



New York State Will Recognize Gay Marriages Performed Elsewhere

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Moving a step closer to legal gay marriage in the Empire State, Gov. David Paterson has directed all New York state agencies to begin to revise their policies and regulations to recognize same-sex marriages performed in other jurisdictions, like Massachusetts, California and Canada.

"People more and more understand that when people love each other they should express it in whatever way they deem necessary and possible," said the governor in April at a National Gay and Lesbian Task Force Leadership Awards dinner.

"They should have all the rights that the rest of us have," he said.

The directive issued by the governor includes revisions likely to involve as many as 1,300 statutes and regulations in the state governing everything from joint filing of income tax returns to transferring fishing licenses between spouses, notes *The New York Times*.

Long before he was governor, Paterson was an outspoken proponent of gay marriage, so the directive issued on May 14 did not come as a surprise to community leaders.

"Because of Governor David Paterson's leadership and commitment to equality and justice for all New Yorkers, same-sex couples and our families are now even closer to being recognized as equals under the law when it comes to the rights and protections of marriage," said the Empire State Pride Agenda on Wednesday.

Paterson's directive makes New York the only state that did not itself allow gay marriage but fully recognized same-sex unions entered into elsewhere. Still, the directive is the strongest signal yet that Paterson, who sees marriage equality as a civil rights issue, plans to push aggressively to legalize same-sex unions.

In the directive, the governor's legal counsel, David Nocenti, wrote that state agencies should review all rules and regulations to determine whether they conflict with recognition of same-sex marriages and report back to him by June 30.

In unequivocal language supporting the rights of gay individuals, Nocenti said that state agencies that did not provide "full faith and credit to same-sex marriages" could be subject to liability. Nocenti commented that many changes could be made through internal memos or policy statements, but that regulatory changes might be needed in some cases.

He also directed agency heads to a list of state regulations and statutes that were likely to need overhaul, including measures affecting a spouse's ability to collect a deceased spouse's pension and to continue to use public housing.

In addition to conferring more rights on gay couples, the changes might also require more responsibilities, reports the *Times*, citing, as an example, the order that required certain employees of the executive branch to file financial disclosure documents for their spouses would also apply to gay spouses.

Paterson's directive cited a Feb. 1 ruling by a State Appellate Court in Rochester that Patricia Martinez, who works at Monroe Community College and who married her partner, Lisa Golden in Canada, could not be denied health benefits by the college because of New York's policy of recognizing marriages performed elsewhere, even if they are not explicitly allowed under New York law.

The appeals court ruled that New York must recognize marriages performed elsewhere that allow the practice.

"Despite this great news, our families are still not fully equal in the eyes of the law. We strongly believe that LGBT New Yorkers should not have to leave their home state to get a valid marriage license" said Alan Van Capelle, executive director of Empire State Pride Agenda.