



2005 SENATE JOINT RESOLUTION 53

November 22, 2005 - Introduced by Senators S. FITZGERALD, STEPP, ROESSLER, LAZICH, LEIBHAM, KANAVAS, SCHULTZ, A. LASEE, REYNOLDS, GROTHMAN and ZIEN, cosponsored by Representatives GUNDRUM, NISCHKE, KRAWCZYK, SUDER, J. FITZGERALD, TOWNS, OWENS, GARD, HUEBSCH, MCCORMICK, HUNDERTMARK, M. WILLIAMS, VAN ROY, BIES, LEMAHIEU, HONADEL, PETTIS, NASS, OTT, F. LASEE, HAHN, KESTELL, LOTHIAN, HINES, GOTTLIEB, TOWNSEND, GUNDERSON, KREIBICH, PETROWSKI, MEYER, JESKEWITZ, FREESE, VOS, KLEEFISCH, NERISON, BALLWEG, MOULTON, KERKMAN, LOEFFELHOLZ, ALBERS, MURSAU, PRIDEMORE and MONTGOMERY. Referred to Committee on Judiciary, Corrections and Privacy.

- 1 **To create** section 13 of article XIII of the constitution; **relating to:** providing that
2 only a marriage between one man and one woman shall be valid or recognized
3 as a marriage in this state (2nd consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given 2nd consideration by the 2005 legislature for submittal to the voters in November 2006, was first considered by the 2003 legislature in 2003 Assembly Joint Resolution 66, which became 2003 Enrolled Joint Resolution 29.

It provides that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state and that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.

PROCEDURE FOR 2ND CONSIDERATION

When a proposed constitutional amendment is before the legislature on 2nd consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that 2nd consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on 2nd consideration, it must also set the date for submitting the proposed constitutional

amendment to the people for ratification and must determine the question or questions to appear on the ballot.

1 Whereas, the 2003 legislature in regular session considered a proposed
2 amendment to the constitution in 2003 Assembly Joint Resolution 66, which became
3 2003 Enrolled Joint Resolution 29, and agreed to it by a majority of the members
4 elected to each of the 2 houses, which proposed amendment reads as follows:

SECTION 1. Section 13 of article XIII of the constitution is created to read:

[Article XIII] Section 13. Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.

SECTION 2. Numbering of new provision. The new section 13 of article XIII of the constitution created in this joint resolution shall be designated by the next higher open whole section number in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a section 13 of article XIII of the constitution of this state. If one or more joint resolutions create a section 13 of article XIII simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the sections created shall be numbered and placed in a sequence so that the sections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the sections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the sections.

5 *Now, therefore, be it resolved by the senate, the assembly concurring,*
6 *That* the foregoing proposed amendment to the constitution is agreed to by the 2005
7 legislature; and, be it further

8 *Resolved, That* the foregoing proposed amendment to the constitution be
9 submitted to a vote of the people at the election to be held on the Tuesday after the
10 first Monday in November 2006; and, be it further

11 *Resolved, That* the question concerning ratification of the foregoing proposed
12 amendment to the constitution be stated on the ballot as follows:

1 **QUESTION 1: “Marriage.** Shall section 13 of article XIII of the constitution be
2 created to provide that only a marriage between one man and one woman shall be
3 valid or recognized as a marriage in this state and that a legal status identical or
4 substantially similar to that of marriage for unmarried individuals shall not be valid
5 or recognized in this state?”

6

(END)