

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/25/13

HR 1049

By: Representative Dotson

HOUSE RESOLUTION

*AFFIRMING TRADITIONAL MARRIAGE AS DEFINED IN
AMENDMENT 83 TO THE CONSTITUTION OF THE STATE OF
ARKANSAS AND FEDERAL DEFENSE OF MARRIAGE ACT AND
SUPPORTING THE FEDERAL DEFENSE OF MARRIAGE ACT.*

Subtitle

*AFFIRMING TRADITIONAL MARRIAGE AS DEFINED
IN AMENDMENT 83 TO THE CONSTITUTION OF
THE STATE OF ARKANSAS AND FEDERAL DEFENSE
OF MARRIAGE ACT AND SUPPORTING THE
FEDERAL DEFENSE OF MARRIAGE ACT.*

WHEREAS, marriage is a fundamental social institution that has been tested and reaffirmed over thousands of years; and

WHEREAS, historically marriage has been reflected in our law and the law of all jurisdictions in the United States as the union of a man and a woman, and the everyday meaning of marriage and the legal meaning of marriage has always been defined as the legal union of a man and a woman as husband and wife; and

WHEREAS, families consisting of the legal union of one man and one woman for the purpose of bearing and raising children remains the basic unit of our civil society; and

WHEREAS, in 1996, Congress overwhelmingly passed, and President Bill Clinton signed, the Defense of Marriage Act under which Congress exercised



its rights under the effects clause of Section 1 of Article IV of the United States Constitution; and

WHEREAS, Section 2(a) of the Defense of Marriage Act clearly spells out that "No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."; and

WHEREAS, Section 3 of the Defense of Marriage Act, defining marriage, states that "the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."; and

WHEREAS, the Supreme Court of the United States will hear oral arguments in U.S. v. Windsor on March 27, 2013, asking whether the Defense of Marriage Act – passed under the effects clause of Section 1 of Article IV of the United States Constitution – violates the Fifth Amendment of the United States Constitution; and

WHEREAS, in February, the Justice Department of President Barack Obama filed a brief with the Supreme Court of the United States, asking the Supreme Court to invalidate Section 3 of the Defense of Marriage Act; and

WHEREAS, on November 2, 2004, 753,770 Arkansans voted to pass Proposed Constitutional Amendment No.3 to the Constitution of the State of Arkansas, representing 74.95% of the votes cast; and

WHEREAS, the total amount of votes cast in favor of Proposed Constitutional Amendment No.3 was higher than the total amount of votes cast for the re-election of President George W. Bush; and

WHEREAS, Proposed Constitutional Amendment No.3 became Amendment 83 to the Constitution of the State of Arkansas; and

WHEREAS, Section 1 of Amendment 83 reads, "Marriage consists only of the union of one man and one woman."; and

WHEREAS, Section 2 of Amendment 83 reads, "Legal status for unmarried persons which is identical or substantially similar to marital status shall not be valid or recognized in Arkansas, except that the legislature may recognize a common law marriage from another state between a man and a woman.",

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT the House of Representatives reaffirms its support for traditional marriage as the union of one man and one woman, as expressed in Amendment 83 of the Constitution of the State of Arkansas and the Defense of Marriage Act.

BE IT FURTHER RESOLVED that the chief clerk of the House of Representatives distribute a copy of this resolution to the President of the United States, the Vice President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Chief Justice and Associate Justices of the United States Supreme Court, the chief executive officer of each legislative chamber for each of the fifty (50) state legislatures within the United States, and each member of the Arkansas Congressional Delegation.

/s/Dotson