

**SJR**

**10**



SENATOR FRED DYSON

MEMORANDUM

To: Representative Paul Seaton, Chair  
House State Affairs Committee

From: Senator Fred Dyson 

Date: April 25, 2005

Re: SJR 10

---

SJR 10—a resolution supporting a federal marriage amendment—has passed the Senate and is in the House State Affairs Committee. Please schedule this resolution for a hearing as soon as possible. Please review the following informational packet, and contact my office if you have any concerns. My staff Jason Hooley will also be helpful, at 465-3762. The packet contains:

- Sponsor Statement
- Current version of SJR 10
- Zero fiscal note
- A copy of S. J. Res. 1, the relevant federal legislation
- A summary of the status of marriage, summarizing the 50 states.



SENATOR FRED DYSON

**SPONSOR STATEMENT**

**SJR 10—*“Supporting the Federal Marriage Amendment”***

The topic of same-sex marriage gained national attention in November of 2003, when the Massachusetts Supreme Judicial Court ruled that it was unconstitutional to prevent same-sex couples from obtaining legal marriage. Soon after, Massachusetts began issuing marriage licenses to same-sex couples, and a few localities have done the same, although without the same degree of legal “authority” as in Massachusetts.

With looming uncertainty regarding full faith and credit applied to these same-sex marriages in other jurisdictions, many state legislatures and/or citizen initiatives responded with efforts to enshrine the traditional and significantly popular definition of marriage as that constituted by one man and one woman.

Alaska had acted on this issue in the late 1990’s. On the 1998 general election ballot, nearly 70% of voting Alaskans supported amending the Alaska Constitution to declare that, to be valid, a marriage must involve one man and one woman. Sixteen other states have also amended their constitutions in the same manner.

SJR 10 urges the United States Congress to pass Senate Joint Resolution 1, which defines marriage in the United States to consist of the union of one man and a woman. If passed, S. J. Res. 1 will amend the United States Constitution, once ratified by the legislatures of three-fourths of the states.

States with Statutes Defining Marriage	States with Constitutional Language Defining Marriage	States with Neither
Alabama Alaska Arizona Arkansas California Colorado Delaware Florida Georgia Hawaii Idaho Illinois Indiana Iowa Kansas Kentucky Louisiana Maine Maryland Michigan Minnesota Mississippi Missouri Montana Nebraska Nevada New Hampshire North Carolina North Dakota Ohio Oklahoma Pennsylvania South Carolina South Dakota Tennessee Texas Utah Vermont Virginia Washington West Virginia Wyoming	Alaska Arkansas Georgia Hawaii Kansas Kentucky Louisiana Michigan Mississippi Missouri Montana Nebraska Nevada North Dakota Ohio Oklahoma Oregon Utah	Connecticut Massachusetts New Jersey New Mexico New York Rhode Island Wisconsin
<b>Totals</b> 42	<b>Totals</b> 18	<b>Totals</b> 7

## State Defense of Marriage Acts (DOMAs)



Source: Heritage Foundation

Updated: November 2004

SJ 1 IS

109th CONGRESS

1st Session

**S. J. RES. 1**

Proposing an amendment to the Constitution of the United States relating to marriage.

**IN THE SENATE OF THE UNITED STATES**

**January 24, 2005**

Mr. ALLARD (for himself, Mr. INHOFE, Mr. LOTT, Mr. ENZI, Mr. DEMINT, Mr. SANTORUM, Mr. CRAPO, Mr. SESSIONS, Mr. VITTER, Mr. THUNE, Mr. ALEXANDER, Mr. FRIST, Mr. TALENT, Mr. BURR, Mrs. HUTCHISON, Mr. KYL, Mrs. DOLE, Mr. MARTINEZ, Mr. ISAKSON, Mr. MCCONNELL, Mr. HATCH, Mr. ROBERTS, Mr. CORNYN, Mr. STEVENS, and Mr. COBURN) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

---

**JOINT RESOLUTION**

Proposing an amendment to the Constitution of the United States relating to marriage.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:*

**`Article--**

**`SECTION 1.** This article may be cited as the **`Marriage Protection Amendment'**.

**`SECTION 2.** Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.'

*END*

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SJR 10  
 (S) Publish Date: 3/22/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: None  
 Title Supporting the federal marriage amen. RFU \_\_\_\_\_  
 \_\_\_\_\_ Component \_\_\_\_\_  
 Sponsor Dyson \_\_\_\_\_  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact from this resolution.

Prepared by: Brad Pierce Phone \_\_\_\_\_  
 Division OMB Date/Time 3/4/05 1:14 PM  
 Approved by: \_\_\_\_\_ Date 3/4/2005  
 Agency \_\_\_\_\_

## SENATOR FRED DYSON

### MEMORANDUM

To: Representative Paul Seaton, Chair  
House State Affairs Committee

From: Senator Fred Dyson 

Date: January 30, 2006

Re: SJR 10

---

SJR 10—a resolution supporting a federal marriage amendment—has passed the Senate and is in the House State Affairs Committee. Please schedule this resolution for a hearing as soon as possible. Please review the following informational packet, and contact my office if you have any concerns. The packet contains:

- Sponsor Statement
- Current version of SJR 10
- S. J. Res. 1, the relevant federal legislation
- H. J. Res. 39, companion legislation
- An NCSL summary of the status of marriage, summarizing the 50 states.
- Zero fiscal note



## SENATOR FRED DYSON

### SPONSOR STATEMENT

#### SJR 10—*“Supporting the Federal Marriage Amendment”*

The topic of same-sex marriage gained national attention in November of 2003, when the Massachusetts Supreme Judicial Court ruled that it was unconstitutional to prevent same-sex couples from obtaining legal marriage. Soon after, Massachusetts began issuing marriage licenses to same-sex couples, and a few localities have done the same, although without the same degree of legal “authority” as in Massachusetts.

With looming uncertainty regarding full faith and credit applied to these same-sex marriages in other jurisdictions, many state legislatures and citizen initiatives responded with efforts to enshrine the traditional and significantly popular definition of marriage as that constituted by one man and one woman.

Alaskans have already acted in favor of traditional marriage. In 1996, AS 25.05.013 was enacted by the Legislature<sup>1</sup>. Then on the 1998 general election ballot, nearly 70% of voting Alaskans supported the addition of Article 1, Section 25 to the Alaska Constitution<sup>2</sup>. To date, 16 other states have also amended their constitutions in the same manner. In a controversial decision, however, the Alaska Supreme Court recently clouded this issue even further, by ruling that the State and the Municipality of Anchorage may not offer benefits to employee spouses while denying them to same-sex domestic partners<sup>3</sup>.

SJR 10 urges the United States Congress to pass Senate Joint Resolution 1, which defines marriage in the United States to consist of the union of one man and a woman. If passed, S. J. Res. 1 will amend the United States Constitution, once ratified by the legislatures of three-fourths of the states. This will provide consistency among all 50 states: consistency that is validated by the majority of Alaskans and Americans.

---

<sup>1</sup> Sec. 25.05.013. Same-sex marriages.

- (a) A marriage entered into by persons of the same sex, either under common law or under statute, that is recognized by another state or foreign jurisdiction is void in this state, and contractual rights granted by virtue of the marriage, including its termination, are unenforceable in this state.
- (b) A same-sex relationship may not be recognized by the state as being entitled to the benefits of marriage.

<sup>2</sup> Section 25. Marriage.

To be valid or recognized in this State, a marriage may exist only between one man and one woman.

<sup>3</sup> *Alaska Civil Liberties Union v. State of Alaska*, No. S-10459, 2005 WL 2812481 (Alaska Oct. 28, 2005).

109TH CONGRESS  
1ST SESSION

# S. J. RES. 1

Proposing an amendment to the Constitution of the United States relating to marriage.

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. ALLARD (for himself, Mr. INHOFE, Mr. LOTT, Mr. ENZI, Mr. DEMINT, Mr. SANTORUM, Mr. CRAPO, Mr. SESSIONS, Mr. VITTER, Mr. THUNE, Mr. ALEXANDER, Mr. FRIST, Mr. TALENT, Mr. BURR, Mrs. HUTCHISON, Mr. KYL, Mrs. DOLE, Mr. MARTINEZ, Mr. ISAKSON, Mr. MCCONNELL, Mr. HATCH, Mr. ROBERTS, Mr. CORNYN, Mr. STEVENS, and Mr. COBURN) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary:

---

## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to marriage.

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled (two-*  
3 *thirds of each House concurring therein), That the fol-*  
4 *lowing article is proposed as an amendment to the Con-*  
5 *stitution of the United States, which shall be valid to all*  
6 *intents and purposes as part of the Constitution when*  
7 *ratified by the legislatures of three-fourths of the several*  
8 *States:*

1 "ARTICLE —

2 "SECTION 1. This article may be cited as the 'Mar-  
3 riage Protection Amendment'.

4 "SECTION 2. Marriage in the United States shall con-  
5 sist only of the union of a man and a woman. Neither  
6 this Constitution, nor the constitution of any State, shall  
7 be construed to require that marriage or the legal inci-  
8 dents thereof be conferred upon any union other than the  
9 union of a man and a woman."

○

109TH CONGRESS  
1ST SESSION

# H. J. RES. 39

Proposing an amendment to the Constitution of the United States relating to marriage.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mr. DANIEL E. LUNGREN of California (for himself, Mr. BACHUS, Mr. STEARNS, Mrs. EMERSON, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. BARTLETT of Maryland, Mr. DAVIS of Tennessee, Mr. TAYLOR of Mississippi, and Mr. GOHMERT) introduced the following joint resolution; which was referred to the Committee on the Judiciary

---

## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to marriage.

1        *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled*  
3 *(two-thirds of each House concurring therein), That the fol-*  
4 *lowing article is proposed as an amendment to the Con-*  
5 *stitution of the United States, which shall be valid to all*  
6 *intents and purposes as part of the Constitution when*  
7 *ratified by the legislatures of three-fourths of the several*  
8 *States within seven years after the date of its submission*  
9 *for ratification:*

1 "ARTICLE —

2 "SECTION 1. Marriage in the United States shall con-  
3 sist only of a legal union of one man and one woman.

4 "SECTION 2. No court of the United States or of any  
5 State shall have jurisdiction to determine whether this  
6 Constitution or the constitution of any State requires that  
7 the legal incidents of marriage be conferred upon any  
8 union other than a legal union between one man and one  
9 woman.

10 "SECTION 3. No State shall be required to give effect  
11 to any public act, record, or judicial proceeding of any  
12 other State concerning a union between persons of the  
13 same sex that is treated as a marriage, or as having the  
14 legal incidents of marriage, under the laws of such other  
15 State.".

○