

Your membership expired in January. Please consider renewing! Thanks for your help - Laurie E.



The Lobby Report

The Quarterly Newsletter of the Lesbian/Gay Rights Lobby of Texas
April, 1991

Discriminatory AIDS bills set for hearing

Although an exact date has not been set, it looks as if most of the negative AIDS legislation this session will be heard on April 22. I suggest that you write or call about these bills immediately. When you do so, you need only express your opposition to the bill. Detailed messages are unnecessary. It is also unnecessary to speak directly with the legislator. Messages left with staff persons and on answering machines are just as effective. Letters to Representatives should be addressed to PO Box 2910, Austin, Tx. 78768; Senators: PO Box 12068 Austin, Tx. 78711.

House Bill 2509 is absolutely the worst bill this session. The sponsor is Representative Billy Clemons (Democrat-San Augustine, Angelina, and Trinity). His number is 512-463-0490. This bill undercuts all of our past AIDS policy successes. Some points about this bill are: 1. requires that all educational programs state that homosexuality is not an acceptable lifestyle; 2. requires HIV testing of all prisoners; 3. allows classroom teachers to inquire about a student's HIV status, regardless of whether or not the teacher has completed an HIV counseling course.

House Bills 2440 and 1362 are concerned with mandatory testing of health care workers. House Bill 2440, sponsored by Representative John Carona (Republican Dallas District 109), requires health care workers to provide HIV test results to most patients who inquire. House

Bill 1362, sponsored by Representative Will Hartnett (Republican Dallas - District 102), requires health care workers to provide HIV test results as a condition of employment. Contact with either of these Representatives is very useful because they are both new this session and need to understand the implications of carrying bills such as these that could harm our community. Hartnett's number is 512-463-0576. Carona's number is 512-463-0744.

House Bill 702, sponsored by Representative Ron Wilson (Democrat-Houston District 131), would penalize HIV positive doctors and dentists. Messages to Representative Wilson may be helpful, sometimes he can be fairly strong on our issues. Representative Wilson's number is 512-463-0744.

House Bill 238, the so called "biting bill," requires mandatory testing of persons suspected of exposing police officers and fire fighters to HIV infection. Representative A. R. "Augie" Ovard (Republican - Dallas District 113) is the sponsor of this bill. Ovard's number is 512-463-0590.

All of this legislation will be heard before members of the Public Health Committee. Please contact: Craddick, Chairman (512-463-0500), Madla (512-463-0618), Rodriguez (512-463-0714) Glaze (512-463-0580), Hirschi (512-463-0534), Park (512-463-0522), Rabuck (512-463-0726), Schoolcraft (512-463-0686), Harris (Jack) (512-463-0564).

--Laurie Eiserloh

4th Texas Lesbian Conference in works

The fourth annual Texas Lesbian Conference will be held the weekend of April 12-14 at Austin's historic Driskill Hotel. This year's theme is *Moving Forward Together: Empowerment, Pride and Strength*. Ticket prices are \$45.00 at the door. This price includes a variety of workshops and key note speeches by Del Martin, Linda Morales, and Deborah Johnson, as well as a Saturday luncheon and Saturday night dance.

LGRL's Laurie Eiserloh, along with Margaret Tucker and Suzy Wagers of the Texas Human Rights Foundation and LGRL member Martha Fitzwater, will be hosting a work shop entitled Legal and Legislative Issues and Strategies of Concern to the Lesbian Community.

--Kim Vickery

CALENDAR

April 12-14th
Texas Lesbian Conference
April 22nd
possible hearing for all AIDS
legislation
May 3rd
possible Austin Rights of Spring
June 19-23rd
Houston Pride Week
June 23rd
San Antonio Pride Picnic

Important funeral legislation gets favorable committee hearing

Discrimination against gay and lesbian people by the funeral industry is a very serious problem for our community.

At our community center in Austin, the Lesbian/Gay Rights Lobby and the Texas Human Rights Foundation have received numerous complaints about the funeral industry. Two of the most common complaints are: refusal by funeral homes to accept the bodies of persons who have died from AIDS; and refusal by funeral homes to honor pre-death written instructions of the deceased designating a lover, and not a family member, as the person who may claim the body for burial.

In response to these difficulties, there are two bills pending this session that would benefit the lesbian and gay community in our dealings with funeral homes. The first bill, which was recently heard by the House Public Health Committee, and which will soon be heard by the entire House before it moves on to the Senate, is House Bill 899. Sylvester Turner (Democrat -Houston) is the sponsor of this bill, originally written by the Texas Funeral Commission. HB 899 would prohibit funeral homes from discriminating against either the body or the person claiming the body on the basis of race, color, national origin, religion, sexual orientation or cause of death. The "cause of death"

clause in this bill is important because it prevents funeral homes from refusing the bodies of those who have died from AIDS.

Another common problem with the funeral industry involves pre-death testamentary arrangements made by the deceased. Until recently, (except in the case of paupers' funerals) spouses, children, parents and other family members were the only individuals who could claim a body for burial or cremation. Because of some important legislation supported by the LGRL last session, it is now possible for a person to designate his or her lover as the person who may claim the body. (If you decide to do this, be sure to have a lawyer draw up the papers.)

Despite this new law, funeral homes have been reluctant to follow the instructions of the deceased. The problem is this: if one's parents, children or even brother or sister come to the funeral home and request that the body be disposed of in a certain way, the funeral director will usually follow the instructions of the family member and ignore the testamentary instructions of the deceased.

Part of the reason for this difficulty is that funeral directors do not feel that the present law adequately protects them from liability to family members. The

funeral directors have said that they are waiting for a law suit to test this new law, but this could be a lengthy and expensive process.

The LGRL has written legislation this session introduced by Glen Maxey (Democrat- Austin) which would correct this liability problem. House Bill 2709 would protect funeral homes, funeral directors, embalmers, crematoriums, and other industry members from liability if they follow the instructions of the deceased. In addition, this legislation would create liability for funeral homes that fail to follow the instructions of the deceased.

As usual, persons opposing the civil rights of lesbian and gay people are ready to strike down our funeral legislation. At the committee hearing of HB 899 our gay-bashing opponents offered almost an hour's worth of testimony. One man stated that we should have thought about this problem with funeral homes before we "chose to be homosexual." Another suggested that "homosexuals should be the only ones forced to bury other homosexuals." One woman believed that her most convincing argument against the bill was to graphically describe what she be imagined to be common sexual practices between gay men (she used the pejorative "homosexual," but from the context of her discussion, I know that she meant gay men. Lesbians are always completely invisible in these discussions).

Despite this gay bashing, it looks as if 899 will be voted upon favorably by the committee. As of this writing, the final vote has yet to be taken, but the chairman of the
(continued on p. 4)

CHECK YOUR MEMBERSHIP EXPIRATION

Look at your address label for this newsletter.

If the date on it is prior to 4/1/91 your membership has expired.

FILL OUT THE ENCLOSED MEMBERSHIP FORM AND
DROP IT IN THE MAIL TODAY.

Texas Board of Optometry blocked in bid to oust HIV positive docs

The LGRL successfully blocked an attempt by the Texas Board of Optometry to prohibit persons living with HIV disease from practicing optometry. The laws governing optometrists, like the laws governing most professions which involve interaction with the public, prohibit the practice of the profession if the practitioner is infected with a "contagious disease." This language dates back to the influenza epidemic of the 1930's and was intended to prevent the transmission of airborne diseases. Recently the boards of various professions are attempting to amend licensing language so that it states "HIV or any other contagious

disease." These amendments are questionable and unfair because HIV is not an airborne disease and should not be singled out as a disqualification for the practice of professions such as barbering, cosmetology and optometry.

Representative Glen Maxey, the first openly gay elected official in the history of Texas and the past legislative director of the Lesbian/Gay Rights Lobby, has introduced legislation in the House of Representatives which should prevent further licensing laws such as those nearly passed by the Board of Optometry.

Often people on the inside of

their profession hear about changes that might be occurring in licensing laws before the news is released to the public. If you hear about proposed changes in the licensing laws of your profession that could lead to discrimination against gay men, lesbians or persons living with HIV disease, please contact the offices of the Lesbian/Gay Rights Lobby of Texas (in Austin) immediately.

Other issues being addressed by the Lobby this session are Hate-Crimes legislation, a civil rights bill, child custody legislation and HIV grant and medication funding.

--Laurie Eiserloh

Morales holds meeting, promises to 'stick to legal issues' on §21.06

In a historic meeting, on Saturday March 15th Attorney General Dan Morales invited about 15 lesbian and gay leaders from around the state to his office to discuss a recent Travis County court decision which declared the state sodomy statute, 21.06, unconstitutional.

Section 21.06 of the state penal code makes genital and oral-genital contact between consenting adults of the same sex illegal. Although individuals are rarely charged with violating the statute, 21.06 is often invoked by landlords, employers and others to deny us our rights based upon our "criminal" status.

The tone of our meeting with Attorney General Morales was extremely positive. He demonstrated a real concern for our community

and also demonstrated a willingness to learn about the issues effecting lesbian and gay people.

As the Attorney General, Dan Morales has the duty to uphold the laws of the state, even unjust laws, such as the state sodomy statute. However, the way in which the Attorney General goes about upholding the law can make a big difference to our community. For instance in the past when addressing gay and lesbian issues, AG's offices have been notorious for focusing on "morality" and "common decency," issues which play to people's homophobia. Dan Morales assured us that his approach to this most recent 21.06 case would be very different. He pledged to us that in his appeal of the 21.06 case, he would stick to the legal issues and make

certain that gay and lesbian people are not subjected to hatred and ridicule at the hands of the AG's office.

Another issue that has been causing some confusion in our community is the appeal of the 21.06 case. It is the Lobby's position, and the position of most community leaders, that an appeal of Judge Paul Davis's ruling in the 21.06 case is absolutely necessary even though we won in Travis County District Court. While our victory in Travis County is a very positive first step, District Court decisions are not published in law books and have little precedential value outside of the district in which the decision was handed down. An appeal to a higher court is needed to make the case a valid precedent for the rest of the state.

--Laurie Eiserloh

Maxey confers LGRL efforts to Eiserloh

Pursuant to his election in the House of Representatives, Glen Maxey, Executive Director of the Lesbian Gay Rights Lobby of Texas, has relinquished his lobbying activities for this organization. Maxey will continue working for the LGRL as a community organizer and as a part-time administrator. Laurie Eiserloh, a graduate of the University of Texas School of Law and past lobbying assistant to Garry Mauro and the Texas Consumer Association, will be taking Maxey's place as the Legislative Director of the LGRL. Eiserloh, who has been on the LGRL staff since mid-November has already experienced great success in lobbying legislators to introduce issues concerning domestic partnership and child custody.

In order to determine his new relationship with the LGRL, Maxey requested a special ruling of the Legislative Legal Council. Because of this ruling, all questions involving Maxey's new association with the lobby have been resolved. Since the gay and lesbian community will now have a lobbyist carrying our agenda to all legislators and a legislator working on our issues within the legislature, our community will be greatly benefitted.

Texas is one of only five states to have a full-time professional lobbyist and one of only five states to have an openly gay elected official in the state legislature.

LGRL hires new administrative assistant

My name is Kim Vickery and I am the new administrative assistant here at the ol' LGRL homestead. I work part time for LGRL and part time for THRF. Before moving to Austin to try to complete my graduate studies (ha!), I lived in Los Angeles. There I worked for a theatrical consultant as a job captain. Believe it or not, that job prepared me for this one.

LGRL introduces new weekly legislative column

This Week in Texas and several other publications around the state are carrying LGRL's new weekly legislative column. This column, written by Laurie Eiserloh-- Legislative Director of the LGRL, focuses on timely events at the state legislature. If you would like copies for your publication, let us know, (512) 474-5475.

Desperately Seeking...

Here is a list of things that the Lobby needs that would make our jobs a whole lot easier. We need these items for our new LGRL offices and the community center that will be part of our new offices.

- *A facsimile machine
 - *A photo copy machine
 - *An Imagewriter printer (or other Macintosh compatible dot matrix printer)
 - *Macintosh computer
 - *Laser printer (Mac-compatible)
- (Thanks to everyone who donated other needed equipment!)

**If you've got it,
we'll get it to Austin.**

(continued from p. 2)

committee, Tom Craddick (Republican - Midland), has given his assurances of a favorable vote. A favorable vote in committee is a positive first step for HB 899, but the House and the Senate must still hear and vote on this bill.

With such outspoken opponents, it is very, very important that you write or call your Senator and Representative today and say that you support HB 899. State that you support the bill as it existed on the day of the House committee hearing with the inclusion of protection on the basis of sexual orientation and protection against discrimination based on the cause of death. Also state that you support HB 2709. HB 2709 deals with funeral home liability, and therefore, there is no reason to mention sexual orientation when expressing your support for this bill. If you do not know who your Senator or Representative is, contact the LGRL in Austin and we will help you determine this information. (512-474-5475).

--Laurie Eiserloh

Lesbian/Gay Rights Lobby of Texas

The Lesbian/Gay Rights Lobby of Texas, Inc. (LGRL) is a statewide organization dedicated to the elimination of social, legal and economic discrimination based on sexual orientation through a public education program and a lobbying program directed toward the Texas Legislature, Executive Offices and other state agencies. LGRL is composed of individuals and organization members and cooperating groups. It is governed by a Board of Directors composed of organizational representatives and At-Large individual members.

P.O. Box 2579, Austin, TX. 78768
601 W. 18th Austin, Texas 78701
512/474-5475