

1 INTERIM RESOLUTION 2013-005

2
3 REQUESTING THAT THE ARKANSAS LEGISLATIVE COUNCIL EXPRESS ITS
4 SUPPORT OF AMENDMENT 83 TO THE ARKANSAS CONSTITUTION DEFINING
5 MARRIAGE AS CONSISTING ONLY OF THE UNION OF ONE MAN AND ONE
6 WOMAN.

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8 WHEREAS, Amendment 83 to the Arkansas Constitution provides that
9 marriage consists only of the union of one man and one woman; and

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11 WHEREAS, marriage between one man and one woman is the building block
12 upon which our society is based; and

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14 WHEREAS, at the November 2004 general election, the people of the state
15 of Arkansas overwhelmingly approved Amendment 83 by a vote of 75% to 25%; and

16
17 WHEREAS, certain provisions of Arkansas law also provide that marriage
18 shall be only between a man and a woman and that marriage licenses shall not
19 be issued to persons of the same sex (Arkansas Code §§ 9-11-107, 9-11-109, 9-
20 11-208); and

21
22 WHEREAS, the power to regulate marriage is a power reserved to the
23 people that lies within the domain of state legislatures and not with the
24 courts; and

25
26 WHEREAS, on May 9, 2014, Pulaski County Circuit Court Judge Chris
27 Piazza declared that Amendment 83 and certain similar statutes were
28 unconstitutional; and

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30 WHEREAS, Judge Piazza's decision is in direct contradiction to his oath
31 to uphold the Arkansas Constitution and the overall right of the State of
32 Arkansas to declare policy on such matters; and

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34 WHEREAS, Judge Piazza's decision disregards the clear wishes of the
35 state's electorate when approving Amendment 83; and

1 WHEREAS, the decision also fails to acknowledge the longstanding
2 precedent of the United States Supreme Court that individual states have the
3 authority to define marriage within their states, as evidenced by
4 Hollingsworth v. Perry, 133 S.Ct. 2652 (2013); and
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6 WHEREAS, while the Arkansas Legislative Council recognizes that
7 families take many forms, the institution of marriage itself is sacred and
8 must be upheld between one man and one woman; and
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10 WHEREAS, Judge Piazza has overstepped his judicial authority and the
11 Arkansas Legislative Council should take all possible actions to correct this
12 overreach and ensure that this erroneous decision does not negatively impact
13 the state and its citizens,
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15 NOW THEREFORE,

16 BE IT RESOLVED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE EIGHTY-NINTH
17 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 THAT the Arkansas Legislative Council affirms its support for Amendment
20 83 and its declaration that marriage consists of only the union of one man
21 and one woman.
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23 BE IT FURTHER RESOLVED THAT the Arkansas Legislative Council views the
24 actions of Pulaski County Circuit Judge Chris Piazza as an abuse of his
25 judicial authority.
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27 BE IT FURTHER RESOLVED THAT the Arkansas Legislative Council encourages
28 the Arkansas Supreme Court to uphold Amendment 83 which represents the will
29 of the people of Arkansas and to find that all marriages entered into after
30 Judge Piazza's decision that would otherwise have been prohibited by
31 Amendment 83 are null and void.
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33 BE IT FURTHER RESOLVED THAT the Arkansas Legislative Council encourages
34 the Attorney General to vigorously defend Amendment 83 with the full weight
35 and power of his office.
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1 BE IT FURTHER RESOLVED THAT the Arkansas Legislative Council shall
2 explore legislative remedies to prevent the Arkansas Constitution and the
3 will of the people of this state from being negated by judicial activism
4 which violates the separation of powers ensured in our form of government.
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6 Respectfully submitted,
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10 Senator Jason Rapert

11 District 35
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15 Senator Cecile Bledsoe

16 District 3
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20 Senator Ronald Caldwell

21 District 23
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25 Senator Alan Clark

26 District 13
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30 Senator John Cooper

31 District 21
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35 Senator Jane English

36 District 34

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4 Senator Jake Files
5 District 8
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8
9 Senator Jim Hendren
10 District 2
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14 Senator Bart Hester
15 District 1
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19 Senator Jimmy Hickey
20 District 11
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24 Senator Bruce Holland
25 District 9
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29 Senator Missy Irvin
30 District 18
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34 Senator David J. Sanders
35 District 15
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3 Senator Gary Stubblefield
4 District 6
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8 Senator Jon Woods
9 District 7
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13 Representative Bob Ballinger
14 District 97
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18 Representative Scott Baltz
19 District 61
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23 Representative Nate Bell
24 District 20
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28 Representative Ken Bragg
29 District 15
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33 Representative David L. Branscum
34 District 83
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2 Representative John Burris
3 District 98
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7 Representative Robert E. Dale
8 District 68
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12 Representative Jim Dotson
13 District 93
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17 Representative Charlotte Douglas
18 District 75
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22 Representative Jon S. Eubanks
23 District 74
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27 Representative Joe Farrer
28 District 44
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32 Representative Jeremy Gillam
33 District 45
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1 Representative Justin T. Harris

2 District 81

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6 Representative John K. Hutchison

7 District 52

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11 Representative Sheilla E. Lampkin

12 District 9

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16 Representative Homer Lenderman

17 District 53

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21 Representative Kelley Linck

22 District 99

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26 Representative Andy Mayberry

27 District 27

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31 Representative James McLean

32 District 63

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36 Representative David Meeks

1 District 70
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5 Representative Josh Miller
6 District 66
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10 Representative John Payton
11 District 64
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15 Representative Jeff Wardlaw
16 District 8
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20 Representative Bruce Westerman
21 District 22
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25 Representative Tommy Wren
26 District 62
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29 By: MBM/KFW
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