

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 27, 2007

8:09 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Bob Roses, Vice Chair
Representative John Coghill
Representative Kyle Johansen
Representative Craig Johnson
Representative Andrea Doll
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 9

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

- MOVED HJR 9 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 9

SHORT TITLE: CONST. AM: BENEFITS & MARRIAGE

SPONSOR(S): REPRESENTATIVE(S) COGHILL

02/12/07	(H)	READ THE FIRST TIME - REFERRALS
02/12/07	(H)	STA, JUD, FIN
03/27/07	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

BOB DOLL

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of himself in opposition to HJR 9.

BOB HEAD

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of himself in support of HJR 9.

STEVEN JACQUIER

Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of himself in opposition to HJR 9.

LOREN LEMAN

Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of himself in support of HJR 9.

SHIRLEY RIVAS

Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of herself in opposition to HJR 9.

DAVE BRONSON

Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of himself in support of HJR 9.

JEANNE LAURENCELLE

Fairbanks, Alaska

POSITION STATEMENT: During hearing on HJR 9, highlighted the need for equality and the protection of minorities, and asked the committee to table the resolution.

HONDA HEAD

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of herself in support of HJR 9.

MARY GRAHAM

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of herself that HJR 9 is a matter of equal rights and benefits for all Alaskan citizens and is not an issue related to the definition of marriage.

DEBBIE JOSLIN, Chair

Vote YES for Marriage

Delta Junction, Alaska

POSITION STATEMENT: Testified in support of HJR 9.

ROLANDO RIVAS

Anchorage, Alaska
POSITION STATEMENT: Testified on behalf of himself in
opposition to HJR 9.

ART GRISWOLD
Delta Junction, Alaska
POSITION STATEMENT: Testified in support of HJR 9.

MARSHA BUCK
Juneau, Alaska
POSITION STATEMENT: Testified on behalf of Parents, Families
and Friends of Lesbians and Gays (PFLAG) in opposition to HJR 9.

BARBARA BELKNAP
Juneau, Alaska
POSITION STATEMENT: Testified on behalf of herself in
opposition to HJR 9.

CHRISTINA JOHANNES
Juneau, Alaska
POSITION STATEMENT: Testified on behalf of herself in support
of HJR 9.

JANE HAIGH
Fairbanks, Alaska
POSITION STATEMENT: Testified on behalf of herself and her
family in opposition to HJR 9.

PATTY GRISWOLD
Delta Junction, Alaska
POSITION STATEMENT: Testified on behalf of herself in support
of HJR 9.

PATRICK MARLOW
Fairbanks, Alaska
POSITION STATEMENT: Testified on behalf of himself in
opposition to HJR 9.

SID HEIDERSDORF
Juneau, Alaska
POSITION STATEMENT: Testified on behalf of himself in support
of HJR 9.

LYDIA GARCIA, Interim Executive Director
National Education Association of Alaska (NEA-Alaska)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 9 and "to all legislation that discriminates against Alaskans."

JOHN MONAGLE

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of himself in support of HJR 9.

MARY BISHOP

Fairbanks, Alaska

POSITION STATEMENT: Testified on behalf of herself in opposition to HJR 9.

KEVIN DAUGHTERY

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of himself in support of HJR 9.

KATHERINE HOCKER

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of herself in opposition to HJR 9.

MAC CARTER

(No address provided)

POSITION STATEMENT: Testified on behalf of himself in support of HJR 9.

MICHAEL MACLEOD-BALL, Executive Director
Alaska Civil Liberties Union (ACLU) Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition of HJR 9.

DIXIE HOOD

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of herself in opposition to HJR 9.

LIN DAVIS

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of herself in opposition to HJR 9.

SHERRY MODROW

Fairbanks, Alaska

POSITION STATEMENT: Noted that she had signed up to testify in opposition to HJR 9.

ACTION NARRATIVE

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at [8:09:46 AM](#). Representatives Roses, Coghill, Johansen, Johnson, Gruenberg, Doll, and Lynn were present at the call to order.

HJR 9-CONST. AM: BENEFITS & MARRIAGE

CHAIR LYNN announced that the only order of business was HOUSE JOINT RESOLUTION NO. 9, Proposing an amendment to the section of the Constitution of the State of Alaska relating to marriage.

CHAIR LYNN discussed the manner in which the committee would hear testimony.

[8:13:19 AM](#)

REPRESENTATIVE COGHILL, as prime sponsor of HJR 9, explained that the resolution is a constitutional amendment that specifies that the benefits, obligations, and qualities of marriage pertain only between one man and one woman. He paraphrased his sponsor statement, which read as follows [original punctuation provided]:

HJR 9 is offered in response to the Supreme Court ruling of October 28, 2005. The Court ruled that same sex couples are similarly situated making them equal to married couples with regard to receiving health benefits from public employment. The conclusion of the Court is that spousal limitations are unconstitutional.

The people of Alaska in a constitutional amendment vote in November 1998 by a 68% margin thought the issue of marriage and its benefits for same-sex couples was settled. The plaintiffs in Brause v. Bureau of Vital Statistics treated marital status and marital benefits as inseparable, thereby recognizing that marriage is a special relationship is society and law.

AS 25.05.013(b) passed by the Alaska Legislature in 1996 prohibits any public employer from extending marriage benefits to same-sex partners so the constitutional language in HJR 9 is consistent with

the will of the legislature, which is consistent with the 1998 vote of the people of Alaska.

AS 18.80.220(c) is a law ignored by the court. It is under "unlawful Employment Practices" which grants an exception to employers who "provide greater health and retirement benefits to employees who have a spouse or dependent children" enacted into law in 1996. My intent is to show the public good of a policy preserving marriage benefits as a societal value for the health of families in Alaska.

As a Representative Democracy it falls upon us to refer this to those who answer to the principle "All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole." Alaska Constitution, Article 1, Sec.2.

Amending our constitution is a weighty matter and should not be done lightly in my view. My interest is asking the people of Alaska if they agree with their Supreme Court, and if not, should we amend the constitution to better reflect the people's view. I appeal to you with Article 1, Section 2. This is our only recourse in answering this huge sociological question for those of us who disagree with the Court's conclusion.

[8:18:21 AM](#)

REPRESENTATIVE COGHILL directed attention to the proposed new language to the constitution, [beginning on page 1, line 6, through line 10], which read as follows:

No other union is similarly situated to a marriage between a man and a woman and, therefore, a marriage between a man and a woman is the only union that shall be valid or recognized in this State and to which the rights, benefits, obligations, qualities, or effects of marriage shall be extended or assigned.

REPRESENTATIVE COGHILL explained how the sentence was structured to respond to the ruling by the Alaska Supreme Court.

[8:24:24 AM](#)

BOB DOLL testified on behalf of himself in opposition to HJR 9. He said when he joined the military, he took an oath to "preserve, protect, and defend" the Constitution. He relayed that a question often asked is, "What are we fighting for?" He stated:

I believed ... that I was fighting to prevent the kind of bullying that singles out some of our citizens for inferior status, that applies some kind of test that undermines their citizenship; the kind of bullying that made possible totalitarian regimes in ... once proud countries around the world and which ultimately required all of the treasure and manpower we could muster to overcome. I was, and I remain, proud of whatever smaller role I was able to play in that effort, and I believe that most Americans share in the pride that goes with having overcome that kind of bullying.

And so, I ask that the committee table this resolution and reassure to those of us who thought we knew what we were fighting for that the Alaska [State] Legislature understands what we have all fought for.

[8:28:27 AM](#)

BOB HEAD testified on behalf of himself in support of HJR 9. He expressed his respect for [Mr. Doll's] service to the country and his status to the country. He opined that what is being fought for is a form of government in the U.S. whereby the people are the government. He said the people of [Alaska] have made "a very clear statement." He said since there seems to remain a lack of clarity regarding "the whole situation," the people once again need to be given the opportunity to clearly voice and define "what it is that we as a people want and don't want." He stated, "This issue, as I see it, is not necessarily one of ethics, morality, religion, or anything else. This is: Do we the people really run our nation and this state, or do we look at individuals other than those we elect to represent us to make a change in what we are trying to accomplish as people?" Mr. Head remarked that the state's representatives have done a good job in bringing issues forward and representing those who elected them. He said he finds it upsetting that a few, unelected individuals can "turn that on its head and say, 'No, we're going to make it go in this direction.'"

8:30:35 AM

STEVEN JACQUIER testified on behalf of himself in opposition to HJR 9. He revealed that he has taught for many years in Alaska's rural villages and operates a small business, while his partner is a retired professor. He said both he and his partner lost their previous partners after being together for 13 and 27 years, respectively, and after nearly six years together, he and his partner will "doubtless remain a couple for the rest of our lives." He spoke of his and his partner's daughter and son, and of the expense of putting children through school. Mr. Jacquier noted that he and his partner have put in 43 years combined working for Alaska and pulling their own weight, and their payroll contributions have funded the coverage of married workers for decades.

MR. JACQUIER pointed out that he is currently covered by his partner's insurance; however, that coverage would not longer be available to him should HJR 9 pass, and he would be forced to seek expensive, private insurance coverage.

MR. JACQUIER compared HJR 9 to "Jim Crow" laws in the South that "marginalized and disenfranchised people of color, forced white folks to be parasites upon the labor of people of color, and were bad for everyone." He said those laws existed because "a righteous majority was content to tyrannically exploit and abuse a minority," which he remarked is not an admirable exercise of good, Christian values. Mr. Jacquier said, "Gay people are just as God created us. We have no more choice about that than we do about our skin color." He said just as women should receive pay equal with that of men for performing equal work, Alaskans in long-standing, committed relationships, contributing to their community, yet prohibited from marriage, absolutely do merit treatment equal with that accorded to their married coworkers. He stated, "The Alaska Constitution says so; the highest court in the state says so; and common decency says so." He indicated that same-sex couples would go to City Hall and sign a civil marriage contract if they could. He said many same-sex partners have been together as committed, unmarried couples far longer than most heterosexual married couples. Mr. Jacquier concluded, "If the situation were turned around, with this bill directly targeting our married coworkers, and forcing us to become parasites upon them, then as fair-minded, good neighbors, we would not stand for it. Please, please, table this now; be leaders."

8:33:56 AM

REPRESENTATIVE ROSES invited Ex-Lieutenant Governor Loren Leman to testify.

LOREN LEMAN testified on behalf of himself in support of HJR 9, which he indicated would "restore the will of the people in Alaska, establishing social policy." He said an enormous amount is at stake when judges act as social engineers; when judges overreach, the state is run by an oligarchy rather than a democratic republic. He defined an oligarchy as "a government by a few, black-robed elites." He said 12 years ago, two homosexual men in his district sued the state for a marriage license, claiming that they were denied equal protection, because they could not receive the rights, privileges, and benefits provided married men and women. Mr. Leman stated that an Alaska Superior Court judge, "ignoring more than 6,000 years of recorded history, which always identified marriage as a union of men and women," ruled in their favor. Mr. Leman said that in 1998, in response to that ruling, two-thirds of Alaska's legislators and "nearly 70 percent of Alaskans" passed "the marriage amendment" - which now appears in Article I, Section 25, [of the Constitution of the State of Alaska]. That amendment stated that marriage can exist only between one man and one woman. Mr. Leman explained that although the amendment defended marriage from judicial redefinition, it left open the possibility that "the people" or the state's legislature could voluntarily offer additional employment and retirement benefits to people who are not married. He stated, "The legislature has wisely - in my opinion - chosen not to do this." Mr. Leman explained that the reason he is so familiar with the legislative history relating to this issue is because at the time it occurred, he was a Senator who participated in the debate.

[8:38:03 AM](#)

SHIRLEY RIVAS testified on behalf of herself in opposition to HJR 9. She said she is a happily married woman, and she and her husband have a blended family of five adult children and 12 grandchildren. She related that she does not see how the proposed legislation will improve any of her family's lives. Conversely, she said she sees the harmful effect HJR 9 will have on her gay son and his partner, who, she stated, work hard at their jobs and contribute to their family culture and society as a whole. She said they are as dedicated to one another as she and her husband are to each other, and to remove the benefits from them that they worked for and earned is "hateful and criminal." She said, "The basis for HJR 9 is hate ... for a

minority population of this state." She posited that the Constitution of the State of Alaska should not have been amended in 1998 and should not be amended further now. Ms. Rivas stated, "HJR [9] is nothing more than a hate crime." She asked the committee to vote against the resolution.

8:40:15 AM

DAVE BRONSON told the committee that although he serves on the board of the Alaska Family Council and Alaska Family Action, he is testifying on behalf of himself in support of HJR 9. He revealed that he spoke last year in support of House Joint Resolution 32 and Senate Joint Resolution 20, two bills regarding the same issue as HJR 9. He said he is tired of hearing about this issue, which he indicated was resolved in 1998 with the addition of Article 1, Section 25 in the Constitution of the State of Alaska. He said, "Then came a small group of homosexual ... activists and their willing allies in the judiciary [branch], which through very tortured logic determined that since homosexual employees of the state could not be married, they must be treated as if they were married - and that is through same-sex benefits."

MR. BRONSON opined that this issue is not about same-sex benefits. He explained, "This is simply an incremental attack on the institution of marriage, with same-sex benefits used as a primary weapon in that attack. Furthermore, during this attack, the constitutional authority of the legislature has been seriously abridged by the judiciary" One option is to do nothing, he said; however, Mr. Bronson predicted that taking no action would result in the aforementioned activists demanding same sex marriage and prevailing in that demand. He said that happened in Massachusetts and elsewhere. The other option, he said, is for the legislature to pass HJR 9, to "bring this issue to its rightful conclusion." He noted that he would submit the testimony of Dr. Jeffrey Satinover [included in the committee packet], which had been presented to the Massachusetts Senate Judicial Committee on April 28, 2003.

8:43:36 AM

JEANNE LAURENCELLE testifying on behalf of herself, said she thinks the question to ask is: "Will all Alaskan citizens be treated equally, or will we allow a pressure group to institute legislation to suppress a minority?" She mentioned the Bill of Rights and said people's inherent rights are to have equal rights, opportunities, and treatment under law. She asked, "So,

are we going to dispense with that in the interest of fundamentalist Christians, or are we going to continue with our great tradition of protecting minorities?"

MS. LAURENCELLE relayed that she is part of a blended family, and she relies on domestic partner benefits through the University of Alaska in order to insure her step-daughter.

8:45:29 AM

HONDA HEAD testified on behalf of herself in support of HJR 9. She stated:

Where is the voice of the people? Don't we ... matter? And as far as rights and being discriminated against: Hey, you know, marriage is marriage - it's between a man and a woman. It's not between a dog and -- my dog loves us, but we can't marry him. So, if we want coverage for him, we have to buy it. If we want to take him to the doctor or to the hospital or something for surgery, we have to pay for it. I mean, if you're in a relationship that you -- it's just as disgusting to me as being married to an animal. But that's your ... right, but you can pay for it yourself if you want coverage for them. Please pass this bill.

8:46:42 AM

MARY GRAHAM specified that although she is a state employee, she is testifying on behalf of herself. She noted that she is a member of the Unitarian Universalist Fellowship in Juneau. She stated that she disagrees with the many comments heard thus far that the issue at hand is about marriage. She explained that the issue of marriage was addressed in 1998, when the aforementioned constitutional amendment occurred. She described that campaign as "very hurtful and hateful." She said the current issue is one regarding equal pay for equal work. She said HJR 9 concerns her because it would take away health benefits that have already been given to many domestic partnerships in the state. Those domestic partnerships include both heterosexuals and homosexuals. Some of those benefits, she related, were negotiated through collective bargaining. She stated, "I don't want to see the Alaska Constitution limit the right of employees to collectively bargain with their employers for benefits, which is equal pay for equal work." Ms. Graham recalled that the bill sponsor spoke of a national debate. She noted that Alaska's equal protection clause is stronger than the

federal [clause] and that of other states. She said she thinks the Alaska Supreme Court rightly stated that all Alaska citizens are created equal and should receive the benefits of being Alaska citizens. She asked the committee to table HJR 9.

8:48:28 AM

DEBBIE JOSLIN, Chair, Vote YES for Marriage, testified in support of HJR 9. She revealed that she had voted in favor of the constitutional amendment in 1998. She specified that her intent in voting in favor of that amendment was to say that every aspect of marriage is between one man and one woman. She stated that she feels that the judges of Alaska have ignored what 70 percent of Alaskans voiced in 1998. She emphasized the necessity of putting forth a constitutional amendment on the ballot in 2008, so that "we could have a chance to weigh in on this and explain further what apparently the judges did not understand the first time, and further define marriage and what that means to us." She stated that the will of the people has been usurped by the court.

MS. JOSLIN said she has "no hate at all toward any of the people (indisc. -- technical interference) in court," nor for anyone who is homosexual. She reported having received daily phone calls, e-mails, and letters filled with hate towards her and her family, and she said she does not feel hatred toward those people either. She said people have the right to live their lives as they wish, but the people of Alaska have no obligation to call [committed, same-sex couples] marriage or treat it as such. She opined that children are so much better off if they can be raised in "a healthy environment where they have a mother and a father." She added, "That's not always possible, but it is the best for our children, and we need to think about what is best for children here, and not about somebody's sexual preferences."

MS. JOSLIN related that she has been told by people that they have a loving, committed relationship with another individual of the same sex. She said she has a loving, committed relationship with her mother-in-law. She added, "But we are not married, nor could we ever be married, because she is a woman and so am I." She concluded, "A marriage is special and unique and different than any other relationship on the face of this earth."

8:51:22 AM

ROLANDO RIVAS testified on behalf of himself in opposition to HJR 9. He stated that the resolution is not about marriage, but rather is about taking away rights and benefits from a segment of Alaska's population. He said the Constitution of the State of Alaska guarantees equal rights to all citizens of the state, and he opined that to have some members of the legislative body attempt to take away those rights for political reasons is wrong. He asked the committee to table HJR 9, which he said is the right and just action to take.

[8:52:32 AM](#)

ART GRISWOLD testified in support of HJR 9. He described himself as a 72-year-old man who has lived in Alaska since the 1950s and is married to a woman with whom he has raised eight children, plus fostered other children from problem households. He stated his belief that "marriage is a very critical part of raising children," and "a man and a woman can raise the children where you don't confuse them as to their sexuality." He said it is the right of the people of Alaska to be allowed to vote on whether or not to recognize same-sex partners, and he indicated that HJR 9 would give people that opportunity. He concluded by noting that he is a veteran.

[8:53:57 AM](#)

MARSHA BUCK testified on behalf of Parents, Families and Friends of Lesbians and Gays (PFLAG) in opposition to HJR 9. She indicated that through a recently passed initiative mandating a 90-day legislative session, the public is giving the message that it wants its legislators to use time wisely, not frivolously. She said this hearing and the upcoming, related advisory vote together "give the appearance of a huge waste of time and money." In response to a question from Chair Lynn, she said she serves as mother to a woman whose partner is a state employee, and that woman would lose her benefits if the proposed constitutional amendment were to pass.

[8:57:45 AM](#)

BARBARA BELKNAP testified on behalf of herself in opposition to HJR 9. She spoke of the issue of fairness, which she said is in the eye of the beholder. When two parties cannot agree on what is fair, she said, the issue goes to the courts for an impartial decision. She relayed that some members of the legislature do not like the decision made about fairness by the judicial branch. She continued:

The judges ruled that it was not fair for some public employees to get employment benefits by virtue of marriage, while their coworkers, [who] were in committed, same-sex relationships, were denied benefits. This resolution appears to go even further, prohibiting all employers from offering benefits to any couples who are not married. The state constitution guarantees equal protection, and since the state workers were prohibited by their constitution in marrying, the fair and just thing to do is to provide equal benefits for equal work.

MS. BELKNAP said the goal of good government policy should be to ensure as many people as possible have health benefits, not taking them away. She said she disagrees with a recent statement by former Representative Phillips that fairness is an inherent moral value for Alaskans, because if it were, "we wouldn't be here today." She said the attitude, "live and let live" used to be an Alaskan philosophy, but that is no longer true. Ms. Belknap warned that HJR 9 would further divide Alaskans. She concluded:

The "us" versus "them" public discourse will continue to hurt our gay and lesbian family members, friends, and neighbors who contribute so much to our state. Ultimately, if the two proposed amendments to the constitution pass, existing and future benefits will be taken away from hard working Alaskans. Now, that is really unfair.

9:00:05 AM

CHRISTINA JOHANNES testified on behalf of herself in support of HJR 9. She said she sees the resolution as a clarification of what already exists in the Constitution of the State of Alaska. She said she was dumbfounded by the court's decision to ignore the implications of the 1998 amendment and give marital benefits to same-sex unions. She said she hopes the wording of HJR 9 is sufficient to "overcome the strong, ideological bent of the court on this matter," because she said it would be a tragedy to have to pass yet another amendment "in order to preserve the natural law definition of marriage." Ms. Johannes opined that homosexual unions are in no way similar to marriage, and thus it was incorrect for the court to say that they are; therefore, she added, "this is not an equal protections issue." She stated, "A small group of people want to impose their own sexual values on

the majority of Alaskans, and they are using the court to do it."

MS. JOHANNES said the language of the amendment states that no other union is similarly situated to marriage, which is of the utmost importance, because it gives the courts a clear directive. She stated:

Marriage is the foundation of our civilization and the foundation of our society. As a society we have an interest in promoting marriage, because it is by nature procreative and touches our future in a way that no other relationship can. It is not [emphasis on "not"] unfair to promote marriage over other relationships.

MS. JOHANNES recollected that a previous testifier referred to bullying. She remarked that she has never seen so much bullying as she has seen from the opponents of the "natural law" definition of marriage. She asked, "Protecting marriage is called a hate crime?" She said that statement shows her how important the protection of marriage is. She added, "Because if we do not overturn the court's decision by clarifying the marriage amendment, we can only expect more of this sort of bullying to try to make us except the erroneous values of this minority."

[9:02:18 AM](#)

JANE HAIGH testified on behalf of herself and her family in opposition to HJR 9. She revealed that she has been in a committed relationship for 25 years. She said she feels privileged that she is female and her partner happens to be male, so that they can be married and she and her children can be covered by her husband's health benefits. She stated that it seems extremely unfair that those types of benefits should be denied to "other people who are not similarly situated."

MS. HAIGH said the writers of the Constitution of the State of Alaska enshrined equal rights and benefits - including equal rights to privacy - beyond what is in the national Constitution. Furthermore, she noted, it states that all residents of Alaska have corresponding obligations to the people and to the state. She pointed out that means all people. She stated, "I just see this amendment as extremely degrading to our constitution." She expressed her hope that people would move toward a more egalitarian society.

MS. HAIGH said, "To me, marriage is a sacrament that is sanctified by religious communities, and some religious communities decide not to sanctify gay marriages and other religious communities decide that they will sanctify marriages between people of the same sex." She said [the majority of] the people of Alaska have defined marriage as one particular union between a man and a woman; however, she stated, "The supposed morality of one people cannot override the equal benefits inferred to everyone in the state in our constitution." She said there are moral people on both sides of the issue and "we can't enshrine the morals of one side in the constitution."

MS. HAIGH said she is also offended by [Mr. Leman's] previous characterization of the supreme court as a bunch of "black-robed elites." She said people in society do not always agree, and the supreme court is empowered by all Alaskans to make decisions based on the constitution. She indicated that she thinks the Alaska Supreme Court correctly interpreted the constitution.

[9:05:44 AM](#)

PATTY GRISWOLD testified on behalf of herself in support of HJR 9. She concurred with the previous testimony of Representative Coghill. She said the United States was built upon religion and religious values, and she indicated that the language of the Bible depicts marriage as being between a man and a woman.

[9:07:25 AM](#)

PATRICK MARLOW testified on behalf of himself in opposition to HJR 9. He said both he and his partner, Richard Collins, are employees of the University of Alaska Fairbanks (UAF), thus, can choose whether or not to receive benefits independently. Mr. Marlow relayed that he and his partner have made the choice to be covered under Mr. Collins' benefit plan for the last two years, resulting in an annual savings of \$1,000. He revealed that he and his partner have been "registered partners with the University" for over 10 years, have been partners for 15 years, and have lived in Alaska for 12 years. He said if [HJR 9 passes and the people vote to adopt the amendment], he would be compelled to go to a lawyer and demand that the rights and benefits that he has been receiving for the last decade be continued. He said he anticipates there would be quite a few others who would sue the state over the issue, as well.

MR. MARLOW stated that the larger issue is: "What are those obligations, rights, benefits, et cetera, of marriage?" He explained that he fears a consequence of this legislation would be that if his partner became ill, he would be told that he has no right to make decisions related to medical treatment on behalf of his partner, because of the fact that he is not married to him. He stated, "Yet that is the relationship we have: I have responsibility for him; he has responsibility for me. We are not a burden on the state. We are not a burden precisely because we accept that responsibility for each other."

MR. MARLOW concluded: "Lastly, I'd like to say that personally I'm offended by being compared to a dog."

[9:11:27 AM](#)

SID HEIDERSDORF testified on behalf of himself in support of HJR 9. He said it is incredible that this issue is being revisited after the amendment made to the constitution (in 1998). He stated that he thinks this issue is "exactly about marriage," and that view is supported by what the Alaska Supreme Court determined. He explained that the court said that individuals involved in same-sex unions are situated similarly to those involved in marriage, and thus deserve to receive the same benefits.

MR. HEIDERSDORF posited that if, in fact, denying benefits to "the nonmarried" is discrimination, then the Alaska Supreme Court should have a "hey-day" overruling the many forms of discrimination in society, based, for example, on age, race, economic status, and residence. He mentioned professional licenses, Welfare programs, limited entry, and subsistence hunting, and he said, "All of this discriminates against some people." He noted that [this type of discrimination] is accepted because it is for the good of society. He said he thinks the supreme court ignored that issue and "failed to recognize that marriage is a vital institution for the welfare of our society." He added that there is nothing unusual in denying marriage benefits for people who are not married. He indicated that this is not an issue regarding equal pay for equal work. He explained, "If you ask 10 people out in the street what their pay was, they would not tell you what their benefits were." He said they would simply tell you [the amount of money they take home].

[9:14:49 AM](#)

LYDIA GARCIA, Interim Executive Director, National Education Association of Alaska (NEA-Alaska), testified in opposition to HJR 9 and "to all legislation that discriminates against Alaskans." She said legislation such as HJR 9 has no place in Alaska. She cited [Article I, Section 1] of the Constitution of the State of Alaska, which read as follows [original punctuation provided]:

SECTION 1. Inherent Rights. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

MS. GARCIA stated that HJR 9 would prevent equal pay for equal work and deny access to health care for workers and their families. She reported that on February 2, [2007], 400 delegates - elected by NEA-Alaska's 13,000 members - met in Anchorage for the fifty-first annual NEA-Alaska delegate assembly, at which time they set the policy that NEA-Alaska would adamantly oppose legislation such as HJR 9. Ms. Garcia said it is unfortunate that the proposed legislation is being heard, considering the other legislation currently assigned to the House State Affairs Standing Committee. She stated that NEA-Alaska respects all the members of the committee, as well as the legislative process. She asked that HJR 9 receive the same fate as last year's Senate Joint Resolution 20 - to be stopped in committee.

[9:17:38 AM](#)

JOHN MONAGLE testified on behalf of himself in support of HJR 9. He stated that HJR 9 is an issue of marriage, and he indicated that any other statement is "rhetoric," a "smoke screen," and "an attack on marriage." He said he particularly likes the wording in HJR 9 that specifies that marriage consists between one man and one woman, and that no other union will be recognized. He asked the committee to pass the resolution quickly.

[9:18:37 AM](#)

MARY BISHOP testified on behalf of herself in opposition to HJR 9. She said she respectfully disagrees with Representative Coghill and Mr. Leman. She continued:

It is a societal issue that we need to answer now, and it's an issue that I've been wrapping my head around for 60 or my 69 years. ... My ideas, my concepts, have evolved over those 60 years. It's not easy for me, as a Catholic or as a Republican ... to come out on these issues, but it is a decision that I've made in good conscience.

My 46-year marriage to Richard is not threatened by my friends' same-sex union, nor is any other marriage. Indeed, imitation is the most sincere form of flattery, and I am thankful when committed gay couples value the same sort of commitment found in a good heterosexual marriage.

The New Jersey Supreme Court recently ruled that New Jersey must provide benefits to same-sex, domestic partners. Instead of proposing a discriminatory amendment to their state constitution, the New Jersey legislature created a civil union law allowing committed domestic partners to receive the same benefits as married couples. And I urge our legislators to do likewise.

To pass HJR 9 would mean that no matter how long-standing the commitment of an unmarried, straight, or gay couple, they could be denied - and they would be denied - the right to visit a hospitalized partner, end-of-life healthcare, child custody, and other state-provided spousal rights. Equal rights under the constitution would take a big hit in all kinds of ways yet to be litigated.

We've got to get past the fear, ... the myths, and the discrimination that understandably result in anger and retaliation, drugs and alcohol, family despair, and sometimes, unfortunately, suicide.

A state statute providing for civil unions among gay and straight couples is the response our legislature should make to our supreme court's unanimous ruling.

The will of the people can become the tyranny of the majority, and I think all of us who have been involved with government realize that, and that's why we have a constitution that protects the minority.

[9:22:06 AM](#)

KEVIN DAUGHTERY testified on behalf of himself in support of HJR 9. He noted that the beginning of the Constitution of the State of Alaska begins and ends with an emphasis on "we the people" and the right of the people to amend the constitution, which Mr. Daughtery noted has been done 27 times. He posited that it is unnecessary to argue about the merits of the issue before the committee, but rather, to put the issue before Alaskans and let them vote.

[9:23:28 AM](#)

KATHERINE HOCKER testified on behalf of herself in opposition to HJR 9. She stated that she thinks the proposed resolution is damaging to the will of the people as shown in the constitution. She said she is sorry to hear "what seems like a disrespect for the [Alaska] Supreme Court. She asked the committee to table HJR 9, adding, "In fact, you might as well just crumple it up and throw it away."

[9:24:14 AM](#)

MAC CARTER testified on behalf of himself in support of HJR 9. He noted that his wife is a part-time employee with the State of Alaska and does not receive benefits, and he opined that the fact that she receives no benefits is discrimination. He read from the Bible, Hebrews, Chapter 13, Verse 4, as follows:

Marriage should be honored by all, and the marriage bed kept pure. For God will judge the adulterer and all the sexually immoral.

MR. CARTER expressed pride in Alaskans being "different than any place else." He said a law should not be passed just to follow the actions of another state when it goes against the voice of the majority of Alaskans. He said passage of HJR 9 should close all doors to any more discussion regarding the importance of marriage between one man and one woman.

[9:26:39 AM](#)

MICHAEL MACLEOD-BALL, Executive Director, Alaska Civil Liberties Union (ACLU) Alaska, stated that ACLU Alaska was the proponent of "the litigation that resulted in the October 2005 decision," and, thus, he said he thinks ACLU's position on this issue is "fairly well known." He noted that 15 of the 16 people present at the Anchorage Legislative Information Office (LIO) were "firmly in opposition to this matter." He urged the committee to consider: "Simply because 50.1 percent may be in favor of something doesn't mean that we should amend our constitution, which is considered one of the most progressive and protective of individual rights of any constitution in the country."

CHAIR LYNN announced that the committee had time to hear only two more testimonials.

[9:27:53 AM](#)

DIXIE HOOD testified on behalf of herself in opposition to HJR 9. She said she is a licensed marriage and family therapist in private practice in Juneau. She read her testimony as follows:

Governing the diverse and independent citizens of Alaska can sometimes be compared to herding cats. Likewise can the indignant Alaskan public attempting to keep the legislative Majority on a civil and constructive track. I am here this morning to join an effort to herd you cats toward a sense of responsibility.

Alaska is a state that should be governed by humane and just law, not intolerance and emotional tirades. The slick mailers sent out in support of "Vote yes to protect marriage and families" distorts the truth. The ruling of the Alaska Supreme Court is not abusive. The advisory vote and this proposed legislation is abusive to a significant percent of Alaskans, both adults and children who would lose health benefits they already have.

Based on the equal protection clause of our Alaska Constitution, the supreme court sought through its ruling to protect persons in committed relationships who are prohibited from marriage by the 1998 amendment. The ruling called for equal pay - including benefits - for equal work. To characterize that ruling as a demand for "special benefits" is dishonest semantics. Every legislator swore to uphold

the [Alaska] State Constitution. Failing to support equal protection for all Alaskans violates our constitution and panders to prejudices based on disregard for our system of justice and ignorance of the nature of sexual orientation.

Whatever the outcome of the advisory vote, it is not a representative scientific poll. This advisory vote you approved foments fear, hatred, and divisiveness in our communities. Recent letters to the editor are shocking in their trampling of democratic values. The special election is also a waste of the peoples' money. And this bill, HJR 9, wastes your time and ours when there are many high priority needs for legislative action. I believe it is an exercise in futility.

If you have homophobic constituents with whom you wish to demonstrate an alliance, this bill is a political ploy unworthy of elected state representatives. HJR 9 is shameful and should never come out of committee. It is not the "cat's meow."

[9:31:08 AM](#)

LIN DAVIS testified on behalf of herself in opposition to HJR 9. She said she is a state employee who has taken personal leave in order to testify before the committee. She read from a portion of her written testimony as follows:

... I like what President Bush said at Coretta Scott King's funeral: "Her work made us whole." Let's use Coretta's life and President Bush's words as a measuring stick, and see how HJR 9 measures up.

First, HJR 9 will take away the health insurance and survivor benefits that I am now able to offer my same-sex life partner. Imagine, taking away health benefits. We've been together 19 years, [and] we're on our third set of dogs. My partner is self employed, and my health insurance is all that she has. As an older couple, we are very financially vulnerable: If she had a major medical crisis and had no health insurance, we could quickly lose our home and slide into bankruptcy. If my partner had to enter a nursing home, I would not be able to remain in our home. We could lose so much so quickly. And how does

taking away her health insurance serve the public good? How will it help our community if she is prevented from getting my last paycheck and my death benefits?

Because HJR 9 makes us financially very vulnerable, our whole community loses if the two of us are in health financial crisis. It costs everyone - local businesses, the hospital, the city, the state - when we can't financially survive. HJR 9 does not strengthen our communities. It's clearly bad public policy; it appears to be punishing those of us who are different. This is clearly not a Coretta.

The intent of HJR 9 is to make sure that certain groups of people are kept financially and socially vulnerable and marginalized. Why would anyone want to do that to a group of their fellow Americans?

At a time when most states are figuring out how to provide health insurance for all citizens, Alaska will be in a race to the bottom by proposing to take away health benefits and survivor benefits from gay employees who are in committed, same-sex, long-term relationships. Note that the net has ... widened and now unmarried men and women are also targets.

HJR 9 is so un-Alaskan; it's so undemocratic. We know these exact words are imported from Michigan where this policy has been damaging to the public good.

Alaskans believe in fairness and equal pay for equal work. What kind of example are we setting for our youth when they see it's okay to treat gay people and unmarried people as second-class citizens? My co-workers at the job center where I work are pleased that after 10 years, I'm finally making equal pay to them.

Alaskans are proud of our constitution and its eloquent equal protection, which indeed lives up to Coretta's life work. HJR 9 appears to be another prong in a movement called, "No Gays Left in the Constitution."

What if the signers of this resolution are unknowingly writing their child or niece or nephew or grandchild out of constitutional equal protection? What a deeply harmful action toward a family member.

HJR 9 will prevent employers here in Juneau from providing work-related merit-based benefits that they deem necessary. Here in Juneau we have CBJ [the City and Borough of Juneau], [the] University [of Alaska Southeast], Bartlett [Regional] Hospital, Alaska Airlines, [and] actually about 10 or 12 others.

Thank you. Please table this; it's extraordinarily harmful.

[9:35:27 AM](#)

CHAIR LYNN thanked everyone for their testimony. He asked Representative Roses to state for the record the names of those who had signed up to testify but had not been given the chance due to time constraints.

[9:35:39 AM](#)

REPRESENTATIVE ROSES offered his understanding that the following people were opposed to HJR 9 but had not had a chance to testify: Tim Stallard, Paul Adasiak, and Cheryl Humme of Fairbanks; Jane Schlittler, Jeanette Aileen, Allison Mendel, Stephen Gingrich, Cady Lister, and Scott Bailey of the Anchorage area; and Paula Terrell of Juneau. He indicated that the committee had received a letter of support for HJR 9 from Shelly Hughes (ph) of Palmer, Alaska.

CHAIR LYNN encouraged everyone to submit his/her testimony in writing or electronically to the committee.

[9:36:26 AM](#)

SHERRY MODROW related that she had signed up to testify in opposition to HJR 9.

[9:37:12 AM](#)

CHAIR LYNN closed public testimony.

[9:37:27 AM](#)

REPRESENTATIVE GRUENBERG noted that Juneau has received a record amount of snowfall, and he asked Mr. Doll if "having a special election at this unusual time will affect the turnout."

[9:38:14 AM](#)

MR. DOLL noted that Juneau will be holding three separate elections: One on April 3, another in June on a bond issue, and the general election in the fall. He stated that he thinks the public will be "somewhat tapped out on participation," but said he hopes for voter turnout. He offered his belief that the turnout in Juneau on this issue will be "substantial," simply because of the number of state employees and people interested in the topic.

[9:39:25 AM](#)

REPRESENTATIVE DOLL noted that the Bill of Rights was added to the United States Constitution later. Since that time, she said, preambles of state constitutions have been considered to be separate from the constitution, in the sense that they cannot be amended. She stated, "The freedoms and rights that we have cannot be amended, and therefore, it's a protection for the minority against the majority." She posited that the issue at hand is not one regarding marriage, per se. The point, she related, is that the proposed resolution is an attack against the preamble and against the responsibilities of the judicial system to uphold the constitutionality of the preamble. She stated her opposition to HJR 9 and asked that the resolution be tabled. She added that she appreciates each member of the House State Affairs Standing Committee and his/her right to speak.

[9:41:02 AM](#)

REPRESENTATIVE GRUENBERG stated his opposition to HJR 9 as a denial of basic human rights. He said he took an oath to uphold the constitution and the principles to which it stands, and the most basic human principle is equal protection of the law. He said the resolution "talks about a union, ... rights, benefits, obligations, qualities, or effects of marriage," and he stated that he thinks that is very broad. He said, "This will include aspects of property law, worker's [compensation] law, criminal law, inheritance, family law, spousal support, aggravators at sentencing, the Human Rights Act, your insurance law, and hospitalization, to name only a few." He said he would be asking Legislative Legal and Research Services how many different areas of the Constitution of the State of Alaska HJR 9

could touch. He relayed that he has grave doubts that the resolution could survive a court challenge or would be considered a revision.

[9:43:37 AM](#)

REPRESENTATIVE JOHNSON said he thinks the legal aspects can be worked out in the House Judiciary Standing Committee. He stated his support of HJR 9 as "an overall policy call". He related that he, too, took an oath to uphold the constitution. He said he thinks one of the tenets that the country was founded upon is the separation of powers. He said he thinks the [Alaska] Supreme Court has stepped across the line from an interpretive body to a policy making one, which concerns him. He expressed his wish that the topic was a different one; however, he thinks needed conversations will be generated to clearly establish the legislature's role in government. He stated concern regarding the abbreviation of public testimony. He explained that he thinks HJR 9 is legislation that deserves to be heard and upon which people have a right to speak.

[9:45:16 AM](#)

REPRESENTATIVE JOHANSEN said taking an oath to uphold the constitution means promising to uphold the entire constitution. He stated, "Included ... is the ability to put forward questions like this to the public, and also ... [for] the public ..., through the initiative [process], to affect what we do here." He stated that he has no problem "putting this question out there." He said there is a high bar required - a three-quarter vote of the legislature - to get this issue on the ballot. He stated, "I'm not sure when it gets on the floor where it's all going to shake out for me, but I will support this going through the committee process."

[9:46:30 AM](#)

REPRESENTATIVE ROSES stated that of all his constituents, there are as many in favor of HJR 9 as there are those opposed to it. He said there have been many bills where his opinion has differed from the way he voted on them. He explained that the reason for that is that he was elected to represent those who voted for him. He noted that his two daughters are on opposite sides of this issue. He stated that he will support the resolution now; however, he is not certain how he will vote when the issue gets to the House floor.

[9:48:53 AM](#)

CHAIR LYNN stated his belief that the only appropriate legal marriage is between one man and one woman. Other kinds of partnerships do not constitute a legal marriage, he said, and therefore are not a "proper ... base for benefits to one or more of the partners." He stated:

To me, the fact that such partners are not permitted by law to marry is irrelevant. If someone can't get married, for whatever reason, they should not be treated by law as if they were married.

CHAIR LYNN, regarding the issue of separation of powers between the judiciary, legislative, and executive branches, said he thinks [the judiciary branch] has overstepped its bounds and the legislature should respond and give the people of Alaska the chance to respond.

[9:49:45 AM](#)

REPRESENTATIVE COGHILL said benefits were offered after WWII, and a high value was placed on married people. He said there was no contemplation of offering benefits to unmarried couples. The assumption then, he said, was that a married couple consisted of a man and a woman. The debate since then has been whether or not to maintain that assumption. He said he stands on the side that says marriage should be between a man and a woman. He stated his belief that "a marriage between a man and a woman gives us the best stability in our workforce." He said he believes the people spoke clearly on that issue in 1998 and the [Alaska] Supreme Court is wrong on this issue. He stressed the importance of people speaking their views on both sides of the issue. He said he does not believe that holding marriage in a special way is discriminatory. He said he does not know that the benefits offered by employers are an inherent, basic right. He said after having been overruled by the supreme court, the only recourse is to ask the people of Alaska if they concur. He stated that he will not shrink from any legal questions. He posited that if [HJR 9] is a revision of the constitution, then so was the decision of the supreme court. He said every benefit that a married couple has been afforded up to this point is going to fall to the logic of the court.

[9:55:21 AM](#)

REPRESENTATIVE COGHILL [moved to report HJR 9 out of committee with individual recommendations and the accompanying fiscal notes.]

REPRESENTATIVE GRUENBERG objected.

[9:55:30 AM](#)

REPRESENTATIVE GRUENBERG moved to table HJR 9 to give those who have not yet testified a chance to come before the committee.

REPRESENTATIVE COGHILL objected.

A roll call vote was taken. Representatives Doll and Gruenberg voted in favor of tabling HJR 9. Representatives Roses, Coghill, Johansen, Johnson, and Lynn voted against it. Therefore, the motion to table HJR 9 failed by a vote of 2-5.

[9:56:24 AM](#)

REPRESENTATIVE COGHILL renewed his motion to report HJR 9 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVES GRUENBERG AND DOLL objected.

A roll call vote was taken. Representatives Roses, Coghill, Johansen, Johnson, and Lynn voted in favor of moving HJR 9 out of committee with individual recommendations and the accompanying fiscal notes. Representatives Gruenberg and Doll voted against it. Therefore, HJR 9 was reported out of the House State Affairs Standing Committee by a vote of 5-2.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:57:24 AM](#).