

EQUALITY

FROM STATE TO STATE 2006

Gay, Lesbian, Bisexual and Transgender
Americans and State Legislation



HUMAN
RIGHTS
CAMPAIGN
FOUNDATION



EQUAL

A Report by the Human Rights Campaign Foundation
December 2006



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1. INTRODUCTION

December 2006

Dear Readers,

E*quality 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.

As 2006 comes to a close we have much to celebrate — an anti-discrimination law in Washington and additional rights for same-sex couples in California, the District of Columbia, Maine, New Jersey, New York and Rhode Island. Many of our state legislative and gubernatorial allies won re-election and many new fair-minded leaders are set to be sworn in. 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, 2006 holds a special place in GLBT history with the first voter rejection of a discriminatory constitutional amendment, in Arizona. This victory marks an important milestone in our battle to win the hearts and minds of fair-minded Americans.

As we take the stories of our lives across America, the Human Rights Campaign will proudly continue its work for equality at the state level.

at furthering the equality of people regardless of their sexual orientation, and in most cases regardless of gender identity or expression. Of the 16 states that had measures intended to amend their constitutions to discriminate against same-sex couples, 11 were defeated in the legislature. Amendments in another two states will probably be defeated before the year ends.

Overall, state legislators across the country introduced a record number of bills (242) aimed

Unfortunately, with steps forward there have been some steps back. Voters in eight states ratified amendments to their state constitutions that ban marriage and in some cases other legal relationships and rights for same-sex couples. Governors in California, Colorado and Vermont vetoed bills that would have improved the lives of many GLBT people in their states. During the writing of this report, the Alaska Legislature, called into special session by anti-gay Gov. Frank Murkowski, passed two mean-spirited measures attempting to defy that state’s Supreme Court ruling mandating equal benefits for state workers and their domestic partners.

As we take the stories of our lives across America, the Human Rights Campaign will proudly continue its work for equality at the state level. In 2006, this work took the form of direct financial contributions as well as strategic and legislative involvement on key measures. This year also marked the first time HRC became heavily involved in state legislative and gubernatorial elections, spending more than \$1.5 million in this effort. Along with coalition partners, HRC helped fair-minded legislators take back the Iowa Senate and House, the New Hampshire House and Senate, the Oregon House, the Pennsylvania House and the Minnesota House. Building strong partnerships between national and statewide organizations is key to our success. From drafting bills to testifying in statehouses to hiring lobbyists to phone-banking our members, we have been proud to be there for state groups, lending strategic resources and staff assistance.

As we look forward to 2007, 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 it is good 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 must continue.

Sincerely,



Joe Solmonese
President, Human Rights Campaign Foundation

2. EXECUTIVE SUMMARY

State capitols continue to be the epicenters in the quest for gay, lesbian, bisexual and transgender equality. During 2006, almost 400 bills affecting the GLBT community were introduced in state legislatures, with 44 becoming law.

Although the marriage issue dominates the public discourse about GLBT Americans, several significant non-marriage measures became law. Washington became the 17th state to pass an anti-discrimination law. The California Legislature became the first to pass a bill specifically addressing domestic violence in the GLBT community, and 15 measures extending rights to same-sex couples passed, in six states and the District of Columbia.¹

Marriage

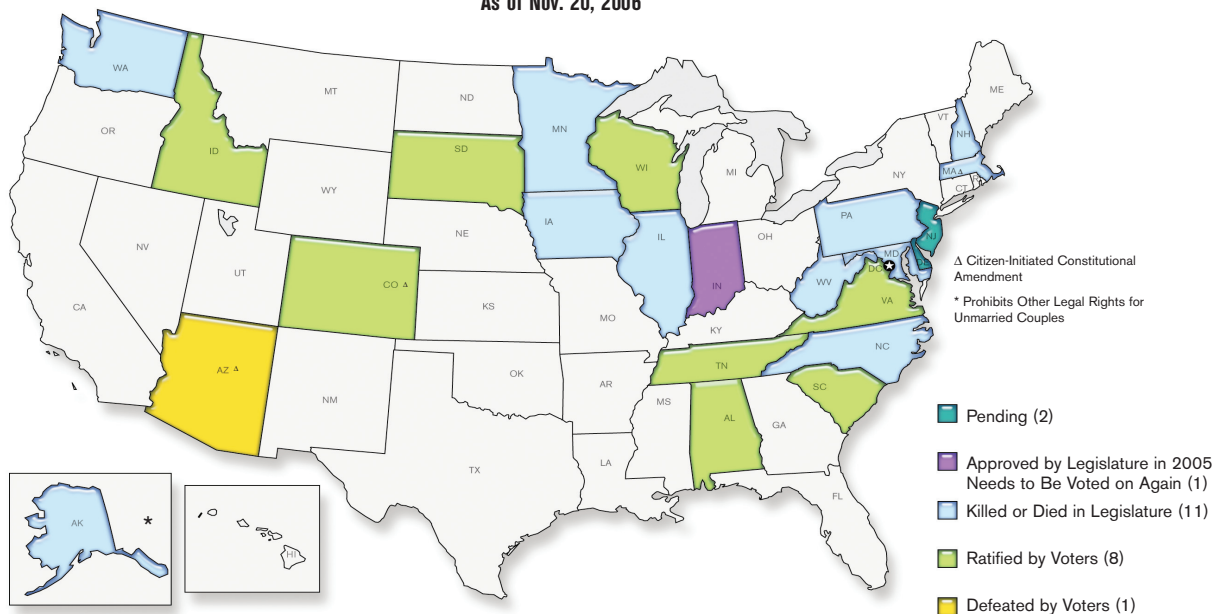
Most of the bills receiving attention in 2006 centered on issues of marriage and legal recognition for same-sex couples.

- Seventy-five marriage-related bills were introduced in 25 states.
- Eighty-five percent of these bills were intended to restrict marriage and/or other civil rights for same-sex couples.

- Sixteen states had pending measures intended to amend their constitutions to discriminate against same-sex couples.
- These amendments failed in 11 states — including in Massachusetts, the only state where marriage is legal for same-sex couples — and another two state amendments are likely to fail by the end of the year.
- Two states put citizen-initiated constitutional amendments before voters. One of these states, Arizona, became the first state to defeat an anti-gay constitutional amendment.
- Eight anti-gay state constitutional amendments were ratified by voters.

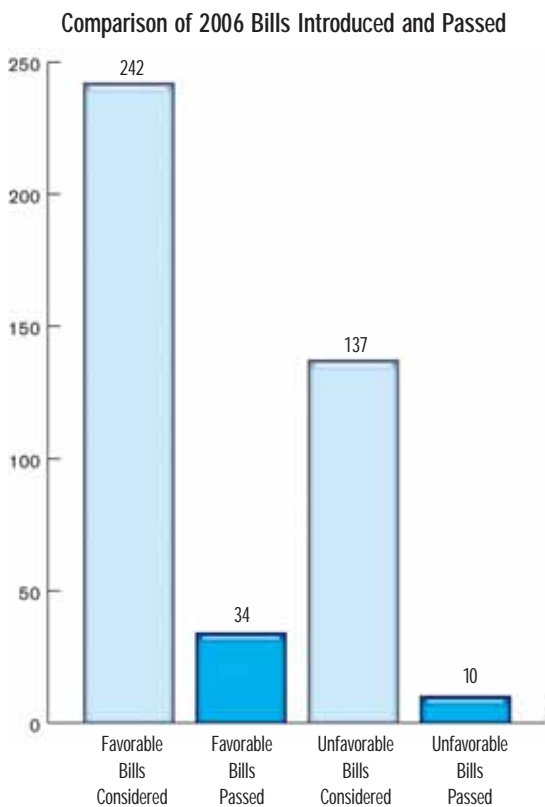
When the year ended, a total of 26 states had constitutional amendments prohibiting marriage for same-sex couples, and, in most cases, other legal responsibilities and rights.²

2006 Proposed State Constitutional Amendments Limiting Marriage and/or Other Forms of Relationship Recognition
As of Nov. 20, 2006



Other GLBT-Related Legislation

Despite the dominance of marriage-related bills, 304 measures were introduced affecting GLBT Americans in other areas, including anti-discrimination, hate crimes, family recognition, parenting and education/schools.



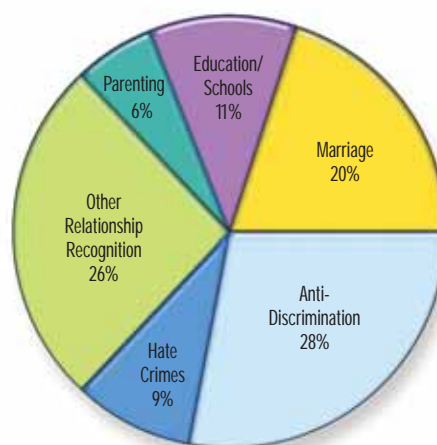
- Of the 242 favorable bills — i.e., bills intended to increase the rights of the GLBT community — that were introduced in 2006, 231 were in the areas of anti-discrimination (87), hate crimes (32), relationship recognition (83), parenting (five) and education/schools (24). For a state-by-state listing of these measures, see Appendix A, on page 21.
- Thirty-four of the favorable measures passed; 15 of these were in the area of relationship recognition. For a state-by-state listing of these measures, see Appendix B, on page 22.
- Of the 137 unfavorable bills — i.e., bills intended to abridge the rights of the GLBT

community — introduced in 2006, 73 were in the areas of anti-discrimination (20), hate crimes (one), relationship recognition (16), parenting (19) and education/schools (17). For a state-by-state listing of these measures, see Appendix A, on page 21.

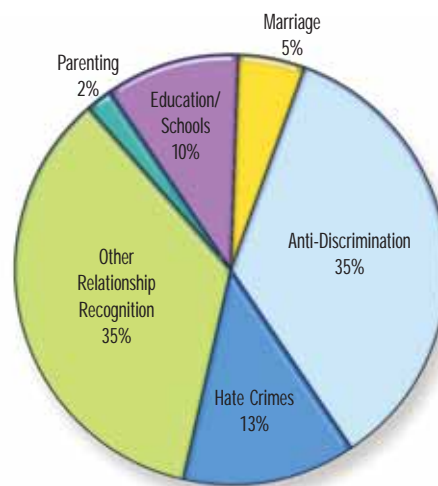
- Five of these unfavorable measures unrelated to marriage passed. For a state-by-state listing of these measures, see Appendix B, on page 22.

For a summary and final status of the nearly 400 bills affecting GLBT people in 2006, see Appendix C, beginning on page 23.

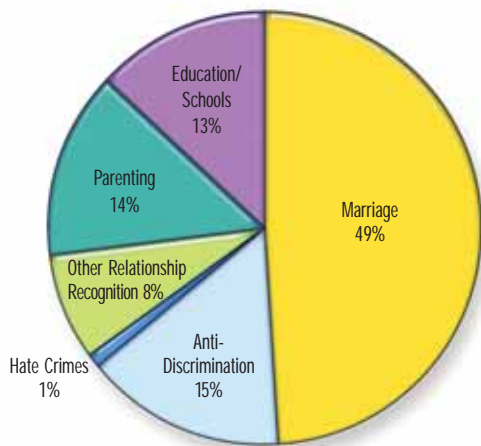
Distribution of All 2006 Measures by Topic



Distribution of 2006 Favorable Measures by Topic



Distribution of 2006 Unfavorable Measures by Topic



Noteworthy Changes from 2005 to 2006

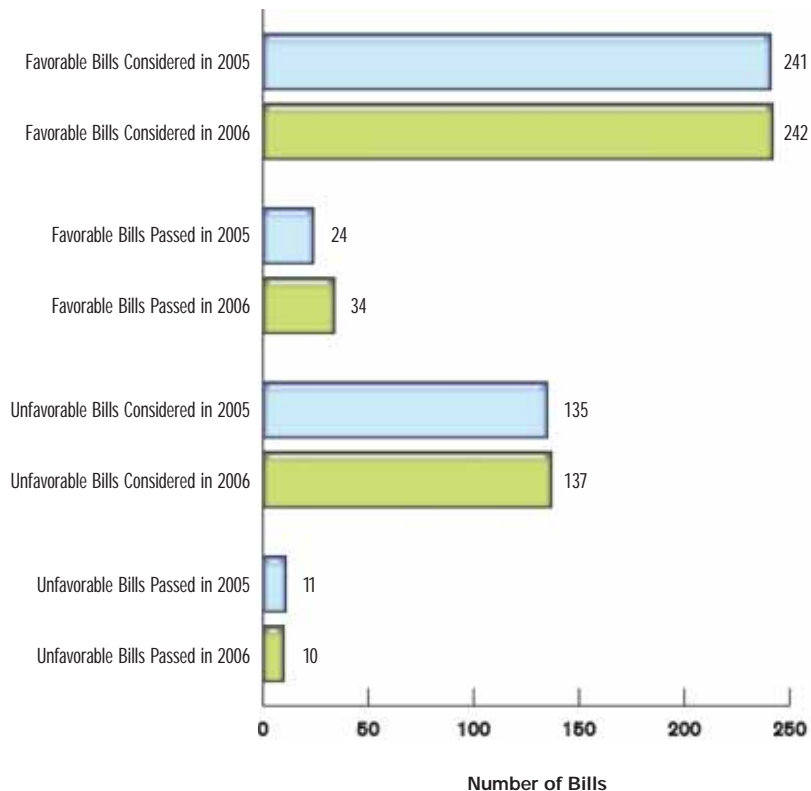
The total number of bills introduced in 2005 and 2006 remained constant, with 376 introduced in 2005 and 379 introduced in 2006. One appreciable difference between 2005 and 2006 was a 42 percent increase in the number of favorable bills passed, from 24 in 2005 to 34 in 2006. There was also a 47 percent increase in the number of favorable relationship-recognition measures passed, from eight in 2005 to 15 in 2006. In addition, there was a 50 percent decrease in the number of bad marriage bills passed, from 10 in 2005 to five in 2006.³

Other noteworthy changes from 2005 to 2006 included a 52 percent increase in the number of education/schools bills introduced, from 27 to 41.

Unfortunately, most of these were unfavorable bills. There was also a decrease in the overall number of marriage-related bills introduced, from 100 in 2005 to 75 in 2006. This decrease came from a reduction in the number of unfavorable marriage-related bills introduced, from 88 in 2005 to 64 in 2006. As expected, this year saw an increase in the number of unfavorable parenting bills introduced, from 14 in 2005 to 19 in 2006. Only one was passed, and it was subsequently vetoed.⁴

One 2005 trend that carried over to 2006 was Republican governors vetoing bills passed by Democratic legislatures.⁵ While all six of the vetoes in 2005 were of favorable legislation, two of the seven vetoes in 2006 were of bills that were harmful to the GLBT community.⁶

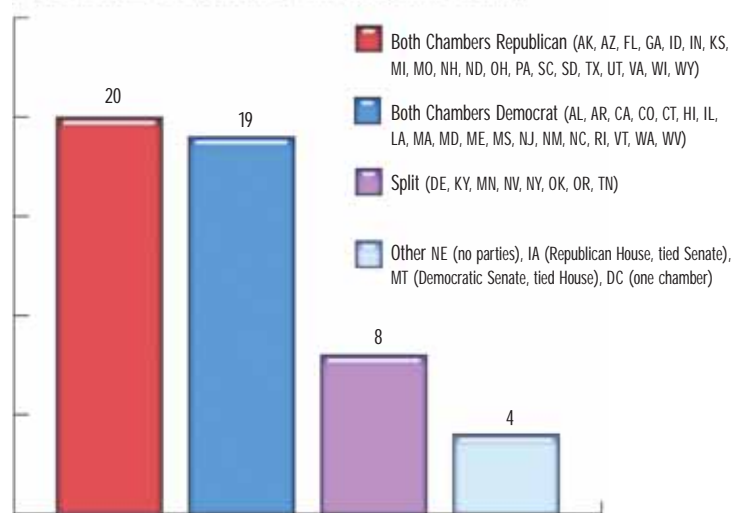
Comparison of 2005-2006 Bills



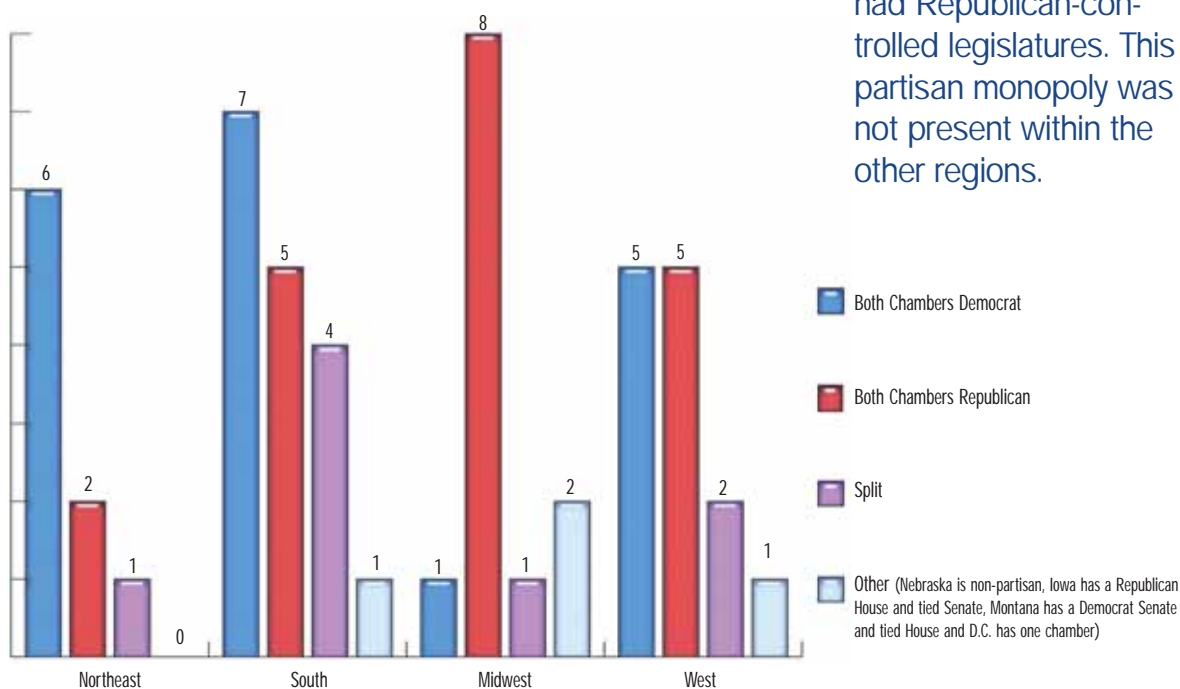
3. THE 2006 POLITICAL LANDSCAPE

This year began with Republicans controlling the Senate and House chambers in 20 states, compared to the 19 (plus the District of Columbia) under Democratic control. Nine state legislatures had split control, where Republicans controlled one chamber and Democrats controlled the other.⁷ 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 Democratic-controlled legislatures were found primarily in the Northeast and South. The Midwest not only had the most legislatures controlled by Republicans, but it was also 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.

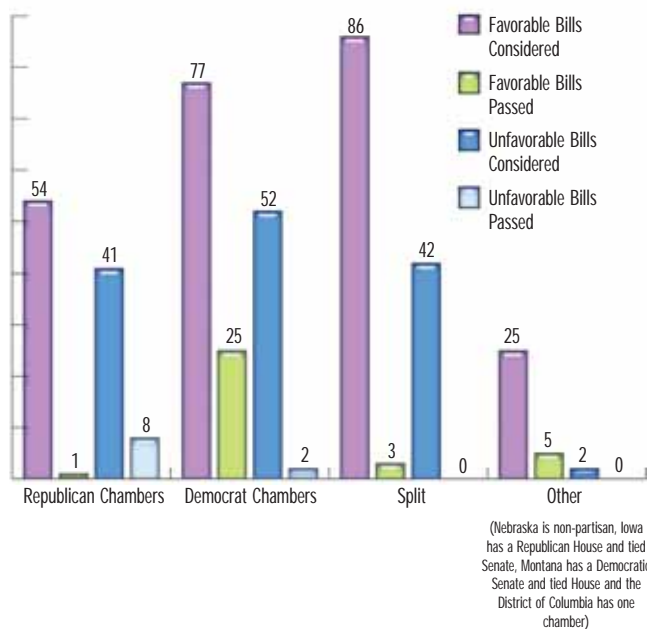
2006 Partisan Composition of State Legislatures
Prior to November 2006



2006 Regional Analysis of Party Control
Prior to November 2006



2006 Bills Considered & Passed and Partisan Composition Prior to November 2006



Did Partisan Politics Make a Difference?

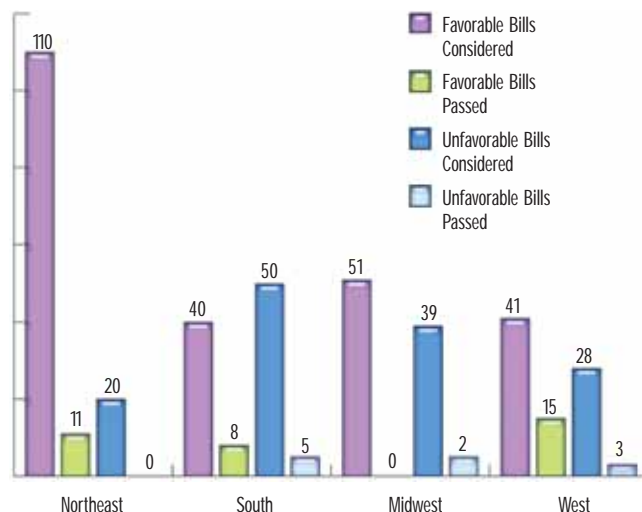
The partisan composition of legislatures appears to have affected the number of favorable bills introduced and passed in 2006. States with Democratic-controlled legislatures introduced 77 measures intended to further the equality of GLBT people; 32 percent of these measures passed. States with Republican-controlled legislatures introduced 54 favorable measures; one measure passed.

Democratic-controlled legislatures also introduced more *unfavorable* bills than Republican-controlled legislatures. States with Democratic-controlled legislatures introduced 52 bills that were unfavorable to GLBT people; two were passed (both in Louisiana). While Republican-controlled legislatures introduced a smaller number of unfavorable bills, they were responsible for 80 percent of all the unfavorable measures passed in 2006.

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 45 percent of the favorable bills in the nation. Although southern legislatures introduced 36 percent of all unfavorable bills, they accounted for a full 50 percent of all unfavorable bills passed in 2006. The West passed 44 percent of the nation's favorable bills, with California passing 10 of the 15 in that region. The Midwest was the only region that did not pass any favorable legislation, and the Northeast was the only region not to pass any unfavorable bills.

2006 Bills Considered & Passed By Region



November 2006 Elections

Term limits continue to affect state legislatures. In 2006, 268 legislators in 13 states were subject to term limits. Ten percent of these legislators were legislative leaders (presiding officers, majority leaders or minority leaders) and the chairs of 109 committees. The states most affected by term limits in 2006 were California and Nebraska. In the former, 33 percent of Assembly members and 30 percent of senators were term-limited. In the latter, 41 percent of legislators were ineligible for re-election.

The November elections resulted in power shifts across the country. Democrats picked up six governor's mansions and a total of 323 legislative seats, which led to the control of an additional 10 chambers that in turn resulted in an additional five legisla-

tures in Democratic control.⁸ Many of these pickups will have significant impact on the progress of positive GLBT legislation and the reduction of anti-gay bills. For example, the new fair minded majority in Iowa will pursue safe schools and anti-discrimination bills, while the Oregon House will finally get the opportunity to vote on civil unions and anti-discrimination legislation.⁹ It is also expected that efforts to pass discriminatory constitutional amendments in Minnesota, Iowa and New Hampshire will be quieted.

Openly gay and lesbian candidates also made history on Nov. 7, 2006. Several states elected their first openly gay or lesbian state officials.¹⁰ All of the openly gay and lesbian incumbent state legislators won re-election.

The Results						
Partisan Comparisons Before and After November 2006 Elections						
	Prior to November 2006			After November 2006		
	Republican	Democrat	Independent/ Other	Republican	Democrat	Independent/ Other
Governors	28	22	0	22	28	0
State Legislatures*	20	19	8	16	24	9
State Legislators**	3,650 (49.4%)	3,635 (49.2%)	71 (0.96%)	3,324 (45%)	3,986 (54%)	67 (0.90%)

*Nebraska has a unicameral Legislature that is non-partisan. Prior to November 2006, Iowa had a Republican House and tied Senate and Montana had a tied House and a Democratic Senate.

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

2006 Ballot Measures

The first statewide ballot measures on the issue of marriage and same-sex couples were in Hawaii and Alaska in 1998. Alaska voters were asked to amend their state constitution to ban marriage for same-sex couples and the Hawaii electorate voted on amending the state constitution to give the Legislature the exclusive right to limit marriage to the union of one

man and one woman. Voters in both states ratified these amendments.¹¹ Since then, voters in an additional 25 states have been asked to enshrine discrimination against same-sex couples in their constitutions. Prior to 2006, voters in 18 states had answered "yes" — ranging from a low of 57 percent of voters in Oregon to a high of 86 percent in Mississippi. In 2006, more of the campaigns against these amend-

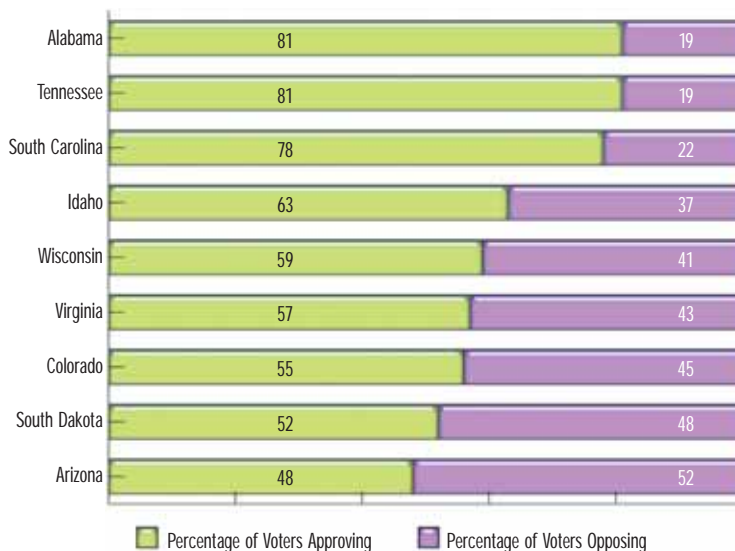
ments were better organized, funded and staffed, and public opposition to these types of anti-gay amendments increased.¹² This led many to predict that at least one or two of the proposed anti-gay amendments would be rejected in 2006.

The electorate in nine states cast votes on GLBT equality in 2006.¹³ Of the nine proposed constitutional amendments, eight were ratified. By a vote of 52 percent, however, Arizona voters rejected their proposed constitutional amendment, placing that state in the history books as the first state to defeat an anti-gay constitutional amendment at the ballot box. And voters in South Dakota surprised many by coming within 12,000 votes (2 percentage points) of defeating that state's amendment.

Also of note in 2006 was the failure of anti-gay activists in California and Florida to gather enough signatures to put anti-gay amendments

before voters. Even after the state Republican Party gave \$150,000 to the Florida effort, proponents failed to gather the required 600,000 signatures to put an amendment on the November 2006 ballot.¹⁴ It is expected that efforts to place citizen-initiated amendments before voters in November 2008 will continue in California, Florida and Massachusetts.

Results of Votes on 2006 State Constitutional Amendments



4. MARRIAGE IN THE STATES

The struggle for the freedom to marry for same-sex couples continues to be fought in statehouses, courthouses, ballot boxes and the hearts and minds of Americans. There are more than 8,000 married same-sex couples in Massachusetts, and five nations permit same-sex couples to marry. Public opinion in support of marriage equality continues to increase, albeit slowly.¹⁵

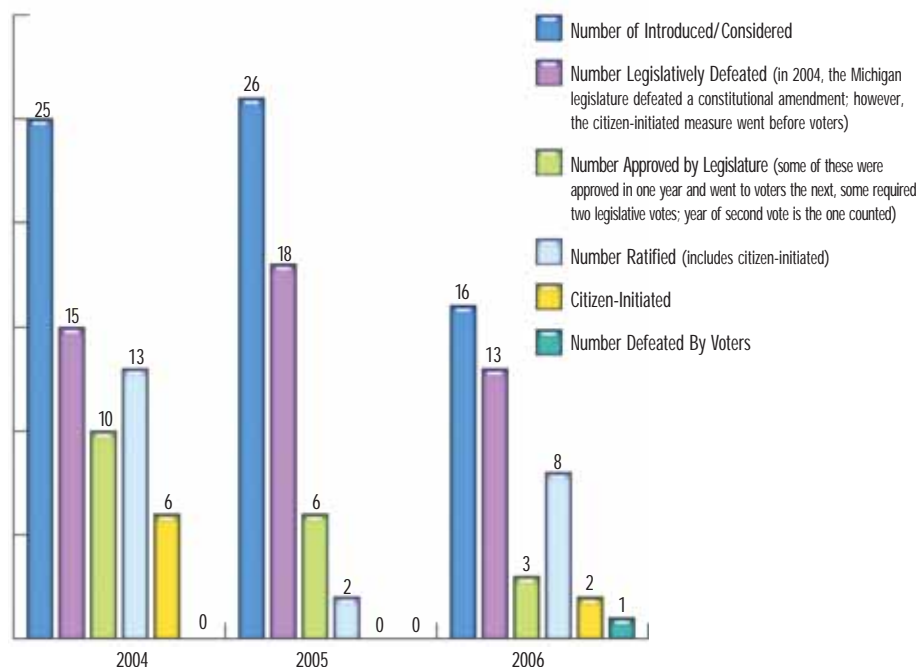
Favorable Bills Introduced	Favorable Bills Passed
11	0
Unfavorable Bills Introduced	Unfavorable Bills Passed
64	5

This year, the battle continued. In two states, New York and Washington, high courts ruled that it is constitutional to deny marriage licenses to same-sex couples. In contrast, New Jersey's Supreme Court ruled that it is unconstitutional to deny the rights and responsibilities of marriage to same-sex couples. The court deferred to the New Jersey Legislature on the question of how to extend these rights and responsibilities to same-sex couples, either by permitting same-sex couples to marry, or by creating a separate legal status such as civil unions. The year 2006 ends with Massachusetts remaining the sole state to issue marriage licenses to same-sex couples. Although continuing to be the lone jurisdiction for another year, the Bay State remains a beacon in the struggle for marriage equality.

As has been the case since 2004, state legislatures defeated more anti-gay constitutional amendments than they passed. During the 2006 sessions, 16 states had pending measures to amend their state constitutions to prohibit marriage, and in most cases, other legal relationships and rights for same-sex couples.¹⁶ Eleven of these measures were killed, with another two likely to die.¹⁷ The electorate in eight states ratified anti-gay constitutional amendments.¹⁸ Arizona made history by becoming the first state to defeat an anti-gay constitutional amendment at the ballot box.

The year began with 18 states having amended their constitutions to ban marriage for same-sex couples; 15 of these bans were enacted in 2004 or 2005.

State Constitutional Amendments 2004-2006

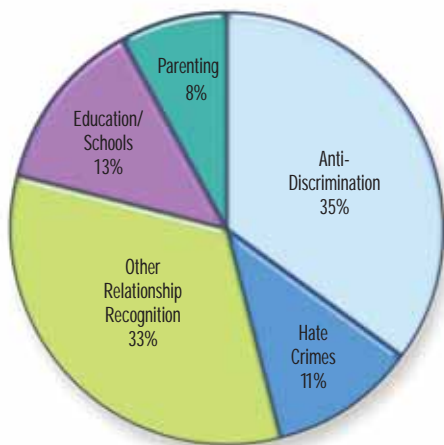


When the year ended, the total number of states with such amendments increased to 26. One disturbing feature that continues to mark these measures is the breadth of the language used. The language in six of the eight amendments ratified in 2006 cast a net well beyond marriage. Either explicitly or by 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, municipal governments and colleges and universities that offer domestic partner benefits to their employees.¹⁹

The dire consequences of this expansive language continued to be felt throughout 2006 when judges in Ohio repeatedly interpreted that state's amendment to invalidate the application of state domestic violence laws to protect unmarried individuals — straight and gay alike. The Ohio Supreme Court has agreed to hear these cases. In April 2005, the Human Rights Campaign issued a report detailing these and other devastating consequences of the broad language of these amendments.²⁰

3. OTHER GLBT-RELATED LEGISLATION IN 2006

2006 Non-Marriage Bills (Favorable & Unfavorable)



Anti-Discrimination

Favorable Bills Introduced	Favorable Bills Passed
87	13*
Unfavorable Bills Introduced	Unfavorable Bills Passed
20	1

*Two of these bills were vetoed.

With an overwhelming majority of Americans believing that discrimination against GLBT individuals is wrong, it remains disappointing that only 17 states prohibit such discrimination.²¹ In 2006, only one state, Washington, was able to pass and have signed into law a measure prohibiting discrimination against GLBT individuals. Attempts to send the newly passed law to voters for repeal fell short.²² For the second year in a row, the Democratic-controlled Colorado Legislature passed a measure adding GLBT individuals to existing state anti-discrimination laws, and for the second year in a row, Republican Gov. Bill Owens vetoed the bill. With the election of a more fair-minded governor in Colorado, the chances for a gubernatorial nod on the bill have increased. Republican Vermont Gov. James Douglas also vetoed a bill passed by a Democratic Legislature, which

would have added gender identity and expression to that state's anti-discrimination laws.

Hawaii continued to strengthen its anti-discrimination protections when it added sexual orientation and gender identity to the laws prohibiting discrimination in public accommodations.

Although California passed its statewide anti-discrimination laws in 1992 (prohibiting discrimination based on sexual orientation) and 2003 (adding protections for gender identity), the state Legislature continues to tighten up and clarify these laws. This year, measures were passed banning discrimination in state programs and activities, ensuring the needs of GLBT seniors were included in the state Department of Aging's development of services and programs and establishing a fund for education and services specific to domestic violence within the GLBT community.

Only one unfavorable anti-discrimination bill passed — a Virginia measure that requires the Boy Scouts, who prohibit gay troop leaders and gay Scouts, be given equal access to state-controlled property.

Hate Crimes

Favorable Bills Introduced	Favorable Bills Passed
32	3
Unfavorable Bills Introduced	Unfavorable Bills Passed
1	0

Since the FBI began collecting hate crimes statistics in 1991, more than 15,670 crimes based on sexual orientation have been reported. Such crimes have more than tripled since 1991. In 2005, there were 1,017 hate crime incidents based on sexual orienta-

tion, or 14.2 percent of all reported hate crimes that year.²³ 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.²⁴ 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.

After several years of trying, Utah state Rep. David Litvack succeeded in getting a hate crimes bill passed, albeit with no enumerated categories. Despite this weakness, law enforcement and prosecutors are confident that they can use the new law to investigate and prosecute anti-gay and anti-transgender hate crimes in Utah.

In response to a mistrial for the defendants in the Gwen Araujo murder, an anti-transgender hate crime, the California Legislature introduced a measure to prohibit the use of the so-called “gay or trans panic defense.”²⁵ Although the measure was watered down during the legislative process, the final bill, signed by Republican Gov. Arnold Schwarzenegger, allows for a court to instruct the jury not to let bias, sympathy, prejudice or public opinion influence their decision.

Other Relationship Recognition

Favorable Bills Introduced	Favorable Bills Passed
83	15*
Unfavorable Bills Introduced	Unfavorable Bills Passed
16	0

*One of these bills was rejected by voters.

Data from the 2000 U.S. Census show that same-sex couples live in 99.3 percent of all counties in America. A 2006 study using additional data from the American Community Survey estimates that the number of reported same-sex couples has grown by

more than 30 percent between 2000 and 2005, from 600,000 to nearly 777,000.²⁶

Despite continuing attacks on GLBT families on the marriage front, 15 measures extending rights to same-sex couples passed in 2006. Seven of these were in California, New Jersey and Maine, where legislators increased the number of rights that are extended to registered domestic partners.

Colorado became the first state to send a domestic partnership bill to voters. House Bill 1344 would have established a state domestic partner registry for same-sex couples and conferred many state-level spousal rights and responsibilities on registered couples. Language in the bill required that voters approve the bill after the Legislature. On Nov. 7, 2006, 53 percent of voters rejected the measure.

Parenting

Favorable Bills Introduced	Favorable Bills Passed
5	0
Unfavorable Bills Introduced	Unfavorable Bills Passed
19	1*

*This bill was vetoed.

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.²⁷ However, discrimination against GLBT parents still exists. State legislators have become increasingly involved in creating laws that either expand parenting rights for GLBT families or deny them important protections.

Alarming, for the second year in a row there was an exponential increase in the number of measures that would have prohibited or restricted the ability of GLBT people to adopt children, serve as foster parents, petition for custody or visitation or access assisted reproduction services. 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 social science research and professional opinion on GLBT parenting.²⁸ Ten states introduced these mean-spirited measures. The only one that passed was vetoed by Utah's Republican governor, Jon Huntsman Jr.²⁹

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.

We expect attacks in this area to continue to increase. For example, in response to the state Supreme Court striking down Arkansas' regulation banning gays and lesbians from serving as foster parents, anti-gay legislators and gubernatorial candidates have been declaring plans to pass a law to prohibit gays and lesbians from serving as foster parents and adopting.³⁰

Education/Schools

Favorable Bills Introduced	Favorable Bills Passed
24	3*
Unfavorable Bills Introduced	Unfavorable Bills Passed
17	3

*All three of these bills were vetoed.

According to a recent survey, almost 65 percent of students reported feeling unsafe at school because of their sexual orientation, and 26 percent reported feeling unsafe because of how they expressed their gender. An astonishing number, 38 percent, reported experiencing physical harassment at school based on their sexual orientation.³¹ Yet the vast majority of states do not have laws or policies protecting GLBT students.³²

Many states continue to introduce bills that prohibit bullying but do not include any enumerated categories, including sexual orientation or gender identity. The lack of categories renders these measures vague and difficult to implement and enforce. The findings of another report by the Gay, Lesbian and Straight Education Network underscore the need for explicit categories; students whose schools have a policy that explicitly includes sexual orientation or gender identity and 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 harassed less often 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, students from schools with an inclusive policy are also more likely to feel very safe at school (54 percent vs. 36 percent) and are only one-third as likely to skip a class because they feel uncomfortable or unsafe (5 percent vs. 16 percent).³³

The vast majority of the so-called "safe schools bills" without categories are sponsored by lawmakers who want to ensure that "sexual orientation" and "gender identity" are *not* included in anti-harassment and anti-discrimination policies. Moreover, it is usually anti-gay legislators who attempt to strip categories out of safe-schools bills. Taking this a step further, some legislators seek to add language that actually prohibits local school districts from including categories. Only after Florida's statewide GLBT group, Equality Florida, flooded legislators with e-mails, calls and visits did they remove such restrictive language from House Bill 535, which passed the House but ran out of time and died in the Senate. Unfortunately, one such bill passed in Missouri, prohibiting local districts from adopting policies that have categories.

As a result, for purposes of this publication, only safe-schools bills that include explicit protections for GLBT students will be considered as favorable. The Human Rights Campaign advocates for safe-schools bills that include three components: explicit categories, mandatory training for school personnel and surveys of students to assess school climate. HRC has

developed a model safe-schools bill and works with fair-minded legislators in passing legislation that includes these essential components.

Another trend harming GLBT students is efforts to restrict access to gay-straight alliances.³⁴ The Georgia Legislature introduced a bill that would have required parental permission before a student could participate in a school club, effectively scaring away many students who would have to explain to parents

why they wanted to participate in a gay-straight alliance. Fortunately, a conference committee was able to modify the bill before its final passage to require that the list of school clubs and their purpose and mission be published in a student handbook that a parent could sign to prohibit his or her child from participating. Four additional states — Arizona, Idaho, Missouri and Utah — introduced measures restricting students' access to clubs. None of these measures passed.

6. OUTLOOK FOR THE FUTURE

With newly elected fair-minded majorities in several state legislatures, the opportunities for positive GLBT-related legislation abound. With a new speaker in the Oregon House of Representatives, it should be clear sailing for anti-discrimination and civil unions bills in the state.³⁵ All eyes will be on New Jersey to see the Legislature's response to a recent state Supreme Court ruling that requires all state-level spousal rights and responsibilities to be provided to same-sex couples.³⁶ Whether this takes the form of marriages or civil unions will certainly be the subject of hours of debate in Trenton.³⁷ At the forefront of many New Jersey legislators' minds during this debate may be their re-election bids in November 2007. Only New Jersey and Virginia will have regular state legislative elections in 2007.

Pending marriage cases before state high courts in California and Maryland may also be concluded by the end of 2007.

Continuing efforts to restrict the ability of GLBT individuals and same-sex couples to adopt, to serve as foster parents and to parent will probably be on the agenda in Arkansas, Georgia and Texas. Activists in Kentucky will be fighting a measure, already pre-filed,

seeking to void the University of Louisville's recent decision to extend equal benefits to its employees' domestic partners.

The pace of anti-gay state constitutional amendments should slow in 2007. The Indiana Legislature is set for its second vote (two votes are required) on that state amendment during the 2007 session. In the remaining 23 states without amendments, anti-gay activists will have an uphill battle in convincing legislators and/or voters to pass a constitutional amendment. In many of these states, the legislature has repeatedly killed these measures or anti-gay activists have failed to gather enough signatures for a citizen initiative. It remains to be seen whether anti-gay activists will shift their focus away from marriage to other issues, like parenting, for the subjects of their constitutional amendments.

The pace of **anti-gay state constitutional amendments** should slow in 2007.

APPENDIX A 2006 STATE BILLS INTRODUCED

	Marriage		Anti-Discrimination		Hate Crimes		Other Relationship Recognition		Parenting		Education/Schools		Total Good Bills	Total Bad Bills
	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad		
Alabama		1		1	2								2	2
Alaska		1			2			2					2	3
Arizona			4		1	1	2			1		3	7	5
Arkansas													0	0
California			8	1	1		2			1	3	3	14	5
Colorado			1				1	1					2	1
Connecticut			1										1	0
Delaware		1	1										1	1
District of Columbia			2				7						9	0
Florida								2	3		1	1	4	3
Georgia			1		2							1	3	1
Hawaii			6				4			1			10	1
Idaho		1										1	0	2
Illinois		4		4			4	1					4	9
Indiana		1										1	0	2
Iowa	1	2	4	0			1				7	0	13	2
Kansas		1	2										2	1
Kentucky			4	4									4	4
Louisiana		2	3										3	2
Maine							5						5	0
Maryland		9	1										1	9
Massachusetts	3	3								1	2		5	4
Michigan			4	1	2			2	1	2	5		12	5
Minnesota		14	4	1	3								7	15
Mississippi		1			1								1	1
Missouri		1	4		1						1	2	6	3
Montana													0	0
Nebraska			2								1		3	0
Nevada													0	0
New Hampshire		1											0	1
New Jersey		4	4				11						15	4
New Mexico													0	0
New York	2	3	20	1	10		33		1	1	4	1	70	6
North Carolina		2											0	2
North Dakota													0	0
Ohio			1							1			1	1
Oklahoma				2	2			1				1	2	4
Oregon													0	0
Pennsylvania		2	2				1						3	2
Rhode Island	3	1		2			5						8	3
South Carolina					1								1	0
South Dakota													0	0
Tennessee			1		1			5		7			2	12
Texas													0	0
Utah					1			2		1		2	1	5
Vermont	1		2										3	0
Virginia	1	1	3	1						3			4	5
Washington		4	1				4					1	5	5
West Virginia		3	1	1	2								3	4
Wisconsin		1		1			3						3	2
Wyoming													0	0
Bill Totals	11	64	87	20	32	1	83	16	5	19	24	17	242	137

APPENDIX B 2006 STATE BILLS PASSED

	Marriage		Anti-Discrimination		Hate Crimes		Other Relationship Recognition		Parenting		Education/Schools		Total Good Bills	Total Bad Bills
	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad	Good	Bad		
Alabama													0	0
Alaska													0	0
Arizona											1		0	1
Arkansas													0	0
California			5		1		1				3		10	0
Colorado			1				1						2	0
Connecticut													0	0
Delaware													0	0
District of Columbia			2				3						5	0
Florida													0	0
Georgia											1		0	1
Hawaii			1										1	0
Idaho		1											0	1
Illinois													0	0
Indiana													0	0
Iowa													0	0
Kansas													0	0
Kentucky													0	0
Louisiana		2											0	2
Maine							3						3	0
Maryland			1										1	0
Massachusetts													0	0
Michigan													0	0
Minnesota													0	0
Mississippi													0	0
Missouri											1		0	1
Montana													0	0
Nebraska													0	0
Nevada													0	0
New Hampshire													0	0
New Jersey							3						3	0
New Mexico													0	0
New York							1						1	0
North Carolina													0	0
North Dakota													0	0
Ohio													0	0
Oklahoma													0	0
Oregon													0	0
Pennsylvania													0	0
Rhode Island							3						3	0
South Carolina													0	0
South Dakota													0	0
Tennessee			1		1								2	0
Texas													0	0
Utah					1				1				1	1
Vermont			1										1	0
Virginia		1		1									0	2
Washington			1										1	0
West Virginia													0	0
Wisconsin		1											0	1
Wyoming													0	0
Bill Totals	0	5	13	1	3	0	15	0	0	1	3	3	34	10

One good relationship bill was rejected by voters in Colorado
 One good anti-discrimination bill was vetoed in Colorado

One bad anti-discrimination bill was vetoed in Arizona
 One good anti-discrimination bill was vetoed in Vermont

One bad parenting bill was vetoed in Utah
 Three good education/schools bills were vetoed in California

APPENDIX C 2006 BILLS

The following is a categorized listing of GLBT-related bills introduced in the 2006 state legislatures. Some of these bills have been carried over from the 2005 sessions.*

Marriage-Related Bills: Passed, p. 23	Anti-Discrimination Bills: Vetoed, p. 38
Marriage-Related Bills (Passed in 2005): Ratified By Voters, p. 24	Anti-Discrimination Bills: Active, p. 38
Citizen-Initiated Marriage-Related Ballot Initiatives: Passed, p. 24	Anti-Discrimination Bills: Dead, p. 40
Citizen-Initiated Marriage-Related Ballot Initiatives: Rejected, p. 24	Hate Crimes Bills: Passed, p. 44
Marriage-Related Bills: Active, p. 24	Hate Crimes Bills: Active, p. 44
Marriage-Related Bills: Dead, p. 25	Hate Crimes Bills: Dead, p. 45
Other Relationship-Recognition Bills: Passed, p. 30	Parenting Bills: Vetoed, p. 46
Other Relationship-Recognition Bills: Rejected by Voters, p. 32	Parenting Bills: Active, p. 46
Other Relationship-Recognition Bills: Active, p. 32	Parenting Bills: Dead, p. 47
Other Relationship-Recognition Bills: Dead, p. 34	Education/Schools-Related Bills: Passed, p. 48
Anti-Discrimination Bills: Passed, p. 37	Education/Schools-Related Bills: Vetoed, p. 48
	Education/Schools-Related Bills: Active, p. 49
	Education/Schools-Related Bills: Dead, p. 49

Marriage-Related Bills: Passed

Idaho House Joint Resolution 2 — This resolution would amend the state constitution to read, “A marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.”

Status: This resolution passed the House on Feb. 6, 2006, by a 53-17 vote and passed the Senate on Feb. 15, 2006, by a 26-9 vote. The amendment was approved by 63 percent of voters on Nov. 7, 2006.

Louisiana Senate Concurrent Resolution 65/House Concurrent Resolution 235

— These resolutions urge Congress to pass the Federal Marriage Amendment.

Status: House Concurrent Resolution 235 passed the House on May 23, 2006, and the Senate on May 3, 2006, by a 32-0 vote. Senate Concurrent Resolution 65 passed the Senate on May 3, 2006, by a 32-0 vote and the House on May 24, 2006.

Virginia Senate Joint Resolution 92 — 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: The Virginia Constitution dictates that a proposed state constitutional amendment be passed twice by the Legislature. In 2005, this resolution passed the House by an 80-17 vote and the Senate by a 30-10 vote. In 2006, the resolution passed the House by a 73-22 vote and the Senate by a 28-11 vote. Voters ratified the amendment by 57 percent on Nov. 7, 2006.

*NOTE: The last update on the status of these measures was on Nov. 20, 2006.

Wisconsin Senate Joint Resolution 53 —

This resolution would amend the state constitution to read, “Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.”

Status: The Wisconsin Constitution dictates that a proposed state constitutional amendment be passed twice by the Legislature. This resolution passed the Assembly on March 5, 2004, by a 68-27 vote and the Senate on March 11, 2004, by a 20-13 vote. It went on to pass the Senate for a second time on Dec. 6, 2005, by a 19-14 vote and the Assembly, for the second time, on Feb. 8, 2006, by a 62-31 vote. Voters ratified the amendment by 59 percent on Nov. 7, 2006.

Marriage-Related Bills: Passed in 2005, Ratified By Voters in 2006

Alabama Senate Bill 109 — This measure 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 measure passed the Legislature in 2005 and was ratified by 81 percent of voters on June 6, 2006.

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: This measure passed the Legislature in 2005 and was ratified by 78 percent of voters on Nov. 7, 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 Legislature in 2005 and was ratified by 52 percent of voters on Nov. 7, 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 measure passed the Legislature in 2005 and was ratified by 81 percent of voters on Nov. 7, 2006.

Citizen-Initiated Marriage-Related Ballot Initiatives: Passed

Colorado — This measure would amend the state constitution to read, “Only a union of one man and one woman shall be valid or recognized as marriage in this state.”

Status: This measure was approved by 55 percent of voters on Nov. 7, 2006.

Citizen-Initiated Marriage-Related Ballot Initiatives: Rejected

Arizona — This measure would amend the state constitution to read, “To preserve and protect marriage in this state, only a union between one man and one woman shall be valid or recognized as a marriage by this state or its political subdivisions and no legal status for unmarried persons shall be created or recognized by this state or its political subdivisions that is similar to that of marriage.”

Status: This measure was rejected by 51 percent of voters on Nov. 7, 2006.

Marriage-Related Bills: Active**New Jersey Assembly Concurrent Resolution 134/Senate Concurrent**

Resolution 79 — These resolutions propose to amend the state constitution to declare that marriage is solely between a man and a woman unless the Legislature otherwise provides.

Status: These resolutions have not had any movement in 2006.

New Jersey Assembly Resolution 102 —

This resolution urges Congress to pass a federal constitutional amendment to prohibit marriage for same-sex couples.

Status: This resolution has not had any movement in 2006.

New Jersey Assembly Bill 1398 — This bill would add “persons of the same sex shall not marry” to the state marriage laws.

Status: This bill was introduced on Jan. 10, 2006, and has had no movement in 2006.

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

Status: These 2005 carry-over bills have had no movement in 2006.

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

Status: These 2005 carry-over bills have had no movement in 2006.

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

Status: This 2005 carry-over bill was “held for consideration” (killed) in the Assembly Judiciary Committee on June 6, 2006.

Pennsylvania House Bill 2381/Senate Bill 1084 — These bills would amend the state constitution to read, “Only a marriage between one man and one woman shall be valid or recognized as a marriage in this commonwealth, and neither the commonwealth nor any of its political subdivisions shall create or recognize a legal status identical or substantially equivalent to that of marriage for unmarried individuals.” House Bill 2381 was amended in the Senate to strike everything after “...marriage in this commonwealth.”

Status: House Bill 2381 passed the House on June 6, 2006, by a 136-61 vote, and passed the Senate, as amended, on June 21, 2006, by a 38-12 vote. The Senate has not concurred with the changes made to the amendment and the measure will most likely die when the Legislature adjourns on Nov. 30, 2006.

Marriage-Related Bills: Dead

Alabama House Joint Resolution 152 —

This resolution requests the U.S. Congress to convene a constitutional convention to consider the adoption of the so-called “Marriage Protection Act,” previously called the “Federal Marriage Amendment.”

Status: This measure died when the Legislature adjourned on April 18, 2006.

Alaska Senate Joint Resolution 10 — This resolution urges Congress to pass the Federal Marriage Amendment.

Status: This resolution passed the Senate on April 06, 2005, by a 16-3 vote and carried over to 2006, but died when the Legislature adjourned on May 9, 2006.

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 is a 2005 carry-over bill and died when the Legislature adjourned on June 30, 2006.

Illinois House Joint Resolution

Constitutional Amendment 1 — This measure would amend the state constitution to restrict marriage to the union of a man and a woman.

Status: This resolution died when the Legislature adjourned on May 4, 2006.

Illinois Senate Bill 2755 — This bill would add the following language to the state’s existing discriminatory marriage law: “Only marriage between one man and one woman shall be valid or recognized in Illinois. The uniting of persons of the same sex in a civil union, domestic partnership or other similar same-sex relationship shall not be valid or recognized in Illinois.”

Status: This bill died when the Legislature adjourned on May 4, 2006.

Illinois Senate Joint Resolution 19 — This resolution urges Congress to pass a federal constitu-

tional amendment that restricts marriage to a man and a woman.

Status: This resolution died when the Legislature adjourned on May 4, 2006.

Illinois Senate Joint Resolution Constitutional Amendment 70 — 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 resolution died when the Legislature adjourned on May 4, 2006.

Indiana House Bill 1335 — This bill would add “marriage is preferred, encouraged and supported over any other domestic relationship” to the existing state law restricting marriage the union of a man and woman.

Status: This measure died when the Legislature adjourned on March 14, 2006.

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 House on March 15, 2005, by a 54-44 vote and carried over to 2006, but died when the Legislature adjourned on May 3, 2006.

Iowa House File 2242 — This bill would permit marriage for same-sex couples and recognize foreign marriages of same-sex couples.

Status: This measure died when the Legislature adjourned on May 3, 2006.

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 measure died when the Legislature adjourned on May 3, 2006.

Kansas House Resolution 6020 — This resolution urges Congress to pass the so-called “Marriage Protection Act.”

Status: This resolution was withdrawn from committee for full consideration by the House

on May 2, 2006. A motion to move the resolution to a vote failed in the House on May 10, 2006.

Maryland House Bill 48/Senate Bill 262 —

These bills would amend the state constitution to read, “That only marriage between a man and a woman is valid in Maryland and that civil unions and other relationships of same-sex couples are against the public policy of the state.” The House Judiciary Committee amended House Bill 48 to permit civil unions.

Status: House Bill 48 failed in the House Judiciary Committee on Feb. 3, 2006. Senate Bill 262 died when the Legislature adjourned on April 10, 2006.

Maryland House Bill 646/Senate Bill 973 —

These bills would require the Court of Appeals to stay (delay) the effect of its decision on marriage equality until the Legislature has a chance to review.

Status: These measures died when the Legislature adjourned on April 10, 2006.

Maryland House Bill 1393/Senate Bill 690 —

These bills would amend the state constitution to read, “Only a marriage between a man and a woman is valid in this state.”

Status: Senate Bill 690 died when a motion to “postpone indefinitely” (kill) passed the Senate by a 26-21 vote on March 26, 2006. House Bill 1393 died when the Legislature adjourned on April 10, 2006.

Maryland House Bill 1637 — This bill would amend the state constitution’s equality provisions to prohibit them from being construed to affect the law that restricts marriage to the union of one man and one woman.

Status: This measure died on March 27, 2006, when the deadline for action passed.

Maryland House Bill 1716 — This bill would amend the state constitution to restrict marriage to the union of one man and one woman and declare that the right to establish any other civil union between two people is reserved to the Legislature and the people of Maryland.

Status: This measure died when the Legislature adjourned on April 10, 2006.

Maryland Senate Bill 900 — This bill would amend the state constitution to read, “Nothing in this article may be construed to allow a court to

invalidate a law of this state that defines marriage.”

Status: This measure died when the Legislature adjourned on April 10, 2006.

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 2005 carry-over bill was rejected by a 196-0 vote during a constitutional convention held on Nov. 2, 2006.

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 2005 carry-over bill died when the Legislature adjourned on July 31, 2006.

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

Status: This 2005 carry-over bill died when the Legislature adjourned on July 31, 2006.

Massachusetts House Bill 977/Senate Bill 835 — These bills would explicitly amend state law to allow couples of the same gender to marry.

Status: These 2005 carry-over bills died when the Legislature adjourned on July 31, 2006.

Massachusetts House Bill 4617 — This bill would amend the state constitution to read, “When recognizing marriages entered into after the adoption of this amendment by the people, the commonwealth and its political subdivisions shall define marriage only as the union of one man and one woman.”

Status: This measure has been deferred to a constitutional convention set to meet on Jan. 2, 2007.

Minnesota House File 6/Senate File 1961

— 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 House Ways and Means Committee amended House Bill 6 by adding “by the state or any of its political subdivisions” to the end.

Status: These are 2005 carry-over bills. House File 6 passed the House on March 31, 2005, by a 77-56 vote. On April 7, 2005, 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 30-36 vote. On March 20, 2006, Bachmann made motion to discharge from committee, and the Senate president ruled the motion out of order. Bachmann appealed the president’s ruling, a vote was taken and the president’s ruling was affirmed by a 34-31 vote. Both measures died when the Legislature adjourned on May 21, 2006.

Minnesota House File 1909 — This unrelated bill was amended in the House State Government Finance Committee to propose an amendment to the state constitution that would read, “Only a union of one man and one woman shall be valid and 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: This bill, as amended, passed the House State Government Committee on March 29, 2006. However, it died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 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 was a 2005 carry-over bill and it died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 2992 — This bill 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: A motion to discharge this from the Senate Judiciary Committee failed by a 35-30 vote on March 20, 2006. This bill died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 3499 — This bill would amend the state constitution to read, “A marriage between one man and one woman is the only lawful domestic union that shall be valid or recognized in this state. This state and its political subdivisions shall not create a legal status, right or claim respecting any other domestic union, however denominated. This state and its political subdivisions shall not recognize or give effect to a legal status, right or claim created by another jurisdiction respecting any other domestic union, however denominated. Nothing in this section shall impair any right or benefit extended by the state or its political subdivisions other than a right or benefit arising from a domestic union that is not valid or recognized in this state. This section shall not prohibit or limit parties, other than the state or its political subdivisions, from entering into contracts or other legal instruments.”

Status: This bill died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 3500 — This bill 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 Minnesota. Any other relationship shall not be recognized as a marriage or its legal equivalent.”

Status: This bill died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 3501/House File 3922 — These bills would amend the state constitution to read, “A marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.”

Status: Both bills died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 3502 — This bill would amend the state constitution to read, “Only a marriage between a man and a woman shall be valid or recognized in Minnesota. 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 Minnesota.”

Status: This bill died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 3503 — This bill would amend the state constitution to read, “Marriage in the state of Minnesota shall consist only of the union of one man and one woman. No official or court of the state of Minnesota shall construe this constitution or any state law to require that marriage or the legal incidents thereof be conferred upon any member of a union other than the union of one man and one woman. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. No official or court of the state of Minnesota shall recognize any marriage contracted in any other jurisdiction which is not the union of one man and one woman.”

Status: This bill died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 3504/House File 3921 — These bills would amend the state constitution to read, “Marriage in this state shall consist only of the union between 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: These bills died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 3563 — This measure would amend the state constitution to read, “Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.”

Status: This bill died when the Legislature adjourned on May 21, 2006.

Mississippi House Concurrent Resolution 102 — This resolution urges Congress to pass the so-called “Marriage Protection Act.”

Status: This resolution passed the House on March 24, 2006. However, it died in the Senate when the Legislature adjourned on March 31, 2006.

Missouri House Concurrent Resolution 45 — This resolution urges Congress to pass the so-called “Marriage Protection Act.”

Status: This resolution passed the House Committee on Children and Families on April 19, 2006, but died when the Legislature adjourned on May 26, 2006.

New Hampshire Constitutional Amendment Concurrent Resolution 34 —

This resolution would amend the state constitution to read, “Only marriage between one man and one woman shall be valid in New Hampshire.”

Status: The House Judiciary Committee voted 14-7 for a recommendation of “inexpedient to Legislature.” The full House voted to accept this recommendation (“do not pass”) by a 207-125 vote on March 21, 2006.

North Carolina Senate Bill 1228/House Bill 2438 —

These measures 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 measures were introduced on May 10, 2006, but died when the Legislature adjourned on July 28, 2006.

Rhode Island House Bill 6925/Senate Bill 2149 —

These bills would allow same-sex couples to marry in Rhode Island and clarify that religious institutions and clergy would not be compelled to perform these marriages.

Status: Senate Bill 2149 was held “for further study” in the Senate Judiciary Committee on May 9, 2006. Both bills died when the Legislature adjourned on June 24, 2006.

Rhode Island Senate Bill 217 — This bill would allow same-sex couples to marry in Rhode Island.

Status: This 2005 carry-over bill died when the Legislature adjourned on June 24, 2006.

Rhode Island Senate Bill 2310 — This bill would declare that marriage can only occur between individuals of the opposite sex and declare that the state and its bureaus and agencies can only interpret the terms “marriage” and “spouse” to apply to opposite-sex unions.

Status: This bill was “held for further study” in the Senate Judiciary Committee on May 9, 2006, and died when the Legislature adjourned on June 24, 2006.

Vermont House Bill 742 — This bill would permit same-sex couples to marry.

Status: This bill died when the Legislature adjourned on June 11, 2006.

Virginia House Bill 389 — This bill would repeal a 2004 law 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 died on March 11, 2006, when the Legislature adjourned.

Washington House Joint Resolution 4208

— This resolution would amend the state constitution to read, “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: This bill died on March 8, 2006, when the Legislature adjourned.

Washington House Joint Resolution 4227

— 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 courts from hearing any marriage-related claims pertaining to same-sex couples.

Status: This measure died when the Legislature adjourned on March 8, 2006.

Washington House Joint Resolution 4228

— This bill would amend the state constitution to read, “Recognizing that marriage between persons other than a male and a female has never been authorized or recognized by law in this state, any marriage not otherwise considered valid by an act of the Legislature or the people is void and of no legal effect. No court established by this Constitution or by an act of the Legislature shall have jurisdiction to hear or determine 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, or to the legal incidents thereof, including any marital, spousal or familial right, benefit, privilege, advantage or entitlement, or any equivalent thereof, that is authorized or recognized by law, or is paid for, directly or indirectly, in whole or in part, with public funds.”

Status: This measure died when the Legislature adjourned on March 8, 2006.

Washington Senate Joint Resolution 8224

— This resolution would have amended 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 measure died when the Legislature adjourned on March 8, 2006.

West Virginia House Joint Resolution 102

— This resolution would amend the state constitution to read, “Marriage, to be valid and recognized in the state of West Virginia, shall consist only of the legal union between one man and one woman. Neither this constitution, nor any other provision of law shall be construed to require that marital status, or the legal incidents thereof, be conferred upon any other domestic union that intends to approximate the design, qualities, significance or effect of marriage.”

Status: This bill died when the Legislature adjourned on March 19, 2006.

West Virginia House Joint Resolution 106/Senate Joint Resolution 12

— These resolutions 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 shall not create or recognize a legal status for same-sex relationships to which is assigned the rights, benefits, obligations, qualities or effects of marriage.”

Status: A motion to discharge House Joint Resolution 106 from committee failed by a 35-63 vote on Feb. 15, 2006. Both resolutions died when the Legislature adjourned on March 19, 2006.

Other Relationship-Recognition Bills: Passed

California Senate Bill 1827 — This bill would permit registered domestic partners to file joint state tax returns.

Status: This bill passed the Senate on May 30, 2006, by a 25-12 vote and the Assembly on Aug. 23, 2006, by a 46-29 vote. It was signed by Republican Gov. Arnold Schwarzenegger on Sept. 30, 2006.

District of Columbia Bill 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: This bill was signed by Democratic Mayor Anthony Williams on Jan. 27, 2006, and became effective on April 4, 2006.

District of Columbia Bill 16-129 — This bill would increase the contribution, from 0 to 75 percent, that the district government pays toward an employee's health insurance premium for his or her domestic partner.

Status: This bill was signed by Democratic Mayor Anthony Williams on Jan. 27, 2006, and became effective on April 4, 2006.

District of Columbia Bill 16-405 — 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 bill was signed by Democratic Mayor Anthony Williams on Dec. 22, 2005, and became effective on March 8, 2006.

Maine Legislative Document 1021 — This bill would establish a Health Insurance Program for retired law enforcement officers and firefighters; registered domestic partners are included in the definition of dependents who are eligible for insurance.

Status: This bill was signed by Democratic Gov. John Baldacci on May 24, 2006.

Maine Legislative Document 1747 — This bill requires employers to allow workers to take family military leave when their spouses, domestic partners or parents are deployed.

Status: This bill was signed by Democratic Gov. John Baldacci on March 28, 2006.

Maine Legislative Document 1842 — This bill adds registered domestic partners to the priority list of people who can dispose of the remains of a person.

Status: This bill was signed by Democratic Gov. John Baldacci on April 14, 2006.

Maine Legislative Document 2087 — This bill would add registered domestic partners to the list of individuals who need to be notified when a court issues an order appointing conservatorship or guardianship over an incapacitated person.

Status: This bill was signed by Democratic Gov. John Baldacci on April 28, 2006.

New Jersey Assembly Bill 1922 — This bill adds “registered domestic partner” to the list of individuals who can be appointed as guardian for an incapacitated person. This measure also exempts a registered domestic partner from providing a bond when acting as a guardian for their deceased partner’s estate.

Status: This 2005 carry-over bill passed the Senate on Dec. 8, 2005, by a 35-0 vote and passed the House on Jan. 9, 2006, by a 78-0 vote. It was signed by Democratic Gov. Richard Codey on Jan. 11, 2006.

New Jersey Senate Bill 2083 — This bill would add “surviving domestic partner” alongside “spouse” in the law governing funeral arrangements.

Status: This 2005 bill passed the Senate on Jan. 5, 2006, by a 35-0 vote, and passed the House on Jan. 9, 2006, by a 67-8 vote. It was signed by Democratic Gov. Richard Codey on Jan. 12, 2006.

New Jersey Senate Bill 2167 — This bill would permit certain local public entities (that do not participate in the State Health Benefits Program) to provide health benefits to employees’ domestic partners.

Status: This 2005 bill passed the Senate on May 12, 2005, by a 34-0 vote and passed the House on Jan. 9, 2006, by a 63-7 vote. It was signed by Democratic Gov. Richard Codey on Jan. 12, 2006.

New York Senate Bill 1924 — This bill would permit domestic partners to control the remains of their deceased partners in the same manner as spouses.

Status: This bill was signed by Republican Gov. George Pataki on Feb. 3, 2006.

Rhode Island House Bill 7089 — 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 passed the House on June 23, 2006, and the Senate on June 24, 2006. It became effective without Republican Gov. Don Carcieri’s signature.

Rhode Island House Bill 7679 — This bill would establish a fund to provide loans to state workers who have been assessed back taxes on domestic partner benefits. The state began offering these benefits in 2001 but was not aware that they had to withhold additional taxes and state workers recently were informed of taxes due from 2001-2005.

Status: House Bill 7679, as amended, passed the House on March 30, 2006, by a 65-2 vote and then passed the Senate on June 1, 2006, by a 32-0 vote. It became effective on June 21, 2006, without Republican Gov. Don Carcieri’s signature.

Rhode Island House Bill 7804 — This bill would add domestic partner to the definition of “family” for purposes of the state’s Family and Medical Leave Act as it applies to state workers. It would also add domestic partners to the state law requiring health insurance to be offered (for purchase) to former employees and would permit residents to deduct insurance premiums from their federal adjusted gross income for purposes of state income tax. The final version of the bill struck the family and medical leave provision.

Status: This bill passed the House on March 30, 2006, by a 66-2 vote; a substitute version of the bill passed the Senate on June 8, 2006, by a 29-0 vote. The substitute bill was re-approved by the House on June 20, 2006. It became effective on June 28, 2006, without Republican Gov. Don Carcieri’s signature.

Other Relationship-Recognition Bills: Rejected By Voters

Colorado House Bill 1344 — This bill would establish a state domestic partner system for same-sex couples and confer several state-level spousal rights, such as the right to inherit each other's property in the absence of a will, the right to initiate a civil action for wrongful death, the right to adopt a partner's biological or legal child, protection in the state domestic violence laws and the right to make medical decisions.

Status: This bill passed the House on March 27, 2006, by a 38-27 vote and passed the Senate on May 4, 2006, by a 19-16 vote. It was rejected by 53 percent of voters on Nov. 7, 2006.

Other Relationship-Recognition Bills: Active

District of Columbia Bill 16-0320 — This bill would add domestic partners to the list of individuals authorized to make healthcare decisions in the absence of a power of attorney.

Status: This is a 2005 bill that is still technically "active." A public hearing was held on this measure on July 14, 2005.

District of Columbia Bill 16-590 — This bill would grant registered domestic partners the same rights, responsibilities and processes as spouses in the area of adoption.

Status: A hearing was held on this measure on June 15, 2006; no further action has been taken.

District of Columbia Bill 16-671 — This bill would provide registered domestic partners with the same property rights as married couples.

Status: A hearing was held on this bill on June 15, 2006; no further action has been taken.

District of Columbia Bill 16-958 — This bill would permit registered domestic partners to file joint tax returns for purposes of district income tax.

Status: This measure was introduced on Oct. 17, 2006.

Michigan House Bill 5727 — This bill is a budget-related measure, but contains a provision that prohibits the use of state funds for domestic partner benefits for legislators or legislative staff.

Status: This bill was introduced on Feb. 21, 2006, but had no action thus far in 2006.

Michigan Senate Concurrent Resolution 33

— 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 by the state Court of Appeals on whether the state's discriminatory marriage amendment can be construed to prohibit state workers from receiving domestic partner benefits.

Status: This measure passed the state Senate on Oct. 6, 2005, by a 22-16 vote; no action has occurred in the House.

New Jersey Assembly Bill 1939/Assembly Bill 2642/Senate Bill 688 — These bills add "surviving domestic partner" alongside "surviving spouse" in the law that exempts disabled veterans from property taxes.

Status: These bills have had no movement in 2006.

New Jersey Assembly Bill 748 — This bill would allow a state employee to receive donated sick or vacation leave for family or household care if the employee's spouse or domestic partner has been called up to active duty in the military.

Status: This bill was introduced on Jan. 10, 2006, and has had no movement in 2006.

New Jersey Assembly Bill 2420/Senate Bill 1110 — These bills add registered domestic partners alongside spouses and widows/widowers for purposes of the Police and Fireman's Retirement System, as it applies to local public employees.

Status: These bills have not had any movement in 2006.

New Jersey Assembly Bill 3244 — This bill would add registered domestic partners to the definition of family for purposes of delivering an absentee ballot.

Status: This bill was introduced on June 8, 2006, and has had no movement in 2006.

New Jersey Senate Bill 673 — This bill permits a state employee to receive donated vacation leave if the employee's spouse or domestic partner is in the National Guard and has been called up to active duty.

Status: This bill was introduced on Jan. 10, 2006, and has had no movement in 2006.

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

Status: This 2005 carry-over bill has had no movement in 2006.

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 2005 carry-over bill has had no movement in 2006.

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 2005 carry-over bill has had no movement in 2006.

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

Status: Assembly Bill 2224 passed the Assembly on Feb. 6, 2006, by a vote of 114-27 and has had no movement in the Senate.

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 Feb. 28, 2006, by a 99-33 vote and has had no movement in the Senate.

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 Feb. 24, 2006, but has had no additional movement.

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

Status: This 2005 carry-over bill has had no movement in 2006.

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 healthcare decision-making purposes.

Status: These 2005 carry-over bills have had no movement in 2006.

New York Assembly Bill 3693/Senate Bill 1887 — These bills would create a statewide domestic partner registry and confer several rights on domestic partners, including adding surviving domestic partners to the estates, powers and trusts laws, requiring insurers who write policies that include spouses to also include domestic partners and prohibiting state and local agencies from discriminating on the basis of domestic partner status.

Status: These 2005 carry-over bills have had no movement in 2006.

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: Assembly Bill 3694 passed the Assembly Ways & Means Committee on June 12, 2006, and has had no additional movement in 2006.

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 individuals eligible to be named surrogates.

Status: Assembly Bill 5406 passed the Assembly on June 19, 2006, by a 126-15 vote and has had no additional movement in 2006.

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 2005 carry-over bills have had no movement in 2006.

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

Status: This 2005 carry-over bill has had no movement in 2006.

New York Assembly Bill 8850 — This bill would allow New Yorkers to reduce their federal adjusted gross income, for the amount paid for domestic partner benefits, for purposes of their state income tax.

Status: This bill passed the Assembly on April 5, 2006, by a 141-0 vote and has had no movement, thus far, in the Senate.

New York Assembly Bill 11440 — This bill would give specified death and retirement benefits to the domestic partners of New York City employees, teachers, police officers, firefighters and board of education employees.

Status: This bill was introduced on May 23, 2006, and has had no additional movement during 2006.

New York Assembly Bill 11760 — This bill would add domestic partners to the list of individuals who can make organ donation decisions for an individual.

Status: This bill passed the Assembly on June 20, 2006, by a 143-0 vote, and has had no action in the Senate.

New York Senate Bill 1524/Assembly Bill 1475 — These bills would allow the domestic partner, among others, of a crime victim to make a statement at the sentencing of a defendant.

Status: Senate Bill 1524 passed the Senate on March 28, 2006, by a 61-0 vote and awaits action in the Assembly.

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 child to extend that leave for an employee's domestic partner, or the partner's children or relatives.

Status: Assembly Bill 2839 passed the Assembly in June 21, 2006, by a 116-27 vote and has had no movement in the Senate.

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 2005 carry-over bill has had no movement in 2006.

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 the deceased spouse or domestic partner's earned but unused sick leave to continue healthcare coverage under the health insurance plan.

Status: These 2005 carry-over bills have had no movement in 2006.

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 2005 carry-over bill has not had any movement in 2006.

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

Status: This 2005 carry-over bill has not had any movement in 2006.

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

Status: This 2005 carry-over bill has had no movement during the 2006 session.

Other Relationship-Recognition Bills: Dead

Alaska House Joint Resolution 32/Senate Joint Resolution 20 — This bill would amend the state constitution to read, "No other union is

similarly situated to a marriage between a man and a woman and, therefore, a marriage between a man and a woman is the only union that shall be valid or recognized in this state and to which the rights, benefits, obligations, qualities or effects of marriage shall be extended or assigned." This amendment was a result of a Alaska Supreme Court decision that required the state to provide the same benefits to state employees' domestic partners as it does to spouses.

Status: Senate Joint Resolution 32 passed the Senate Judiciary Committee on March 1, 2006, by a 3-2 vote and the Senate Finance

Committee on April 28, 2006, by a 4-3 vote but died when the Legislature adjourned on May 9, 2006. House Joint Resolution 32 died when the Legislature adjourned on May 9, 2006.

Arizona House Bill 2422/Senate Bill 1204

— These bills would establish a paid family leave program; they include “domestic partner” in the definition of family member.

Status: These bills died on June 22, 2006, when the Legislature adjourned.

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

Status: This is a 2005 carry-over bill. This measure passed the 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, but died when the Legislature adjourned on Aug. 31, 2006.

Colorado Senate Bill 166 — This bill would make available reciprocal beneficiary relationships for unmarried couples. The rights conferred on such couples include medical decision-making, the right to make anatomical gifts and final disposition of body, the right to inherit in the absence of a will in the same way as spouses and the ability to transfer real property. The bill also requires inclusion of reciprocal beneficiaries in health insurance policies and protection in the state’s domestic violence laws. This bill was an anti-gay attempt to derail House Bill 1344, which would have provided all state-level spousal rights and responsibilities to registered domestic partners.

Status: This bill was “postponed indefinitely” (failed) in the Senate Business, Labor and Technology Committee on Feb. 27, 2006.

Connecticut Senate Bill 699 — This bill would require that married same-sex couples from other jurisdictions have all the rights and responsibilities of parties joined in a civil union on Connecticut.

Status: This bill died when the Legislature adjourned on May 3, 2006.

Florida House Bill 581/Senate Bill 1796 — These bills would prohibit state funding for state colleges and universities for benefits for individuals

other than the enrollees and their spouses and dependents.

Status: House Bill 581 passed the House Government Operations Committee on March 8, 2006, by a 6-0 vote and passed the Fiscal Council Committee on April 4, 2006, by a 17-5 vote and the State Administration Council on April 11, 2006, by a 5-2 vote, but died when the Legislature adjourned on May 5, 2006.

Hawaii House Bill 1231/Senate Bill 545

— These bills would establish civil unions and confer all state-level spousal rights and responsibilities on parties to a civil union.

Status: These bills died when the Legislature adjourned on May 4, 2006.

Hawaii House Bill 2854/Senate Bill 2925

— These bills would add “reciprocal beneficiaries” alongside “spouses” in the state employees’ health benefits trust.

Status: House Bill 2854 passed the House Judiciary Committee on Feb. 21, 2006, by a 7-1 vote; however, both bills died when the Legislature adjourned on May 4, 2006.

Illinois House Bill 3620 — This bill would add the spouses and domestic partners of employees of public universities to the list of individuals eligible for full-tuition discounts.

Status: This 2005 carry-over bill died when the Legislature adjourned on May 4, 2006.

Illinois House Bill 4548 — This bill would allow Illinois teachers outside Chicago to designate a domestic partner for purposes of survivor and death benefits.

Status: This bill died when the Legislature adjourned on May 4, 2006.

Illinois House Bill 5335/Senate Bill 2622

— These bills would allow Chicago teachers to designate a domestic partner for purposes of survivor and death benefits.

Status: These bills died when the Legislature adjourned on May 4, 2006.

Illinois House Resolution 869 — This resolution declares that the General Assembly will not recognize or hold as valid civil unions, domestic partnerships or other similar relationships between same-sex partners.

Status: This resolution died when the Legislature adjourned on May 4, 2006.

Iowa House Bill 78 — This bill would establish a “Healthy Iowa for All” program to provide health coverage to small employers and state and local government employees; “domestic partner” is included in the definition of “dependent.”

Status: This measure died when the Legislature adjourned on May 3, 2006.

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.

Status: This 2005 carry-over bill passed the House on April 12, 2005, by a 91-49 vote and passed the Senate on April 14, 2005, by a 20-13 vote. It was sent back to the House for a concurrence vote and then back to the Senate where it died when the Legislature adjourned on May 24, 2006.

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

Status: This 2005 carry-over resolution died when the Legislature adjourned on May 26, 2006.

Rhode Island House Bill 5342 — This bill would permit an individual’s domestic partner to recover damages for loss of consortium for his or her wrongful death.

Status: This bill died when the Legislature adjourned on June 24, 2006.

Rhode Island House Bill 6950 — This bill would allow a domestic partner to sue for loss of “society and companionship” when his or her partner has suffered a wrongful death.

Status: This bill died when the Legislature adjourned on June 24, 2006.

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

Status: These 2005 carry-over bills died when the Legislature adjourned on May 27, 2006.

Utah House Bill 304 — This bill would void “an arrangement, agreement or transaction that is unlawful or violates public policy.” Because marriage between same-sex couples is deemed in state law and

in the state constitution to be against public policy, this bill would potentially void all arrangements and agreements between same-sex couples.

Status: This bill passed the House on Feb. 14, 2006, by a 53-18 vote. However, it died in the Senate when the Legislature adjourned on March 1, 2006.

Utah House Bill 327 — This bill would generally prohibit the state and any locality from offering an employee benefit plan to anyone other than the public employee and his or her spouse and children. An exception to this law could happen if the Legislature approved a law *and* the local government approved an ordinance *and* the governing board of a university or school district approved *and* the benefits were paid for by the employee. The bill also contains a specific prohibition on a local chief executive (mayor) from using executive action to establish these benefits. This bill was in response to Salt Lake City Mayor Rocky Anderson issuing an executive order extending health insurance to the domestic partners of city workers.

Status: This bill passed the House on Feb. 22, 2006, by a 52-16 vote; it was amended in the Senate and passed by a 27-7 vote on March 1, 2006. However, the Senate was unable to concur with the changes and the measure died when the Legislature adjourned later that day.

Washington House Bill 1626 — This bill would add domestic partners to the state family care law that allows an employee to take leave to care for family members.

Status: The House Commerce and Labor Committee passed a substitute bill that removed domestic partners from the bill.

Washington House Bill 2392/Senate Bill 2661 — These bills would allow an employee to take a total of 12 work weeks of leave to care for a family member, defined to include a domestic partner.

Status: The Senate’s Labor, Commerce, Research and Development Committee passed a substitute version of Senate Bill 2661 which removed domestic partners from the bill.

Washington Senate Bill 6218 — This bill would add “domestic partner” as a permitted beneficiary to the retirement plans/benefits of most public employees (judges, university faculty and staff, law enforcement, firefighters, teachers and school employees, public safety employees and statewide city employees).

Status: This bill died on March 8, 2006, when the Legislature adjourned.

Wisconsin Assembly Bill 503 — This bill would extend healthcare 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 spousal 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.”

Status: This 2005 carry-over bill died when the Legislature adjourned on July 12, 2006.

Wisconsin Senate Bill 397/Assembly Bill 824 — These bills would create a domestic partner registry and confer all state-level spousal rights and responsibilities on registered couples.

Status: These 2005 carry-over bills died when the Legislature adjourned on July 12, 2006.

Anti-Discrimination Bills: Passed

California Assembly Bill 1207 — This bill would add to the voluntary pledge in the “Code of Fair Campaign Practices” a clause that a candidate will not use or permit to be used any appeal to negative prejudice based on sexual orientation or gender identity. Republican Gov. Arnold Schwarzenegger vetoed this bill in 2005.

Status: This bill passed the Assembly on Jan. 26, 2006, by a 43-29 vote. It was amended in the Senate and passed by a 21-12 vote on Aug. 10, 2006. The Assembly concurred with these amendments on Aug. 21, 2006. Schwarzenegger signed this measure on Sept. 28, 2006.

California Assembly Bill 2051 — This bill would establish the Equality in Prevention and Services for Domestic Abuse Fund, a continuously appropriated fund to develop and support education and services specific to GLBT domestic violence.

Status: This bill passed the Assembly on May 31, 2006, by a 49-29 vote and the Senate on Aug. 29, 2006, by a 23-15 vote. Republican Gov. Arnold Schwarzenegger signed the measure on Sept. 30, 2006.

California Assembly Bill 2800 — This bill would standardize various housing-related non-discrimination provisions in California law to make

them consistent with the Fair Employment and Housing Act. FEHA prohibits discrimination in housing on the basis of sex (including gender identity) and sexual orientation, among other categories.

Status: This bill passed the Assembly on May 25, 2006, by a 48-31 vote and the Senate on Aug. 17, 2006, by a 24-15 vote. The bill was signed by Republican Gov. Arnold Schwarzenegger on Sept. 28, 2006.

California Assembly Bill 2920 — This bill would require that the needs of GLBT seniors be included in the state Department of Aging’s development of services and programs.

Status: This bill passed the Assembly on May 31, 2006, by a 48-32 vote and the Senate on Aug. 31, 2006, by a 24-16 vote. It was signed by Republican Gov. Arnold Schwarzenegger on Sept. 30, 2006.

California Senate Bill 1441 — This bill would add sexual orientation and sex (defined to include gender identity) to the law that prohibits discrimination in state programs or activities.

Status: This bill passed the Senate on May 11, 2006, by a 23-13 vote. It passed the Assembly on Aug. 10, 2006, by a 45-28 vote. Republican Gov. Arnold Schwarzenegger signed the measure on Aug. 29, 2006.

District of Columbia Bill 16-0235 — This bill would elevate the Office of Gay, Lesbian, Bisexual and Transgender Affairs to a cabinet-level office.

Status: This bill was signed by Democratic Mayor Anthony Williams on Jan. 30, 2006, and became effective on April 4, 2006.

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

Status: This bill was signed by Democratic Mayor Anthony Williams on Dec. 22, 2005, and became effective on March 8, 2006.

Hawaii House Bill 1233 — This bill would prohibit discrimination in public accommodations based on sexual orientation and gender identity or expression. The House Judiciary Committee removed “gender identity or expression” from the measure. The Senate Judiciary and Hawaiian Affairs Committee put “gender identity or expression” back into the bill.

Status: This bill, as amended, passed the House on March 7, 2006. The Senate Judiciary and

Hawaiian Affairs Committee passed the bill, as re-amended, on March 17, 2006, by a 5-1 vote. The bill went on to pass the full Senate on April 3, 2006, by a 18-4 vote. The House refused to concur with the Senate amendments. After a conference committee was set up, the House agreed to the Senate amendments on April 17, 2006. The bill went into effect without the signature of Republican Gov. Linda Lingle.

Maryland Senate Bill 897 — This bill would require the state to only enter into contracts with business entities that do not discriminate on the basis of sexual orientation, among other categories.

Status: This bill passed the Senate on March 26, 2006, by a 38-9 vote, and the House on April 8, 2006, by a vote of 136-0. It was signed by Republican Gov. Bob Ehrlich on May 2, 2006.

Tennessee Senate Bill 3895 — This bill creates “Cover Tennessee,” a state program which seeks to help provide health coverage options to uninsured Tennesseans. One of the provisions in the bill prohibits healthcare providers from refusing services to enrollees based on sexual orientation, among other grounds.

Status: This bill was signed by Democratic Gov. Phil Bredesen on July 6, 2006.

Virginia House Bill 203 — This bill would require that the Boy Scouts are given equal access to state-controlled property.

Status: This bill was signed by Democratic Gov. Tim Kaine on March 1, 2006.

Washington House Bill 2661 — This bill would prohibit discrimination based on sexual orientation and gender identity or expression in employment, credit and insurance, public accommodations and real estate transactions.

Status: This bill passed the House on Jan. 20, 2006, by a 60-37 vote, and passed the Senate on Jan. 27, 2006, by a 25-23 vote. Democratic Gov. Christine Gregoire signed the bill on Jan. 31, 2006.

Anti-Discrimination Bills: Vetoed

Arizona Senate Bill 1153 — This bill would prohibit public universities from denying recognition or access to student organizations on the basis that the organization advocates religious or political beliefs or limits its membership to students who

share these beliefs. This bill would have allowed explicitly anti-gay student organizations.

Status: This bill was vetoed by Democratic Gov. Janet Napolitano on June 28, 2006.

Colorado Senate Bill 81 — This bill would prohibit employment discrimination based on sexual orientation and “transgender status.”

Status: This bill passed the Senate on April 20, 2006, by a 19-14 vote and passed the House on May 4, 2006, by a 39-26 vote. For the second year in a row, Republican Gov. Bill Owens vetoed this bill on May 26, 2006.

Vermont House Bill 865 — This bill would add gender identity and expression to the existing anti-discrimination law, which includes sexual orientation.

Status: This bill passed the House on March 1, 2006, by a 90-39 vote. It passed the Senate on May 3, 2006. Republican Gov. James Douglas vetoed this bill on May 17, 2006.

Anti-Discrimination Bills: Active

Michigan House Bill 4956/Senate Bill 787

— These bills would add sexual orientation and gender identity and expression to the existing state anti-discrimination laws.

Status: These 2005 carry-over bills have had no action in 2006.

Michigan House Bill 5762 — This bill would prohibit the denial of appropriate care in a long-term care facility based on a patient or resident’s “sexual preference,” along with other categories.

Status: This bill passed the House Senior Health, Security and Retirement Committee on April 18, 2006, but has had no additional movement in 2006.

Michigan House Bill 5944 — This bill would exempt a post-operative transsexual from having to list his or her former name on a filing petition or ballot when running for office.

Status: This bill was introduced on March 30, 2006, but had no action in 2006.

Michigan Senate Bill 938 — This bill would permit a healthcare provider to object, as a matter of conscience, to providing or participating in a healthcare service on ethical, moral or religious grounds. The healthcare provider cannot object based on cer-

tain statuses of patients, including sexual orientation.
Status: This 2005 carry-over bill has had no action in 2006.

New Jersey Assembly Bill 236 — This bill would make a state police officer subject to termination if he or she was convicted or held civilly liable of depriving another person of any right based on that person's sexual orientation, among other categories.

Status: This bill was introduced on Jan. 10, 2006, and has had no movement in 2006.

New Jersey Senate Bill 362/Assembly Bill 930 — These bills would add gender identity and expression to the existing law prohibiting discrimination.

Status: These bills were introduced on Jan. 10, 2006, and have not had any movement in 2006.

New Jersey Assembly Bill 2438 — This bill adds discrimination by a seller of services in regard to the price charged to the state's anti-discrimination law, which includes sexual orientation and domestic partnership status.

Status: This bill was introduced on Feb. 6, 2006, and has had no movement in 2006.

New York Assembly Bill 626 — This bill would allow the state attorney general or an aggrieved person to initiate a civil action when federal or state anti-discrimination laws are violated. Sexual orientation is included in New York's anti-discrimination law.

Status: This 2005 carry-over bill has had no movement in 2006.

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 2005 carry-over bills have had no movement in 2006.

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. 8, 2006, by a vote of 133-1 and has had no movement in the Senate.

New York Assembly Bill 4148 — This bill would expand 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 2005 carry-over bill has had no movement in 2006.

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

Status: This 2005 carry-over bill has had no movement in 2006.

New York Assembly Bill 7313/Senate Bill 7129 — These bills would allow the Office of Children and Family Services to establish policies and procedures to prohibit harassment and discrimination, based on sexual orientation and gender identity (along with other grounds), in their facilities and programs.

Status: These bills have had no movement in 2006.

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 current state hate crimes law.

Status: This 2005 carry-over bill has had no movement in 2006.

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: Assembly Bill 7508 passed the Assembly Government Operations Committee on March 7, 2006, and has had no additional movement during 2006.

New York Assembly Bill 7916 — This bill would remove sexual orientation from the state's anti-discrimination law.

Status: This is a 2005 carry-over bill was "held for consideration" (killed) in the Assembly's Government Operations Committee on March 7, 2006.

New York Assembly Bill 9386 — This bill would create a "Lesbian, Gay, Bisexual and Transgender Domestic Violence Fund."

Status: This bill was introduced on Jan. 10, 2006, and has had no movement since.

New York Assembly Bill 10733 — This bill would prohibit co-ops from refusing the sale of a co-op apartment due to a person's sexual orientation, among other categories.

Status: This bill was introduced on April 20, 2006, and had had no additional movement in 2006.

New York Assembly Bill 11365 — This bill would require social service districts to provide crisis intervention and social service programming to exploited youth, including transgender youth.

Status: This bill passed the Assembly on June 20, 2006, by a 144-0 vote, and has had no additional movement.

New York Assembly Bill 12079 — This bill would allow a party in a criminal trial to ask the court to instruct the jury to not let bias, sympathy, prejudice or public opinions influence their decisions. This bill attempts to minimize a defendant's use of the so-called "gay panic defense."

Status: This bill was introduced on June 23, 2006, and has had no additional movement.

New York Senate Bill 537/Assembly Bill 1023 — 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 2005 carry-over bills have had no movement in 2006.

New York Senate Bill 1221 — This bill would permit an aggrieved individual to initiate a civil action when his or her civil rights have been violated; sexual orientation is included.

Status: This 2005 carry-over bill has had no movement in 2006.

New York Senate Bill 4255 — This bill would prohibit discrimination based on sexual orientation in every public contract for services and require contractors to not discriminate in employment.

Status: This 2005 carry-over bill has had no movement in 2006.

New York Senate Bill 4794 — This bill would add gender identity or expression to the current state law prohibiting discrimination in employment, housing, public accommodations, credit and education.

Status: This 2005 carry-over bill has had no movement in 2006.

Pennsylvania Senate Bill 912/House Bill 3000

— These bills would add sexual orientation and gender identity or expression to existing state laws that prohibit discrimination in employment, housing and public accommodations.

Status: These bills have had no movement during 2006.

Anti-Discrimination Bills: Dead

Alabama House Bill 609 — This bill would allow a healthcare provider, institution or payer to refuse to perform, participate in or pay for a healthcare service or product that violates its conscience.

Status: This measure died when the Legislature adjourned on April 18, 2006.

Arizona House Bill 2726 — This bill would add sexual orientation and gender identity to existing law that prohibits discrimination in employment.

Status: This bill died when the Legislature adjourned on June 22, 2006.

Arizona House Bill 2752 — This bill would, among other things, prohibit discrimination by healthcare providers and facilities against participants in a state health plan based on sexual orientation and gender identity.

Status: This bill died when the Legislature adjourned on June 22, 2006.

Arizona House Concurrent Memorial

2005/House Memorial 2003 — These memorials would encourage the president and the U.S. Congress to repeal the "Don't Ask, Don't Tell" military policy.

Status: These measures died when the Legislature adjourned on June 22, 2006.

California Assembly Constitutional

Amendment 24 — This proposed constitutional amendment would impose an additional income tax on the amount of a taxpayer's income exceeding \$1 million, with some of the revenue earmarked for grants to organizations providing domestic violence services to underrepresented communities, including the GLBT community.

Status: This amendment died when the Legislature adjourned on Aug. 31, 2006.

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 a proprietor's conscience due to a sincerely held religious belief.

Status: This is a 2005 carry-over bill and died when the Legislature adjourned on Aug. 31, 2006.

California Senate Bill 1570 — This bill would overhaul residential group-based services for children in foster care. One of the provisions of the bill would have required the identification of the elements necessary to improve the services given to specific groups of youth, including GLBT youth.

Status: This bill died when the Legislature adjourned on Aug. 31, 2006.

Connecticut House Bill 5597 — This bill would add gender identity or expression to the state's anti-discrimination laws.

Status: This bill passed the House Judiciary Committee on March 27, 2006, by a 28-8 vote but then died when the Legislature adjourned on May 3, 2006.

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 between same-sex couples from other jurisdictions. The bill was amended in the 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 is a 2005 carry-over bill. This measure passed the House on March 24, 2005, by a 22-18 vote, but died when the Legislature adjourned on June 30, 2006.

Georgia House Resolution 2090 — This resolution recognizes the importance of discouraging discrimination in the U.S. Armed Forces and urges the repeal of the "Don't Ask, Don't Tell" policy.

Status: This resolution died when the Legislature adjourned on March 30, 2006.

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. This bill would also prohibit discrimination in public accommodations based on sexual orientation.

Status: These bills died when the Legislature adjourned on May 4, 2006.

Hawaii Senate Bill 2221 — This bill would create a foster children's bill of rights which includes the right to be free from discrimination because of sexual orientation, among other grounds.

Status: The Senate Human Services Committee voted 4-0 to "hold" (kill) this measure on Feb. 2, 2006. This bill died when the Legislature adjourned on May 4, 2006.

Hawaii Senate Concurrent Resolution 192

— This resolution urged the Hawaii congressional delegation to support the repeal of the military's "Don't Ask, Don't Tell" policy.

Status: This resolution died when the Legislature adjourned on May 4, 2006.

Hawaii Senate Resolution 127 — This resolution urges the president and the U.S. Congress to repeal the military's "Don't Ask, Don't Tell" policy.

Status: This resolution died when the Legislature adjourned on May 4, 2006.

Illinois House Bill 1063 — This bill would exempt religious organizations and institutions operated "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 died when the Legislature adjourned on May 4, 2006.

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 died when the Legislature adjourned on May 4, 2006.

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

Status: These bills died when the Legislature adjourned on May 4, 2006.

Iowa House File 842/Senate File 150 —

These bills would add sexual orientation to the existing law that prohibits discrimination in the state's public educational programs.

Status: These measures died when the Legislature adjourned on May 3, 2006.

Iowa Senate Bill 126/House Bill 596 —

These bills would add sexual orientation and gender identity to the state law prohibiting discrimination in employment, public accommodations, education, real estate transactions and credit.

Status: These measures died when the Legislature adjourned on May 3, 2006.

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 died on Feb. 25, 2006, when the deadline for action passed.

Kentucky House Bill 215/Senate Bill 178 —

These bills would prohibit local jurisdictions in Kentucky from enacting civil rights ordinances.

Status: These bills died when the Legislature adjourned on April 12, 2006.

Kentucky House Bill 226 — This bill would amend the state constitution to prohibit state and local governments and agencies from adopting any laws or policies that create a legal basis for a person to have any claim of minority or protected status other than on certain characteristics; sexual orientation and gender identity are not included.

Status: This bill died when the Legislature adjourned on April 12, 2006.

Kentucky House Bill 369/Senate Bill 99 —

These bills would add sexual orientation and gender identity to the existing law that prohibits discrimination in employment, housing and credit.

Status: These bills died when the Legislature adjourned on April 12, 2006.

Kentucky House Bill 473 — This bill would amend the state constitution to read, "Equality under the law shall not be denied or abridged on the basis of race, ethnicity, religion, sex, gender identity, sexual orientation, national origin or disability."

Status: This bill died when the Legislature adjourned on April 12, 2006.

Kentucky House Bill 474 — This bill would amend the state constitution to read, "The commonwealth of Kentucky, or any regulated government or agency thereof, may enact, adopt, enforce or administer any statute, ordinance, administration regulation, rule or policy that creates a legal basis for a person to have any claim of minority or protected status, quota preference or other preferential treatment on the basis of race, ethnicity, religion, sex, gender identity, sexual orientation, national origin or disability."

Status: This bill died when the Legislature adjourned on April 12, 2006.

Kentucky Senate Bill 236 —

This bill would amend the state constitution to impose judicial restrictions, including to prohibit courts from permitting a local government to extend civil rights protections unless they have been authorized by the Legislature.

Status: This bill failed to get the three-fifths vote necessary on March 2, 2006, when it received a 22-16 vote.

Louisiana House Bill 853/Senate Bill 347

— These bills would prohibit discrimination based on sexual orientation in state employment.

Status: House Bill 853 failed in the House on May 17, 2006, by a 38-58 vote. Senate Bill 347 passed the Senate Labor & Industrial Relations Committee on May 11, 2006, but then died when the Legislature adjourned on June 19, 2006.

Louisiana Senate Bill 98 — This bill would prohibit discrimination in employment based on sexual orientation, defined to include gender identity.

Status: This bill passed the Senate Labor and Industrial Relations Committee on May 25, 2006, but died on June 19, 2006, when the Legislature adjourned.

Minnesota House File 476/Senate File 215

— These bills would expand the state's current anti-discrimination law to include the areas of credit and in contracts and service provision by businesses. Sexual orientation, defined to include gender identity, is included in the state's anti-discrimination law.

Status: These are 2005 carry-over bills. Both bills died when the Legislature adjourned on May 21, 2006.

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 are 2005 carry-over bills. Both bills died when the Legislature adjourned on May 21, 2006.

Minnesota House File 2388 — This bill would remove certain parts of the current state law that covers the cost of sex-reassignment surgery for low-income people.

Status: This was a 2005 carry-over bill and it died when the Legislature adjourned on May 21, 2006.

Missouri Senate Bill 716/House Bill 1593

— 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 bills died when the Legislature adjourned on May 26, 2006.

Missouri Senate Bill 777/House Bill 1851

— These bills 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: These bills died when the Legislature adjourned on May 26, 2006.

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

Status: This bill died when the Legislature adjourned on April 13, 2006.

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

Status: This 2005 carry-over bill died when the Legislature adjourned on April 13, 2006.

Ohio Senate Bill 331 — This bill would prohibit discrimination based on sexual orientation, defined to include transgender protections, in the areas of employment, housing, credit and public accommodations.

Status: This bill was introduced on May 16, 2006, and died when the Legislature adjourned on May 25, 2006.

Oklahoma House Bill 1746 — This bill would declare, “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 House on March 9, 2005, by a 65-28 vote and carried over to the 2006 session. It died when the Legislature adjourned on May 26, 2006.

Oklahoma House Bill 2158 — This bill would prohibit the distribution of state funds to a library unless it has placed “homosexually themed” materials in a “special area.”

Status: This bill passed the House on March 15, 2006, by a 60-33 vote, but then died when the Legislature adjourned on May 26, 2006.

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 “laid on the table” (killed) on March 7, 2006, and has had no additional movement in 2006.

Rhode Island House Bill 6793/Senate Bill

2804 — This bill would allow healthcare providers, institutions and payers not to participate in a healthcare service that violates their conscience.

Status: These bills died when the Legislature adjourned on June 24, 2006.

Tennessee House Bill 2466 — This bill would prohibit abortion when the basis for it is the projected sexual orientation of the fetus.

Status: This bill was introduced on Jan. 12, 2006, and died when the Legislature adjourned on May 27, 2006.

Vermont House Bill 825 — This bill would increase the number of members of the state’s Human Rights Commission to nine and would require at least one member from certain minority groups, including the gay and lesbian community.

Status: This bill died when the Legislature adjourned on June 1, 2006.

Virginia House Bill 1373 — This bill would allow counties to enact anti-discrimination ordinances that include sexual orientation as a enumerated category.

Status: This bill died on March 11, 2006, when the Legislature adjourned.

Virginia House Bill 1552 — This bill would add sexual orientation to the existing state law that prohibits discrimination in housing.

Status: This bill died on March 11, 2006, when the Legislature adjourned.

Virginia Senate Bill 700 — This bill would prohibit discrimination based on sexual orientation, defined to include gender identity, in state employment.

Status: This bill failed in the Senate General Laws and Technology Committee on Feb. 9, 2006, by an 8-6 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 or expression.

Status: This bill died when the Legislature adjourned on March 19, 2006.

West Virginia Senate Bill 41 — This bill would allow healthcare providers, institutions and payers to refuse to perform or participate in healthcare services that violate their consciences. There is no medical emergency exception in this bill.

Status: This bill died when the Legislature adjourned on March 19, 2006.

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

Status: This 2005 carry-over bill passed the Senate on April 12, 2005, but had no additional movement and died when the Legislature adjourned on July 12, 2006.

Hate Crimes Bills: Passed

California Assembly Bill 1160 — This bill would prohibit defendants accused of voluntary manslaughter from contending that their actions resulted from the discovery, knowledge or potential disclosure of certain characteristics, including sexual orientation and gender identity. The bill was amended to allow the court to instruct the jury “Do not let bias, sympathy, prejudice or public opinion influence

your decision. Bias includes bias against the victim or victims, witnesses or defendant based upon his or her disability, gender, nationality, race or ethnicity, religion, gender identity or sexual orientation.”

Status: This bill passed the Assembly on Jan. 26, 2006, by a 45-32 vote and passed the Senate on Aug. 29, 2006, by a 25-15 vote. It was signed by Republican Gov. Arnold Schwarzenegger on Sept. 28, 2006.

Tennessee Senate Bill 3112 — This bill would require the University of Tennessee system to offer a course that includes instruction on hate crime offenses; Tennessee hate crimes law includes sexual orientation. The House Education Committee amended the bill to encourage, not mandate, this course offering.

Status: This bill passed the Senate, as amended, on April 17, 2006, by a 29-0 vote and the House on May 17, 2006, by a 93-1 vote. It was signed by Democratic Gov. Phil Bredesen.

Utah House Bill 90 — This bill would allow judges and the Board of Parole and Pardons to “consider as an aggravating factor that the defendant, in committing the offense, selected the victim or property primarily because the victim or the owner or holder of the property was actually or was perceived by the defendant to be a member of a group.” The bill was amended in the House to change the aggravating factor to “the public harm resulting from the commission of the offense, including the degree to which the offense is likely to incite community unrest or cause members of the community to reasonably fear for their physical safety.”

Status: This bill was signed by Republican Gov. Jon Huntsman on March 15, 2006.

Hate Crimes Bills: Active

Michigan House Bill 4954/Senate Bill 929 — These bills would add sexual orientation and gender identity or expression to the existing state hate crimes law.

Status: These 2005 carry-over bills had no action in 2006.

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

Status: This 2005 carry-over bill has had no movement in 2006.

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

Status: These 2005 carry-over bills have had no movement in 2006.

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 his or her sexual orientation.

Status: These 2005 carry-over bills have had no movement in 2006.

New York Assembly Bill 11659 — This bill would require school districts to report bias-related offenses to law enforcement; bias-related crimes include those based on a victim’s sexual orientation.

Status: This bill was introduced on May 30, 2006, and has had no additional movement during 2006.

New York Senate Bill 808 — This bill would create a bias-related crime classification review panel to review classification of crimes by the New York City Police Department; sexual orientation is included in definition of “bias-related crime.”

Status: This 2005 carry-over bill has had no movement in 2006.

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 bias based on sexual orientation, among other categories.

Status: This 2005 carry-over bill has had no movement in 2006.

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 2005 carry-over bill has had no movement in 2006.

New York Senate Bill 4267 — This bill would add hate crimes to the list of offenses that an incarcerated person is ineligible to earn merit time while serving his or her sentence, which can be used to get an early release. Sexual orientation is included in the state’s hate crimes law.

Status: This 2005 carry-over bill has not had any movement in 2006.

Hate Crimes Bills: Dead

Alabama House Bill 57/Senate Bill 227 — These bills would add sexual orientation to the state’s existing hate crimes law.

Status: House Bill 57 passed the House Judiciary Committee on Jan. 19, 2006, and was “indefinitely postponed” (failed) in the full House on April 6, 2006. Senate Bill 227 passed the Senate Judiciary Committee on Feb. 14, 2006, and was “indefinitely postponed” in the full Senate on April 6, 2006.

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

Status: This bill died on May 9, 2006, when the Legislature adjourned.

Alaska Senate Bill 302 — This bill would add as an aggravating factor in sentencing whether “the defendant directed the conduct constituting the offense at an individual because of the individual’s actual or perceived membership or association in, or characteristics as a member of, a larger group of persons with the intent to intimidate or terrorize the larger group of persons or persons with similar memberships, associations or characteristics.”

Status: This bill died on May 9, 2006, when the Legislature adjourned.

Arizona House Bill 2672 — This bill would allow a court to increase the sentence of a defendant convicted of a misdemeanor crime that was committed out of malice toward the victim based on sexual orientation, among other categories. Currently there is no hate crimes law covering crimes against GLBT individuals in Arizona.

Status: This bill died when the Legislature adjourned on June 22, 2006.

Arizona House Memorial 2002 — This memorial would encourage the U.S. Congress to defeat the pending federal hate crimes bill, which includes sexual orientation.

Status: This measure died when the Legislature adjourned on June 22, 2006.

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

Status: Senate Bill 347 passed the Senate Judiciary Committee on March 8, 2006. Both bills died when the Legislature adjourned on March 30, 2006.

Minnesota House File 3471/House File 2953 — These bills would increase the penalties for the commission of hate crimes; sexual orientation, defined to include gender identity, is included.

Status: House Bill 2953 passed the House Public Safety Committee on April 12, 2006, and the House Taxes Committee on April 24, 2006. Both bills died when the Legislature adjourned on May 21, 2006.

Minnesota Senate File 3714 — This bill would require a court to increase the sentence of an offender who has been found to have committed a crime because of the victim's sexual orientation (defined to include gender identity), among other categories. Current law gives a court the option to increase the penalty.

Status: This bill died when the Legislature adjourned on May 21, 2006.

Mississippi House Bill 21 — This bill would add age and sexual orientation to the state's existing hate crimes law which permits a court to impose an enhanced sentence

Status: This bill died on March 31, 2006, when the Legislature adjourned.

Missouri House Bill 1468 — This bill would add "identification with a specified group" to the state hate crimes law, which includes sexual orientation.

Status: This bill died when the Legislature adjourned on May 26, 2006.

Oklahoma House Bill 1907/Senate Bill 813 — These bills would add sexual orientation to the state's hate crimes law.

Status: These 2005 carry-over bills died when the Legislature adjourned on May 26, 2006.

South Carolina House Bill 3631 — This bill would create a hate crimes law which includes sexual orientation.

Status: This 2005 carry-over bill died when the Legislature adjourned on June 14, 2006.

West Virginia House Bill 2225 — This bill would add actual or perceived disability and sexual orientation to the state's existing hate crimes law.

Status: This bill died when the Legislature adjourned on March 19, 2006.

West Virginia House Bill 2442 — This bill would add disability and sexual orientation to the state hate crimes law.

Status: This bill died when the Legislature adjourned on March 19, 2006.

Parenting Bills: Vetoeed

Utah House Bill 148 — This bill would prohibit a non-biological parent from petitioning for custody or visitation.

Status: This measure passed the House on Feb. 20, 2006, with a 54-20 vote. It passed the Senate on March 1, 2006, by a 15-12 vote. Republican Gov. Jon Huntsman Jr. vetoed this bill on March 21, 2006.

Parenting Bills: Active

Michigan House Bill 5399 — This bill would explicitly allow for an unmarried couple to petition to adopt a child and for a same-sex partner to adopt his or her partner's child.

Status: This 2005 carry-over bill has had no action in 2006.

Michigan House Bill 5908 — This bill would allow an adoption agency not to participate in a placement if it violates the agency's written religious or moral convictions or beliefs.

Status: This bill passed the House on Sept. 5, 2006, by a 69-37 vote but has had no additional action in 2006.

Michigan House Bill 5909 — This bill would prohibit the state Department of Social Service from making child placement considerations, funding decisions and other considerations based on a child-placing agency's written moral or religious convictions or policies.

Status: This bill passed the House on Sept. 5, 2006, by a 69-37 vote but has had no additional action in 2006.

New York Assembly Bill 8329 — This bill would add “two unmarried adults” to the list of individuals who can petition to adopt.

Status: This 2005 carry-over bill has had no movement in 2006.

New York Senate Bill 5001 — This bill would allow for surrogacy contracts, but only if the intended parents are a married couple. Currently, New York does not issue marriage licenses to same-sex couples.

Status: This 2005 carry-over bill has had no movement in 2006.

Parenting Bills: Dead

Arizona House Bill 2696 — This bill would require that priority is given to placing children available for adoption with married couples.

Status: This bill passed the House on March 9, 2006, by a 32-25 vote, but then failed to get the necessary 16 Senate votes on April 17, 2006, when the full Senate voted 15-13 to pass the measure.

California Assembly Bill 2130 — This bill would require a court to consider the religious, cultural, moral and ethnic values of the birth parents before placing the child for adoption or appointing a legal guardian. This would shift the criteria of “the best interests of the child” and potentially threaten the ability of GLBT individuals to adopt or serve as guardians.

Status: This bill failed in the Assembly Human Services Committee on April 4, 2006, by a 3-2 vote.

Florida House Bill 123/Senate Bill 172 — These bills would remove the ban on “homosexuals” adopting and define the standard as the best interests of the person to be adopted and require an assessment of prospective parent.

Status: These bills died when the Legislature adjourned on May 5, 2006.

Florida Senate Bill 1610 — This bill would modify the current law that prohibits “homosexuals” from adopting to allow a family court judge to determine whether the prospective “homosexual” parent has the “qualifications ... to provide the environment needed for adoption.”

Status: This bill died when the Legislature adjourned on May 5, 2006.

Hawaii Senate Bill 3241 — This bill would establish criteria for a court to examine when making custody and visitation determinations. One of the factors is a “parent’s sexual orientation.” Additionally, this bill would add a definition of “psychological parent,” which is a provision often used by a same-sex parent to achieve custody or visitation of their children with whom they do not have a legal or biological relationship.

Status: This bill died when the Legislature adjourned on May 4, 2006.

Massachusetts House Bill 4776 — This bill is a message from Republican Gov. Mitt Romney to the Legislature informing them that he is filing a bill that will authorize religious organizations to provide adoption services without regard to state law prohibiting discrimination based on sexual orientation.

Status: This measure died when the Legislature adjourned on July 31, 2006.

Ohio House Bill 515 — This bill would prohibit a “homosexual, bisexual or transgender” individual from adopting.

Status: This bill was introduced on Feb. 10, 2006, and died when the Legislature adjourned on May 25, 2006.

Oklahoma House Concurrent Resolution 1078 — This resolution urges the state attorney general to immediately appeal a federal court decision that invalidated a 2004 state law which purports to refuse to recognize adoptions from other jurisdictions that involve same-sex couples.

Status: This resolution was introduced on May 23, 2006, and died on May 26, 2006, when the Legislature adjourned.

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 household with an adult “homosexual” from serving as a foster parent.

Status: These 2005 carry-over bills died when the Legislature adjourned on May 27, 2006.

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

Status: These 2005 carry-over bills died when the Legislature adjourned on May 27, 2006.

Virginia House Bill 187 — This bill would prohibit unmarried women from undergoing assisted reproduction.

Status: This bill was “passed by indefinitely” (killed) in the House Health, Welfare and Institutions Committee on Jan. 17, 2006.

Virginia House Bill 412 — This bill would prohibit the use of anonymous sperm or ovum in assisted reproduction.

Status: This bill was “continued” to 2007 by the House Health, Welfare and Institutions Committee.

Virginia Senate Bill 414 — This bill would only allow the name of a married couple or unmarried individual from being listed on a new birth certificate for a Virginia child who is adopted regardless of where the adoption occurs. This bill is in response to a 2005 Virginia Supreme Court decision that orders the birth certificates of a Virginia-born children to be changed to designate both parents, when adopted by out-of-state same-sex couples.

Status: This bill failed in the Senate Education and Health Committee by a 7-8 vote.

Education/Schools-Related Bills: Passed

Alaska House Bill 482 — This bill, as introduced, would require school districts to adopt policies prohibiting harassment based on several categories; sexual orientation and gender identity were not included. The measure was amended to remove all categories.

Status: This bill, as amended, was signed by Republican Gov. Frank Murkowski on Aug. 11, 2006.

Georgia Senate Bill 413 — This bill would require parental permission before a student could participate in a school club or organization. It was amended to require that the list of school clubs and their purposes and missions be published in the student handbook, which a parent could sign to prohibit his or her child's participation in a club.

Status: This bill, as amended, was signed by Republican Gov. Sonny Purdue on May 5, 2006.

Missouri Senate Bill 894 — This bill would require local school districts to adopt anti-bullying policies, but prohibits the adoption of any categories of protection.

Status: This bill was signed by Republican Gov. Matt Blunt on July 10, 2006.

South Carolina House Bill 3573 — This bill would require school districts to adopt policies prohibiting harassment, intimidation and bullying. There are no enumerated categories in the bill.

Status: This bill was signed by Republican Gov. Mark Sanford on June 12, 2006.

Education/Schools-Related Bills: Vetoed

California Assembly Bill 606 — This bill, called “The Safe Place to Learn Act,” would require school districts to adopt a model anti-discrimination and anti-harassment policy to be established by the state Department of Education and to enforce the state prohibition against discrimination and harassment based on sexual orientation and gender identity, among other categories.

Status: This bill was vetoed by Republican Gov. Arnold Schwarzenegger on Sept. 28, 2006.

California Assembly Bill 2510 — This bill would require as part of the biennial survey of California students the inclusion of questions about the students' experiences with bullying and harassment based on sexual orientation and gender identity, among other categories. It would also require the state attorney general to issue the findings of the survey.

Status: This bill passed the Assembly on May 31, 2006, by a 50-30 vote and passed the Senate on Aug. 30, 2006, by a 26-14 vote. It was vetoed by Republican Gov. Arnold Schwarzenegger on Sept. 29, 2006.

California Senate Bill 1437 — This bill would require that instruction in social science classes include the study of the role and contributions of GLBT people. The measure would also prohibit instruction, school-sponsored activities and textbooks that reflect adversely upon people because of their sexual orientation. It was amended to only require that materials do not reflect adversely upon people because of their sexual orientation.

Status: This bill passed the Senate on May 11, 2006, by a 22-15 vote. The measure was amended in the Senate and passed by the Assembly on Aug. 21, 2006, by a 47-31 vote. The measure was vetoed by Republican Gov. Arnold Schwarzenegger on Sept. 6, 2006.

Education/Schools-Related Bills: Active

Michigan House Bill 4026 — This bill would require school districts to adopt and implement anti-bullying policies. There are no enumerated categories in the bill.

Status: This 2005 carry-over bill has had no action in 2006.

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 or expression are included.

Status: These 2005 carry-over bills had no action in 2006.

Michigan House Bill 5616 — This bill would require local school districts to adopt policies prohibiting harassment and bullying; it includes sexual orientation and gender identity.

Status: This bill was introduced on Jan. 31, 2006, but had no action in 2006.

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 2005 carry-over bill has had no action in 2006.

Michigan Senate Bill 1012 — This bill would require local school districts to adopt anti-bullying policies; there are no enumerated categories listed in the bill.

Status: This bill was introduced on Jan. 26, 2006, but had no action in 2006.

Michigan Senate Bill 1156 — This bill would require local school districts to adopt policies prohibiting harassment, intimidation and bullying; sexual orientation and gender identity and expression are included.

Status: This bill was introduced on March 16, 2006, but had no action thus far in 2006.

New York Assembly Bill 1755 — This bill would prohibit bullying in public schools; sexual orientation is included.

Status: This 2005 carry-over bill has had no movement in 2006.

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 2005 carry-over bill has had no movement in 2006.

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

Status: This 2005 carry-over bill has had no movement in 2006.

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.

Status: This 2005 carry-over bill has had no movement in 2006.

New York Assembly Bill 9491/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 or expression, among other grounds.

Status: Assembly Bill 9491 passed the Assembly on May 9, 2006, but has had no movement in the Senate.

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

Status: This 2005 carry-over bill has not had any movement in 2006.

Pennsylvania House Bill 772/Senate Bill 71/Senate Bill 1013 — These bills would require each school district to develop an anti-bullying and student intimidation prevention plan; no enumerated categories are listed in the bills.

Status: These 2005 carry-over bills have not had any movement in 2006.

Education/Schools-Related Bills: Dead

Alabama House Bill 246 — This bill would require local boards of education to establish policies prohibiting harassment, intimidation and bullying.

There are no enumerated categories in this bill.

Status: House Bill 246 passed the House Education Committee on March 15, 2006, and was “indefinitely postponed” (failed) in the full House on April 6, 2006.

Arizona House Bill 2730 — This bill would prohibit schools from permitting a student club that “is focused on supporting, assisting or justifying any lifestyle involving sexual behavior.”

Status: This bill died when the Legislature adjourned on June 22, 2006.

Arizona Senate Bill 1331 — This bill would permit a university student who objects to any course, learning material or activity on the basis that it is personally offensive to be provided with an alternative course.

Status: This bill passed the Senate Higher Education Committee on Feb. 15, 2006, by a 5-2 vote but then failed in the full Senate by a 17-12 vote on March 9, 2006.

California Assembly Bill 2311 — This bill would prohibit “the promotion of homosexuality” in public education.

Status: This bill failed in the Assembly Education Committee on May 3, 2006, by a 7-3 vote.

California Assembly Bill 349 — This bill would require that a school district provide notice to parents and receive written consent if a public school provides instruction or counseling in grades 7-12 “relating to bestiality, bisexuality, cunnilingus, domestic partnerships, fellatio, homosexuality, lesbianism, masochism, masturbation, necrophilia, orgies, pederasty, pedophilia, sadism, sodomy, transsexuality, transgenderism or transvestitism.” This bill would prohibit instruction or counseling in these areas to students in grade 1-6.

Status: This bill was introduced in 2005 and carried over to 2006, where it died when the Legislature adjourned on Aug. 31, 2006.

California Senate Bill 2891 — This bill would prohibit questions related to gender or sexual orientation on school health surveys without first obtaining a parent’s permission.

Status: This bill died when the Legislature adjourned on Aug. 31, 2006.

Delaware House Bill 483 — This bill would require school districts and charter schools to establish policies prohibiting bullying. There are no enumerated categories in the bill.

Status: This bill passed the House on June 21, 2006, by a 39-0 vote and passed the Senate Education Committee on June 22, 2006, by a 4-0 vote, but died when the Legislature adjourned on June 30, 2006.

Florida House Bill 535 — As introduced, this bill would prohibit bullying in schools, but it contains a harmful provision that would void current school district policies prohibiting harassment and bullying that have enumerated categories, including sexual orientation and gender identity. An amendment that permits local school districts to retain their current policies which include protections for GLBT students was passed in the House.

Status: This bill passed the House, as amended, on April 26, 2006, by an 116-0 vote, but then died when the Legislature adjourned on May 5, 2006.

Florida House Bill 87 — This bill would prohibit discrimination and harassment against students and school employees based on sexual orientation and gender identity, among other categories.

Status: This bill died when the Legislature adjourned on May 5, 2006.

Idaho House Bill 863 — This bill would require parental notification of a student’s participation in school clubs or organizations.

Status: This bill passed the House on April 3, 2006, by a 35-32 vote, but died when the Legislature adjourned on April 11, 2006.

Indiana House Bill 1202 — This bill would prohibit public schools from allowing instruction that is contrary to the idea that “marriage is preferred, encouraged and supported over any other domestic relationship.”

Status: This bill died when the Legislature adjourned on March 14, 2006.

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 categories.

Status: These measures died when the Legislature adjourned on May 3, 2006.

Iowa House Study Bill 220/Senate Study Bill 1160/Senate Study Bill 1308/House

Study Bill 692 — These study bills would require local school districts and accredited private schools

to adopt policies prohibiting harassment and bullying; sexual orientation and gender identity are included in the categories of protection. These bills also require data collection. Study bills are used to determine reception of an issue by the General Assembly.

Status: These measures died when the Legislature adjourned on May 3, 2006.

Iowa Senate File 2365 — This bill would require public school districts to adopt policies prohibiting bullying and harassment; categories of protection include sexual orientation and gender identity.

Status: This measure died when the Legislature adjourned on May 3, 2006.

Kentucky Senate Bill 15/House Bill 270 — These bills would require school districts to adopt policies addressing bullying and harassment. There are no enumerated categories listed.

Status: House Bill 270 passed the House on Feb. 1, 2006, by a 96-0 vote, but both measures died when the Legislature adjourned on April 12, 2006.

Massachusetts House Bill 1181/Senate Bill 301 — These bills would require the state board of education to create a mandate that every public school shall follow in creating a “safe school plan.” The bill includes sexual orientation and gender identity as categories of protection.

Status: These measures died when the Legislature adjourned on July 31, 2006.

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

Status: These are 2005 carry-over bills that died when the Legislature adjourned on May 21, 2006.

Missouri House Bill 116 — This bill would require parental permission for a student to participate in a school-sponsored club.

Status: This 2005 carry-over bill died when the Legislature adjourned on May 26, 2006.

Missouri House Bill 1218 — This bill would require local boards of education to establish policies prohibiting harassment, intimidation and bullying. There are no enumerated categories in the bill.

Status: This bill died when the Legislature adjourned on May 26, 2006.

Missouri House Bill 1502/Senate Bill 674

— These bills would require school districts to adopt policies prohibiting discrimination and bullying based on sexual orientation, among other categories.

Status: These bills died when the Legislature adjourned on May 26, 2006.

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 were included.

Status: This bill died when the Legislature adjourned on April 13, 2006.

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 were no enumerated categories included in the bill.

Status: This 2005 carry-over bill died when the Legislature adjourned on May 25, 2006.

Ohio Senate Bill 239 — This bill would require local boards of education to adopt anti-harassment policies; there are no enumerated categories.

Status: This 2005 carry-over bill died when the Legislature adjourned on May 25, 2006.

Oklahoma House Resolution 1083 — This resolution officially declares the “Day of Truth.” This day is intended for students to “stand up for their First Amendment right ... to speak the truth about traditional family values.” This is in response to the “Day of Silence,” a day where students can remain silent as a way to bring attention to the problem of anti-GLBT bullying and harassment in schools.

Status: This resolution died when the Legislature adjourned on May 26, 2006.

Utah House Bill 393/Senate Bill 97 — These bills would require parental permission to participate in school clubs.

Status: House Bill 393 passed the House Education Committee on Feb. 17, 2006, but went on to die when the Legislature adjourned on March 1, 2006. Senate Bill 97 passed the Senate on Feb. 23, 2006, by a 17-11 vote, but then died when the Legislature adjourned on March 1, 2006.

Washington Senate Bill 6876 — This bill would declare that “the office of superintendent of public instruction shall not encourage or promote the teaching of sexual orientation.”

Status: This bill died on March 8, 2006, when the Legislature adjourned.

Wisconsin Assembly Bill 647/Senate Bill 310 — These bills would require each school board to adopt a policy prohibiting bullying; no enumerated categories were included in the bill.

Status: Senate Bill 547 passed the Senate on Nov. 9, 2005, and carried over to 2006; however, no further movement occurred and both bills

died on July 12, 2006, when the Legislature adjourned.

Wyoming House Bill 48 — This bill would require local school districts to adopt policies prohibiting harassment and bullying. There are no enumerated categories in this bill.

Status: This bill passed the House on Feb. 28, 2006, by a 53-4 vote. However, it died in the Senate when the Legislature adjourned on March 11, 2006.

¹ Relationship-recognition bills were passed and became law in California, the District of Columbia, Maine, New Jersey, New York and Rhode Island. A domestic partner bill passed the Colorado Legislature but was rejected by voters.

² Alabama,* Alaska, Arkansas,* Colorado, Georgia,* Idaho,* Kansas, Kentucky,* Louisiana,* Michigan,* Mississippi, Missouri, Montana, Nebraska,* Nevada, North Dakota,* Ohio,* Oklahoma,* Oregon, South Carolina,* South Dakota,* Tennessee, Texas,* Utah,* Virginia* and Wisconsin.* (In states marked with an asterisk, the law or amendment has language that does, or may, affect other legal relationships, such as civil unions or domestic partnerships.)

³ Four of the nine constitutional amendments before voters in 2006 were passed in 2005.

⁴ Republican Utah Gov. Jon Huntsman Jr. vetoed a bill that would have prohibited a non-biological co-parent from petitioning for visitation or custody.

⁵ In 2005, measures were vetoed by Republican Govs. Bob Ehrlich of Maryland, Linda Lingle of Hawaii, Bill Owens of Colorado and Arnold Schwarzenegger of California. In 2006, measures were vetoed by Republican Govs. James Douglas of Vermont, Bill Owens of Colorado and Arnold Schwarzenegger of California.

⁶ Arizona Democratic Gov. Janet Napolitano vetoed a measure that would have explicitly allowed the recognition of anti-gay student organizations in public universities and Utah Republican Gov. Jon Huntsman Jr. vetoed a bill that would have prohibited a non-biological co-parent from petitioning for visitation or custody.

⁷ The Nebraska Legislature has no parties, the District of Columbia has just one chamber, in Iowa the House is Republican and the Senate is tied and in Montana the House is tied and the Senate is Democratic.

⁸ Democrats gained control of the Iowa House and Senate (from a Republican House and tied Senate to a Democratic-controlled Legislature), the Indiana House (from Republican to split control of Legislature), the Minnesota House (from split to a Democratic-controlled Legislature), the Michigan House (from Republican to split control of

Legislature), the New Hampshire House and Senate (from a Republican to a Democratic-controlled Legislature), the Oregon House (from split to a Democratic-controlled Legislature), the Pennsylvania House (from Republican to split control of Legislature) and the Wisconsin Senate (from Republican to split control of Legislature).

⁹ A 2005 combination bill (establishing civil unions and prohibiting discrimination) passed the Oregon Senate but House Speaker Karen Minnis would not allow a floor vote on the measure. With the Democrats taking control of the House, Minnis will no longer be speaker.

¹⁰ Patricia Todd in Alabama and Kathy Webb in Arkansas became the first openly GLBT individuals elected to *any* state office in their respective states; Al McAffrey in Oklahoma and Matt McCoy in Iowa became the first openly GLBT individuals elected to their state legislatures; Rich Madaleno in Maryland and Jolie Justus in Missouri became the first openly GLBT individuals elected to their state senates.

¹¹ The question before Hawaii voters was whether to amend the state constitution to reserve the right to define marriage to the Legislature; 68 percent of voters approved. The question in Alaska was whether to amend the state constitution to ban marriage for same-sex couples; 68 percent of voters approved the amendment.

¹² Thomas Frank, "Same-Sex Marriage Back Before Voters, but Mood Different," Oct. 13, 2006, *USA Today*, Kirk Johnson, "Gay Marriage Losing Punch as Ballot Issue," Oct. 14, 2006, *The New York Times*.

¹³ Coloradoans voted on two measures — one to amend the constitution and one that would allow same-sex couples to enter into domestic partnerships.

¹⁴ Adam C. Smith, "GOP Fuels Gay Marriage Ban," Jan. 12, 2006, *St. Petersburg Times*.

¹⁵ Pew Research Center for the People & the Press, March 2006, available at people-press.org/reports/display.php3?ReportID=273.

¹⁶ The proposed amendment in Alaska was aimed at prohibiting the state from complying with a state Supreme Court decision requiring equal benefits for state workers and their domestic partners.

¹⁷ Amendments were killed in Alaska, Illinois, Iowa, Maryland, Massachusetts, Minnesota, New Hampshire, North Carolina, Pennsylvania, Washington and West Virginia. The two pending measures in Delaware and New Jersey will probably die.

¹⁸ Four of these measures were passed during the 2005 sessions (Alabama, South Carolina, South Dakota and Tennessee).

¹⁹ See, for example, the University of Wisconsin Board of Regents resolution at www.wisconsin.edu/news/2006/10-2006/resolution.pdf and others at www.fairwisconsin.com/endorsements.

²⁰ Human Rights Campaign, *Truth or Consequences: The Effects of Constitutional Amendments on Marriage in Ohio, Michigan, Missouri and Utah*, April 2005, available at www.hrc.org/amendment-consequences.

²¹ Lake Snell Perry & Associates 2002 polling for the Human Rights Campaign; *The Los Angeles Times*, April 2004. A map of state anti-discrimination laws is available at www.hrc.org/stateantidiscriminationmap.

²² Eli Sanders, "Reverse Backlash: Lack of Support for Eyman Referendum Stings Anti-Gay Rights Effort," *The Stranger*, June 1-7, 2006, available at www.thestranger.com/seattle/Content?oid=37332.

²³ Uniform Crime Reports, 2005, available at www.fbi.gov/ucr/hc2005/index.html.

²⁴ Bob Moser, "Disposable People," *Intelligence Report*, Winter 2003, available at www.splcenter.org/intel/intelreport/article.jsp?aid=149.

²⁵ Gwen Araujo was a transgender woman who was brutally murdered in 2002. The defendants used a "trans panic" defense in an attempt to justify/minimize their actions. The jury was deadlocked in the first trial and a mistrial was declared. A second trial resulted in the conviction of two of the four defendants. The other two defendants entered plea bargains.

²⁶ Gary Gates, "Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey," 2006, available at www.law.ucla.edu/williamsinstitute/publications/SameSexCouplesandGLBpopACS.pdf.

²⁷ Information on same-sex couples from the 2000 census available at www.hrc.org/census.

²⁸ J. Wainright, S. Russell & C. Patterson, "Psychosocial Adjustment, School Outcomes and Romantic Relationships of Adolescents with Same-Sex Parents," 2004, *Child Development*, 75(6); F.

MacCallum & S. Golombok, "Children Raised in Fatherless Families from Infancy: A Follow-Up of Children of Lesbian and Single Heterosexual Mothers at Early Adolescence," 2004, *Journal of Child Psychology and Psychiatry*, 45(8); J. Stacey & T. Biblarz, "(How) Does the Sexual Orientation of Parents Matter?" *Sociological Review* 66, n.2 (April 2001):159-83. For opinions and statements on GLBT parenting from professional organizations see www.hrc.org/professional_opinion.

²⁹ House Bill 148 would prohibit a non-biological parent from petitioning for custody or visitation. This bill arose from a case pending before the state Supreme Court, *Jones v. Barlow*. The parties had a child together during their relationship. When the relationship ended Barlow tried to prevent Jones from having any contact with their child. A trial court granted Jones visitation. The question before the state's high court is whether a parent with no legal or biological relationship to a child can petition for visitation or custody. House Bill 148 would have prevented a parent, with no biological or legal relationship to their child, from seeking visitation or custody.

³⁰ Laura Kellams, "Washington County: Veteran Politicos Seek Open House Seat with Similar Stances," Oct. 26, 2006, *Arkansas Democrat Gazette*; "Candidates Disagree on Civil Unions, But Both Oppose Gay Foster Parents," Oct. 19, 2006, *Dallas Voice*.

³¹ From "The 2005 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools," Gay, Lesbian and Straight Education Network, 2006, available at www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/585-1.pdf.

³² See www.hrc.org/schoolsmap.

³³ *From Teasing to Torment: School Climate in America*, Gay, Lesbian, and Straight Education Network, 2005, available at www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/499-1.pdf.

³⁴ Gay-straight alliances are student-run clubs, typically in high schools, that seek to foster understanding and tolerance for all students.

³⁵ See note 9.

³⁶ *Harris v. Lewis*, 908 A.2d 196 (N.J. 2006).

³⁷ For an examination of the differences between marriage and civil unions see glad.org/rights/OP7-marriagevcu.shtml.

About the Author

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