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## FISCAL IMPACT REPORT

SPONSOR Espinoza ORIGINAL DATE 1/28/09  
LAST UPDATED \_\_\_\_\_ HB 118  
SHORT TITLE Marriage Defined SB \_\_\_\_\_  
ANALYST Wilson

### APPROPRIATION (dollars in thousands)

| Appropriation |      | Recurring<br>or Non-Rec | Fund<br>Affected |
|---------------|------|-------------------------|------------------|
| FY09          | FY10 |                         |                  |
| NFI           | NFI  |                         |                  |

(Parenthesis ( ) Indicate Expenditure Decreases)  
Relates to HB 21, SB 12 & SB 144

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Bernalillo County Metropolitan Court (BCMC)  
Secretary of State (SOS)  
State Personnel Office (SPO)

### SUMMARY

#### Synopsis of Bill

House Bill 118 defines that marriage in this state shall consist only of the union between one man and one woman. The effective date of this provision is July 1, 2009

### FISCAL IMPLICATIONS

There are no fiscal implications.

### SIGNIFICANT ISSUES

This bill addresses the issue of marriage. If this bill is enacted it will effectively ban homosexual marriages.

For Same Sex Marriages

Gay rights groups proponents argue that states cannot justify excluding gay and lesbian couples from the institution of marriage and the protection it provides. They argue that only marriage provides a legal safety net protecting couples emotional bonds and economic security.

Most states allow single gays and lesbians to adopt children, but only 11 allow two same-sex parents to adopt. By allowing gay couples marriage rights, custody will be shared by both parents and no further legal action will be necessary in the event of the legal parent's death. The American Association of Pediatrics supports gay and lesbian couples adopting and having children.

Many activists say that the laws prohibiting gay marriage are the same as laws that prevented inter-racial couples from marrying. Those laws are now seen as absurd and discriminatory and were overturned in 1967.

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Against Same Sex Marriages

Some opponents of gay marriage fear that by allowing same-sex couples to marry, it will lessen the validity of heterosexual marriage. They say marriage is a union with the purpose of creating and raising children. They argue that children fare better in household headed by a man and a woman.

Opponents disagree with equating gay rights with the fight for racial equality. They say that homosexuality is not an inborn trait, but a chosen behavior that does not deserve special protection under the law.

Some religious leaders say allowing gay marriages will give a stamp of approval to a behavior that they believe is immoral.

**RELATIONSHIP**

HB 118 relates to SB 12, Domestic Partner Rights and Responsibilities and its duplicate, HB 21. HB144, Contractual Common Household Act also addresses the same subject matter.

**OTHER SUBSTANTIVE ISSUES**

With the recent Supreme Court ruling over turning sodomy laws, Canada's, San Francisco's and Multnomah County Oregon's moves to allow same sex marriages and the Massachusetts decision, many Americans are wondering, what's the big deal about gay and lesbian marriage?

Marriage laws in the United States are determined State by State. Although several counties, like Multnomah County Oregon and San Francisco have allowed gays and lesbians to marry, those

states overturned the decisions and gays and lesbians cannot marry in those places.

Thus far only one state, Massachusetts allows same-sex marriage. The courts have ruled that it is illegal NOT to allow two people of the same sex to marry. Most states have passed laws that explicitly exclude same-sex couples from marrying and there is a proposed Constitutional Amendment to try and make the definition of marriage between a man and a woman.

A handful of states offer Civil Unions to same-sex couples. Civil unions offer many of the rights and responsibilities as marriage, but are not recognized outside of those states.

California passed a domestic partnership law, similar to Vermont's civil union. Again, these partnerships are only recognized in California.

DW/mt