

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

February 16, 2007

3:01 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Mark Neuman, Vice Chair
Representative Gabrielle LeDoux
Representative Robert L. "Bob" Buch

MEMBERS ABSENT

Representative Carl Gatto
Representative Jay Ramras
Representative Berta Gardner

COMMITTEE CALENDAR

HOUSE BILL NO. 77

"An Act relating to marriage brokers and advertisers and to dating and social referral services."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 77

SHORT TITLE: MARRIAGE BROKERS AND ADVERTISERS

SPONSOR(S): REPRESENTATIVE(S) KERTTULA, DOLL

| | | |
|----------|-----|---------------------------------|
| 01/16/07 | (H) | PREFILE RELEASED 1/5/07 |
| 01/16/07 | (H) | READ THE FIRST TIME - REFERRALS |
| 01/16/07 | (H) | L&C, FIN |
| 02/07/07 | (H) | L&C AT 3:00 PM CAPITOL 17 |
| 02/07/07 | (H) | Scheduled But Not Heard |
| 02/16/07 | (H) | L&C AT 3:00 PM CAPITOL 17 |

WITNESS REGISTER

REPRESENTATIVE BETH KERTTULA
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Joint prime sponsor of HB 77.

HANNAH MCCARTY, Staff

to Representative Beth Kerttula
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during hearing on HB 77
on behalf of Representative Kerttula, joint prime sponsor.

ACTION NARRATIVE

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at [3:01:38 PM](#). Representatives Buch, LeDoux, Neuman, and Olson were present at the call to order.

HB 77-MARRIAGE BROKERS AND ADVERTISERS

CHAIR OLSON announced that the only order of business would be HOUSE BILL NO. 77, "An Act relating to marriage brokers and advertisers and to dating and social referral services."

[3:02:33 PM](#)

REPRESENTATIVE BETH KERTTULA, Alaska State Legislature, joint prime sponsor, explained that HB 77 is an "outgrowth" of previous legislation regarding the trafficking of women. During the research for the aforementioned trafficking legislation, the issue of international marriage brokers was discovered. This is a "right to know" law, and the information gathered would enable women to make reasonable decisions regarding marriage. There are high incidences of domestic violence in these cases and murders have occurred. She pointed out that the federal trafficking law was a result of high profile cases in Washington State. She commented that this is a "work in progress." Few states currently have laws governing international marriage brokers. She stated that her office has worked with the Department of Public Safety (DPS), Department of Law (DOL), and other state agencies.

CHAIR OLSON stated that he does not intend to move the bill today.

[3:05:18 PM](#)

HANNAH MCCARTY, Staff to Representative Beth Kerttula, Alaska State Legislature, joint prime sponsor, explained that it is estimated that 8,000 to 16,000 marriages between American men and foreign women take place each year, as a result of marriage broker agency introductions. HB 77 requires that marital history information be provided. This must include the number

of previous marriages, how and when the marriages were terminated, and whether the individual has previously sponsored a foreign national for purposes of marriage. In addition, criminal information must be obtained by submitting fingerprints for a national criminal history record check. This would also include a list of restraining orders and civil protective orders that involve the client. Information on all domestic violence laws, victim's rights, and victim's assistance information must be provided. This information must be provided in the language of the prospective bride. Violations of these requirements are subject to a civil penalty of up to \$20,000. The intent of HB 77 is to require that accurate information be provided, in order to educate potential brides on the risks associated with this type of arranged marriage, and what the options are. The sponsor's are working with the DOL and the DPS to draft a committee substitute (CS).

[3:07:25 PM](#)

MS. MCCARTY, in response to a question from Representative Buch, referred to Section 1(2), which requires that the aforementioned information be provided in the recruit's native language.

[3:08:03 PM](#)

REPRESENTATIVE LEDOUX asked what jurisdiction the state has over international marriage brokers. She expressed concern regarding enforcement of the aforementioned jurisdiction.

MS. MCCARTY replied that only U.S. marriage brokers which operate in Alaska were considered when drafting HB 77.

REPRESENTATIVE LEDOUX surmised that there are many marriage brokers based in other countries and advertising in the U.S.

REPRESENTATIVE KERTTULA offered her understanding that other states have dealt with this issue and have not considered foreign-based corporations. She agreed that this is a "good jurisdictional question." In regard to cultural arrangements, she explained that these have been made exempt from the aforementioned requirements.

REPRESENTATIVE LEDOUX inquired as to how cultural arrangements are excluded. She offered her understanding that in cultural arrangements, a fee may be exchanged.

REPRESENTATIVE KERTTULA replied that the intent is to exempt cultural and religious arrangements that are not a commercial transaction through a marriage broker. She opined that this would require "tighter language," as the bill states that these arrangements are "not for profit."

REPRESENTATIVE LEDOUX offered her understanding that a number of foreign cities have marriage brokers that operate in specific communities, for a fee.

REPRESENTATIVE KERTTULA replied that she would be willing to work on developing language to address this issue.

CHAIR OLSON offered his understanding that these are religious arrangements.

REPRESENTATIVE KERTTULA replied that this is correct.

[3:11:54 PM](#)

REPRESENTATIVE NEUMAN questioned how the state would have jurisdiction over an individual who is a citizen of another country and is residing in the U.S.

REPRESENTATIVE KERTTULA replied that she would look into this. She explained that the focus has been on bringing foreign nationals into the US.

CHAIR OLSON inquired as to whether the Internet community has commented on this issue.

REPRESENTATIVE KERTTULA replied yes. She opined that this is an "interesting area," adding that the intent is not to stop legitimate activities.

REPRESENTATIVE LEDOUX inquired as to how this would impact dating services.

REPRESENTATIVE KERTTULA replied that dating services have been involved in discussions to ensure that these services are included or excluded as is appropriate.

MS. MCCARTY added that page 3, lines 26-30 defines "marriage broker or advertiser." She explained that "with a person who resides outside of the United States" was added in an attempt to exclude internet dating services. She stated that more work will be done on this definition.

[3:14:04 PM](#)

REPRESENTATIVE KERTTULA said:

One of the problems ... is truly the situation where you have someone who doesn't speak English. That really becomes one of the big issues. In domestic violence, in holding the women against their will, and not having any contacts in the U.S., or any ability to get any help. That's one of the big problems with trafficking, and one of the problems that we see throughout the literature on mail order brides.

REPRESENTATIVE NEUMAN inquired as to whether the information required by HB 77 is public information.

REPRESENTATIVE KERTTULA replied that much of this information can be obtained from a courthouse. The criminal record requirement is being discussed with the DOS. She opined that whether or not this information is public, if a woman is being brought from a foreign country for the purposes of marriage, this information should be made available to the potential bride.

REPRESENTATIVE BUCH offered his understanding that if a divorce is involved, the information is public.

CHAIR OLSON restated his intention to hold HB 77 until the following week.

REPRESENTATIVE KERTTULA stated that she would work with members to address concerns.

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at [3:16:23 PM](#).