

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

February 28, 2006

8:39 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 BILL NO. 222

"An Act relating to breaches of security involving personal information, consumer report security freezes, consumer credit monitoring, credit accuracy, protection of social security numbers, disposal of records, factual declarations of innocence after identity theft, filing police reports regarding identity theft, and furnishing consumer credit header information; and amending Rule 60, Alaska Rules of Civil Procedure."

HEARD AND HELD

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. 284

"An Act relating to sentencing for the commission of a felony while under the influence of alcohol."

HEARD AND HELD

SENATE BILL NO. 216

"An Act relating to bail."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 222

SHORT TITLE: PROTECTION OF PERSONAL INFORMATION

SPONSOR(s): SENATOR(s) THERRIAULT, GUESS

01/09/06 (S) PREFILE RELEASED 12/30/05
01/09/06 (S) READ THE FIRST TIME - REFERRALS
01/09/06 (S) L&C, JUD
01/24/06 (S) L&C AT 1:30 PM BELTZ 211
01/24/06 (S) Heard & Held
01/24/06 (S) MINUTE(L&C)
02/14/06 (S) L&C AT 1:30 PM BELTZ 211
02/14/06 (S) Moved CSSB 222(L&C) Out of Committee
02/14/06 (S) MINUTE(L&C)
02/16/06 (S) L&C RPT CS 4DP 1AM NEW TITLE
02/16/06 (S) DP: BUNDE, DAVIS, ELLIS, SEEKINS
02/16/06 (S) AM: STEVENS B
02/22/06 (S) JUD AT 8:30 AM BUTROVICH 205
02/22/06 (S) Heard & Held
02/22/06 (S) MINUTE(JUD)
02/27/06 (S) JUD AT 8:30 AM BUTROVICH 205
02/27/06 (S) Heard & Held
02/27/06 (S) MINUTE(JUD)

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
02/16/06 (S) <Pending Referral>
02/21/06 (S) JUD AT 8:30 AM BUTROVICH 205
02/21/06 (S) Heard & Held
02/21/06 (S) MINUTE(JUD)
02/28/06 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: SB 284

SHORT TITLE: SENTENCING FOR ALCOHOL-RELATED CRIMES

SPONSOR(s): SENATOR(s) THERRIAULT

02/13/06 (S) READ THE FIRST TIME - REFERRALS
02/13/06 (S) JUD, FIN
02/28/06 (S) JUD AT 8:30 AM BUTROVICH 205

WITNESS REGISTER

John George

American Council for Life Insurers

POSITION STATEMENT: Commented on SB 222

John Burton
Choice Point
1000 Alderman Dr
Alphretta, GA 30005

POSITION STATEMENT: Commented on SB 222

Ed Sniffen, Chief Assistant Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Testified in support of SB 222 and added some concerns

Margot Knuth
Juneau, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Dixie Hood
Juneau, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Kristen Bomengen
Juneau, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Cid Blase
Kodiak, AK

POSITION STATEMENT: Testified in opposition to SJR 20

John Monagle
Juneau, AK

POSITION STATEMENT: Testified in support of SJR 20

Ida Barnick
Juneau, AK

POSITION STATEMENT: Testified in support of SJR 20

Sue Schrader
Juneau, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Paul Grant
Juneau, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Diane Mayer

Juneau, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Janell Hafner

Juneau, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Candace Brower

POSITION STATEMENT: Testified in opposition to SJR 20

Michael Macleod-Ball, Director

Alaska Civil Liberties Union

POSITION STATEMENT: Testified in opposition to SJR 20

Seina Aniheta

Fairbanks, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Kate Sunwood

Fairbanks, AK

POSITION STATEMENT: Testified in opposition to SJR 20

William Hill

Fairbanks, AK

POSITION STATEMENT: Testified in support of SJR 20

Fred Traber

Anchorage, AK

POSITION STATEMENT: Testified in opposition to SJR 20

Glen Biegel

Anchorage, AK

POSITION STATEMENT: Testified in support of SJR 20

POSITION STATEMENT: Testified in opposition to SJR 20

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [8:39:22 AM](#). Present were Senators Hollis French, Charlie Huggins, Gene Therriault, Gretchen Guess, and Chair Ralph Seekins.

SB 222-PROTECTION OF PERSONAL INFORMATION

CHAIR RALPH SEEKINS announced SB 222 to be up for consideration.

[8:39:54 AM](#)

JOHN GEORGE, American Council of Life Insurers, informed the committee that life insurance policies follow a person all around the country unlike automobile or homeowners insurance policies. Once a person dies, the company must ensure proper identification in order to finish the business that the policy dictates and a social security number is an ideal method of identification. He said the restrictions posed in SB 222 would not work for life insurance companies.

[8:42:39 AM](#)

MR. GEORGE said SB 222 would impair the ability of life insurance companies to do business. He recommended carving out life insurance companies so that they would not apply to the bill since they already are controlled extensively by regulations.

[8:44:05 AM](#)

SENATOR HOLLIS FRENCH asked the reason that life insurance institutions have not moved forward to more sophisticated methods of identification other than a social security number, such as fingerprinting or retinal scans.

MR. GEORGE responded it would not be practical or convenient to do so. A social security number follows a person throughout their life and insurance companies require it when they pay out regardless.

[8:45:44 AM](#)

SENATOR GENE THERRIAULT said it was not the intent of the sponsors to limit internal use of the social security number.

MR. GEORGE agreed the bill does not specifically state that a company could not use the social security number internally but questioned whether the bill would allow it.

[8:47:37 AM](#)

MR. JOHN BURTON testified that he was representing Choice Point, a data information company that provides information and verification to a cross section of the economy, such as financial institutions, insurance companies, banks, local law enforcement and state and federal government agencies. He highlighted Section 45.48.800 in the bill and said Choice Point opposes any regulation or prohibition on consumer credit information. He said credit header data is a consumer's name, address, social security number and date of birth. They do not contain credit information.

[8:50:12 AM](#)

MR. BURTON continued saying credit header data is the backbone of a database that Choice Point provides to financial institutions and others for fraud prevention, tips and leads for locating people, and for US Patriot Act compliance. He said no state today has restrictions on credit header data because federal law already regulates it. He believes SB 222 to be unnecessary legislation.

[8:52:43 AM](#)

MR. BURTON added his next concern regards restriction on social security numbers and the use of them. Section 45.48.500 appears to mirror California law on social security access. Choice Point has no objection over California law but they have problems with paragraph (6)(b), which he said relates back to credit header data.

[8:54:23 AM](#)

Financial institutions, law enforcement, banks, and insurance companies facilitate thousands of transactions daily. The economy is built on the ready and regulatory flow of information from business to business. A social security number is a unique form of identification and if it weren't a social security number, it would be some other form of identification and the issue would be the same. He said he could not imagine a scenario where a bank would have to secure permission to utilize a person's social security number for identification and fraud prevention purposes for every single transaction.

[8:56:11 AM](#)

SENATOR THERRIAULT said banks do not use social security numbers in order to cash checks or do regular business. He asked Mr. Burton the reason for using the bank example.

MR. BURTON agreed that his comments should be more directed toward the overreaching fraud prevention and verification services that Choice Point provides. He said the social security number still remains the most accurate and reliable method of identification.

[8:58:18 AM](#)

SENATOR FRENCH asked Mr. Burton whether California had a provision like (6)(b).

MR. BURTON did not know.

SENATOR FRENCH asked what the effect would be for passing that provision as far as common banking transactions.

MR. BURTON said every single transaction would require consent and that would seriously slow down the ability to do business.

9:00:30 AM

SENATOR FRENCH suggested it would be just one more piece of paper to sign when setting up an account.

MR. BURTON asserted it would place a tremendous burden on everyone involved. He spoke briefly about his concern of ensuring the legislative intent of the bill. He added his opinion that some definitional changes need to be made before the bill is passed out.

9:04:12 AM

ED SNIFFEN, Assistant Attorney General, Department of Law (DOL) testified the DOL supports the efforts to curb identity theft. He expressed concern over Article 1 and noted it does not provide a requirement for state government to comply with the terms of the bill. He said it is imperative for state agencies to take extreme caution to protect personal information.

He expressed concern that the state might have liability for an inadvertent disclosure simply due to the sheer volume of information that the state is required to deal with daily. He cautioned against making the state a target for litigation. He suggested an amendment to AS 45.48.060 that would provide that an action could not be brought against a governmental entity. The state would still be required to comply with all the terms of the bill.

9:07:46 AM

MR. SNIFFEN explained that there are ways to require the state to comply with the requirements but not have a liability issue. He noted there wasn't an agency set up to address the regulatory issues as noted in Section 45.48.303(3)(A)(B)(C).

9:09:17 AM

MR. SNIFFEN summarized with a reference to Section 45.48.410 and said the provision that requires additional governmental prohibition seems unclear as to whether that would also include a requirement imposed by state regulation.

9:11:18 AM

SENATOR THERRIAULT asked for clarification whether his concern was over the word "expressly."

MR. SNIFFEN replied yes. It seems unclear because there are arguments that could be made that express authorization needs to come from the Legislature and may not be sufficient to come from the agency.

[9:13:38 AM](#)

CHAIR SEEKINS closed public testimony and held SB 222 in committee.

SB 216-BAIL RESTRICTIONS

[9:16:44 AM](#)

CHAIR RALPH SEEKINS announced SB 216 to be up for consideration.

SENATOR CHARLIE HUGGINS reminded the committee that previous bill hearing lacked the testimony of Portia Parker and Susan Parkes. He called them both to the witness stand.

[9:17:27 AM](#)

SUSAN PARKES, Deputy Attorney General, Department of Law (DOL), and PORTIA PARKER, Deputy Commissioner, Department of Corrections (DOC), introduced themselves for the record.

SENATOR HUGGINS asked Ms. Parkes to advise the committee of the reason SB 216 was on the docket.

MS. PARKES said it was due to publicity that surrounded a notorious incident of a temporary release in Palmer. Under the current statute, a judge temporarily reduced bail, which allowed the release of a prisoner to attend a funeral. The prisoner cut off his electronic monitoring device and failed to return. It was several weeks before he was found.

[9:19:29 AM](#)

SB 216 would prevent judges from ordering a temporarily bail reduction, and Section 1 would increase unlawful evasion to a class C felony.

SENATOR HUGGINS noted there was more than one case in recent history that highlighted the need for the legislation. He asked Ms. Parker to comment.

MS. PARKER said temporary releases are problematic for the DOC for a variety of reasons; primarily the entire booking process

has to be redone. Additionally, there are the problems of offenders not returning, particularly in Fairbanks where fifty percent of all offenders do not return. From a DOC point of view, temporary releases are not necessary because there is no justification for it, either they can make bail or not. The DOC has the ability and capacity to provide an escort and transport for necessary things such as funerals and medical treatment.

[9:24:07 AM](#)

MS. PARKER continued most of the temporary releases are done for substance abuse assessments. The DOC can accommodate those on site and already do.

[9:25:25 AM](#)

SENATOR HUGGINS expressed support for the bill.

SENATOR GENE THERRIAULT asked whether there was a reason not to have an immediate effective date.

MS. PARKES said no. An immediate effective date could apply to anyone currently in the system.

[9:27:27 AM](#)

SENATOR THERRIAULT moved Amendment 1. Provide for an immediate effective date. Hearing no objections, Amendment 1 was adopted.

SENATOR HOLLIS FRENCH asked Ms. Parker of the fifty percent releases who did not return in Fairbanks, the number of them that were charged with a crime.

MS. PARKER did not know.

SENATOR FRENCH said SB 216 would make it harder to charge them with a crime because they would have to be indicted.

[9:29:29 AM](#)

MS. PARKER countered SB 216 would not allow temporary releases at all.

SENATOR FRENCH said it wouldn't lead to temporary releases from a court but it would lead to temporary releases from the DOC so there will still be unlawful evasions. He asked the definition of "work release."

MS. PARKER responded a furlough is considered a temporary release. A furlough can be to go into a residential treatment

facility or a halfway house. A furlough can be for work release as well.

SENATOR FRENCH asked whether the DOC allows pre-conviction work releases.

[9:31:34 AM](#)

MS. PARKER said it depends on the kind of release.

SENATOR FRENCH noted when a person leaves a halfway house to go to work they would not be in custody.

MS. PARKER argued they would still be incarcerated.

SENATOR FRENCH countered when a person walks away from work while on release, it is unlawful evasion, but when a person leaves in the middle of the night, it is escape in the fourth degree. He said the Glenwood Center in Anchorage was a minimum-security facility that sits in the middle of town and is easy to walk away from.

[9:33:04 AM](#)

MS. PARKES explained in Anchorage they have third party releases to the halfway houses, which is different than official detention. More typical of what she sees pre-trial is that the halfway house is third party and people often disappear when they are living under third party conditions.

SENATOR FRENCH posed a hypothetical situation of a post-conviction person living in a halfway house on work release. If that person did not come back from work release it would be unlawful evasion and SB 216 would make that a blanket felony, whether that person was incarcerated for a misdemeanor or a felony.

MS. PARKES said that is correct.

SENATOR FRENCH voiced preference for making a distinction between people incarcerated for a felony and those incarcerated for a misdemeanor. He said misdemeanor offenses usually do not involve a gun or serious assault or felony DWI and would not be as serious. He offered to work with the sponsor on that point.

[9:35:29 AM](#)

MS. PARKER agreed.

[9:36:15 AM](#)

SENATOR GRETCHEN GUESS asked for clarification whether there were any situations where only the courts were allowed to give a temporary release where the DOC cannot.

MS. PARKER said the DOC does not allow temporary releases at all for pre-trial or pre-sentence.

SENATOR GUESS stated SB 216 would not allow for temporary releases but a person could still request for an escort for something that they need to do.

MS. PARKER said that is correct.

CHAIR SEEKINS held SB 216 in committee.

SB 284-SENTENCING FOR ALCOHOL-RELATED CRIMES

[9:38:16 AM](#)

CHAIR RALPH SEEKINS announced SB 284 to be up for consideration.

SENATOR GENE THERRIAULT, sponsor, noted that current language in the bill requires that the penalty would be for the lifetime of the defendant. He said he would consider adding language that provides for time up to the lifetime of the defendant. It could be up to the discretion of the court as to the length of time the defendant would be ordered to abstain from drinking alcohol.

[9:41:01 AM](#)

SENATOR THERRIAULT noted page 1 line 9 allows for consumption of alcohol by prescription of a medical professional for healthcare purposes.

SENATOR GRETCHEN GUESS asked for the definition of "alcoholic beverage."

MR. STANCLIFF advised he would research with the drafter to ascertain whether there was an existing definition in statutes.

[9:44:24 AM](#)

SENATOR HOLLIS FRENCH suggested adding multiple DWI convictions to the list for lifetime ban of alcohol.

CHAIR SEEKINS held SB 284 in committee.

CHAIR SEEKINS announced a brief recess at [9:45:25 AM](#).

SJR 20-CONST. AM: BENEFITS & MARRIAGE

9:55:20 AM

CHAIR RALPH SEEKINS announced SJR 20 to be up for consideration.

KRISTEN BOMENGEN testified in opposition to SJR 20. She described her career and life as one steeped in public service, including volunteering for Hurricane Katrina and serving as an international election observer for Ukraine. She said she puts as much effort as possible into serving her community, state, country and world. She said it was important for the committee to know that she was more than a lesbian.

MS. BOMENGEN described her 13-year relationship with her partner. While she was employed as an assistant attorney general, her uninsured partner suffered extensive medical issues, which put them in serious financial distress for years afterwards.

10:00:03 AM

CHAIR SEEKINS interrupted Ms. Bomengen to ask her to summarize.

MS. BOMENGEN continued describing the extensive medical treatments sustained by her uninsured partner. She expressed concern over whether SJR 20 would serve to allow a hospital to keep her from visiting her partner during a medical emergency. She urged committee members to consider the harm that could be caused by the resolution and urged them to reject it.

10:02:13 AM

CID BLASE testified in opposition to SJR 20. As a school teacher, she said her favorite subject to teach was history because she could show her students the many amendments that have been made to the United States Constitution creating laws for the equal treatment of all, which benefit the people as a whole. She suggested SJR 20 would reverse the historical tide of making access to rights, benefits, obligations, and qualities of life more equal. She said she wants to continue teaching her students that Alaska sets good examples for other states.

10:04:44 AM

MARGOT KNUTH testified in opposition to SJR 20. She informed the committee that she worked for the State of Alaska for 23 years both in the Department of Law and in the Department of Corrections. She said she is pleased with the Alaska Supreme Court decision, which would allow her the same rights and benefits as her colleagues.

MS. KNUTH described a letter to Dear Abby wherein Abby sided with the parents who allowed their gay son and his longtime partner to sleep in the same room while visiting, much to the dislike of the son who was not married but was visiting with his girlfriend and was not awarded the same courtesy. Abby noted, like the parents did, that while the unmarried son and his girlfriend had the option of marriage and weren't, the gay son would have married if the option were available. She said the unanimous Alaska Supreme Court decision was similar to the thinking of those parents and, she said, if that makes sense to five justices of the Alaska Supreme Court as well as Dear Abby, it should be appropriate. She urged the committee to reject the resolution.

10:08:15 AM

JOHN MONAGLE testified in support of SJR 20. He said the taxpayers have a right to vote on the issue.

IDA BARNICK testified in support of SJR 20. She said the voters have decided that marriage is between a man and a woman and should not be interpreted any other way.

SUE SCHRADER testified in opposition of SJR 20. She said she and her husband have enjoyed the benefits from his 15-year employment with the State of Alaska. The benefits have provided financial security and peace of mind, she noted, and they are a good offset for the high cost of living in Alaska. The City and Borough of Juneau and the University of Alaska offer domestic partnership benefits without incurring excessive costs. Many large companies such as IBM, Microsoft, Ford, Wells Fargo, and Coors Brewing Company know that providing such benefits help to attract and retain skilled employees.

MS. SCHRADER suggested the court wisely and appropriately ruled to protect the rights of a minority group, a principle at the heart of government. She said she could not comprehend how SJR 20 could strengthen her marriage. She suggested the issue was not about letting the people vote and asked the committee how the majority of voters in Alabama or Mississippi would have voted on school segregation in 1956. She said she was proud that the Alaska State Constitution protects the rights of minority groups and that the judges uphold those constitutional rights. She asserted it was an issue of fairness in a democratic society and said it was wrong to seek to amend the Constitution to deprive Alaskans of equal protections.

[10:13:41 AM](#)

DIXIE HOOD testified in opposition to SJR 20. She asserted that representation of the people of the State of Alaska has been undermined by political opportunism. Proposing an amendment to the Alaska State Constitution to further deprive many Alaskans of their civil rights is unjust and contrary to the ideals of democracy, she stated. Discrimination based on self-interest, ignorance or righteousness is all too common and has no place in Alaska. She urged the committee to reject the resolution.

PAUL GRANT testified in opposition to SJR 20. He suggested it was a discriminatory resolution that seeks to write discrimination into the Alaska State Constitution. He said African Americans would not be allowed to vote and segregation would still be allowed in schools today if that issue were put on the ballot in southern states. He suggested the Senate Judiciary Standing Committee was avoiding its responsibility for upholding the anti-discriminatory provisions of the Constitution by allowing SJR 20 to go forward.

SENATOR THERRIAULT questioned Mr. Grant's statement regarding African Americans not being allowed to vote and said that wasn't true since it would have been pre-empted by the United States Constitution.

MR. GRANT said that was exactly the point. The judiciary was the body that decided against the will of the people against constitutional and statutory provisions. He cited the interracial marriage case of Loving versus Virginia in which the United States Supreme Court said state laws that prohibit interracial marriage are unconstitutional. He said had the issue been put to a popular vote, Virginia law would have overwhelmingly been supported by voters in the South.

[10:19:07 AM](#)

CHAIR SEEKINS said Senator Therriault's point was there is no Supreme Court decision that addresses the topic of SJR 20.

MR. GRANT countered the Alaska Supreme Court decision is standing. There is also the recent Romer versus Evans case in Colorado.

[10:20:00 AM](#)

DIANE MAYER testified in opposition to SJR 20. She said it was poorly drafted, confusing, and difficult to interpret. She questioned the meaning of it and its affects. She asked the definition of "qualities of marriage" and said the resolution

was misleading since same-sex couples are denied marriage in the State of Alaska. She said the Alaska Supreme Court decision was not about the benefits of marriage, it was about equal access to the benefits of employment.

MS. MAYER said:

You can't sign up for life or health insurance for your family, joint or survivor annuities, a death benefit, or health insurance in retirement for your life partner simply because of a marriage certificate. To receive these benefits you have to successfully compete for a job, you have to go to work every day, you have to be productive, satisfactorily accomplish your assignments. These benefits are all provided as benefits of employment though they are currently granted only to those employees who are allowed to marry.

MS. MAYER said Article 1 of the Constitution states that all persons have a natural right to the enjoyment of the rewards of their industry. She asserted that the benefits in question are linked to employment and not marriage. The opportunity for family stability is a result of the person's industriousness in the workplace, she stated. She urged the committee to uphold the Alaska State Constitution and reject the resolution.

MS. MAYER pointed to a report from the Conference of Young Alaskans held in January 2006. Fifty-five young Alaskans met to commemorate the 50th anniversary of the Alaska State Constitution. In their report they overwhelmingly voted to approve language that specifically stated support of a diverse culture. Item 4 in their report specifically says, "Because it directly inhibits the rights of individuals, the Alaska State Legislature shall repeal the 25th Amendment to the Alaska State Constitution defining marriage."

SENATOR HUGGINS asked Ms. Mayer whether she supported the 25th Amendment.

MS. MAYER said no.

[10:26:33 AM](#)

JANELL HAFNER testified in opposition to SJR 20. She said the Alaska Supreme Court decision could be read in conformity with the Alaska State Constitution.

CANDACE BROWER testified in opposition to SJR 20. She strongly urged members to dissolve the resolution in committee.

10:28:29 AM

MICHAEL MACLEOD-BALL, Executive Director, Alaska American Civil Liberties Union testified. He disagreed with earlier comments of some committee members that their job is to pass the resolution on to the people for a vote. He said they are mistaken to say that the Alaska State Legislature has no real substantive role to play in the matter and that its only duty is to simply pass the question along to the people. He said it ignores the clear obligation of the Legislature to vet the very serious matter of amending the foundation document of Alaska State laws.

He encouraged the committee members to protect the individual rights of all Alaskans. He said pollsters get the answers they want when they design the question in the right way. A rigged question will get a rigged answer, he said. He said the question, in this case, is misleading and he is still unsure what SJR 20 means.

10:31:55 AM

MR. MACLEOD-BALL said one thing it would do is amend the Marriage Amendment but the court decision accepted the Marriage Amendment in full and interpreted the Equal Protection Clause and said the existing employment benefit system for state workers was discriminatory under the Equal Protection Clause of Article 1. He suggested the real problem was with the question that the proponents of SJR 20 would propose to offer to the voters.

He said:

If you insist on passing on your obligation to stop this now, then at least you ought to ask an honest question about what you want to achieve. You want to change the outcome of the case that was decided in October and that means you want to change the meaning of the Equal Protection Clause. If you want to let the people decide, then at the very least, ask them the right question. Do you want to restrict the Equal Protection Clause so that it no longer applies to unmarried individuals? Do you want to exempt unmarried individuals from the benefits of equal protection? In that case, I think, you will have sidestepped your obligation to protect individual rights in this body but at least you will have framed the issue arising out of the case that came down in October and you'll

have raised it in the context of the Equal Protection Clause, which I think is the more appropriate question.

[10:33:48 AM](#)

SENATOR HUGGINS took exception Mr. Macleod-Ball's suggestion that he was a party to a "rigging."

CHAIR SEEKINS advised Mr. Macleod-Ball that he could not respond to Senator Huggins' comment.

SENATOR GUESS said:

Then I will speak up on it. I think it was a metaphor and people need to listen to the entire argument. I think the point that I heard was the question you ask is very important and is something that actually we haven't spent any time in this committee on, nor has the person that we hired spent time explaining why the question and why it's framed the way responds to the [Alaska] Supreme Court decision.

She said she used to write polling questions for a living and it is the case of spinning the question to get the desired result.

CHAIR SEEKINS said it was not the intent of the sponsors to trump equal rights protection; and that SJR 20 was a legitimate question to pose to the voters.

[10:38:48 AM](#)

SEINA ANIHETA expressed concern as an employee of the University of Alaska that SJR 20 would jeopardize the ability of the University to attract and retain highly trained workers. She said the resolution in its broadness would have unintentional effects.

KATE SUNWOOD testified in opposition to SJR 20. She contended the resolution was ambiguous and unclear of intent. She said SJR 20 would wipe out people's opportunity to purchase medical insurance.

[10:41:07 AM](#)

WILLIAM HILL testified in support of SJR 20. He suggested that non-traditional marriages create at-risk youths. He said every child in the state should have the opportunity to live in the traditional atmosphere of a male husband and female wife since that is what creates stable citizens. All cultures in the world agree that marriage and family are traditional. For the sake of

at-risk youth, he said, Alaska citizens should do everything possible to discourage non-traditional families, rather than encourage them by providing benefits for them.

FRED TRABER testified in opposition to SJR 20. He said his partner and he have been together for over 30 years. They jointly own property, have well respected careers, and make a positive contribution to their community. He said they have decades of experience with discrimination and it has been their experience that intolerant and mean-spirited people promote discrimination and bigotry. There is no credible reason for the legislative body of the people to put a ballot proposition promoting discrimination before the people.

[10:45:57 AM](#)

GLENN BIEGEL commented on SJR 20. He said he supported the resolution and that the Alaska Supreme Court overrode precedence, original intent, lower court rulings, legislative action, public intent, common sense, and the plain language of the Alaska State Constitution. He suggested the problem was with the judiciary and said they are not interested in being constrained and will make their own interpretations. SJR 20 is an attempt to redress a judiciary that does not understand the Constitution.

He said the resolution is not apparent that it applies only to public groups. He said the Alaska Supreme Court might also ignore the amendment and create a new type of relationship and therefore grant that relationship benefits.

[10:49:31 AM](#)

MR. BIEGEL summarized by suggesting there were difficulties with the resolution being over broad. He suggested the Alaska Supreme Court caused the need for SJR 20.

Chair Seekins held SJR 20 in committee.

There being no further business to come before the committee, Chair Seekins adjourned the meeting at [10:51:35 AM](#).