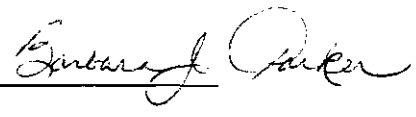


OFFICE OF THE CITY CLERK
2004 MAR 25 PM 12:39

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER Wan, Nadel, Quan



A RESOLUTION SUPPORTING ASSEMBLY BILL 1967 THE "CALIFORNIA MARRIAGE LICENSE NON-DISCRIMINATION ACT"

WHEREAS, Oakland has by local policy and ordinance shown its commitment to fair and equitable treatment of all persons regardless of gender or sexual orientation; and

WHEREAS, existing state law provides that marriage is a personal relation arising out of a civil contract between a man and a woman and further provides that only marriage between a man and a woman is valid or recognized in the state; and

WHEREAS, AB 1967 would enact the "California Marriage License Nondiscrimination Act", to provide that marriage is a personal relation arising out of a civil contract between 2 persons and provides for gender specific terms to be construed as gender neutral; and

WHEREAS, Oakland is home to thousands of families headed by same-sex couples, many with children, and

WHEREAS, these families deserve the same rights and legal protections as other families under the law, including the protection of their children's economic interests by ensuring their access to the resources of both parents, and

WHEREAS, marriage is a unique civil contract, separate and distinct from any religious, ethnic, or other traditions, and

WHEREAS, civil marriage bestows thousands of state and federal rights, protections, and responsibilities that are otherwise unavailable to gay and lesbian families, and

WHEREAS, discriminatory marriage laws result in significant harms to lesbian, gay, bisexual, and transgendered people by perpetuating homophobia, just as anti-miscegenation laws barring people of different races from marrying, legal in the United States until 1967, perpetuated racism and social ostracism, and

WHEREAS, both the United States Constitution and California Constitution clearly state that no person will be denied equal protection of the laws, and

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WHEREAS, discriminatory marriage laws undermine the state of California's commitment to equality, privacy, and justice for all of its citizens, and

WHEREAS, marriage is recognized as one of the fundamental elements of individual liberty; and

WHEREAS, the opportunity to publicly and legally commit to share one's life with a person of one's choice is for many people one of the most central aspects of human experience, and denial of marriage to same-sex couples is a denial of fundamental civil rights; now therefore be it

RESOLVED, that the Oakland City Council urges the California State Legislature and Governor Arnold Schwarzenegger to end discrimination against lesbian, gay, bisexual, and transgendered people and their families by enacting Assembly Bill 1967 which provides for equal access to **marriage** and all of its legal benefits and obligations by all persons, regardless of sex, gender identity, or sexual orientation, and urges the California State Legislature to pass, and Governor Arnold Schwarzenegger to sign, Assembly Bill 1967: and be it further

RESOLVED, that the City Council directs the City Administrator and the City legislative lobbyist to advocate for the above positions in the State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, CHANG, DE LA FUENTE, NADEL, QUAN, REID, WAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
Of the City of Oakland, California

BILL NUMBER: AB 1967 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Members Leno, Goldberg, Kehoe, Laird, and Lieber

(Principal coauthor: Senator Kuehl)

(Coauthors: Assembly Members Chan, Dymally, Firebaugh, Hancock, Koretz, Levine, Longville, Montanez, Nation, Oropeza, Simitian, Steinberg, Wiggins, and Yee)

FEBRUARY 12, 2004

An act to amend Sections 300, 301, and 302 of the Family Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1967, as introduced, Leno. Gender-neutral marriage.

Existing law provides that marriage is a personal relation arising out of a civil contract between a man and a woman. Existing law provides for the issuance of marriage licenses, as specified. Existing law further provides that only marriage between a man and a woman is valid or recognized in this state.

This bill would enact the "California Marriage License Nondiscrimination Act," which would instead provide that marriage is a personal relation arising out of a civil contract between 2 persons. The bill would make conforming changes with regard to consent, and would make a specified finding and declaration.

By adding to the duties of county employees, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the "California Marriage License Nondiscrimination Act."

SEC. 2. Section 300 of the Family Code is amended to read:

300. (a) Marriage is a personal relation arising out of a civil contract between ~~a man and a woman~~ two persons, to which the consent of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent must be followed by the issuance of a license and solemnization as authorized by this division, except as provided by

Section 425 and Part 4 (commencing with Section 500).

(b) Where necessary to implement the rights and responsibilities of spouses under the law, gender-specific terms shall be construed to be gender-neutral, except with respect to Section 308.5.

SEC. 3. Section 301 of the Family Code is amended to read:

301. ~~An~~ Two unmarried ~~male~~ persons of the age of 18 years or older, ~~and an unmarried female of the age of 18 years or older,~~ and who are not otherwise disqualified, are capable of consenting to and consummating marriage.

SEC. 4. Section 302 of the Family Code is amended to read:

302. An unmarried ~~male or female~~ person under the age of 18 years is capable of consenting to and consummating marriage if each of the following documents is filed with the county clerk issuing the marriage license:

(a) The written consent of the parents of each underage person, or of one of the parents or the guardian of each underage person.

(b) A court order granting permission to the underage person to marry, obtained on the showing the court requires.

SEC. 5. The Legislature finds and declares that this act does not amend or modify Section 308.5 of the Family Code, which addresses marriages from other jurisdictions, as enacted by an initiative measure.

SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

_____ CORRECTIONS Heading -- Lines 1 and

2.

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