



State of Wisconsin
2005 - 2006 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 5,
TO 2005 SENATE JOINT RESOLUTION 53**

December 6, 2005 – Offered by Senator CARPENTER.

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 (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, 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. This proposed constitutional amendment does not prohibit the state, local governments, or private entities from setting up their own legal construct to provide particular privileges or benefits, such as health insurance benefits, pension benefits, joint tax return filing, and hospital visitation, as those bodies are able and deem appropriate. As long as the legal construct designed by the state does not rise to the level of creating a legal status identical or substantially similar to marriage, no particular privileges or benefits are prohibited.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

4 ***Resolved by the senate, the assembly concurring, That:***

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

1 [Article XIII] Section 13. Only a marriage between one man and one woman
2 shall be valid or recognized as a marriage in this state. A legal status identical or
3 substantially similar to that of marriage for unmarried individuals shall not be valid
4 or recognized in this state. This section does not prohibit the state, local
5 governments, or private entities from setting up their own legal construct to provide
6 particular privileges or benefits, such as health insurance benefits, pension benefits,
7 joint tax return filing, and hospital visitation, as those bodies are able and deem
8 appropriate. As long as the legal construct designed by the state does not rise to the
9 level of creating a legal status identical or substantially similar to marriage, no
10 particular privileges or benefits are prohibited.

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

