



January 19, 2018

House Judiciary Committee  
Alaska State Legislature  
State Capitol, Room 118  
Juneau, AK 99801

**Re:           ACLU of Alaska Support for House Bill 15**

Dear Chair Claman and Members of the House Judiciary Committee:

The ACLU of Alaska supports House Bill 15. The mission of this bill is simple: clean up obsolete laws. More important, however, is the message this bill sends: that the Legislature—and this Committee—stands up for all Alaskans and will erase laws that fail to recognize some Alaskans, condemning them to second-class status.

Representative Josephson accurately points out in his sponsor statement that after the court in *Hamby v. Parnell* recognized marriage as a fundamental constitutional right available to all couples, and struck down Alaska laws to the contrary, it prohibited state officers from enforcing those laws.<sup>1</sup> Thus, HB 15 does not alter the legal obligations of the state in recognizing those marriages. But even with this holding, the court cannot and does not rewrite the laws on the books to reflect its holding. As a result, the laws are obsolete. Without sensible cleanup these laws pile on top of other laws and cause confusion among those charged with enforcing them.

It is foreseeable that a well-meaning local clerk who looks to dutifully apply a statute as written, may deny a benefit without knowing the law's judicially-determined unconstitutionality. This would be subject to an immediate and costly lawsuit that city or borough is destined to lose. Passing HB 15 will prevent that kind of unnecessary and easily avoidable litigation.

More importantly, however, words matter. Keeping these outmoded laws on the books degrades Alaskans and corrodes law and public policy. The legal rights of same-sex spouses and parents have been decided, and openly choosing to have our laws not

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<sup>1</sup> *Hamby v. Parnell*, 56 F. Supp. 3d 1056, 1071 (D. Alaska, Oct. 12, 2014) (holding that the “state of Alaska, including state officers, personnel, agents, government divisions, and other political entities” were immediately enjoined from enforcing laws that prohibit otherwise qualified same-sex couples from marrying and refusing to recognize lawful same-sex marriages from other states).

House Judiciary Committee

*ACLU Support for HB 15*

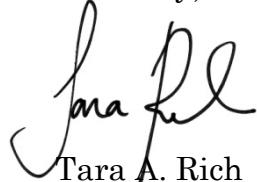
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reflect that does nothing more than perpetuate hurtful, hateful, and discriminatory views that Alaska has moved beyond.

House Bill 15 combats the perpetuation of ambiguity created when the Legislature keeps obsolete laws on the books. In making this change, we encourage you to find that all Alaskans deserve to have the all laws recognize them.

Sincerely,



Tara A. Rich

Legal & Policy Director

c: Representative Zach Fansler, Vice Chair  
Representative Jonathan Kreiss-Tomkins  
Representative Gabrielle LeDoux  
Representative Chuck Kopp  
Representative Lora Reinbold  
Representative Charisse Millett  
Representative Louise Stutes