

SESSION OF 2005

**SUPPLEMENTAL NOTE ON
SENATE CONCURRENT RESOLUTION NO. 1601**

As Recommended by House Committee on
Federal and State Affairs

Brief*

SCR 1601 proposes to amend Article 15 of the *Kansas Constitution* by adding a new section that would define marriage as a civil contract between one man and one woman and stating that all other marriages would be null and void. No other relationship would be recognized as being entitled by the State of Kansas to the rights or incidences of marriage.

If approved by a two-thirds majority of the Senate and the House of the Legislature, the proposition to amend the *Kansas Constitution* would be submitted to the qualified electors of Kansas for approval or rejection at the April 5, 2005 election.

Background

Current law, KSA 23-101 (a), defines marriage as a civil contract between two parties who are of the opposite sex. All other marriages are declared to be contrary to the public policy of the state and are void.

In the 2004 Session, the Kansas Senate approved a proposed Constitutional amendment (HCR 5005) with the exact language as SCR 1601 by a vote of 27-13. The Kansas House subsequently did not approve the Constitutional amendment by the necessary two-thirds majority vote.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

In the 2005 Session, SCR 1601 was referred directly to the Senate Committee of the Whole, where it was recommended favorably for passage by a Constitutional majority of 28-11.

The Resolution was referred to House Committee on Federal and State Affairs. The Committee heard testimony from 18 proponents of the Resolution from the legal profession, the medical profession, the clergy from various religious denominations, and other civilians. The Committee also heard testimony from 38 opponents of the Resolution from the legal profession, the mental health profession, the teaching profession, the clergy from various religious denominations, and other civilians.

The Committee heard testimony from the following attorney members of the House of Representatives at the request of the Chairman: Representatives Owens, Pauls, Loyd, and O'Neal.

There was no fiscal note at the time of passage of the resolution.