HOUSE BILL No. 1153

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-5.6.

Synopsis: Marriage amendment ballot language. Requires that the question of approval of the constitutional amendment concerning marriage proposed by the 117th general assembly be placed on the 2014 general election ballot if the amendment is agreed to by the 118th general assembly. Prescribes the ballot language for the question. Describes the legislative intent of offering the constitutional amendment.

Effective: Upon passage.

Turner, Thompson

January 9, 2014, read first time and referred to Committee on Judiciary.

Introduced

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1153

A BILL FOR AN ACT to amend the Indiana Code concerning marriage.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 1-1-5.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 5.6. Marriage Amendment to the State Constitution

Sec. 1. As used in this chapter, "marriage amendment" refers to any amendment to Article 1 of the Constitution of the State of Indiana concerning marriage that was proposed by the one hundred seventeenth general assembly (P.L.231-2011) and agreed to by the one hundred eighteenth general assembly.

Sec. 2. The general assembly intends and establishes that the purpose of the marriage amendment is to restrict the state, through legislative, executive, or judicial action, from creating or recognizing a legal status between unmarried individuals equivalent or substantially similar to marriage between one (1) man and one (1) woman. The first sentence of the marriage amendment prohibits the recognition of marriage between persons

other than one (1) man and one (1) woman. The second sentence of the marriage amendment prohibits the state from circumventing the mandate of the first sentence by creating or recognizing a legal status equivalent or substantially similar to marriage by a different name.

Sec. 3. The general assembly intends and establishes that the marriage amendment does not prohibit or restrict in any way:

(1) the extension of employment benefits by private sector employers, political subdivisions of the state, or state educational institutions to any beneficiary designated by an employed individual;

(2) the adoption and enforcement of local ordinances granting to any category or class of persons equal opportunities for education, employment, access to public conveniences, access to accommodations, or acquisition of property or to rent property;

(3) an individual from entering into or enforcing terms of a power of attorney, a will, a trust, or another similar lawful agreement or instrument (regardless of name) established for the benefit of another person;

(4) an individual from giving or enforcing a lawful consent or other instrument (regardless of name) that grants powers, rights, or privileges to, imposes obligations on, or provides for the use by or transfer of property to another person;

(5) the protections provided under Indiana's domestic violence laws or who may qualify for protection from domestic violence; or

(6) action by the general assembly to protect or provide for the property, health, or safety of unmarried persons by appropriate legislation.

SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) If the amendment to Article 1 of the Constitution of the State of Indiana concerning marriage proposed by the one hundred seventeenth general assembly (P.L.231-2011) is agreed to by the one hundred eighteenth general assembly, the amendment shall be submitted to the electors of the state at the 2014 general election in the manner provided for the submission of constitutional amendments under IC 3.**

(b) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors at the next general election after the general assembly agrees to the amendment

referred to it by the last previously elected general assembly, and in accordance with IC 3-10-3, the general assembly prescribes the form in which the public question concerning the ratification of this state constitutional amendment must appear on the 2014 general election ballot as follows:

"PUBLIC QUESTION #1

Shall the Constitution of the State of Indiana be amended by adding the following language to Article 1:

"Section 38. Only a marriage between one (1) man and one (1) woman shall be valid or recognized as a marriage in Indiana. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized."?".

(c) This SECTION expires July 1, 2017.

SECTION 3. **An emergency is declared for this act.**