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Bay Area Reporter

There must have been a lot of rainbow confetti on New Year's Eve as the LGBT community celebrated another record setting year of legal protections that went into effect January 1.

While Governor Arnold Schwarzenegger followed through on his promise to veto Assemblyman Mark Leno's (D-San Francisco) marriage equality bill for the second time, he also set another record by signing 11 gay bills into law in 2007. In 2006, Schwarzenegger signed eight bills into law.

The new laws that went into effect Tuesday cover a variety of issues from domestic partnerships to helping HIV-positive individuals to protecting youths in and out of schools to the strongest anti-discrimination laws in the United States to protect all Californians.

Equality California sponsored nine out of 10 pieces of legislation that passed, including the Student Civil Rights Act (SB777), authored by Senator Sheila Kuehl (D-Santa Monica).

SB777 updates the state's education code to reflect current legally recognized protected classes, including sexual orientation and gender identity, in the Student Safety and Violence Prevention Act of 2000 (AB537).

Kuehl and advocates for SB777 told the Bay Area Reporter that the law was scheduled to go into effect January 1, unless the anti-gay Capital Resource Family Impact is successful gathering the 433,971 qualified signatures for a referendum by January 10. The anti-gay group filed a referendum against SB777 with the attorney general's office as soon as Schwarzenegger's signature dried on the bill. If Capital Resource Family Impact submits the qualifying amount of signatures to the secretary of state's office in time, SB777 will be held until June when Californians vote. The referendum won't affect AB537, which has been protecting students for

eight years.

In a December 21 e-mail urging constituents to turn in signed petitions, Capital Resource Family Impact claimed to have gathered more than 161,000 signatures.

EQCA Executive Director Geoff Kors said he would be surprised if the group makes the deadline. There hasn't been evidence of signature gathering, Kors noted, and the mainstream press has reported the group's quoting different figures for signatures gathered for the referendum.

"Honesty doesn't seem to be one of the family values that they aspire to," Kors said. Karen England, executive director of Capital Resource Family Impact, didn't respond to a request for comment.

On December 21, EQCA and the Gay-Straight Alliance Network filed a motion to intervene in defense of SB777 against a lawsuit filed in November in federal court in San Diego. EQCA sponsored SB777 and the GSA Network, which organizes gay-straight alliance clubs in California schools and across the country, is a supporter of the bill. The two organizations are represented by the National Center for Lesbian Rights, Lambda Legal Defense and Education Fund, the Transgender Law Center, Sheppard Mullin Richter & Hampton, LLP, and the Law Office of David C. Codell.

At the same time the federal district court granted a motion for a time extension filed by attorneys representing the governor's office, the attorney general's office, and the state superintendent for public instruction. They have until January 11 to respond to the lawsuit.

"Hopefully the message LGBT youth will see is that there are a small group of people who are hostile toward LGBT people," said Kors, "[and] that the majority of Californians are loving and accepting and that a Democratic legislature and a Republican governor passed and signed several laws to protect them this year."

Jennifer Monk, counsel for Advocates for Faith and Freedom, one of the anti-gay groups that filed the lawsuit, told the B.A.R. there were no plans to block SB777 from going into effect January 1.

Other laws

Despite the anti-gay Traditional Values Coalition telling its constituents in a December 20 e-mail that Leno planned to introduce another marriage bill in January, Shannan Velayas, Leno's press secretary, told the B.A.R. December 26 that Leno has no plans to introduce another marriage bill at this time.

Laws that took effect January 1 include:

- The Joint Income Tax Filing Implementation bill (SB105), authored by Senator Carole Migden (D-San Francisco). The law simplifies tax laws for registered domestic partners filing jointly by creating a worksheet couples can use beginning with the 2007 tax year.

- The Tissue Donors-Sperm Donors Act (SB443), commonly known as the sperm washing bill, authored by Migden, allows HIV-positive men to artificially inseminate their partners after their sperm have gone through a cleansing process.
- The Juvenile Justice Safety and Protection Act (SB518), authorded by Migden. The law protects LGBT youth and straight youth from discrimination in state Department of Juvenile Justice facilities. The bill includes institution of a Youth Bill of Rights, statutory anti-bias rules, and a toll-free help hotline that youth can call to report rights violations.
- Fair and Equal Taxation for Surviving Patners Act (SB559), authored by Senator Christine Kehoe (D-San Diego). The law reverses tax increases for domestic partners who separated or lost a partner prior to 2006's State Income Tax Equity Act (SB1827), authored by Migden. The law treats domestic partners the same as married spouses protecting them from unfair property reassessments.
- The Civil Rights Act of 2007 (AB14), authored by Assemblymember John Laird (D-Santa Cruz). The law strenghtens 51 state anti-bias laws prohibiting discrimination against LGBT people and other communities. The law automates updating protected classes that apply to the Unruh Act making California the gold standard against discrimination.
- The Safe Place to Learn Act (AB394), authored by Assemblymember Lloyd Levine (D-Van Nuys). The law strenthens enforcement of non-discrimination and anti-harassment policies to protect LGBT and non-queer youth in California's public schools. The law requires the state to monitor school district compliance of existing anti-discrimination laws.
- The California Routine HIV Screening Act (AB682), authored by Assemblywoman Patty Berg (D-Eureka) changes the process for patient permission to obtain an HIV/AIDS test. In response to the Centers for Disease Control and Prevention's 2006 HIV testing recommendations, the bill removes the need for informed consent before an HIV test can be administered and now requires a patient to give simple consent in order to be tested.
- The only law that won't go into effect at the beginning of the year is the Name Equality Act (AB102), authored by Assemblymember Fiona Ma (D-San Francisco). The law allows married and domestic partners to select the surname of their choice (with some restrictions) when they register with the state regardless of gender. This law goes into effect July 1.

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