

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 16, 2017

3:07 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp
Representative Andy Josephson (alternate)

MEMBERS ABSENT

Representative Gabrielle LeDoux, Vice Chair
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 3

"An Act relating to the employment rights of employees in the state who are members of the National Guard of another state, territory, or district of the United States."

- MOVED CSHB 3(MLV) OUT OF COMMITTEE

HOUSE BILL NO. 20

"An Act relating to marriage solemnization; and authorizing elected public officials in the state to solemnize marriages."

- HEARD & HELD

HOUSE CONCURRENT RESOLUTION NO. 5

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the membership of the Committee on Committees.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 3

SHORT TITLE: NATL GUARD LEAVE/REEMPLOYMENT RIGHTS

SPONSOR(S): REPRESENTATIVE(S) TUCK

01/18/17 (H) PREFILE RELEASED 1/9/17
01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) MLV, STA
01/26/17 (H) MLV AT 1:30 PM GRUENBERG 120
01/26/17 (H) Heard & Held
01/26/17 (H) MINUTE(MLV)
02/02/17 (H) MLV AT 1:30 PM GRUENBERG 120
02/02/17 (H) Moved CSHB 3(MLV) Out of Committee
02/02/17 (H) MINUTE(MLV)
02/03/17 (H) MLV RPT CS(MLV) 7DP
02/03/17 (H) DP: LEDOUX, SPOHNHOLZ, PARISH,
RAUSCHER, SADDLER, REINBOLD, TUCK
02/14/17 (H) STA AT 3:00 PM GRUENBERG 120
02/14/17 (H) Heard & Held
02/14/17 (H) MINUTE(STA)
02/16/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 20

SHORT TITLE: SOLEMNIZE MARRIAGE: ELECTED OFFICIALS

SPONSOR(s): REPRESENTATIVE(s) CLAMAN

01/18/17 (H) PREFILE RELEASED 1/9/17
01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) STA, JUD
02/16/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HCR 5

SHORT TITLE: UNIFORM RULES: COMMITTEE ON COMMITTEES

SPONSOR(s): REPRESENTATIVE(s) EASTMAN

02/06/17 (H) READ THE FIRST TIME - REFERRALS
02/06/17 (H) STA, JUD
02/16/17 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

KENDRA KLOSTER, Staff
Representative Chris Tuck
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 3, on behalf of Representative Tuck, prime sponsor.

REPRESENTATIVE MATT CLAMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 20, as prime sponsor.

SARA PERMAN, Staff
Representative Matt Claman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 20 on behalf of Representative Claman, prime sponsor.

NANCY MEADE, General Council
Administrative Staff
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 20.

REPRESENTATIVE DAVID EASTMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HCR 5, as prime sponsor.

ACTION NARRATIVE

[3:07:13 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:07 p.m. Representatives Birch, Johnson, Josephson, Knopp, Wool, and Kreiss-Tomkins were present at the call to order. Representative Tuck arrived as the meeting was in progress.

HB 3-NATL GUARD LEAVE/REEMPLOYMENT RIGHTS

[3:08:26 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 3, "An Act relating to the employment rights of employees in the state who are members of the National Guard of another state, territory, or district of the United States." [Before the committee was committee substitute (CS) for HB 3 (MLV).]

[3:08:58 PM](#)

REPRESENTATIVE WOOL asked for clarification that HB 3 would apply to Alaskan residents who are also members of a National Guard in another state.

[3:09:34 PM](#)

KENDRA KLOSTER, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor of HB 3, referred to page 1 of HB 3, beginning on line 8, and paraphrased, "a resident of the state and a member of the National Guard of another state to perform active National Guard service under that state law." She explained that HB 3 refers to a resident of Alaska who is serving in another state's National Guard and gets called to service. The proposed legislation would bestow reemployment rights to that individual upon his/her return to Alaska.

[3:10:13 PM](#)

REPRESENTATIVE KNOPP moved to report CSHB 3(MLV) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 3(MLV) was reported from the House State Affairs Standing Committee.

[3:10:40 PM](#)

The committee took an at ease from 3:10 p.m. to 3:12 p.m.

HB 20-SOLEMNIZE MARRIAGE: ELECTED OFFICIALS

[3:11:37 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 20, "An Act relating to marriage solemnization; and authorizing elected public officials in the state to solemnize marriages."

[3:13:47 PM](#)

REPRESENTATIVE MATT CLAMAN, Alaska State Legislature, introduced HB 20, as prime sponsor. He stated that in financially challenging times, the elected officials of the Alaska State Legislature have a role in reducing "red tape" and making government accessible to the public. He asserted that his intent for introducing HB 20 is to make marriage more accessible. He relayed that HB 20 would allow couples to have their marriages solemnized directly by elected officials. He

said that performing marriage ceremonies is a privilege, and he expressed that elected officials would be fortunate to have that opportunity.

[3:14:30 PM](#)

SARA PERMAN, Staff, Representative Matt Claman, Alaska State Legislature, presented HB 20 on behalf of Representative Claman, prime sponsor. She stated that HB 20 would amend two statutes within the Alaska Marriage Code, and the changes would allow marriages to be solemnized by elected officials of the State of Alaska. She relayed that Section 1 of HB 20 would amend AS 25.05.261(a), which relates to who may solemnize a marriage. She said that currently the statute reads that a marriage may be solemnized by: a minister, priest, or rabbi [of any church or congregation in the state]; a commissioned officer of the Salvation Army; a marriage commissioner or judicial officer of the state; or before or in any religious organization or congregation. She said that HB 20 would change the statute to include individuals holding elected office in the State of Alaska. She went on to say that Section 2 of HB 20 would amend the statute to specify that a marriage solemnized by an elected official is considered valid.

MS. PERMAN stated that the purpose of HB 20 is to make marriage accessible for all Alaskans. She maintained that [the institution of] marriage "opens several doors," including access to healthcare and eligibility for family medical leave. She said that there are over 1,100 places in federal law, relating to programs, where being married "really makes a difference." She relayed that the sponsor believes HB 20 to be a "family first" bill, and it allows people to receive better benefits, which is good for all Alaskans. She offered that HB 20 would allow elected officials to be good stewards of government. She added that it would encourage elected officials to interact on a one-on-one basis with constituents, providing a service that has a long-lasting impact on them. She conceded that the Alaska Marriage Code currently allows anyone to apply for a marriage commissioner appointment; however, there is a \$25 fee; it requires application for a marriage license with the Department of Health and Social Services (DHSS); and it requires application for the marriage commissioner appointment with the Alaska Court System. She maintained that HB 20 would simplify the process.

MS. PERMAN offered that HB 20 would be advantageous to couples not affiliated with a particular religious institution. They

would be able to ask an elected official [to solemnize their marriage] rather than have to [ask someone to] apply for a marriage commissioner appointment. She concluded that HB 20 would make a real difference in small towns or rural areas with somewhat limited resources by allowing a couple the option of asking an elected official to conduct a marriage ceremony.

MS. PERMAN mentioned that DHSS assigned a zero fiscal note to HB 20. She added that HB 20 would remove the financial cost for citizens who would be paying the \$25 fee for the marriage commissioner's appointment.

[3:17:30 PM](#)

REPRESENTATIVE BIRCH asked what duties an elected official would have in solemnizing a marriage, with regard to verifying the paper work and signing the marriage certificate.

REPRESENTATIVE CLAMAN responded that there is a two-step process for marriages. The couple must get a marriage license from DHSS and then find someone to solemnize, or perform, the marriage ceremony. He opined that the official performing the marriage would not have a duty to verify the paperwork, but would sign as the officiating person and attach the authorizing certificate. He added that the marrying couple would also need to sign the certificate.

REPRESENTATIVE BIRCH mentioned that witness signatures would also be required.

[3:20:00 PM](#)

CHAIR KREISS-TOMKINS asked if HB 20 would apply to all elected office holders, even school board members.

MS. PERMAN answered yes, the legislation would apply to all elected officials holding public office within the State of Alaska.

CHAIR KREISS-TOMKINS asked if HB 20 would include tribal council members and if further definition is needed.

REPRESENTATIVE CLAMAN responded that staff did not research the question of tribal officials. He said HB 20 was written to allow a public official to perform a marriage ceremony by virtue of his/her being elected, and this would include someone appointed to fill an elected seat.

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REPRESENTATIVE JOHNSON asked if an elected official can relinquish the privilege of officiating a marriage ceremony.

MS. PERMAN replied yes. Section 1, subsection (a) specifies that marriages "may" be solemnized, rather than "shall." She said this would give one the opportunity to decline.

REPRESENTATIVE JOHNSON asked for clarification that as an elected official, she would not have the title of "marriage officiant."

MS. PERMAN confirmed that Representative Johnson would not have that title and would not be obligated to perform marriage ceremonies.

REPRESENTATIVE JOHNSON stated that she has a letter of opposition because of the concern that HB 20 could be construed as a duty of an elected official - to solemnize marriages.

REPRESENTATIVE CLAMAN responded that he did not view HB 20 as creating a duty. Performing a marriage ceremony would be a choice, not a requirement. He added that First Amendment rights have guaranteed that religious officials may decline to perform marriage ceremonies both for religious or any other reasons. He reiterated that HB 20 would not create a duty to perform a marriage function, and an elected official could not be compelled to perform a ceremony against his/her will.

REPRESENTATIVE JOHNSON asked if there was an expectation that an elected official would perform a marriage ceremony and have to give a reason for not wanting to do so.

REPRESENTATIVE CLAMAN stated his belief that it would not be necessary to give a reason for not wanting to perform a marriage ceremony.

CHAIR KREISS-TOMKINS clarified that the answer to Representative Johnson's question is "no."

3:25:52 PM

REPRESENTATIVE WOOL asked if there is a shortage of marrying officials.

MS. PERMAN responded that there is likely no shortage of people available to perform marriage ceremonies, because of the option to apply for a marriage commissioner appointment. She said HB 20 would provide an alternate route to simplify the process.

REPRESENTATIVE WOOL said his only concern is that someone might pressure an elected official to perform a marriage ceremony if no one else was available and insist that it was his/her public duty. He added that he understands the concern that performing marriage ceremonies might be viewed as another obligation of public office.

REPRESENTATIVE KNOPP requested more clarity in the definition of public official and whom that included. He asked if an elected official would include those in utility companies and cooperatives.

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REPRESENTATIVE CLAMAN referred to page 1 of HB 20, beginning on line 6, which states "elective public office". He asserted that an elected official of a utility company does not hold public office, but corporate office. He opined that the use of the term "public office" would also preclude a tribal government official.

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REPRESENTATIVE BIRCH asked how many people pay the \$25 fee and what agency collects that money.

[3:31:26 PM](#)

NANCY MEADE, General Council, Administrative Staff, Office of the Administrative Director, Alaska Court System, testified that court system personnel perform many non-religious marriage ceremonies and issue the marriage commissions. She said that each marriage ceremony performed through the court system costs \$25, and last year there were about 650 of them. She added that the average number is about 600-650 per year, and the court system collects \$25 for each one. She stated that in 2016, the court system issued marriage commissions to 1,678 individuals, who each paid \$25 for a commission. She relayed that the fees are collected by the court system and are deposited directly into the general fund. She added that the court system does not retain any of its filing fees.

REPRESENTATIVE BIRCH mentioned that about 1,600 commissions at \$25 each comes to [\$40,000], and he asked for clarification of the "600" number mentioned.

MS. MEADE clarified that "650" represents the number of times a judge, law clerk, or magistrate performed a marriage ceremony [in 2016]. She confirmed that the court system budget would not be affected by HB 20.

REPRESENTATIVE BIRCH estimated that about 2,200 marriages were outside of the religious realm.

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MS. MEADE, in response to Representative Wool, reiterated that the 600-plus marriage ceremonies conducted at the courthouse are \$25 each.

[3:33:59 PM](#)

REPRESENTATIVE JOHNSON offered that she doesn't see the need for HB 20. She offered that she has performed marriage ceremonies, and any elected official can already perform marriage ceremonies after applying for the marriage commission and paying the \$25.

REPRESENTATIVE CLAMAN speculated that Representative Johnson enjoyed performing marriage ceremonies for family and friends when she was Mayor of Palmer. He offered that HB 20 would make it more convenient for an elected official to do the same. He attested that under HB 20, government would be more accessible to the public and would be viewed more favorably.

REPRESENTATIVE JOHNSON asked, "What brought this up and what problem are we solving?"

REPRESENTATIVE CLAMAN opined that part of a legislator's job in government is to look for ways for government to work more effectively and efficiently for the public. He asserted that making it easier for people to go through the process of getting married is "a positive."

REPRESENTATIVE JOHNSON stated that one does not have to wait to get a form and spend money before being able to perform a marriage ceremony.

[3:38:36 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 20. After ascertaining that there was no one who wished to testify, he closed public testimony.

[HB 20 was held over.]

HCR 5-UNIFORM RULES: COMMITTEE ON COMMITTEES

[3:39:12 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE CONCURRENT RESOLUTION NO. 5, Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the membership of the Committee on Committees.

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The committee took an at ease between 3:39 p.m. and 3:42 p.m.

[3:41:45 PM](#)

REPRESENTATIVE DAVID EASTMAN, Alaska State Legislature, presented HCR 5, as prime sponsor, with the use of a PowerPoint presentation. He relayed that HCR 5 proposes a change to the Uniform Rules [of the Alaska State Legislature]. He stated that HCR 5 would ensure that the presiding officer of each legislative body has the authority to appoint a sufficient number of members to the Committee on Committees. He explained that [at the beginning of] each legislature, the legislative body determines the rules, and the House and Senate concur. He asserted that the public's role is to make certain that the legislature follows those rules.

REPRESENTATIVE EASTMAN referred to Slide 1, titled "House Committee on Committees Membership," to point out that up until 1993, the House membership on the Committee on Committees was five and thereafter, more than five. He offered that the Senate membership on the committee has been maintained at five over that same period, as shown on Slide 3, titled "Senate Committee on Committees Membership." Representative Eastman read from Rule 1 of the Uniform Rules of the Alaska State Legislature, subsection (e), as follows: "The presiding officer shall announce, not later than the day following election, the appointment of a Committee on Committees consisting of five members including the presiding officer." He asserted that this statement gives the public an expectation that the House Committee on Committees will consist of five members. He then referred to Slide 4 to point out that on the [Alaska State Legislature] website, seven members are listed. He asserted that the goal of HCR 5 is to "bridge the gap" between public expectation and that which is determined by the legislature, and to arrive at a number of members that is in the public's best interest.

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CHAIR KREISS-TOMKINS mentioned a forthcoming amendment to be introduced by Representative Knopp.

REPRESENTATIVE KNOPP questioned the reason for inserting the words "at least" before "five members", if the current Uniform Rules specify five members and Representative Eastman's intent [for introducing HCR 5] is to maintain consistency with the Uniform Rules.

REPRESENTATIVE EASTMAN asked if the amendment would replace "five" with "seven".

REPRESENTATIVE KNOPP explained that the amendment would insert "and the Committee on Committees" in Section 1 of HCR 5, on page 1, line 12, following "committee". He stated that Legislative Legal and Research Services recommended that the number of members [stated in the Uniform Rules] be changed to "seven" not "five", because that is the current number of members. He pointed out that the Senate has five members on the committee, and the current language does specify five. He asserted that he is not comfortable with the wording "at least" because it is not specific, and he prefers a firm number. He suggested retaining the wording in the Uniform Rules that specifies five members.

REPRESENTATIVE EASTMAN replied that the Uniform Rules could be left as is, but the current presiding officer has chosen to appoint seven members to the committee. He added that if the legislature anticipated that this practice would continue, then the Uniform Rules should be changed to give the presiding officer that authority. He offered that the purpose of HCR 5 is not to restrict the presiding officer in appointing members of the Committee on Committees, but to give him/her the authority to make whatever determination is in the best interest of the House of Representatives. He opined that if the Uniform Rules are changed to specify seven, then the Senate would question the requirement to have seven members on the Committee on Committees, because it is a very large portion of its twenty-member total. He concluded that allowing flexibility to each chamber of the legislature to decide on the number of members avoids that conflict.

REPRESENTATIVE KNOPP corrected himself and said that Legislative Legal and Research Services did not request the Uniform Rules to state seven members, but recommended that the number be specific

and not flexible. He stated that Legislative Legal and Research Services did not want the words "at least" in the Uniform Rules.

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REPRESENTATIVE BIRCH referred to Slide 4 and stated that there were two minority members among the seven members of the House Committee on Committees. He suggested that based on the proportion of minority members in the full House, the number of minority members on the House Committee on Committees should be three. He asked if the Uniform Rules require the presiding officer to restructure the committee to reflect that proportion.

REPRESENTATIVE EASTMAN responded that HCR 5 would not affect representation on the Committee on Committees, only the total number of the committee's members. He stated that the Senate has historically maintained a proportional minority representation. He asserted that as the Uniform Rules are currently written, the standing committees are required to have proportional minority representation, but the special committees and the Committee on Committees are not. He added that these other committees do have minority representation, and he anticipates that would continue. He stated that HCR 5 would require proportional minority representation on the Committee on Committees.

REPRESENTATIVE BIRCH offered that the minority representation on the Committee on Committees is currently "out of balance."

CHAIR KREISS-TOMKINS opined that HCR 5 reflects the sponsor's intent to resolve that issue.

REPRESENTATIVE EASTMAN responded that there is some "out of balance" [regarding minority representation on the Committee on Committees] but opined that the primary effort of HCR 5 would be to align the Uniform Rules with public expectation. He asserted that if the Committee on Committees were treated like a standing committee, then it would require two members from the minority if it is a five-member committee and three members from the minority if it is a seven-member committee.

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CHAIR KREISS-TOMKINS stated that HCR 5 would be held over.

[3:54:37 PM](#)

AJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 3:55 p.m.