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# Bid for ban of AZ gay marriages is derailed

**Fall referendum off the table; Bee to kill Senate measure**

**By Howard Fischer**

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PHOENIX — State lawmakers' efforts to get a constitutional ban on gay marriage before voters appears all but dead.

The House gave preliminary approval Thursday by a 28-27 vote to put the question on the November ballot. But that OK came only after Rep. Kyrsten Sinema, D-Phoenix, lined up enough votes to tack on a provision to grant certain rights to unmarried couples living together, whether gay or straight.

That move effectively tied the two issues together as a single ballot question, meaning voters who want to make same-sex weddings unconstitutional would be voting for some constitutional rights for gay couples. A spokesman for House Speaker Jim Weiers, sponsor of HCR 2065, said that is unacceptable and that the Phoenix Republican will now kill his proposal.

There is another version of the bill awaiting Senate action, this one still in its original form solely to constitutionally define marriage in Arizona as between one man and one woman. But Senate President Tim Bee, R-Tucson, the sponsor of that measure, said Thursday night that he will not bring that bill to the floor.

"I don't see any point in it," Bee said. Even if he corrals the 16 votes necessary in his own chamber, he said, the proposal still has to go to the House, where it lacks the necessary support.

The House vote and Bee's decision constitute a major defeat for foes of gay marriage.

They narrowly lost a 2006 initiative to constitutionally ban not only same-sex marriages, but also civil unions and benefits for domestic partners of unmarried government workers. The assumption was this measure dealing solely with marriage would gain voter approval.

But that assumed lawmakers would put it on the ballot.

"We're looking at all options," said Ron Johnson who lobbies for the state's three Catholic bishops. And Cathi Herrod of the Center for Arizona Policy said she still believes that there is a way to resurrect the measure.

But Barbara McCullough-Jones, president of Equality Arizona, hailed the maneuver as "a win for Arizona families."

Her group describes itself as the only statewide organization representing gays, lesbians, bisexuals and transgender individuals.

State law already bars same-sex marriages. But only a voter-approved constitutional amendment would bar courts or future legislators from altering or repealing that.

"We do not want an issue that is this important — marriage, the fundamental building block of society — to be decided by any person other than the people," said Rep. Steve Yarbrough, R-Chandler.

Sinema has repeatedly made it clear she opposes the idea of a constitutional ban on gay marriages. She said, though, her amendment was not specifically designed to kill the measure, but "to ensure that, while talking about the issue of same-sex marriage, we also raise the issue that unmarried couples in Arizona should have basic legal rights and protections."

Her provision would guarantee the right to hospital visitation, medical decision-making, funeral and burial arrangements and inheritance to unmarried couples "who are in an emotionally committed relationship that involves shared domestic and economic responsibilities."

Yarbrough, however, said the proposal is a significant — and he believes deeply flawed — change in laws on inheritance.

Under current law, he said, the assets of someone who dies without a will go to the spouse. If there is no spouse, then they go to children or, if none, to parents.

"Under this amendment, if a single mother dies without a will, the live-in boyfriend can get everything and the kids get nothing," Yarbrough said. "And there is no duty for the boy-friend to support the children."

Yarbrough also poked fun at the wording, saying lawyers will have a field day trying to figure out what is an "emotionally committed relationship." He said that could even be interpreted to include a platonic relationship between roommates.

Four Republicans joined the 24 Democrats present on the House floor to provide Sinema the margin of victory she needed to tack her amendment on to the proposal: Marian McClure, Pete Hershberger and Jennifer Burns, all of Tucson; and Michele Reagan of Scottsdale.

Three Democrats and two Republicans were absent.

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