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Senate moves toward barring recognition of same-sex unions

By CLAY ROBISON

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AUSTIN -- Legislation that would prohibit Texas from recognizing marriages or civil unions between partners of the same sex was given tentative approval Monday by the Texas Senate.

Social conservatives, who have tried for several years without success to enact this type of ban, may get their way this session because of a conservative majority in the House. One more Senate vote, most likely a formality, would send the measure to the House, where a committee has already approved a similar bill.

Senate opponents contended the legislation, which advanced on a non-record vote, is unnecessary and would encourage discrimination against gay and lesbian couples.

But the sponsor, Sen. Jeff Wentworth, R-San Antonio, said Senate Bill 7 is essential to clarify existing law, which limits the issuance of marriage licenses to people of the opposite sex but says nothing specifically about other "civil unions."

"I believe Texas should adopt as its public policy that traditional marriage is between one man and one woman, and that this state should not recognize civil unions entered into in Vermont and possibly other states in the future," he said.

Wentworth said 36 other states have passed similar laws. Although Vermont is the only state to recognize civil unions of same-sex couples, he said Texas could be forced under the U.S. Constitution to recognize unions sanctioned in Vermont unless the Legislature enacts his bill.

He was challenged briefly by Sens. John Whitmire, D-Houston, and Gonzalo Barrientos, D-Austin.

"Some people would say this is just mean-spirited," Whitmire said. "It's directed at elements of our society that most of whom just want to be left alone, go to work, pay taxes and not create problems for anyone.

"You've introduced legislation that speaks to their lifestyle, tries to change a law that doesn't need changing," Whitmire said.

Barrientos asked, "Because of little ol' Vermont, big ol' Texas has to pass this piece of legislation?"

Whitmire noted that Texas Attorney General Greg Abbott, acting under existing law, recently persuaded a state district judge in Beaumont to reverse course and throw out an earlier decision granting a divorce to a gay couple that had been joined in a civil union in Vermont.

Whitmire said Abbott, in that case, had argued that current Texas law doesn't recognize "civil unions."

"Your (proposed) law is not necessary," Whitmire said.

But Wentworth fired back that the attorney general, despite his legal opinions, doesn't write state law.

"Only the Legislature may do that, and that's what this bill does," Wentworth said. "It sets state policy."

Although the legislation clearly is grist for political debate, the potential legal effect is less clear. For one thing, the bill includes a provision that would let gays and lesbians -- through private contracts and guardianships -- continue to receive such things as life insurance proceeds and property rights from their partners "without the existence of any legally recognized familial relationship."

Randall Ellis, executive director of the Lesbian Gay Rights Lobby of Texas, said the bill is "nothing but a slap in the face to gays and lesbians."

"This is about politics," he added. "The passage of this bill will do nothing to make the lives of the people of this state better."

Lt. Gov. David Dewhurst endorsed the legislation.

"This is simply ratifying what most Texans believe, that marriage is an honored institution between a man and a woman," he said.

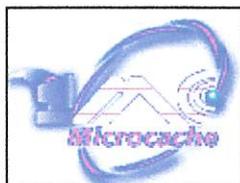
Gov. Rick Perry has expressed support for similar legislation in the past. By coincidence, he attended Monday's Senate session and was present for much of the debate on the bill. He apparently was not there to lobby for the measure though.

Although the bill was given tentative approval on a non-record vote, a procedural vote to clear the way for debate was 22-7.

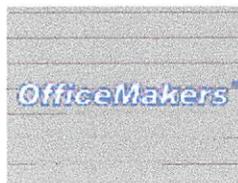
The "no" votes were cast by Whitmire, Barrientos and five other Democrats -- Rodney Ellis and Mario Gallegos of Houston, Eliot Shapleigh of El Paso, Royce West of Dallas and Judith Zaffirini of Laredo.



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