

SESSION OF 2004

**SUPPLEMENTAL NOTE ON HOUSE
CONCURRENT RESOLUTION NO. 5033**

As Amended by House Committee of the Whole

Brief*

HCR 5033 proposes to amend Article 15 of the *Kansas Constitution* by adding a new section that would define marriage as a civil contract between a man and a woman and 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, benefits, privileges, and incidents of marriage.

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.

Representatives Kathe Decker and Janice Pauls testified as the sponsors of the bill.

Proponents of HCR 5033 included several religious organizations, a municipal court judge, a representative of Kansas Concerned Women of America, an attorney at law, a Kansas State University professor, the Executive Director of Kansas Catholic Conference, and several individuals.

Two individuals testified as opponents to the resolution.

The House Committee amended the bill to provide that no other relationship except the one defined by the resolution would be entitled to benefits in Kansas.

*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>

The House Committee of the Whole amended the bill to include "rights", "privileges", and "incidents" of marriage.

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