

# House passes bill on gay marriage

## First version of proposed constitutional ban restored

By **AL CROSS**  
across@courier-journal.com  
The Courier-Journal

FRANKFORT, Ky. — The House last night approved the original version of a bill proposing a state constitutional amendment to ban same-sex unions, despite bitter and emotional objections from its opponents.

"I'm disgusted with this body, and I'm disgusted with its membership," Rep. Mary Lou Marzian, D-Louisville, told her colleagues, slamming her microphone as she ended the opening speech as part of debate on the bill, which passed 85-11.

Other Jefferson County representatives voting against the amendment were Democrats Paul Bather, Joni Jen-

**2004**  
Kentucky General Assembly

kins, Reginald Meeks and Jim Wayne. The vote occurred at 11:11 p.m.

The bill now returns to the Senate for approval of a change which would move the provision from the state's bill of rights to another section of the 1891 constitution.

If the Senate OKs the change, the issue will go before voters in the November election. The bill's Senate sponsor, Vernie McGaha, R-Russell Springs, said he had no problems with the change.

A supporter of the bill, Rep. J.R. Gray, D-Benton, called for its passage,

saying, "It's one of the most pressing problems we have in this country at this time."

The bill fell short of passage last month when Republicans walked out to protest Democratic revisions, which they said could lead judges to keep the amendment off the November ballot.

But under pressure from their constituents, House Democrats, who originally voted to block consideration of the bill, relented after a private caucus of nearly two hours last night.

Rep. Tim Feeley of Crestwood was the only Republican to vote against the bill. He said he supported the part that said only a marriage between one man



BY ED REINKE, THE ASSOCIATED PRESS

People at the Capitol in Frankfort expressed their views yesterday on a proposed state constitutional ban on same-sex marriages.

See BILL  
Page 5, col. 1, this section

# Bill for constitutional ban on gay marriage advances

Continued from Page B 1

and one woman is valid but opposed the section that would ban "legal status identical or substantially similar to that of marriage for unmarried individuals."

Feeley said putting that in the constitution would prevent future sessions of the legislature from authorizing legal protections for various types of households, including elderly people who want to care for each other.

Andrea Hildebran, executive director of the Kentucky Fairness Alliance, which opposes the amendment, said after the vote, "We are going to mount a tremendous campaign to educate Kentuckians about the realities of our lives, and we're going to defeat this at the ballot box."

Martin Cothran, lobbyist for the Family Foundation, the group which pushed the amendment, predicted it would pass in November.

"When the issue of protecting marriage is voted on, the public always wins," he said.

**THE SAME-SEX** marriage issue has consumed the House for more than a month. Republicans say most Kentuckians want to vote on the amendment this fall, and some Democrats said they fear that will bring to the polls many Republican-oriented voters who would not otherwise vote.

House Democrats had hoped to dispose of the issue this session by adopting a resolution asking Congress to propose an amendment to the U.S. Constitution banning same-sex marriages.

They said that was the only legislation needed because Kentucky already has a law banning such marriages, and elevating the ban to the state constitution still would not override any federal court rulings based on the national constitution.

Republicans and other supporters of the state amendment argued that it is needed to prevent Kentucky courts from making rulings like those in Massachusetts, where the state's highest court said couples of the same sex have the right to marry.

House Republicans planned to force a floor vote in February to discharge the amendment from a House committee, but House Democratic leaders short-

## 2004 Kentucky General Assembly

circuited that by getting the bill's House sponsor, Gray, to withdraw it.

After the Senate passed its version of the bill, House Democrats voted 33-24 in a caucus not to bring the measure to the floor. But following a massive lobbying campaign, which included throngs gathering in the Capitol, the caucus endorsed a revised version.

That version removed the Senate language banning "legal status identical or substantially similar to that of marriage for unmarried individuals," such as domestic partnerships and civil unions.

It also banned courts from ordering the legislature to pass laws, raise taxes or spend money, and would prevent the governor from spending money not appropriated by the legislature.

Republicans objected to the changes and walked out of the House on March 26 after Democrats voted to block further changes to the bill. With only two Republicans voting for it, the bill got 55 votes, five short of the 60 needed in the 100-member House to place a constitutional amendment on the ballot.

**WHEN THE** legislature went home at the end of last month for almost two weeks, some House members came under pressure from supporters of the original bill.

Dr. Frank Simon, a St. Matthews allergist who has mobilized religious and social conservatives in Jefferson County for more than a decade, circulated copies of House roll calls on the issue, including one that said a largely party-line vote to uphold a procedural ruling by House Speaker Jody Richards was a vote with those who support same-sex civil unions.

The mailing upset some legislators. Yesterday, supporters of the original bill lined the corridors of the Capitol, urging legislators to vote with them. Opponents of any amendment also turned out a large crowd and held a news conference.

"The issue is being used to get a big turnout at the polls," said K.A. Owens, vice chair of the Kentucky Alliance Against Racist and Political Repression.

Among bills that the Senate passed and sent to the governor yesterday were:

■ HB 71, which raises the fine for parking illegally in a handicapped parking spot to \$250. The penalty now varies from \$20 to \$100.

The bill would distribute 90 percent of each fine to the personal care assistance program, which enables people with disabilities to live at home. The rest of the money would be divided among law-enforcement agencies in the county where the offense occurred.

The bill also would reduce the time in which a handicapped parking placard would be in effect to two years, from six years. The bill was sponsored by Marzian.

■ HB 29, to create a computerized database of auto liability insurance policies in an effort to have a more reliable source of information than insurance cards currently issued to policyholders. The bill is sponsored by Rep. Ron Crimm, R-Middletown.

■ HB 672, sponsored by Rep. Ruth Ann Palumbo, D-Lexington, to strengthen regulation of boarding homes.

The Senate killed HB 139, which would have penalized insurance companies that have a pattern of failing to collect and pay local taxes on insurance premiums. The sponsor, Rep. John Vincent, R-Ashland, said he killed his bill because its language could have caused problems for cities that are getting interest payments from companies that make late payments.

The House passed and sent back to the Senate SB 156, which would confirm Gov. Ernie Fletcher's reorganization of the old racing commission into the new Kentucky Horse Racing Authority. A House committee had voted to require that no more than seven of the authority's 13 members be from the same political party, but the House removed that amendment. The Senate must still consider a House amendment allowing racing of nonthoroughbred horses conceived by artificial insemination.