

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE CONCURRENT
RESOLUTION 1078 _____

By: Balkman of the House

and

Williamson of the Senate

AS INTRODUCED

A Concurrent Resolution requesting the Attorney General of the State of Oklahoma appeal the Memorandum Opinion and Order made in the United States District Court for the Western District of Oklahoma, Case No. CIV-04-1152-C, finding that the amendment to 10 Okla.Stat. § 7502-1.4(A), violates the United States Constitution.

WHEREAS, Oklahomans are proud of our traditional family values, and strong moral fiber; and

WHEREAS, in 2004, the people of Oklahoma voted overwhelmingly to define marriage in our State Constitution as between one man and one woman; and

WHEREAS, in 2004, the Oklahoma Legislature amended part of Oklahoma's adoption code through House Bill 1821, by adding the following language: "Except that, this state, any of its agencies, or any court of this state shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction"; and

WHEREAS, the House Journal reflects that on April 26, 2004, the vote on the above legislation was 93 Aye, 4 Nay, and on April 12, 2004, the Senate Journal reflects that the vote was 44 Aye, 0 Nay; and

WHEREAS, in response to the above amendment, Lambda Legal challenged the above law in the United States District Court for the Western District of Oklahoma; and

WHEREAS, Lambda Legal, based in New York, New York, is a national organization committed to advancing the special interests of lesbians, gay men, bisexuals, and transgender people through litigation; and

WHEREAS, pursuant to the Memorandum Opinion and Order, the United States District Court for the Western District of Oklahoma, issued on May 19, 2006, ordered that the above Amendment violates the United States Constitution, that it must be set aside, and any further enforcement of the Amendment be enjoined; and

WHEREAS, this is an example of judicial activism that runs contrary to the separation of powers and to general welfare of the children and families of Oklahoma.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Attorney General of the State of Oklahoma shall immediately and vigorously appeal the Memorandum Opinion and Order made in the United States District Court for the Western District of Oklahoma, Case No. CIV-04-1152-C, finding that the Amendment to 10 Okla.Stat. § 7502-1.4(A), violates the United States Constitution.

50-2-10337 LRB 05/23/06