

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

February 16, 2006  
8:42 a.m.

**MEMBERS PRESENT**

Senator Ralph Seekins, Chair  
Senator Charlie Huggins, Vice Chair  
Senator Gene Therriault  
Senator Hollis French  
Senator Gretchen Guess

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE JOINT RESOLUTION NO. 20

Proposing an amendment to the section of the Constitution of the State of Alaska relating to marriage.

HEARD AND HELD

SENATE BILL NO. 206

"An Act relating to material witnesses; and amending Rule 58.1, Alaska Rules of Civil Procedure, and Rule 204, Alaska Rules of Appellate Procedure."

HEARD AND HELD

CS FOR HOUSE BILL NO. 41(FIN)

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, junior high, or secondary school or certain contractors of school districts who were engaged in the performance of school duties at the time of the assault."

MOVED SCS CSHB 41(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SJR 20

SHORT TITLE: CONST. AM: BENEFITS & MARRIAGE

SPONSOR(s): JUDICIARY

02/14/06	(S)	READ THE FIRST TIME - REFERRALS
02/14/06	(S)	JUD, FIN
02/16/06	(S)	JUD AT 8:30 AM BUTROVICH 205

BILL: SB 206

SHORT TITLE: DETENTION OF MATERIAL WITNESSES

SPONSOR(S): SENATOR(S) BUNDE

01/09/06 (S) PREFILE RELEASED 12/30/05  
01/09/06 (S) READ THE FIRST TIME - REFERRALS  
01/09/06 (S) JUD, FIN  
02/16/06 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 41

SHORT TITLE: ASSAULT ON SCHOOL EMPLOYEES/BUS DRIVERS

SPONSOR(S): REPRESENTATIVE(S) LYNN, MCGUIRE

01/10/05 (H) PREFILE RELEASED 12/30/04  
01/10/05 (H) READ THE FIRST TIME - REFERRALS  
01/10/05 (H) JUD, FIN  
01/19/05 (H) JUD AT 1:00 PM CAPITOL 120  
01/19/05 (H) Heard & Held  
01/19/05 (H) MINUTE(JUD)  
01/26/05 (H) JUD AT 1:00 PM CAPITOL 120  
01/26/05 (H) -- Meeting Canceled --  
02/02/05 (H) JUD AT 1:00 PM CAPITOL 120  
02/02/05 (H) <Bill Hearing Postponed to Fri. 2/4/05>  
02/04/05 (H) JUD AT 1:00 PM CAPITOL 120  
02/04/05 (H) -- Rescheduled from Wed. 2/2/05 --  
02/07/05 (H) JUD AT 1:00 PM CAPITOL 120  
02/07/05 (H) Moved CSHB 41(JUD) Out of Committee  
02/07/05 (H) MINUTE(JUD)  
02/09/05 (H) JUD RPT CS(JUD) 2DP 4NR  
02/09/05 (H) DP: ANDERSON, MCGUIRE;  
02/09/05 (H) NR: GRUENBERG, GARA, COGHILL, DAHLSTROM  
03/30/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
03/30/05 (H) <Bill Hearing Postponed>  
04/04/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
04/04/05 (H) Moved CSHB 41(FIN) Out of Committee  
04/04/05 (H) MINUTE(FIN)  
04/06/05 (H) FIN RPT CS(FIN) NT 2DP 6NR 1AM  
04/06/05 (H) DP: WEYHRAUCH, FOSTER;  
04/06/05 (H) NR: HOLM, STOLTZE, MOSES, KELLY, MEYER,  
CHENAULT;  
04/06/05 (H) AM: HAWKER  
04/13/05 (H) ENGROSSED  
04/14/05 (H) TRANSMITTED TO (S)  
04/14/05 (H) VERSION: CSHB 41(FIN)  
04/15/05 (S) READ THE FIRST TIME - REFERRALS  
04/15/05 (S) JUD, FIN

01/31/06 (S) JUD AT 9:30 AM BUTROVICH 205  
01/31/06 (S) Heard & Held  
01/31/06 (S) MINUTE(JUD)  
02/08/06 (S) JUD AT 8:30 AM BUTROVICH 205  
02/08/06 (S) Scheduled But Not Heard  
02/14/06 (S) JUD AT 9:00 AM BUTROVICH 205  
02/14/06 (S) Heard & Held  
02/14/06 (S) MINUTE(JUD)

**WITNESS REGISTER**

Representative Bob Lynn  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Sponsor of HB 41

Senator Con Bunde  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Sponsor of SB 206

Lauren Rice, Legislative Aide  
Senator Con Bunde's office  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Commented on SB 206

Mark Boesser  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in opposition to SJR 20

Mildred Boesser  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in opposition to SJR 20

Sonne Kyle-Olsen  
JDHS Gay-Straight Alliance  
Douglas, Alaska  
**POSITION STATEMENT:** Testified in opposition to SJR 20

Joelle Ballam-Schwan  
JDHS Gay-Straight Alliance  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in opposition to SJR 20

Mallory Story  
JDHS Gay-Straight Alliance

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Paula Terrel

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Marsha Buck

PFLAG Juneau

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Scott Miller

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Maureen Longworth, M.D.

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Reverend Robert Buttane

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Lin Davis

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Jonathan Anderson

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Willie Anderson

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Chris Beanes

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Debbie Joslin

Eagle Forum Alaska

Eagle River, Alaska

**POSITION STATEMENT:** Testified in support of SJR 20

Carrie Evans, Director

Human Rights Campaign

**POSITION STATEMENT:** Testified in opposition to SJR 20

Joan Hamilton

**POSITION STATEMENT:** Testified in opposition to SJR 20

Jennifer Gibbons

**POSITION STATEMENT:** Testified in opposition to SJR 20

Mari Jamieson

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Rozz Lieght

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Arthur Curtis

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Jeanne Laureucelle

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Marina Day

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Tim Stallard

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Connie Faipeas

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

Michael MacLeod-Ball, Director

ACLU Alaska

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to SJR 20

#### **ACTION NARRATIVE**

**CHAIR RALPH SEEKINS** called the Senate Judiciary Standing Committee meeting to order at [8:42:10 AM](#). Present were Senators Charlie Huggins and Chair Ralph Seekins.

**HB 41-ASSAULT ON SCHOOL EMPLOYEES/BUS DRIVERS**

[8:42:29 AM](#)

CHAIR RALPH SEEKINS announced CSHB 41(FIN) to be up for consideration.

REPRESENTATIVE BOB LYNN offered a committee substitute (CS), which he said addressed the concerns heard in the previous bill hearing. The CS takes out the mitigator and adds language that clarifies that the issue would have to be on school grounds during school hours or during a school function.

[8:46:32 AM](#).

Senators Hollis French and Gretchen Guess joined the meeting.

SENATOR CHARLIE HUGGINS moved to adopt CSHB 41 version C as the working document before the committee. Hearing no objection, the motion carried.

[8:47:53 AM](#)

Senator Gene Therriault joined the meeting.

SENATOR HUGGINS moved SCS CSHB 41(JUD) from committee with individual recommendations and attached fiscal notes. Hearing no objection, the motion carried.

Chair Seekins announced a brief recess at [8:48:26 AM](#).

**SB 206-DETENTION OF MATERIAL WITNESSES**

[8:51:59 AM](#)

CHAIR RALPH SEEKINS announced SB 206 to be up for consideration.

SENATOR CON BUNDE, sponsor, introduced the bill. He said he was surprised to learn that Alaska did not already have a material witness law. He cited an example of a recent gang shooting where the potential victims refused to talk with the local police. The police had no ability to hold them as material witnesses. The escalating level of gang violence in Alaska, particularly the Anchorage area, militates the need for SB 206.

SB 206 proposes to set guidelines and protections for issuing a material witness order. It would allow a prosecuting attorney or defendant to apply to the superior court to compel a person to appear at a material witness hearing if there is probable cause to believe the person has information relevant to the prosecution or defense, and the witness is unlikely to respond

to a subpoena. The intent of the bill is to balance the need to protect individual freedom with the ability to prosecute crime and to provide defendants with witnesses on their behalf.

[8:56:12 AM](#)

SENATOR HOLLIS FRENCH asked Senator Bunde whether the Department of Law was prepared to answer questions related to the bill.

SENATOR BUNDE said a representative of the court was in the room.

SENATOR FRENCH asked whether the bill was modeled from another state.

SENATOR BUNDE advised the committee that they researched other states.

[8:58:26 AM](#)

LAUREN RICE, staff to Senator Bunde, elaborated that they modeled SB 206 after New Jersey legislation.

SENATOR FRENCH asked the number of states that have material witness legislation.

MS. RICE did not know the number but speculated that a majority of the other states have material witness legislation.

CHAIR SEEKINS held the bill in committee.

CHAIR SEEKINS announced a brief recess at [9:00:40 AM](#).

**SJR 20-CONST. AM: BENEFITS & MARRIAGE**

[9:02:47 AM](#)

CHAIR RALPH SEEKINS announced SJR 20 to be up for consideration. SJR 20 proposes to amend the Alaska State Constitution in relation to marriage. He cited AS 25.05.013:

Sec. 25.05.013. Same-sex marriages.

(a) A marriage entered into by persons of the same sex, either under common law or under statute, that is recognized by another state or foreign jurisdiction is void in this state, and contractual rights granted by virtue of the marriage, including its termination, are unenforceable in this state.

(b) A same-sex relationship may not be recognized by the state as being entitled to the benefits of marriage.

CHAIR SEEKINS said that statute has been challenged and the Alaska Supreme Court ruled that people in a domestic relationship did not have the ability to marry by constitutional prohibition and therefore denial of spousal benefits by same-sex couples is a violation of the equal protection clause.

[9:04:19 AM](#)

The people of the State of Alaska voted to amend the constitution to define marriage to be a union between one man and one woman. SJR 20 was designed to put the question to the voters of whether the intent of AS 25.05.013 was to also restrict spousal benefits to same-sex domestic partners.

CHAIR SEEKINS said the Senate Judiciary Standing Committee was asked to introduce SJR 20 and submit it to the people of the State of Alaska so that they could vote on the issue, rather than leave the interpretation to the courts.

[9:06:15 AM](#)

CHAIR SEEKINS asked for committee member comment prior to public testimony.

[9:06:48 AM](#)

SENATOR GRETCHEN GUESS clarified for the record that it was not a committee decision to introduce SJR 20 but a majority member decision. She said:

I was not asked about this resolution, nor did I give my sanction. We all know that here and how committee bills work. The public doesn't. And I would like to be clear for myself that I wasn't asked, nor do I approve of putting this in as a committee bill. I did want to ask if the attorney that has been hired by the Legislature to work on this issue was going to testify or if discussing the intent of the majority in this committee in putting this on the bill was your statement. I don't have a sponsor statement in my packet or anything else to discuss the intent of the legislation.

CHAIR SEEKINS said:

That was the intent as I laid it out and Mr. Clarkson who had been retained is ill. He would have been here but can barely speak.

[9:08:11 AM](#)

SENATOR CHARLIE HUGGINS spoke in support of the resolution.

CHAIR SEEKINS stated that Senator Guess was correct in saying SJR 20 was a request from the majority members and that he agreed to introduce it as a committee bill. He called for public testimony.

[9:10:15 AM](#)

MILDRED BOESSER testified in opposition to the resolution. She suggested the committee should see the irony of SJR 20 since the Constitution of the State of Alaska already bans gay marriage. She described her daughter's 26-year relationship with another woman. They are both responsible citizens who own their home free and clear, pay all taxes due, vote at every election, and are the kinds of persons that any family would be proud of. They have lived all those years without consequential benefits given to married couples. The Catch 22 is that the Constitution of the State of Alaska does not allow them to be married. The proposed resolution suggests that benefits can only be given to married couples, yet marriage is denied, she stated.

[9:12:34 AM](#)

MARK BOESSER, retired priest and Archdeacon of the Southeast Alaska Episcopal Church, asked the Senate Judiciary Standing Committee to reject SJR 20. He assured the committee that he and his wife were aware of the values of a healthy marriage and the benefits that accompany it. He said SJR 20, if passed, would write discrimination into the Alaska State Constitution. The Alaska Supreme Court ruled that denying gay couples the same public employees benefits as married couples violates the equal protection clause. He said the idea of using the Constitution of the State of Alaska to intentionally remove the rights and benefits of one segment of the population are unbelievable. It sounds like codifying discrimination against a particular group of people.

MR. BOESSER contended that allowing benefits for domestic partners would not harm anyone's marriage. To couch the resolution to make it sound as if it is about the issue of marriage is to mislead the public on the basic issue of equal rights for all. In 1976 the National Convention of the Episcopal Church expressed its conviction that homosexual persons are entitled to equal protection of the laws with all other citizens and called upon society to see that such protection is provided. SJR 20 proposes to do the opposite. He urged the committee to reject the resolution.

[9:15:24 AM](#)

SONNE KYLE-OLSON, Juneau Douglas High School (JDHS) student and member of the Gay/Straight Alliance group (GSA), testified in opposition to SJR 20 and suggested the resolution would put a stamp of approval on discrimination. She questioned a society that supports bigotry and violence.

[9:18:40 AM](#)

JOELLE BALLAM-SCHWAN, JDHS student and vice president of GSA, said she was taught that discrimination is always wrong and she believes the resolution to be discriminatory.

CHAIR SEEKINS advised Ms. Ballam-Schwan that SJR 20 is not legislation but that it was a proposal to be submitted to the people for their vote.

[9:20:13 AM](#)

MALLORY STORY, JDHS student and member of GSA, testified in opposition to the resolution. She said the resolution was biased toward one type of family and opens doors for discrimination.

[9:21:17 AM](#)

PAULA TERREL testified in opposition to the resolution. She admitted that one reason she got married was so that her male domestic partner could receive medical benefits. She lamented the fact that same-sex partners are not allowed to share in the same benefits. She said it was tremendously discriminatory.

[9:24:23 AM](#)

MARSHA BUCK, representing Parents and Friends of Lesbians and Gays (PFLAG) Juneau chapter, testified against SJR 20. She questioned the true reason behind the resolution and stated SJR 20 was not about marriage. If it really were about marriage it would address the root causes to common problems in domestic marriages. She suggested the resolution was designed to promote discrimination. She said many same-sex couples own their own homes, have 401ks, professional careers, go to church, and also have children. She questioned whether committee members thought these were not important things to support.

As a long-time voter in Alaska, she said she votes for people who keep all of their represented citizens in mind and for people who are honest. She asked whether the supporters of the resolution have an entire different set of values than the ones she outlined earlier. She urged the committee to vote against the resolution.

[9:27:37 AM](#)

SCOTT MILLER asked the committee to be mindful of the vision of George Wallace standing in the schoolhouse door arguing that it was fine for Alabama to be racist because that's what the residents wanted. He insisted SJR 20 would be bad for Alaska and that it would detract desired professionals from moving to the state. SJR 20 essentially places a priority on sexual orientation over education and ability, and creates a strong economic incentive for thousands of young Alaskans to seek employment elsewhere.

[9:30:18 AM](#)

MAUREEN LONGWORTH, M.D., testified in opposition to SJR 20. She relayed a story about her parents losing their home due to a serious illness and a lack of medical insurance. She cited the current astronomical cost of medical attention and insisted that medical benefits are something every Alaskan should have.

[9:35:34 AM](#)

DEBBIE JOSLYN, President, Eagle Forum Alaska, testified in support of SJR 20. She said since the beginning of history marriage has been regarded as a special and unique relationship between a man and a woman. She took issue with the Alaska Supreme Court "attempting to legislate from the bench" and said they undermined the will of the people. Alaskans overwhelmingly voted in the marriage amendment in 1998 and SJR 20 further defines what the people want, she said.

[9:37:22 AM](#)

CARRIE EVANS, Director, Human Rights Campaign, testified in opposition to SJR 20. She said the resolution is a mean-spirited and hurtful measure. It would attempt to deny hundreds of hard-working Alaskans basic employment benefits. She speculated the intent of the resolution was to encourage discrimination against gays and lesbians.

[9:39:24 AM](#)

JOAN HAMILTON testified in opposition to SJR 20. She spoke as an Alaskan Native and reminded committee members of a time when Alaskan Natives were not allowed in some schools and businesses because they didn't have the right physical features. Alaskans who are in same-sex relationships make up a key part of Alaska Native traditional culture and modern culture.

Many of the gay and lesbian people of Alaska work in professional fields as attorneys, medical professional, judicial officers and support staff. These people have the same concerns of any Alaska family. Limiting benefits for same-sex couples is

like telling them they are not worth as much as other people. She said Alaska is digressing to the days when it was acceptable to discriminate against African Americans and Native Alaskans.

[9:42:53 AM](#)

JENNIFER GIBBONS testified in opposition to SJR 20. She recognized the value in having family medical benefits and questioned the fairness of the resolution. She said it was discriminatory to dis-allow employment benefits to gay and lesbian state workers. She urged the committee to vote against the resolution.

Chair Seekins announced a brief recess at [9:45:28 AM](#).

[9:54:52 AM](#)

MAURY JAMESON testified in opposition to SJR 20. She referred to AS 25.05.013 and stated she has not seen a rise in the quality of marriage as a result of the 1998 amendment. Heterosexuals are still getting divorced at a breathtaking rate and spousal abuse is still rampant. SJR 20 is about equal pay for equal work. As a self-employed small business owner, she and her own partner (as Representative Bob Lynn said) "get their own healthcare." She wondered who would stand up for her rights if not her elected officials.

[9:57:16 AM](#)

ROZZ LEIGHT testified in opposition to SJR 20, which she said would take away benefits that she and her nephew currently receive through her partner, whose work supports the Alaska State Legislature. Domestic partnership benefits saved her nephew, she said, who came to live with them when he was eight years old and destined for jail. He is now twenty years old and attending trade school. They would not have been able to help him without employment benefits. Employment benefits help families raise their children so that they can contribute positively to society. She said SJR 20 is already causing divisiveness among many Alaskans at work and questioned the true reason behind the resolution.

[10:01:26 AM](#)

ARTHUR CURTIS, retired minister, testified in opposition to SJR 20. He said the resolution would install prejudices into the Alaska State Constitution and would make the Constitution inconsistent. He expressed agreement with much of the previous testimony. Most Alaskans are aware that a lack of medical insurance could potentially bankrupt a family. He said SJR 20, being discriminatory, would eat at the soul as well as the

pocketbook, and damage the morale of public employees, both homosexual and heterosexual. For the moral and physical well being of the State of Alaska, he urged the committee to vote against the resolution.

10:04:30 AM

JEANNE LAUREUCELLE testified in opposition to SJR 20. She testified as a mother and a member of a church in Fairbanks where they just adopted a resolution welcoming and valuing all people regardless of sexual orientation. She suggested that equal protection under the law should protect the people equally. She speculated the resolution would prohibit private employers from offering domestic partnership benefits to both their homosexual and heterosexual employees. She also expressed concern that the University of Alaska benefit program, which currently offers domestic partnership benefits, would be negatively affected.

10:06:26 AM

MARINA DAY testified in opposition to SJR 20, which she said attacks the equal protection clause of the Alaska State Constitution only to discriminate against a few. She asserted the recent Alaska Supreme Court ruling that prompted SJR 20 has nothing to do with the marriage between one man and one woman but everything to do with equal pay for equal work. She urged the committee to reject SJR 20.

10:07:27 AM

TIM STALLARD testified in opposition to SJR 20. He said the sponsors of the resolution are contemplating adding discrimination to the Alaska State Constitution. He questioned whether SJR 20 would prohibit him from legally owning the house that he and his partner of 12 years are currently building. He asserted that nothing is so fundamental to a person's existence than their families and loved ones. He compared the current issue in Alaska to the civil rights movement of the 1960s in the southern United States and compared SJR 20 to Nazi Germany.

MR. STALLARD speculated the proponents of the legislation operated out of hatred for homosexuals and that they supported discrimination of the children of gays and lesbians. He questioned the Christianity of that discrimination.

MR. STALLARD ADDED:

As a business owner, the ability to form contracts and partnerships is fundamental to operating a business. Contract law is one of the oldest parts of our legal

system dating back hundreds of years to English Common Law. The ability to form contracts with those we care about is similarly fundamental to a person's legal standing.

He speculated that SJR 20 would prevent people from forming contacts and urged the committee to vote against the resolution.

[10:10:52 AM](#)

SENATOR HUGGINS aired his resentment of the comment comparing the resolution to Nazi Germany. The magnitude of people sacrificed there does not present a parallel to the issue at hand, he said.

CHAIR SEEKINS commented SJR 20 would not threaten joint tenancy contracts. He promised to research the issue and get back to the committee.

[10:12:24 AM](#)

CONNIE FAIPEAS testified in opposition to SJR 20. She suggested that nobody should have the right to vote on another person's marriage. She accused the sponsors of acting like bullies on a playground. She reminded the sponsors that they represent all Alaskans and that their jobs are to make Alaska a better place for all of the people. She suggested that SJR 20 serves to pit people against people and also creates classes of citizens.

MS. FAIPEAS commented on the irony of hearing the resolution on the same day that the State of Alaska was honoring Elizabeth Peratrovich and stated it was particularly offensive. She commented on the comparison to Nazi Germany and said that Hitler did not start out with concentration camps. He started out with a slow withdrawal of rights for certain citizens.

[10:14:46 AM](#)

MICHAEL MACLEOD-BALL, Executive Director, ACLU of Alaska, testified in opposition to SJR 20 and said it writes discrimination into the Constitution of the State of Alaska for the first time and is a precedent that should be avoided at all costs. He disputed the suggestion that SJR 20 has been drafted in response to a majority who want to clarify the true intent of AS 25.05.013. An editorial in the Alaska Daily News, the largest newspaper in the state, said that they understood the marriage amendment as not eliminating the possibility of domestic partnership benefits. Case files from the Dodd versus Ulmer case included the Legislature's own brief which stated, "The amendment is intended only to address the public status and

recognition of marriage and is not intended to affect private and or religiously recognized same-sex unions."

MR. MACLEOD-BALL quoted Representative Joe Green during a House floor session:

I don't think it should be considered as a marriage, perhaps a union, something else. I'm not even standing here to say they shouldn't be entitled to the same rights as marriage.

MR. MACLEOD-BALL disputed earlier comments that the Marriage Act has been misconstrued and that the original intent was to discriminate. He said the notion of protection from discrimination is at the cornerstone of republican democracy. The success of democracy rests upon the assurances provided to those outside the majority, that their individual rights will be protected and that the majority will not compel the minority to conform to the standards that only the majority believes in. SJR 20 sets that standard on its head and protects the majority from having to provide equal treatment to the minority.

MR. MACLEOD-BALL charged that discrimination against a minority class seems to be the primary purpose of the resolution. He said anytime the majority is asked whether the rights of a minority should be protected, there is the risk that the majority acting solely in its self-interest will vote to restrict the rights of the minority. He said he could assume from some earlier comments that one of the intentions of the resolution is to overturn the court decision from last October and to deny public employee benefits to gay public employees. Doing so is bad public policy and bad policy for Alaska public employees.

Nearly 50 percent of Fortune 500 companies across America provide domestic partnership benefits to employees. British Petroleum, Chevron, Wells Fargo, Key Bank; all major employers in Alaska, provide domestic partnership benefits to employees. All of the major airlines provide domestic partnership benefits to employees. Providence Hospital, the U.S. House of Representatives and Fox News provide domestic partnership benefits to employees. Companies recognize it is good for business, provides a wider range of talent, and provides financial security to employees, and it does so at virtually no cost to employers.

MR. MACLEOD-BALL summarized by advising committee members that if SJR 20 passes out of committee and to the Senate Finance Standing Committee, the ACLU will provide proof that the cost of

providing public employment benefits to domestic partners provides a net gain by reducing Medicaid and other costs. He urged members to oppose the resolution.

[10:23:23 AM](#)

REVEREND ROBERT BUTTCANE, Spiritual Director, Unity Study Group of Juneau, testified in opposition to SJR 20. He said he is a proponent of the institution of marriage and that people in happy, loving relationships tend to be healthier, more successful people. Alaska precludes that opportunity to certain members of its populace. The Alaska Supreme Court said the 1998 marriage amendment created an impossible situation for a group of people to enjoy benefits that might otherwise be afforded to those who could be married. He said:

The Alaska Supreme Court said, "You cannot have it both ways. You cannot prohibit marriage to a certain group of people and then on the other hand keep them from having the opportunity to access benefits that would otherwise be made to people who could marry."

MR. BUTTCANE noted unlike heterosexual people who live together unmarried, same-sex people are prohibited from taking an action to access health benefits. The language in SJR 20 is nebulous and imprecise. He questioned the definition of "rights, benefits, obligations, qualities, or effects of marriage" as cited in the resolution and asked whether the painstaking work has been done which would define what those are in Alaska Statutes. He said SJR 20 came about because of the "unintended consequences" of the Marriage Amendment and wondered what unintended consequences will arise because of SJR 20.

[10:32:04 AM](#)

SENATOR HUGGINS commented he did not recall the Marriage Amendment issue or whether he voted on it. He said he had great faith in allowing the people to vote on the issue and suggested opponents of the resolution didn't want to hear what the majority had to say. He said SJR 20 came about due to questions brought about by the recent Alaska Supreme Court ruling.

[10:35:18 AM](#)

JONATHAN ANDERSON, Professor of Public Administration with the University of Alaska and member of the City and Borough of Juneau Assembly, testified in opposition to SJR 20. He said as a professor of government he knows that one purpose of the Constitution is to protect rights. This year Alaska is celebrating 50 years of the drafting of the Constitution of the State of Alaska and Article 1 of that document says the

constitution is dedicated to the principle that all persons have a natural right to life, liberty and pursuit of happiness and in the enjoyment of the rewards of their own industry and that all persons are equal and entitled to equal rights, opportunities, and protection under the law. The passage of SJR 20 would be contradiction to Article 1, he said.

MR. ANDERSON expressed concern that SJR 20 explicitly excludes one group of people from the rights and privileges extended to others. He said Americans have fought and died throughout history to oppose that kind of policy. He contended that there was a delicate balance between pure democracy and protecting the great principles underlying the nation. He said:

We have committed the protection of our freedom to you, from the threat of the majority. James Madison spoke eloquently of the dangers of majority factions and the threat of the majority to overturn the principles of freedom. Legislators, our elected representatives, are given a sacred trust to protect the principles of constitutional freedom even from a majority that would seek to destroy it.

MR. ANDERSON said it was with incredible irony that SJR 20 was being heard on the day that Alaska was honoring Elizabeth Peratrovich for standing up against discrimination of Native Alaskans. He urged committee members to vote against the resolution.

[10:40:15 AM](#)

WILLIE ANDERSON testified against SJR 20. He challenged Senator Huggins' suggestion that it was constitutional to put the vote to the people. He spoke of growing up in South Carolina where people consistently voted discrimination against African Americans and suggested that SJR 20 would create the same type of divisiveness. He asked committee members to vote against the resolution.

[10:44:19 AM](#)

LIN DAVIS testified that she works for the Department of Labor and Workforce Development, primarily helping people find employment. She said her coworkers celebrated with her when the Alaska Supreme Court ruled on domestic partnership benefits because it meant equal pay for equal work. She said despite good jobs it is reality that some families are one car accident or one medical emergency away from a financial crisis.

MS. DAVIS said she liked what President George W. Bush said at Coretta Scott King's funeral: "Her work made us whole." She said SJR 20 is the opposite and has great potential to discriminate and damage individuals, Alaskan communities, and businesses. She reminded Senator Huggins that half a million gay people were killed in the concentration camps in Nazi Germany and suggested that SJR 20 contained Nazi-like impacts.

[10:49:30 AM](#)

CHRIS BEANES testified against SJR 20. He said he has experienced discrimination because of his skin color but the discrimination he has experienced due to his sexuality was of greater impact. He suggested it was the job of the committee members to provide equal protection for all.

CHAIR SEEKINS held SJR 20 in committee.

There being no further business to come before the committee, Chair Seekins adjourned the meeting at [10:51:01 AM](#).