 2005, by a 45-31 vote.

Georgia House Bill 67 — This bill clarifies that, “It is the policy of this state that any organization or person in this state may elect to, or elect not to, contractually provide to unmarried persons one or more benefits, rights or privileges in the same manner that such organization or person contractually provides benefits, rights or privileges to married persons.” This bill was introduced in response to the Druid Hills Club being found in violation of Atlanta’s anti-discrimination ordinance for not providing spousal benefits to same-sex couples.

 Status: This measure was signed by Republican Gov. Sonny Perdue on May 2, 2005.

Hawaii House Bill 1715 — This bill prohibits discrimination in housing based on sexual orientation and gender identity and expression.

 Status: This bill was signed by Republican Gov. Linda Lingle on July 11, 2005.
Illinois Senate Bill 3186 — This bill prohibits discrimination based on sexual orientation, defined to include gender identity, in employment, housing, public accommodations and credit.

*Status:* This bill was signed by Democratic Gov. Rod Blagojevich on Jan. 21, 2005.

Maine Legislative Document 1196 — This bill prohibits discrimination based on sexual orientation, defined to include gender identity and expression, in employment, housing, public accommodations, credit and educational opportunity.

*Status:* This bill was signed by Democratic Gov. John Baldacci on March 30, 2005. Fifty-five percent of voters rejected an attempt to repeal the law on Nov. 8, 2005.

Nevada Assembly Bill 5 — This bill adds sexual orientation to the existing law prohibiting discrimination in public accommodations.

*Status:* This measure was signed by Republican Gov. Kenny Guinn on June 17, 2005.

Anti-Discrimination Bills: Vetoed

California Assembly Bill 866 — This bill would have added to the voluntary pledge in the state “Code of Fair Campaign Practices” a clause that a candidate will not use or permit to be used in their campaign any appeal to negative prejudice based on sexual orientation or gender identity.

*Status:* This measure was vetoed by Republican Gov. Arnold Schwarzenegger on Sept. 9, 2005.

Colorado Senate Bill 28 — This bill would have prohibited employment discrimination based on sexual orientation and “transgender status.”

*Status:* This bill was vetoed by Republican Gov. Bill Owens on May 27, 2005.

Hawaii House Bill 1450 — This bill would have prohibited discrimination in employment based on gender identity or expression.

*Status:* This measure was vetoed by Republican Gov. Linda Lingle on July 11, 2005.

Anti-Discrimination Bills: Active

Delaware House Bill 36 — This bill would prohibit discrimination in employment, public works contracting, housing, public accommodations and insurance based on sexual orientation. There was some language added to this year’s version of the bill that purports to clarify that Delaware will not recognize marriages from other jurisdictions. The bill was amended in the state House to add strong anti-marriage equality language, remove “real or perceived,” add an increased burden of proof for individuals filing a civil action alleging discrimination based on sexual orientation, prohibit certain evidence from being introduced and explicitly exempt the Boy Scouts from compliance with the law.

*Status:* This bill passed the state House on March 24, 2005, by a 22-18 vote. It has had no action in the Senate.

District of Columbia B 16-0389 — This bill would explicitly add gender identity and expression to the district’s anti-discrimination law.

*Status:* This measure passed its first reading on Nov. 1, 2005.

New Jersey Assembly Bill 1415 — These bills would exempt “any fraternal, service, veterans, ethnic, religious or other similar organization including, but not limited to, the Boy Scouts of America, Girl Scouts of America, Rotary Club, Lions Club, Knights of Columbus or Kiwanis” from the definition of public accommodations in the state anti-discrimination law. Sexual orientation is included in the state anti-discrimination law.

*Status:* This measure was introduced on Jan. 13, 2005.

New Jersey Assembly Bill 3678/Senate Bill 2437 — These bills would add gender identity and expression to the state’s anti-discrimination laws.

*Status:* These measures were introduced in January 2005.

New Jersey Senate Bill 1043/Assembly Bill 375 — These bills would make state police employees subject to termination if they were found
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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_: these bills were introduced in february 2005. neither has had further action.

**new jersey assembly bill 4177/senate bill 2522**— these bills would expand the definition of employer in the state anti-discrimination law to include contractors. sexual orientation is included in the state law.

_status_: senate bill 2522 passed the state senate on june 23, 2005, by a 37-0 vote. it has had no action in the assembly.

**ohio house bill 28**— 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 jan. 26, 2005.

**pennsylvania house bill 511**— this bill would establish certain rights for children in foster care, including the right to not be discriminated against on the basis of sexual orientation, among other grounds.

_status_: this bill was introduced on feb. 14, 2005.

**anti-discrimination bills: dead**

**arizona house bill 2704**— this bill would add sexual orientation and gender identity and expression to the state law prohibiting discrimination in employment.

_status_: this measure died when the legislature adjourned on may 13, 2005.

**arkansas house bill 2751**— this bill would add sexual orientation to the state’s hate crime law and to the state law prohibiting discrimination in employment, housing, public accommodations and credit.

_status_: this bill was withdrawn by its author on march 25, 2005.

**arkansas senate bill 1141**— this bill would allow a health care provider to not participate in a health care service that violates the health care provider’s conscience.

_status_: this bill was withdrawn by the author on april 4, 2005.

**california assembly bill 628**— this bill would allow foster parents to object, on religious or moral grounds, to the placement of a youth in their home.

_status_: this measure failed in the assembly committee on human services on april 19, 2005, by a 6-3 vote.

**california senate bill 1030**— this bill would declare that the state anti-discrimination law shall not be construed to require a business establishment to provide non-essential services to a member of the public if it would violate one’s conscience due to a sincerely held religious belief.

_status_: this bill dies when the deadline for action passed on sept. 9, 2005.

**connecticut house bill 6698**— this bill would add sexual orientation to the list of protected classes in the law relating to deprivation of rights, thereby allowing the commission on human rights and opportunities to process complaints on this matter.

_status_: this measure died when the legislature adjourned on june 8, 2005.

**district of columbia b 16-0235**— this bill would elevate the office of gay, lesbian, bisexual and transgender affairs to a cabinet-level office.

_status_: this bill was tabled on nov. 1, 2005.

**hawaii house bill 1232/senate bill 546**— these bills would prohibit discrimination in real property transactions based on sexual orientation and gender identity or expression.

_status_: these measures died when the legislature adjourned on may 5, 2005; however, see house bill 1415 (anti-discrimination bills: passed).
Hawaii House Bill 1233/Senate Bill 544 — These bills would prohibit discrimination in public accommodations based on sexual orientation and gender identity or expression.

Status: These bills had no movement and will carry over for consideration to the 2006 session.

Hawaii House Bill 1234/Senate Bill 547 — These bills would prohibit discrimination in employment, housing, public accommodation and in access to services receiving state financial assistance based on gender identity or expression. These bills would also prohibit discrimination in public accommodations based on sexual orientation.

Status: These bills had no movement and will carry over for consideration to the 2006 session.

Hawaii Senate Bill 1321 — This bill would prohibit discrimination in public accommodations and housing based on sexual orientation.

Status: This bill died when the Legislature adjourned on May 5, 2005; however, see House Bill 1415 (Anti-Discrimination Bills: Passed).

Illinois House Bill 1063 — This bill would exempt religious organizations and institutions conducted, “By and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination,” from the definition of employer in the state’s anti-discrimination law, which includes protections for GLBT employees.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Illinois House Bill 3741/Senate Bill 2037 — These bills would remove sexual orientation, defined to include gender identity, from the state’s anti-discrimination laws.

Status: These bills had no movement and will carry over for consideration to the 2006 session.

Illinois Senate Bill 1632 — This bill would add an exemption for religious organizations in the state law prohibiting discrimination in employment based on sexual orientation and gender identity, among other categories.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Iowa House File 842 — This bill would add sexual orientation to the existing law that prohibits discrimination in the state’s public educational programs.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Iowa Senate File 126 — This bill would add sexual orientation and gender identity to the state law prohibiting discrimination in employment, public accommodations, education, real estate transactions and credit.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Kansas House Bill 2416/Senate Bill 285 — These bills would add sexual orientation to the existing state law that prohibits discrimination in employment, housing and public accommodations.

Status: These bills had no movement and will carry over for consideration to the 2006 session.

Kentucky House Bill 81 — This bill would prohibit local jurisdictions in Kentucky from enacting civil rights ordinances.

Status: This measure died when the Legislature adjourned on March 21, 2005.

Kentucky House Bill 207/Senate Bill 173 — These bills would add sexual orientation and gender identity to the state law prohibiting discrimination in employment, public accommodations, real estate transactions and credit.

Status: These measures died when the Legislature adjourned on March 21, 2005.

Kentucky Senate Bill 88 — This bill would prohibit local jurisdictions from expanding civil rights protections unless approved by voters. Additionally, this bill would void anti-discrimination laws already passed until approved by voters. This measure is intended to invalidate...
ordinances in several Kentucky localities that prohibit discrimination against GLBT individuals. **Status:** This measure died when the Legislature adjourned on March 21, 2005.

**Louisiana House Bill 317** — This bill would prohibit discrimination in state employment based on sexual orientation and would also require contractors with the state not to discriminate on the basis of sexual orientation. This bill was amended in a state House committee to define sexual orientation (the bill does not include any provisions for transgender state employees) and to allow employers to adopt dress requirements, and the provision to make the law applicable to contractors was removed.  
**Status:** This measure failed in the state House on June 13, 2005, by a 57-42 vote.

**Louisiana House Bill 571** — This bill would prohibit discrimination in employment based on sexual orientation, defined to include gender identity.  
**Status:** This measure died when the Legislature adjourned on June 23, 2005.

**Massachusetts Senate Bill 1072** — This bill would increase the amount of time that an individual has to file a claim of unlawful discrimination from six months to three years. Sexual orientation is a prohibited grounds of discrimination.  
**Status:** This bill had no movement and will carry over for consideration to the 2006 session.

**Michigan House Bill 4956/Senate Bill 787** — These bills would add sexual orientation and gender identity and expression to the existing state anti-discrimination law.  
**Status:** These bills had no movement and will carry over for consideration to the 2006 session.

**Minnesota House File 716/Senate File 1616** — These bills would create the offense of “official deprivation of civil rights” if a peace officer engages in conduct with the purpose of intimidating or discriminating on the basis of sexual orientation, among other categories.  
**Status:** These bills had no movement and will carry over for consideration to the 2006 session.

**Minnesota House File 476/Senate File 215** — These bills would add credit and business to the prohibited grounds of discrimination in state law. Sexual orientation, defined to include gender identity, is included in the state’s anti-discrimination law.  
**Status:** These bills had no movement and will carry over for consideration to the 2006 session.

**Minnesota House File 2388** — This bill would remove certain parts of current state law that cover the cost of sex-reassignment surgery for low-income people.  
**Status:** This bill had no movement and will carry over for consideration to the 2006 session.

**Missouri House Bill 328** — This bill would prohibit any public institution or entity that receives state funds from adopting an anti-discrimination policy that exceeds current federal protections against discrimination. Currently, sexual orientation and gender identity or expression are not included in federal anti-discrimination laws.  
**Status:** This bill was introduced on Jan. 26, 2005, and died when the Legislature adjourned on May 13, 2005.

**Missouri House Bill 476/Senate Bill 293** — These bills would add sexual orientation, defined to include gender identity and expression, to the state law prohibiting discrimination in employment, housing and public accommodations.  
**Status:** These measures died when the Legislature adjourned on May 13, 2005.

**Missouri Senate Bill 528** — This bill would create the “Missouri Health Assurance Program.” A provision in the bill would prohibit providers from discriminating in services based on sexual orientation, among other categories.  
**Status:** This measure was introduced on March 1, 2005, and died when the Legislature adjourned on May 13, 2005.
Montana Senate Bill 199 — This bill would add sexual orientation to the state anti-discrimination law.

Status: This bill passed the state Senate on Feb. 16, 2005, by a 26-23 vote, and then died on April 1, 2005, in the House Judiciary Committee.

Nebraska Legislative Bill 50 — This bill would prohibit discrimination in housing and public accommodations based on sexual orientation.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Nebraska Legislative Bill 759 — This bill would prohibit discrimination in employment based on sexual orientation.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

New Mexico House Bill 746/Senate Bill 636 — These bills would establish the “Health Security Act,” which would provide health insurance coverage to residents. There is a provision in the bill that would prohibit health care providers and facilities from discriminating on the basis of sexual orientation.

Status: These bills died when the Legislature adjourned on March 19, 2005.

New York Assembly Bill 3268 — This bill would prohibit discrimination based on sexual orientation in the area of insurance.

Status: This bill passed the Assembly on Feb. 2, 2005, by a vote of 137-0. It will carry over for consideration to the 2006 session.

New York Assembly Bill 4148 — This bill would extend the time to file a claim with the state division of human rights from one to three years. Sexual orientation is included in the state anti-discrimination law.

Status: This bill passed the Assembly Government Operations Committee on May 3, 2005. It will carry over for consideration to the 2006 session.

New York Assembly Bill 1023/Senate Bill 537 — These bills would allow punitive damages to be awarded in all discrimination cases. Previously, these damages were restricted to housing cases. Sexual orientation is included in state anti-discrimination law.

Status: These bills were introduced in January 2005. They will carry over for consideration to the 2006 session.

New York Assembly Bill 1103/Senate Bill 587 — These bills would remove the exemption of employers with four or fewer employees from the state’s anti-discrimination law. Only employers who have relatives as two-thirds or more of their employees would be exempt.

Status: These bills were introduced in January 2005. They will carry over for consideration to the 2006 session.

New York Assembly Bill 6502 — This bill would prohibit harassment and discrimination based on sexual orientation and gender identity and expression, among other grounds, in juvenile facilities and programs run by the Office of Children and Family Services.

Status: This bill passed the Assembly Children and Family Committee on April 5, 2005; no additional action has occurred. It will carry over for consideration to the 2006 session.

New York Assembly Bill 7313 — This bill would allow the Office of Children and Family Services to establish policies and procedures to prohibit harassment and discrimination in their facilities and programs.

Status: This bill was introduced on April 13, 2005. It will carry over for consideration to the 2006 session.

New York Assembly Bill 7438 — This bill would add gender identity and expression to the current state law prohibiting discrimination in employment, housing, public accommodations, credit and education. This bill would also add gender identity and expression to the state hate crimes law.
**New York Assembly Bill 7508/Senate Bill 3906** — These bills would increase the monetary penalties for violation of the state anti-discrimination laws. Sexual orientation is included in the law.
  
  **Status:** Senate Bill 3906 has passed state Senate committees. Both bills will carry over for consideration to the 2006 session.

**New York Assembly Bill 7916** — This bill would remove sexual orientation from the state’s anti-discrimination law.
  
  **Status:** This bill was introduced on May 3, 2005. It will carry over for consideration to the 2006 session.

**New York Senate Bill 4255** — This bill would prohibit certain state contractors from discriminating based on sexual orientation.
  
  **Status:** This bill was introduced on April 12, 2005. It will carry over for consideration to the 2006 session.

**New York Senate Bill 4794** — This bill would add gender identity and expression to the current state anti-discrimination law.
  
  **Status:** This bill was introduced on April 18, 2005. It will carry over for consideration to the 2006 session.

**North Carolina House Bill 1203** — This bill would add sexual orientation, defined to include gender identity and expression, to the state law prohibiting discrimination in state employment.
  
  **Status:** This bill had no movement and will carry over for consideration to the 2006 session.

**North Carolina Senate Bill 1113** — This bill would prohibit discrimination based on sexual orientation in the General Assembly’s personnel policies, practices and benefits.
  
  **Status:** This bill had no movement and will carry over for consideration to the 2006 session.

**Oklahoma House Bill 1746** — This bill would declare that “any agency or governmental entity of this state that develops and implements a non-discriminatory policy based on sexual preference shall be null and void.”
  
  **Status:** This bill passed the state House on March 9, 2005, by a 65-28 vote and died on April 7, 2005, when it missed the deadline for Senate committee action.

**Oregon House Bill 2519** — This bill would prohibit discrimination based on sexual orientation, defined to include gender identity and expression, in the areas of employment, housing, education and public accommodations.
  
  **Status:** This measure died when the Legislature adjourned on Aug. 5, 2005.

**Oregon Senate Bill 176/Senate Bill 500** — These bills would prohibit discrimination in employment, housing and public accommodations based on sexual orientation.
  
  **Status:** These measures died when the Legislature adjourned on Aug. 5, 2005.

**Oregon Senate Bill 1000** — This bill would prohibit discrimination based on sexual orientation, defined to include gender identity and expression, in the areas of employment, public accommodations and housing/real estate. This bill would also establish civil unions for same-sex couples.
  
  **Status:** This measure passed the state Senate on July 8, 2005, by a 19-10 vote, but died in the House when the Legislature adjourned on Aug. 5, 2005.

**Tennessee House Bill 1682/Senate Bill 37** — These bills would allow a post-operative transsexual to change his or her birth certificate. The measure was amended in a state Senate committee to not allow an actual change on the birth certificate but instead an “explanatory asterisk” about the person’s sex reassignment. Currently post-operative transsexuals are not permitted to obtain new birth certificates or amend their certificates in Tennessee.
  
  **Status:** Senate Bill 37 passed the state Senate General Welfare, Health and Human Services Committee on March 8, 2005. It will carry over for consideration to the 2006 session.

**Texas House Bill 60** — This bill would prohibit discrimination based on sexual orientation and gender identity in public schools. This would also require the Texas Education Agency to collect data on bullying and discrimination in public schools and to deliver a report to the Legislature by 2007.  
*Status:* This measure died when the Legislature adjourned on May 30, 2005.

**Texas House Bill 143** — This bill would prohibit employment discrimination based on sexual orientation and gender identity.  
*Status:* This measure died when the Legislature adjourned on May 30, 2005.

**Texas House Bill 1526** — This measure would prohibit state agencies from discriminating in employment based on sexual orientation and gender identity.  
*Status:* This measure died on May 30, 2005, when the Legislature adjourned.

**Texas House Bill 376/Senate Bill 201** — These bills would prohibit discrimination based on “sexual preference” and gender identity in public educational facilities.  
*Status:* These measures died when the Legislature adjourned on May 30, 2005.

**Texas House Bill 1206/House Bill 2519** — These bills would prohibit an employer from requiring a job applicant to disclose his or her sexual orientation either on an application form or in an interview.  
*Status:* These bills died when the Legislature adjourned on May 30, 2005.

**Texas House Bill 1515** — This bill would prohibit discrimination based on sexual orientation and gender identity and expression in the areas of employment, public accommodations and housing.  
*Status:* This measure died when the Legislature adjourned on May 30, 2005.

**Texas House Bill 1557** — This bill would prohibit discrimination in insurance based on sexual orientation and gender identity and expression.  
*Status:* This bill died when the Legislature adjourned on May 30, 2005.

**Texas House Bill 2522** — This bill would prohibit discrimination in employment, public accommodations and housing based on sexual orientation.  
*Status:* This measure died when the Legislature adjourned on May 30, 2005.

**Vermont House Bill 478** — This bill would add gender identity and expression to the existing anti-discrimination law, which includes sexual orientation.  
*Status:* This bill was introduced on March 8, 2005, and will be carried over to the 2006 session.

**Virginia House Bill 2116** — This bill would allow counties to enact anti-discrimination ordinances that include sexual orientation as an enumerated category.  
*Status:* This bill failed in the state House Committee on Counties, Cities and Towns on Jan. 21, 2005.

**Virginia House Bill 2894** — This bill would prohibit discrimination in state employment and services based on sexual orientation.  
*Status:* This measure failed in the state House General Laws Committee on a Feb. 3, 2005, by a 15-5 vote.

**Washington House Bill 1515/Senate Bill 6019** — These bills would prohibit discrimination based on sexual orientation and gender identity and expression in employment, credit and insurance, public accommodations and real estate transactions.  
*Status:* House Bill 1515 passed the state House on Feb. 11, 2005, by a 61-37 vote. It failed in the Senate on April 21, 2005, by a 25-24 vote.
West Virginia House Bill 2470 — This bill would prohibit discrimination in employment, public accommodations and housing based on sexual orientation, defined to include gender identity and expression.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Wisconsin Senate Bill 88 — This measure prohibits the state Department of Corrections from using state or federal money to provide hormonal therapy or sex-reassignment surgery to transgender inmates.

Status: This bill passed the state Senate on April 12, 2005. It has had no movement in the House.

Hate Crimes Bills: Passed

California Assembly Bill 378 — This bill extends from one to three years the time within which an action seeking penalties for an alleged violation of the state hate crimes law may be brought.

Status: This measure was signed by Republican Gov. Arnold Schwarzenegger on July 25, 2005.

Colorado House Bill 1014 — This bill adds sexual orientation, defined to include gender identity and expression, to the state hate crimes law.

Status: This bill became law without Republican Gov. Bill Owens’ signature on June 9, 2005.

Maryland House Bill 692 — This bill adds sexual orientation, defined to include gender-related identity, to the state’s hate crimes law.

Status: This bill was signed by Republican Gov. Robert Ehrlich on May 26, 2005.

Hate Crimes Bills: Active

New Jersey Senate Bill 613 — This bill would require the establishment of a law enforcement officer bias training program and require every municipality with a police force to assign an officer to participate in the program. The state hate crimes law includes sexual orientation.

Status: This measure was introduced on Jan. 13, 2005.

Hate Crimes Bills: Dead

Alaska Senate Bill 181 — This bill would add sexual orientation to the state hate crimes law.

Status: This bill will carry over for consideration to the 2006 session.

Arizona House Bill 2310 — This bill would allow for increased sentencing if a crime is committed based on a malice toward a victim because of his or her identity in a group. Sexual orientation is listed among the bill’s categories.

Status: This measure died when the Legislature adjourned on May 13, 2005.

Arkansas House Bill 2751 — This bill would add sexual orientation to the state’s hate crimes law and to the state law prohibiting discrimination in employment, housing, public accommodations and credit.

Status: This bill was withdrawn by the author on March 25, 2005.

California Assembly Bill 308 — This bill would prohibit the early release of hate crime offenders.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

California Assembly Bill 1015 — This bill would require that local law enforcement officials report the actual characteristics of hate crime victims. The hate crimes law in California includes sexual orientation and gender identity.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

California Assembly Bill 1160 — This bill would prohibit defendants accused of voluntary manslaughter from arguing that their actions resulted from the discovery, knowledge or potential disclosure of certain characteristics of the victim, including sexual orientation and gender identity.
(the so-called “gay panic defense”).

**Status:** This bill had no movement and will carry over for consideration to the 2006 session.

**Georgia House Bill 890/Senate Bill 347** — These bills would enhance the penalty for crimes committed because of a victim’s race, religion, gender, national origin and sexual orientation.

**Status:** These bills had no movement and will carry over for consideration to the 2006 session.

**Indiana Senate Bill 505** — This bill would permit a judge to use as a factor in sentencing whether the crime was committed because of the sexual orientation, among other characteristics, of the victim.

**Status:** This bill died when the Legislature adjourned on April 29, 2005.

**Michigan House Bill 4954** — This bill would add sexual orientation and gender identity and expression to the existing state hate crimes law.

**Status:** This bill had no movement and will carry over for consideration to the 2006 session.

**Mississippi House Bill 9** — This bill would add age and sexual orientation to the state’s existing hate crimes law.

**Status:** This measure died on Feb. 1, 2005, in the state House Judiciary B Committee.

**Missouri House Bill 829** — This bill adds “identification with any specified group” to the state’s hate crimes law, which includes sexual orientation and gender identity.

**Status:** This bill was introduced on March 17, 2005, and died when the Legislature adjourned on May 13, 2005.

**Montana House Bill 240/Senate Bill 202** — These bills would add disability, gender and sexual orientation to the state’s existing hate crime law.

**Status:** House Bill 240 failed in the state House on Feb. 21, 2005, by a 46-54 vote. Senate Bill 202 was introduced on Jan. 11, 2005, and died on March 1, 2005, when the deadline for action passed.

**New Hampshire House Bill 136** — This bill would repeal the state hate crime law. Sexual orientation is included in the existing law.

**Status:** This measure failed in the state House on Feb. 15, 2005, by a 298-48 vote.

**New York Assembly Bill 2223** — This bill would require state colleges and universities to develop and implement policies and procedures regarding bias-related crimes. Sexual orientation is included in the state hate crimes laws.

**Status:** This measure was introduced on Jan. 25, 2005. It will carry over for consideration to the 2006 session.

**New York Assembly Bill 3689/Senate Bill 3392** — These bills would create a civil remedy for victims of bias-related violence or intimidation. The bills include sexual orientation and gender identity and expression.

**Status:** Assembly Bill 3689 passed the Assembly Government Operations Committee on April 19, 2005, and the Assembly Codes Committee on May 3, 2005. Both bills will carry over for consideration to the 2006 session.

**New York Assembly Bill 7438** — This bill would add gender identity and expression to the current state law prohibiting discrimination in employment, housing, public accommodations, credit and education. This bill would also add gender identity and expression to the state hate crimes law.

**Status:** This bill passed Assembly Governmental Operations Committee on June 7, 2005. It will carry over for consideration to the 2006 session.

**New York Assembly Bill 9033/Senate Bill 3870** — These bills would require training for state university personnel that addresses “gender-motivated crimes,” development of support services to assist victims of such crimes, dissemination of information about options for victims and education and prevention programs. “Gender-motivated crimes” are defined to include harassment and intimidation toward a person based on the person’s sexual orientation.

**Status:** These measures were introduced in
New York Senate Bill 808 — This bill would create a bias-related crime classification review panel to review the classification of crimes by the New York City Police Department. Sexual orientation is included in the definition of “bias-related crime.”
Status: This bill was introduced on Jan. 20, 2005. It will carry over for consideration to the 2006 session.

New York Senate Bill 2647 — This bill would require every police agency to notify the Division of Criminal Justice Services whenever an offense is committed which appears to be motivated by sexual orientation, among other categories.
Status: This bill was introduced on Feb. 24, 2005. It will carry over for consideration to the 2006 session.

New York Senate Bill 2927 — This bill would create the offense of bias-related criminal mischief when property is damaged with words or symbols making derogatory reference to sexual orientation, among other categories.
Status: This bill was introduced on March 1, 2005. It will carry over for consideration to the 2006 session.

North Carolina House Bill 1322/Senate Bill 485 — These bills would add sexual orientation, defined to include gender identity and expression, to the state hate crimes law.
Status: These bills had no movement and will carry over for consideration to the 2006 session.

Oklahoma House Bill 1907/Senate Bill 813 — These bills would add sexual orientation to the state’s hate crimes law.
Status: These measures died on March 17, 2005, when the deadline for action passed.

Oregon Senate Bill 360 — This bill would add gender identity to the state’s hate crimes law. Sexual orientation is already included in the law.
Status: This measure died when the Legislature adjourned on Aug. 5, 2005.

South Carolina House Bill 3631 — This bill would create a state hate crimes law which includes sexual orientation.
Status: This bill had no movement and will carry over for consideration to the 2006 session.

Utah House Bill 50/Senate Bill 181 — These bills would add sexual orientation, along with other categories, as grounds to enhance a perpetrator’s sentence for hate crimes.
Status: Senate Bill 1818 failed in the state Senate Judiciary, Law Enforcement and Criminal Justice Committee on Feb. 8, 2005, by a 4-3 vote. House Bill 181 failed in the House Law Enforcement and Criminal Justice Committee on Feb. 18, 2005, by a 7-4 vote.

West Virginia House Bill 2442 — This bill would add sexual orientation to the existing state hate crimes law.
Status: This bill had no movement and will carry over for consideration to the 2006 session.

Parenting Bills: Dead

Alabama Senate Bill 57/House Bill 701 — These bills would prohibit “homosexuals” from adopting.
Status: These bills died when the Legislature adjourned on May 16, 2005.

Arkansas House Bill 1119 — This bill, as introduced, would declare, “The Department of Human Services and any other agency or entity that receives federal assistance and is involved in adoption or foster care placement shall not place a child with a foster or adoptive parent if the department determines that: (1) The prospective foster or adoptive parent is a homosexual; (2) Any adult who resides in the household of the prospective foster or adoptive parent is a homosexual.” The measure was amended in the state House to prohibit an adult who is cohabitating with another adult in a relationship that is not a legally valid or binding marriage from adopting or serving as a foster parent.
This bill was introduced in response to a December 2004 court ruling finding that Arkansas’ blanket prohibition of “homosexuals” from serving as foster parents was unconstitutional.

**Status:** This bill passed the state House on Feb. 3, 2005, by a 78-13 vote and died on June 3, 2005, when the Legislature adjourned.

**Florida Senate Bill 986** — This bill would remove the ban on “homosexuals” adopting and define the standard as the best interests of the child to be adopted and require an assessment of the prospective parent.

**Status:** This bill died when the Legislature adjourned on May 6, 2005.

**Florida Senate Bill 1534** — This bill would modify the state law prohibiting “homosexuals” from adopting to allow a court to consider an adoption petition by a “homosexual, if a court finds, by clear and convincing evidence, that the adoptee resides with the person proposing to adopt the adoptee, the adoptee recognizes the person as the adoptee’s parent, and granting the adoptee permanency in that home is more important to the adoptee’s developmental and psychological needs than maintaining the adoptee in a temporary placement.”

**Status:** This bill died when the Legislature adjourned on May 6, 2005.

**Indiana Senate Bill 580** — This bill would only allow married opposite-sex couples to adopt.

**Status:** This bill died when the Legislature adjourned on April 29, 2005.

**Indiana Senate Bill 585** — This bill would prohibit homosexuals from adopting or serving as foster parents.

**Status:** This bill died when the Legislature adjourned on April 29, 2005.

**Oregon House Bill 2401** — This bill would make it state policy for the Department of Human Services to give preference to prospective adoptive parents who are married over those who are unmarried or same-sex partners.

**Status:** This measure died when the Legislature adjourned on Aug. 5, 2005.

**Tennessee House Bill 543/House Bill 775/Senate Bill 829/Senate Bill 1615/Senate Bill 1930** — These bills would prohibit “homosexuals” from adopting.

**Status:** House Bill 775 failed in the state House Children and Family Affairs Committee on March 16, 2005. The remaining bills had no movement and will carry over for consideration to the 2006 session.

**Tennessee House Bill 2230/Senate Bill 1924** — These bills would prohibit “homosexuals” from serving as foster parents and would also prohibit individuals who live in a household with an adult “homosexual” from serving as a foster parent.

**Status:** These bills had no movement and will carry over for consideration to the 2006 session.

**Texas Senate Bill 6** — This bill was directed at overhauling the state foster care system. During House debate an amendment to prohibit “homosexuals” from serving as foster parents offered by anti-gay Rep. Robert Talton, R-Pasadena, passed by an 81-58 vote. The state Senate failed to concur with the House amendments and the bill was sent to a joint committee, where this discriminatory measure was removed.

**Virginia House Bill 2921** — This bill would prohibit homosexuals from adopting. The bill was amended by the state House Health, Welfare and Institutions Committee to permit the judge deciding an adoption petition to inquire “whether the petitioner is known to engage in current voluntary homosexual activity or is unmarried and cohabiting with another adult to whom he is not related by blood or marriage.”
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**Status:** This measure passed the state House, as amended, on Feb. 7, 2005, by a 71-24 vote and then failed in the Senate Courts of Justice Committee on Feb. 16, 2005.

**Education/Schools-Related Bills: Passed**

**Arizona House Bill 2368** — This bill requires local school governing boards to develop policies to prohibit harassment, intimidation and bullying. There are no enumerated categories in these bills.

*Status:* This bill was signed by Democratic Gov. Janet Napolitano on April 20, 2005.

**Indiana Senate Bill 285** — This bill directs that funds from the safe schools funds be used in part to help schools address bullying.

*Status:* This bill was signed by Republican Gov. Mitch Daniels on April 27, 2005.

**Maine Legislative Document 564** — This bill requires the commissioner of education to develop policies and procedures that prohibit bullying and harassment of students. There is no definition of these terms nor any explicit reference to gay, lesbian, bisexual or transgender students.

*Status:* This measure was signed by Democratic Governor John Baldacci on June 3, 2005.

**Maine Legislative Document 1196** — This bill prohibits discrimination based on sexual orientation, defined to include gender identity and expression, in employment, housing, public accommodations, credit and educational opportunity.

*Status:* This bill was signed by Democratic Gov. John Baldacci on March 30, 2005. Fifty-five percent of voters rejected an attempt to repeal the law on Nov. 8, 2005.

**Maryland House Bill 407** — This bill requires schools to report incidents of harassment and intimidation based on sexual orientation and gender identity, among other categories, to the state Department of Education.

*Status:* This bill was signed by Republican Gov. Robert Ehrlich on May 26, 2005.

**Nevada Assembly Bill 202** — This bill requires the state Department of Education to adopt a policy for school districts that includes requirements and methods for reporting harassment and intimidation and a school personnel training policy. There are no enumerated categories in the bill.

*Status:* This bill was signed by Republican Gov. Kenny Guinn on June 1, 2005.

**Tennessee House Bill 2114** — This bill requires school districts to adopt policies prohibiting harassment, intimidation and bullying. There are no categories listed in the bill.

*Status:* This bill was signed by Democratic Gov. Phil Bredesen on May 19, 2005.

**Education/Schools-Related Bills: Active**

**Ohio House Bill 276** — This bill would require the state Department of Education to develop a model policy to prohibit harassment, intimidation and bullying for schools. There are no enumerated categories included in the bill.

*Status:* This bill was introduced on May 24, 2005.

**Pennsylvania House Bill 772/Senate Bill 71** — These bills would require each school district to develop a bullying and student intimidation prevention plan. No enumerated categories are listed in the bills.

*Status:* This measure was introduced on March 14, 2005.

**Education/Schools-Related Bills: Dead**

**Alabama House Bill 30** — This bill would prohibit the use of public funds or facilities by state agencies, schools or libraries for the purchase, production or promotion of materials that “sanction, recognize, foster or promote a lifestyle or actions prohibited by the sodomy laws of Alabama.” This bill would also prohibit the use of funds to purchase textbooks or library materials that recognize or promote homosexuality as an acceptable lifestyle.

*Status:* This measure died when the Legislature adjourned on May 16, 2005.
Arkansas House Bill 1136 — This bill would require that, “Upon the adoption of a new textbook containing a definition of marriage to be used by a public school district, the textbook: (1) Shall define marriage only as the union of one man and one woman; and (2) Shall not include any definition of marriage that is contrary to the definition of marriage in the Arkansas Constitution.” The bill was amended to clarify that only textbooks that contain a definition of marriage would be affected.

Status: This bill passed the state House on Feb. 2, 2005, by a 61-34 vote, and died on June 3, 2005, when the Legislature adjourned.

California Assembly Bill 349 — This bill would require public schools that provide instruction or counseling in grades 7-12 “relating to bestiality, bisexuality, cunnilingus, domestic partnerships, fellatio, homosexuality, lesbianism, masochism, masturbation, necrophilia, orgasms, pederasty, pedophilia, sadism, sodomy, transsexuality, transvestism” provide notice to the parents and must receive written consent. This bill would prohibit instruction or counseling in these areas to students in grades 1-6.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

California Senate Bill 1043 — This bill would permit parents to excuse their child from health or family life education if it conflicts with the religious training and beliefs of the pupil or his or her parents.

Status: This measure failed in the Senate Education Committee on April 27, 2005, by a 4-2 vote, and was reconsidered and failed again in committee on April 28, 2005, by a 5-4 vote.

Florida House Bill 1303/Senate Bill 1848 — This bill would prohibit discrimination and harassment against students and school employees based on sexual orientation and gender identity, among other categories.

Status: Senate Bill 1848 was withdrawn on April 12, 2005. House Bill 1303 failed in the state House Pre-K-12 Education Committee on March 29, 2005, by a 6-2 vote.

Iowa House File 367/House File 382 — These bills would require local school districts to adopt anti-harassment and anti-bullying policies that include sexual orientation and gender identity, among other grounds.

Status: These bills had no movement and will carry over for consideration to the 2006 session.

Iowa Senate File 150 — This bill would add “actual or perceived sexual orientation” to the existing anti-discrimination law that applies to educational institutions.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Iowa Senate File 406 — This bill would require school boards and accredited non-public schools to develop policies prohibiting harassment and bullying based on sexual orientation and gender identity, among other grounds.

Status: This bill had no movement and will carry over for consideration to the 2006 session.

Kentucky House Bill 405/Senate Bill 15 — These bills would require each local board of education to add the prohibition of harassment, intimidation and bullying of another student to the code of acceptable behavior.

Status: House Bill 405 passed the state House on Feb. 24, 2005, by a 57-33 vote, but died when the Legislature adjourned on March 21, 2005.

Louisiana House Bill 540 — This bill would require local school districts to adopt anti-harassment policies that include sexual orientation and gender identity, among other categories.

Status: This measure died when the Legislature adjourned on June 23, 2005.

Maine Legislative Document 1488 — This bill would require schools to inform parents if abstinence or homosexuality will be taught in family life education classes and require parents to give written consent.

Status: This bill failed in the state House on May 23, 2005, by a 79-60 vote, and it failed in the Senate on May 25, 2005.
**Massachusetts House Bill 1029** — This bill would require the state Department of Education to establish a plan for educational institutions that aims to maintain an environment for students free of bullying. There are no enumerated categories in the bill.

*Status:* This bill had no movement and will carry over for consideration to the 2006 session.

**Massachusetts House Bill 1068** — This bill would require each county or school board to adopt a policy prohibiting harassment, intimidation or bullying. The bill does not have enumerated categories of protection.

*Status:* This bill had no movement and will carry over for consideration to the 2006 session.

**Massachusetts Senate Bill 301** — This bill would require the state Department of Education to develop a “safe school plan” for every public school that includes a prohibition of bullying based on sexual orientation and gender identity, among other categories.

*Status:* This measure was introduced on Jan. 26, 2005. This bill had no movement and will carry over for consideration to the 2006 session.

**Michigan House Bill 4026** — This bill would require school districts to adopt and implement bullying policies.

*Status:* This bill had no movement and will carry over for consideration to the 2006 session.

**Michigan House Bill 4581/Senate Bill 369** — These bills would require school districts to adopt policies prohibiting harassment, intimidation and bullying. Sexual orientation and gender identity and expression are included in the definition of harassment.

*Status:* These bills had no movement and will carry over for consideration to the 2006 session.

**Michigan Senate Bill 44** — This bill would require local school districts to adopt policies prohibiting harassment, intimidation and bullying. Sexual orientation is included in the bill.

*Status:* This bill had no movement and will carry over for consideration to the 2006 session.

**Minnesota House Bill 14/House Bill 408/Senate Bill 40/Senate Bill 41** — These bills would require school boards to adopt policies prohibiting intimidation and bullying. No enumerated categories are listed.

*Status:* These bills had no movement and will carry over for consideration to the 2006 session.

**Missouri House Bill 843** — This bill would require each school district to adopt a policy prohibiting discrimination and bullying. Sexual orientation is included in the bill.

*Status:* This measure was introduced on March 29, 2005, and died when the Legislature adjourned on May 13, 2005.

**Missouri House Bill 937** — This bill would require each school district to adopt a policy prohibiting discrimination and bullying. There are no enumerated categories in the bill.

*Status:* This measure was introduced on March 31, 2005, and died when the Legislature adjourned on May 13, 2005.

**Nebraska Legislative Document 627** — This bill would require each local school district to adopt a policy on bullying prevention and education. Sexual orientation and gender identity are included in the definition of bullying.

*Status:* This bill had no movement and will carry over for consideration to the 2006 session.

**New York Assembly Bill 1755** — This bill would prohibit bullying in public schools. Sexual orientation is included in the bill.

*Status:* This measure was introduced on Jan. 21, 2005. It will carry over to the 2006 session for consideration.

**New York Assembly Bill 4963/Senate Bill 1454** — These bills, called the “Dignity for all Students Act,” would prohibit harassment and discrimination of students based on sexual orientation and gender identity and expression, among other grounds.

*Status:* Assembly Bill 4963 passed the Assembly on June 22, 2005, by a 138-6 vote.
Both bills will carry over to the 2006 session for consideration.

**New York Assembly Bill 5962** — This bill would require the education commissioner to promulgate rules and regulations to provide that no student is subjected to harassment or discrimination. There are no enumerated categories listed in the bill.

*Status:* This measure was introduced on March 3, 2005. It will carry over to the 2006 session for consideration.

**New York Assembly Bill 6015** — This bill would require the education commissioner to promulgate rules prohibiting instruction relating to “homosexual” relationships.

*Status:* This bill was introduced on March 30, 2005. It will carry over to the 2006 session for consideration.

**New York Assembly Bill 8218** — This bill would require the education commissioner to promulgate rules and regulations to prohibit harassment, intimidation and bullying. No specific categories are listed in the bill.

*Status:* This bill was introduced on May 12, 2005. It will carry over to the 2006 session for consideration.

**New York Senate Bill 5703** — This bill would prohibit bullying based on sexual orientation, among other categories, in New York public schools.

*Status:* This measure was introduced on June 15, 2005. It will carry over to the 2006 session for consideration.

**South Carolina House Bill 3573/Senate Bill 98** — These bills would require school districts to adopt policies prohibiting harassment, intimidation and bullying based on sexual orientation and gender identity and expression, along with other categories.

*Status:* Senate Bill 98 passed the state Senate on March 1, 2005; however, the protected categories had been removed from the bill. It will carry over for consideration to the 2006 session.

**Texas House Bill 60** — This bill would prohibit discrimination based on sexual orientation and gender identity in public schools. This bill would also require the Texas Education Agency to collect data on bullying and discrimination in public schools and to deliver a report to the Legislature by 2007.

*Status:* This measure died when the Legislature adjourned on July 20, 2005.

**Texas House Bill 376/Senate Bill 201** — These bills would prohibit discrimination based on “sexual preference” and gender identity in public educational facilities.

*Status:* These measures died when the Legislature adjourned on May 30, 2005.

**Virginia House Bill 2868** — This bill would allow local school boards to prohibit “any student club or other student group that encourages or promotes sexual activity by unmarried minor students.”

*Status:* This measure passed the state House on Feb. 8, 2005, by a 95-0. It went on to fail in the Senate Education and Health Committee on Feb. 17, 2005, by a 9-6 vote.

**Wisconsin Assembly Bill 647/Senate Bill 310** — These bills would require school boards to adopt a policy prohibiting bullying. No enumerated categories are included in the bill.

*Status:* These bills were introduced on Aug. 30, 2005, and will be carried over for consideration during the 2006 session.

**Wyoming House Bill 192** — This bill would require school districts to adopt a policy prohibiting harassment, intimidation and bullying. No enumerated categories are included in the bill.

*Status:* This bill failed in the Joint Committee on Education on March 2, 2005, by a 5-4 vote.
1 Anti-discrimination bills were passed and became law in Hawaii, Illinois, Maine and Nevada. Anti-discrimination bills were passed and were vetoed in Colorado and Hawaii. Other relationship-recognition bills were passed and became law in California, Colorado, Connecticut, the District of Columbia, Maryland (two passed and both were vetoed) and Virginia.

2 State constitutional amendments passed and were ratified in Arkansas, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, North Dakota, Ohio, Oklahoma, Oregon and Utah in 2004. Prior to 2004, three states had amended their constitutions — Alaska, Nebraska and Nevada.

3 In 2004 Maryland Republican Gov. Bob Ehrlich vetoed a bill that would have required county boards of education to report incidents of harassment and intimidation of students.

4 Measures were vetoed by Republican Govs. Bob Ehrlich of Maryland, Linda Lingle of Hawaii, Bill Owens of Colorado and Arnold Schwarzenegger of California.


6 The last time that incumbent re-election rates for all state legislative races were tabulated was in 1994. At that time, the National Conference of State Legislatures found that 90 percent of state House incumbents and 92 percent of state Senate incumbents won re-election.

7 In 1998 and 2000, Maine voters repealed the anti-discrimination laws passed by the Legislature.

8 In 2005, amendments passed the legislature and await 2006 ratification by voters in Alabama, South Carolina, South Dakota and Tennessee. Amendments are likely in Arizona, California, Florida, Virginia and Wisconsin in 2006.

9 **Woo v. Lockyer.**

10 The proposed amendment in Oklahoma would have prohibited civil unions and domestic partnerships.

11 Amendments were killed in Arizona, California, Colorado, Connecticut, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Mexico, North Carolina, Oklahoma and Washington. Pending measures in Delaware and New Jersey will likely not be passed in 2005.

12 In September 2005, a Michigan judge ruled that the language of that state’s amendment does not prohibit the state or localities from providing domestic partner benefits to its employees. However, the state court of appeals suspended this ruling pending review. *National Pride at Work v. Granholm*, Case. No. 05-368-CZ (Ingham Cir. Ct., Sept. 27, 2005) available at www.aclumich.org/pdf/briefs/dplawsuitdecision.pdf


14 Anti-discrimination bills passed in California (three passed and one was vetoed), Colorado (vetoed), Hawaii (one passed and one was vetoed), Illinois, Maine and Nevada.


17 Two of these bills were vetoed by Maryland Republican Gov. Bob Ehrlich.


19 Information on same-sex couples from the 2000 census available at www.brc.org/census.


22 Ibid.


25 Court cases in California, Maryland, New Jersey and New York may come to conclusion in 2006.
About the Author

Carrie Evans is the state legislative director for the Human Rights Campaign. She joined the organization in 2003. Evans works with state and local legislators and GLBT organizations in pursuing their GLBT-related legislative agendas. She drafts legislation, provides analysis of legislation, tracks GLBT-related state legislation and publishes regular updates and this year-end legislative report.

Evans holds a bachelor’s degree in sociology from Minot State University in North Dakota, a master’s in sociology from Southern Illinois University at Carbondale and a LL.B. from Osgoode Hall Law School in Toronto. In law school, Evans specialized in Aboriginal/First Nations law and worked with the Federation of Saskatchewan Indian Nations in implementing a treaty land entitlement agreement between the federal and provincial governments and 72 of the First Nations in her home province of Saskatchewan.

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