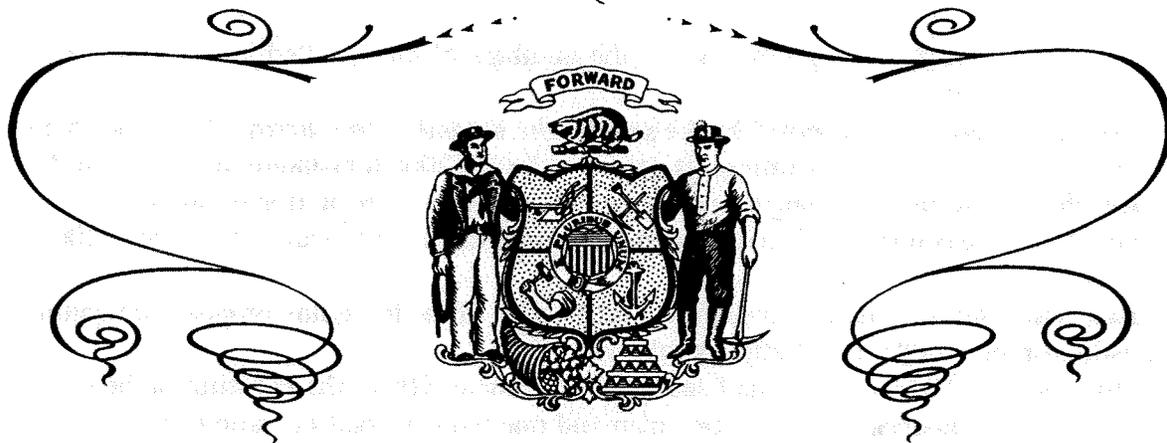


State of Wisconsin



2005 Senate Joint Resolution 53

ENROLLED JOINT RESOLUTION

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

Whereas, the 2003 legislature in regular session considered a proposed amendment to the constitution in 2003 Assembly Joint Resolution 66, which became 2003 Enrolled Joint Resolution 29, and agreed to it by a majority of the members 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

2005

Joint Resolution Passed by Both Houses

ENROLL JOINT RES

05en S JR 53

ADOPTED DOCUMENTS:

Orig ___ SubAmdt ___

05-372911

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3/2/06 JRMiller
Date Drafter

ELECTRONIC PROCEDURE:

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- Original and all remaining copies plus bill jacket

SENATE JOINT RESOLUTION 53 (LRB -3729)

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

2005

02-23. S. 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.**

11-22. S. Read first time and referred to committee on Judiciary, Corrections and Privacy 462

11-29. S. Representative Strachota added as a cosponsor 467

11-29. S. Public hearing held.

12-05. S. Executive action taken.

12-05. S. Report adoption recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 2 474

12-05. S. Available for scheduling.

12-05. S. Placed on calendar 12-6-2005 by committee on Senate Organization.

12-06. S. Read a second time 484

12-06. S. Senate substitute amendment 1 offered by Senators Hansen, Decker, Breske, Jauch, Erpenbach, Lassa and Robson **(LRB s0349)** 484

12-06. S. Senate substitute amendment 1 rejected, Ayes 19, Noes 14 484

12-06. S. Senate substitute amendment 2 offered by Senator Carpenter **(LRB s0367)** 485

12-06. S. Senate substitute amendment 2 rejected, Ayes 19, Noes 14 485

12-06. S. Senate substitute amendment 3 offered by Senator Carpenter **(LRB s0361)** 485

12-06. S. Senate substitute amendment 3 rejected, Ayes 20, Noes 13 485

12-06. S. Senate substitute amendment 4 offered by Senator Carpenter **(LRB s0362)** 485

12-06. S. Senate substitute amendment 4 laid on table 485

12-06. S. Senate substitute amendment 5 offered by Senator Carpenter **(LRB s0369)** 485

12-06. S. Senate substitute amendment 5 rejected, Ayes 19, Noes 14 485

12-06. S. Senate substitute amendment 6 offered by Senator Carpenter **(LRB s0365)** 485

12-06. S. Senate substitute amendment 6 rejected, Ayes 27, Noes 6 485

12-06. S. Senate substitute amendment 7 offered by Senator Carpenter **(LRB s0368)** 485

12-06. S. Senate substitute amendment 7 rejected, Ayes 26, Noes 7 485

12-06. S. Senate substitute amendment 8 offered by Senator Carpenter **(LRB s0363)** 486

12-06. S. Senate substitute amendment 8 rejected, Ayes 25, Noes 8 486

12-06. S. Senate substitute amendment 9 offered by Senator Carpenter **(LRB s0366)** 486

12-06. S. Senate substitute amendment 9 laid on table 486

12-06. S. Senate substitute amendment 10 offered by Senator Carpenter **(LRB s0360)** 486

12-06. S. Senate substitute amendment 10 rejected, Ayes 21, Noes 12 486

12-06. S. Senate substitute amendment 11 offered by Senator Carpenter **(LRB s0355)** 486

12-06. S. Senate substitute amendment 11 rejected, Ayes 21, Noes 12 486

12-06. S. Senate substitute amendment 12 offered by Senator Carpenter **(LRB s0354)** 486

12-06. S. Senate substitute amendment 12 rejected, Ayes 20, Noes 13 486

12-06. S. Senate substitute amendment 13 offered by Senator Carpenter **(LRB s0371)** 486

12-06. S. Senate substitute amendment 13 rejected, Ayes 19, Noes 14 486

12-06. S. Senate substitute amendment 14 offered by Senator Carpenter **(LRB s0357)** 486

12-06. S. Senate substitute amendment 14 rejected, Ayes 20, Noes 13 486

12-06. S. Senate substitute amendment 15 offered by Senator Carpenter **(LRB s0359)** 487

12-06. S. Senate substitute amendment 15 rejected, Ayes 20, Noes 13 487

12-06. S. Senate substitute amendment 16 offered by Senator Carpenter **(LRB s0358)** 487

12-06. S. Senate substitute amendment 16 rejected, Ayes 20, Noes 13 487

12-06. S. Senate substitute amendment 17 offered by Senator Carpenter **(LRB s0356)** 487

12-06. S. Senate substitute amendment 17 rejected, Ayes 21, Noes 12 487

12-06. S. Senate amendment 1 offered by Senator Carpenter **(LRB a1658)** 487

12-06. S. Senate amendment 1 rejected, Ayes 19, Noes 14 487

12-06. S. Senate amendment 2 offered by Senator Carpenter **(LRB a1659)** 487

12-06. S. Senate amendment 2 rejected, Ayes 20, Noes 13 487

12-06. S. Senate amendment 3 offered by Senator Carpenter **(LRB a1662)** 487

12-06. S. Senate amendment 3 withdrawn and returned to author 487

12-06. S. Senate amendment 4 offered by Senator Plale **(LRB f174)** 488

12-06. S. Senate amendment 4 rejected, Ayes 20, Noes 13 488

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12-06.	S.	Ordered to a third reading	488
12-06.	S.	Rules suspended	488
12-06.	S.	Read a third time and adopted , Ayes 19, Noes 14	488
12-06.	S.	Ordered immediately messaged	488
2006			
02-23.	A.	Received from Senate	837
02-23.	A.	Read first time and referred to committee on Rules	837
02-23.	A.	Placed on calendar 2-28-2006 by committee on Rules.	
02-28.	A.	Rules suspended to withdraw from calendar and take up	861
02-28.	A.	Read a second time	861
02-28.	A.	Assembly substitute amendment 2 offered by Representatives Molepske, Cullen, A. Williams, Gronemus and Nelson (LRB s0599)	861
02-28.	A.	Assembly substitute amendment 2 laid on table, Ayes 57, Noes 38	861
02-28.	A.	Assembly substitute amendment 1 offered by Representative Underheim (LRB s0405)	861
02-28.	A.	Assembly substitute amendment 1 withdrawn and returned to author	862
02-28.	A.	Ordered to a third reading	862
02-28.	A.	Rules suspended	862
02-28.	A.	Read a third time and concurred in , Ayes 62, Noes 31, Paired 6	862
02-28.	A.	Ordered immediately messaged	862
03-01.	S.	Received from Assembly concurred in.	

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)

Barman, Mike

From: Barman, Mike
Sent: Thursday, March 30, 2006 1:27 PM
To: Kennedy, Kevin
Cc: Kuesel, Jeffery
Subject: Enrolled SJR 53

Attachments: Enrolled SJR 53.PDF



Enrolled SJR
53.PDF (80 KB)

Paper copy will be sent by Inter-D mail.

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Legal Section - Front Office
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