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Governor Signs 3 Gay Rights Bills, Vetoes 2

On Oct. 12, Governor Arnold Schwarzenegger signed into law two historic LGBT rights bills ? one recognizing the contributions of slain civil rights leader Harvey Milk, and another underscoring that same-sex couples married before the passage of Proposition 8 are entitled to full recognition as married spouses in California, regardless of whether they married in California or out of state. Both bills were sponsored by Equality California (EQCA) and were introduced by Senator Mark Leno (D-San Francisco). The bills were the top priority of EQCA, and were targeted by right wing anti-gay groups who worked to defeat the bills first in the legislature and then urging the governor to veto the measures.

?We are grateful to the governor for signing these critical and groundbreaking measures into law and rising above partisan politics to improve the lives of LGBT Californians,? said EQCA Executive Director Geoff Kors. The Harvey Milk Day bill marks the first time in the nation?s history that a state will officially recognize and celebrate the contributions of an openly LGBT person with an annual day of special significance. ?Californians will now learn about Harvey?s amazing contributions to the advancement of civil rights for decades to come,? Kors said.

Student leaders from Gay-Straight Alliance clubs across California played an important role in passing the Milk bill. ?GSA activists traveled to Sacramento in April where they met with their representatives, urging them to vote for the bill,? said Gay-Straight Alliance Network Executive Director Carolyn Laub. ?With banners and signs, they rallied at the State Capitol in support of Harvey Milk, a role model and hero to both LGBT and straight ally youth activists.? She added, ?On May 22nd, numerous GSAs held Harvey Milk Day events at their schools. They have kept the momentum going ever since with regular calls to the governor?s office.?

The Marriage Recognition and Family Protection Act was also signed by Schwarzenegger. ?We are grateful that the governor has signed this critical bill, which provides much needed protections for same-sex couples who have legally married out of state, or will in the future, and who deserve to be treated like any other married couple,? Kors said. ?This bill will allow same-sex couples to get married in other states and countries and ensure they are treated equally under the law when they return to California.? He said ultimately, however, restoring the freedom to marry is the only way to ensure that all Californians receive the dignity and respect that comes with marriage.

?When California offered marriage licenses to same-sex couples in 2008, spouses who were already married in another state or country were prohibited from re-marrying in California,? said Senator Leno. ?Now those couples and their families are in limbo because their rights and protections under law are not clear. This new law will ensure that same-sex couples are protected by existing California law that recognizes all marriages equally, regardless of where they are performed.?

On Oct. 11 (National Coming Out Day), the governor signed a bill that will increase and expand services to LGBT survivors of domestic violence.

Authored by Assemblymember John A. Pérez (D-Los Angeles) and sponsored by EQCA, the LGBT Domestic Violence Programs Expansion bill will go into effect on January 1, 2010. While rates of domestic violence in same-sex relationships are equivalent to those in heterosexual relationships, support for LGBT survivors continues to lag far behind those available to non-LGBT couples. Designed to correct this inequity, the bill expands access for LGBT service providers to a state fund within the California Emergency Management Agency, which supports LGBT-specific domestic violence programs across the state. The fund, originally established as part of another EQCA-sponsored bill in 2006, is subsidized by a $23 fee on domestic partner registrations. The new bill would also allow for more than four organizations to apply for programmatic funding each fiscal cycle and eliminates the requirement for providers to offer shelter ? impediments to many smaller LGBT organizations that inadvertently keep several California communities from providing any services for LGBT survivors of domestic violence. ?Given the shortage of adequate care for our community, I am thrilled that this legislation will help ensure that all LGBT survivors of domestic violence will have increased access to culturally competent care and resources,? said Assemblymember Pérez.

But it?s not all good news. The governor vetoed two bills on the grounds that existing law and policy already provided the protections the bills sought to put into statute: the Equal ID Act (AB 1185, Lieu), allowing transgender people to obtain new birth certificates, and the LGBT Prisoner Safety Act (AB 382, Ammiano), considering sexual orientation and gender identity to safely house prisoners.

?While we continue to believe that a statutory change would help transgender people by making clear what the Courts have already decided, we are pleased that the governor recognized our legal victory,? said Masen Davis, director of the Transgender Law Center. Earlier this year, the TLC successfully litigated the landmark case Somers v. Superior Court, where a California appellate court ruled it unconstitutional to deny a transgender person born in California but living out of state the ability to petition a California court for a legal gender change. The Equal ID Act would have alleviated any confusion in the statutory language itself.

?Our fight for equal access to adequate identification does not stop here! We will now turn our efforts to educating transgender people and the courts about the Somers case,? said Davis. ?We will continue to work to ensure that California-born people residing in other states know that they, too, can be afforded the dignity of a birth certificate that reflects who they truly are.? He pointed out that correct identification helps reduce barriers to employment, health care, and social services for transgender people everywhere.

The LGBT Prisoner Safety Act would have required the California Department of Corrections and Rehabilitation (CDCR) to take prisoners? sexual orientation and gender identity into account when making a determination about housing. ?We are incredibly grateful to Assemblymembers Ted Lieu and Tom Ammiano for authoring the Equal ID Act and the LGBT Prisoner Safety Act,? said Davis. ?Without the hard work of allies like EQCA (that sponsored the bills) and the dedication of TLC staff (that worked on bill language, testified at hearings, and educated policymakers), we would not have made it this far.? He added, ?We promise to continue fighting as hard as we can for the civil rights and dignity of transgender Californians.
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