

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

February 22, 2018

3:20 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative Gary Knopp

MEMBERS ABSENT

Representative DeLena Johnson
Representative Andy Josephson (alternate)
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 27

Proposing amendments to the Constitution of the State of Alaska relating to terms of legislators.

- HEARD & HELD

HOUSE BILL NO. 310

"An Act relating to the minimum age of eligibility for marriage."

- HEARD & HELD

HOUSE BILL NO. 152

"An Act relating to the organized militia; and relating to the authority of the adjutant general."

- MOVED CSHB 152(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 27

SHORT TITLE: CONST. AM: TERM LIMITS OF LEGISLATORS

SPONSOR(S): REPRESENTATIVE(S) KITO

01/12/18 (H) PREFILE RELEASED 1/12/18
01/16/18 (H) READ THE FIRST TIME - REFERRALS
01/16/18 (H) STA, JUD, FIN
02/22/18 (H) STA AT 3:15 PM GRUENBERG 120

BILL: HB 310

SHORT TITLE: MARRIAGE AND MINIMUM AGE FOR MARRIAGE
SPONSOR(S): REPRESENTATIVE(S) CLAMAN

01/26/18 (H) READ THE FIRST TIME - REFERRALS
01/26/18 (H) STA, JUD
02/22/18 (H) STA AT 3:15 PM GRUENBERG 120

BILL: HB 152

SHORT TITLE: ORGANIZED MILITIA; AK ST. DEFENSE FORCE
SPONSOR(S): MILITARY & VETERANS' AFFAIRS

03/06/17 (H) READ THE FIRST TIME - REFERRALS
03/06/17 (H) MLV, STA
03/14/17 (H) MLV AT 1:00 PM GRUENBERG 120
03/14/17 (H) -- MEETING CANCELED --
03/23/17 (H) MLV AT 1:00 PM GRUENBERG 120
03/23/17 (H) Heard & Held
03/23/17 (H) MINUTE(MLV)
03/30/17 (H) MLV AT 1:00 PM GRUENBERG 120
03/30/17 (H) Heard & Held
03/30/17 (H) MINUTE(MLV)
04/04/17 (H) MLV AT 1:00 PM GRUENBERG 120
04/04/17 (H) Moved CSHB 152(MLV) Out of Committee
04/04/17 (H) MINUTE(MLV)
04/05/17 (H) MLV RPT CS(MLV) 3DP 2DNP 1NR
04/05/17 (H) DP: SPOHNHOLZ, PARISH, TUCK
04/05/17 (H) DNP: REINBOLD, SADDLER
04/05/17 (H) NR: LEDOUX
05/09/17 (H) STA AT 3:00 PM GRUENBERG 120
05/09/17 (H) Heard & Held
05/09/17 (H) MINUTE(STA)
01/23/18 (H) STA AT 3:00 PM GRUENBERG 120
01/23/18 (H) Heard & Held
01/23/18 (H) MINUTE(STA)
01/25/18 (H) STA AT 3:00 PM GRUENBERG 120
01/25/18 (H) Heard & Held
01/25/18 (H) MINUTE(STA)
02/22/18 (H) STA AT 3:15 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE SAM KITO
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 27, as prime sponsor.

CAITLYN ELLIS, Staff
Representative Sam Kito
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HJR 27, on behalf of Representative Kito, prime sponsor.

REPRESENTATIVE MATT CLAMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 310, as prime sponsor.

CERI GODINEZ, Staff
Representative Matt Claman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 310, on behalf of Representative Claman, prime sponsor.

JEANNE SMOOT
Tahirih Justice Center (TJC)
Washington D.C.

POSITION STATEMENT: Testified during the hearing on HB 310.

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

POSITION STATEMENT: Presented the committee substitute (CS) for HB 152, Version R, and explained the changes on behalf of Chris Tuck, prime sponsor.

ACTION NARRATIVE

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CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:20 p.m. Representatives LeDoux, Wool, Birch, Knopp, and Kreiss-Tomkins were present at the call to order. Representative Tuck arrived as the meeting was in progress.

HJR 27-CONST. AM: TERM LIMITS OF LEGISLATORS

[3:21:04 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 27, HOUSE JOINT RESOLUTION NO. 27 Proposing amendments to the Constitution of the State of Alaska relating to terms of legislators.

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REPRESENTATIVE SAM KITO, Alaska State Legislature, relayed that at the National Conference of State Legislatures (NCSL) this year, he attended a session on term limits. He offered that the Alaska State Legislature has been at a crossroads during the past ten years; it has been operating between a citizen legislature and a fulltime legislature. He stated that a citizen legislature is clearly defined as having members with jobs and careers, experience from outside the legislature, or a role to play during the Interim giving them experience outside the professional lawmaking arena. He said that Alaska does not have many such legislators; the perception is that legislators do become career politicians.

REPRESENTATIVE KITO relayed that he had a career in engineering before becoming a legislator; he expected it to last awhile, then he would do something else before retirement. He relayed that if he serves on the legislature for twenty years, it becomes his career, and the ideas he brings to the legislature are no longer fresh and relevant. He posed the question: "What would our state look like with a legislature that had a regular influx of new ideas and fresh interest in the legislative process?" He said that he concluded that if Alaska is going to have a citizen legislature, then it must provide an opportunity for new people to serve.

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REPRESENTATIVE KITO stated that Alaska does have good turnover in the legislature: in the Senate the average tenure is about nine years; in the House the average tenure is slightly over seven years. He suggested that for a regular infusion [of new members] and not just a major "switch over", which is typical after reapportionment, it makes sense to allow an individual the opportunity to provide public service to Alaska as a legislator, then step aside and allow a new person with new ideas to serve. He maintained that his proposed resolution does not constitute a

prohibition on serving. It would allow someone to serve for up to four terms in the House of Representatives or up to two terms in the Senate, before either taking a two-year break from the body in which the person served or switching to the other body. This would allow for sixteen years of continuous service or longer if moving from the House to the Senate and back to the House. He stated that one legislator has done that in the past.

REPRESENTATIVE KITO relayed that the NCSL report on term limits states that one of the reasons for not having term limits is to allow legislators to build knowledge and experience. He questioned why an Alaska legislator, representing about 20,000 residents, needs more experience than a governor, who represents 700,000 Alaskans and administers all the state programs. He mentioned that the governor is limited to two four-year terms, or eight years. He said that Alaska has determined that to be adequate for serving as a governor and asked, "Why then is it appropriate for a legislator to have significantly longer period of service?"

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REPRESENTATIVE KITO continued by saying that other states do have people who build up seniority and move up the ladder; however, Alaska generally has a turnover of Senate President and Speaker of the House every two years; committee chairs generally turnover every two years; Alaska had a Speaker of the House for eight years, but it only happened one time. He offered that Alaska is already operating as if there was a term-limited legislature; the average length of service is about eight years; and there is turnover in the committees, which suggests that knowledge in a committee area does not appear to be as critical in a state the size of Alaska. He asked, "Why not provide that opportunity for other Alaskans to participate?" He opined that the other choice is to not have a full citizen legislature in which individuals gather their own experiences during the Interim and bring them "to the table." In that case Alaska would be considering the possibility of a fulltime legislature, paying the legislators a fulltime salary, expecting them to do fulltime work, and having legislators with twenty-plus years in public service.

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CHAIR KREIS-TOMKINS asked for the results of the advisory question [on term limits] on the 1998 Alaska ballot.

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CAITLYN ELLIS, Staff, Representative Sam Kito, Alaska State Legislature, replied that in the 1998 election, 50.2 percent voted in support of term limits [Measure 7]; in the 1994 election, almost 63 percent voted in favor of term limits [Measure 4]; and in the 1996 election, the affirmative vote for term limits [Measure 4] was 54.5 percent. The earlier two advisory votes were related to Congressional term limits; the 1998 advisory vote was much closer than those of the earlier elections.

REPRESENTATIVE BIRCH stated that he advocated for term limits in the past but was dissuaded because of the seniority of [former] Alaska U.S. Senator Ted Stevens and the benefits of seniority at the congressional level. He mentioned that Alaska U.S. Representative Don Young is now "Dean of the House"; he is currently the longest serving member of the House of Representatives. He opined that there are advantages to seniority at the congressional level; Arctic National Wildlife Refuge (ANWR) opening [for development] is evidence of that.

REPRESENTATIVE BIRCH relayed that he is in his second year of his first term and is one of 15 new members, which represent 25 percent of the 60-member legislature. He said that in any business, a 25 percent turnover would be significant. He stated that he is struck by the fact that the voters are doing a good job of limiting the terms of legislators. He offered that in respect to legislators having outside employment, he couldn't agree more. He stated that he was deeply disappointed to be "drug back" into special session four times under the "heavy hand" of special session construction. He asserted that such circumstances decimate any ability to maintain a job or business. He asked, "Why do we think we need to do a term limit, if we have a 25 percent turnover in the body?"

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REPRESENTATIVE KITO acknowledged that there is consistent turnover in the legislative body but maintained that when he became a representative, he decided that he did not want to be there for twenty years, which would discourage a couple generations of individuals in his community who might want to participate in the public process at the legislative level. He offered that if an individual knows that the maximum time a Representative can be in the House is eight years, he/she could be accruing experience on the assembly, working on non-profit

boards, all the while knowing that the legislative seat will change in his/her working lifetime. A person could prepare to run for office and be ready when the time comes, as opposed to guessing when the [sitting] Representative will leave office. He stated that if he is not term-limited and keeps his seat for twenty years, two to two and a half generations of individuals in his community who might be wonderful legislators would be forced to move to a different community to serve as a state Representative. He maintained that HJR 27 would create a better pool of potential candidates coming up through the ranks - ones who will be ready to serve and provide public service - as opposed interested people who do not have a chance.

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REPRESENTATIVE KNOPP stated that he has never been adamantly opposed to term limits; when he served in local government, term limits were implemented; he termed out in six years and was elected to the House of Representatives during his third term. He mentioned that Representative Kito was addressing two different issues - career politicians and citizen legislatures. He said that even if HJR 27 passed, it would not ensure the state would have citizen legislators. He offered that because the House districts have elections every two years, the public has every opportunity to run; nothing prevents those of future generations from running against a representative every two years.

REPRESENTATIVE KNOPP mentioned the power of incumbency and maintained that while there is some validity to that, there is also validity in the fact that citizens recognize and value the experience that a Representative has gained. A Representative who spends two years on the House Labor and Commerce Standing Committee, two years on the House State Affairs Standing Committee, two years on the House Special Committee on Education, and two years on the House Finance Committee becomes very well rounded but then is termed out. He offered that there is "good and bad" in the proposal. He asked about the length of time a Senator would be required to "sit out" versus the length of time a Representative would be required to sit out, if not deciding to run for the other body. He concluded that the proposed resolution offers both opportunities and concerns.

REPRESENTATIVE KITO replied that the "sitting out" period is two years, which would be true for both the House and the Senate. He reminded the committee that a Senate term in a

reapportionment year is a two-year term; therefore, a Senator sitting out in 2010 could run for that Senate seat in 2012.

REPRESENTATIVE KNOPP reiterated his comment about the level of experience gained. He also mentioned that a legislator who is in the minority for six to eight years does not have his/her true "voice" in the legislature, which is another concern.

REPRESENTATIVE KITO replied that his predecessor was in the minority for fifteen years and never chaired a committee yet served her constituents very well. He mentioned that Alaska has many legislators that only serve two, four, or six years; they are effective; in the State of Alaska, since it is so small, a freshman majority member can chair a committee; therefore, rapid learning can occur with little experience. He said in that way the situation in Alaska is different than in many other states; people with little experience can be Speaker of the House in his/her second term or chair of the House Finance Committee in his/her first term. He maintained that even the shorter serving legislators are representing their districts as well [as the longer serving legislators], because they have opportunities to participate in leadership positions. He added that the intent of the proposed resolution is to bring new ideas into the legislature and provide more opportunities for individuals to prepare for and participate in state service.

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REPRESENTATIVE WOOL stated that he generally supports the concept of term limits; however, there are pros and cons to it. He mentioned that it is good to have a healthy amount of turnover; it is difficult for a legislator to maintain a job outside of the legislature, especially if session lasts 180-plus days; and it wouldn't be possible to work at a regular job. He added that owning one's own business makes it possible.

REPRESENTATIVE WOOL referred to the average length of service for those in the Senate - 9.3 years - and those in the House - 7.2 years. He asked for the ranges of lengths of service. He offered that there are legislators who serve for two to four years, and those who serve for fourteen years, making the average seven or eight. There may be many new legislators, but some are replacing ones who have served many years and retired. He concluded it is good to have turnover; it exists on its own with the election cycle; some legislators do "get entrenched" and will never lose unless they choose not to run. He agreed that turnover at the leadership level is also good; as

legislators serve longer and "rise to the top," it is good to have turnovers to bring in different outlooks. He concluded that under HJR 27, allowing for eight years in the House and eight years in the Senate, which adds up to sixteen years, would be a substantial period, and with two years off, time of service could be longer.

REPRESENTATIVE KITO mentioned that for all serving legislators since statehood, the terms vary from one year to thirty-two years.

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REPRESENTATIVE LEDOUX mentioned that California has term limits, and she has heard that often a Senator and a Representative will trade positions back and forth.

REPRESENTATIVE KITO answered that he cannot confirm if that occurs. He offered that California is one of two states with a fulltime legislature; consequently, Representatives earn \$100,000 per year and have staffs of 15. He added that the same is true for New York State. He said that California is different from Alaska in that each House district represents 500,000 people; getting to know a California district is quite different from getting to know an Alaska district. He maintained that after four and a half years, most people in his district would recognize him as their Representative and could come up to him to talk; that would not be the case in a state like California or New York.

REPRESENTATIVE LEDOUX relayed that the point she was making was that if Representatives and Senators transfer back and forth, then the idea that the proposed resolution would give new people options for serving would not be correct. She asked whether this, in fact, occurs in the California legislature.

REPRESENTATIVE KITO responded that he would attempt to find out if that is true. He added that his point is that if one is representing a House district of 500,000 people or a Senate district of a million people, then it is more likely that the legislator has only name recognition among his constituents, as opposed to them understanding who he/she is. He maintained that in Alaska, the scenario Representative LeDoux described could happen, but is not likely. He asserted that if he served an eight-year term in the House, people would be aware of when his term ended and could prepare to run for that seat in the next election.

REPRESENTATIVE LEDOUX asked why Representative Kito thought it would be unlikely in Alaska for a Senator and Representative to switch back and forth between the legislative seats.

REPRESENTATIVE KITO stated his reasoning as follows: Alaska districts are much smaller, and the individuals running for office are better known in their districts. In Alaska, constituent relations are important. An Anchorage Representative who returns to the Anchorage caucus, meets and talks with a considerable number of Anchorage residents who are politically active in the district. He reiterated that Alaskans know their representatives better; therefore, the trading of legislative seats would not be an issue in Alaska.

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REPRESENTATIVE LEDOUX asked how a small district and constituents knowing their legislators would prevent the representative and senator from trading seats, if they both wanted to keep their jobs. She added that since the legislators are so well known by their constituents, it would be easier to trade seats and more likely to happen.

REPRESENTATIVE KITO offered his district as an example: under HJR 27, when he comes to the end of his eight-year term, there will be people interested in running for his seat; it could be a Senator, but nevertheless, it is an open office; people can express interest in the seat. He maintained that with the smaller population and an open seat, there is greater potential for someone to come forward and run for that seat than there would be for an unknown person in a 500,000-person district. He added that the latter would be like running for governor [of Alaska] every four years, then switching off to lieutenant governor and back. He asserted that California is a "different animal" than Alaska; Alaska is unique, and this is one of the areas in which its unique is positive.

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REPRESENTATIVE TUCK referred to page 1, lines 9-10, of HJR 27, which read, "No person who has served as a representative for four full or partial successive terms shall again be eligible to hold that office" and asked the sponsor if he would be willing to change "that office" to "any office".

REPRESENTATIVE KITO responded that the change could be a policy call of the legislature; the legislature may only want individuals to serve for eight years and no longer; some states have placed a prohibition for serving more than eight years. He mentioned that in a local election in Alaska, one can sit out one term and return to service; many people do that; Alaska also allows its governor to sit out a term and serve again. He offered that Alaska has not historically supported a total prohibition.

REPRESENTATIVE TUCK responded that his suggestion would retain the two-year hiatus but disallow transferring from House to Senate and back to House.

REPRESENTATIVE KITO suggested that disallowing someone to run for one body or the other constitutes an undue restriction on that person's civil rights.

REPRESENTATIVE TUCK maintained that the language change would prevent someone from switching back and forth between bodies, as described by Representative LeDoux. He restated his suggestion: once someone serves in the legislature for the specified number of terms, whether it is the House or Senate, he/she must sit out for two years before serving again.

REPRESENTATIVE KITO asked for confirmation that Representative Tuck is suggesting a mandatory two years after an eight-year term before the individual could run for the House or Senate.

REPRESENTATIVE TUCK replied yes.

REPRESENTATIVE KITO said that would be a policy call of the legislature. He suggested that there may be some awkwardness regarding the four-year Senate seats. If someone terms out from a four-year seat, and it remains a four-year seat, then that person would not be able to run for that Senate seat but could run for a House seat after two years off.

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REPRESENTATIVE WOOL asked for clarification of the proposed resolution: an individual could serve eight years in the house - four terms - and immediately serve two Senate terms, which would total sixteen consecutive years in the legislature.

REPRESENTATIVE KITO confirmed that as HJR 27 is currently written, that is correct. An individual can move from one body

to the other, but to run again for the same body, he/she must take a two-year break.

REPRESENTATIVE WOOL asked how many states have term limits in their state legislatures.

REPRESENTATIVE KITO responded that currently there are 15 states with active term limits; the requirements are different from state to state.

REPRESENTATIVE WOOL commented that in a term limit situation, someone coming to the end of his/her term, knowing that he/she cannot run for reelection, may legislate differently during his/her last term - much like a "lame duck" U.S. President. He added, "That's probably not a bad thing."

REPRESENTATIVE KITO responded that has been argued in both directions. In a lame duck incumbency situation, a person may take edgier or more challenging actions - ones that he/she would not take if facing reelection. In that way it could be positive. He said that on the other hand, it has been said that an incumbent does not have to consider a constituent's issues because in a year's time he/she won't be in office. This would be a negative outcome. He concluded that sorting out the "pros" and "cons" of this argument is part of a legislator's job.

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CHAIR KREISS-TOMKINS announced that HJR 27 would be held over.

CHAIR KREISS-TOMKINS commented that uncertainty is a limiting factor for people who might seek legislative office; not knowing when the seat will be open can be a handicap; sometimes even retirements are announced at the last moment; therefore, people seeking office are not empowered to participate in a fully open way.

HB 310-MARRIAGE AND MINIMUM AGE FOR MARRIAGE

[3:54:46 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 310, "An Act relating to the minimum age of eligibility for marriage."

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The committee took a brief at-ease at 3:55 p.m.

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REPRESENTATIVE MATT CLAMAN, Alaska State Legislature, as prime sponsor of HB 310, relayed that by raising the minimum marriage age in Alaska to 18 with exceptions only for emancipated minors and active military members, HB 310 would put an end to what the U.S. has denounced as a "human rights abuse." He continued by saying that marriage before the age of 18 correlates with poor life outcomes, including discontinued education, increased risk of psychiatric disorders, and increased risk of poverty. For those who are happily married at an earlier age or who are close to someone who married young, the proposed legislation might seem like it would prevent young people from marrying the person whom they love. He said that in fact, the proposed legislation would delay rather than prevent the unions of those looking forward to decades of happy marriage.

REPRESENTATIVE CLAMAN referred to the Legislative Research Services (LRS) Report 18.018 dated 9/15/17, entitled "State Marriages Involving Minors, 2000-2015," included in the committee packet. He stated that Table 1 in the report reflects the number of Alaska marriages involving minors that occurred from 2000 to 2015. Table 1 indicates that the number of minors getting married in Alaska is in decline - from 73 in 2000 to 17 in 2015. He maintained that by asking an increasingly small number of people to wait a couple of years before getting married, Alaska would protect minors, who because of external pressure and lack of legal rights, might find themselves forced into marriages that they are later unable to leave.

REPRESENTATIVE CLAMAN relayed that 70-80 percent of marriages involving children end in divorce; and when they do, because of limited education and work opportunities, former child brides and grooms have few options for supporting themselves and, in many cases, supporting their children. He maintained that in those instances, the economic burden falls to the state.

REPRESENTATIVE CLAMAN maintained that under HB 310, the hope is to bring an end to a human rights abuse that affects not just individuals but society.

3:57:40 PM

CERI GODINEZ, Staff, Representative Matt Claman, Alaska State Legislature, on behalf of Representative Claman, prime sponsor

of HB 310, relayed that the intent of HB 310 is to protect children from finding themselves in lifelong commitments in which they have no say and cannot escape. She paraphrased from the sponsor statement, included in the committee packet, which read as follows:

Under current law, Alaskan minors cannot vote, serve on a jury, purchase a fire arm, open a checking account on their own, file a domestic violence protective order on their own, or work without the consent of their parents; yet they are old enough to be married with parental approval or a court ruling in the case of those under 16. This places a child in a particularly vulnerable situation where they could be coerced into marrying an abuser. If the relationship is abusive, leaving their spouse may be extremely difficult. House Bill 310 would protect minors by requiring them to have the same rights as adults before getting married.

MS. GODINEZ continued with a sectional analysis of HB 310 as follows: Section 1 of HB 310 [page 1, lines 8-12] requires for marriage a person to be 18 years of age or older, an emancipated minor, or a member of the U.S. Armed Forces on active duty. Section 2 [page 1, line 14-15] relates to "arrival at majority upon marriage" and amends AS 25.20.020 to say that a person reaches the age of majority when he/she marries. Section 3, [page 2, line 4] repeals AS 25.05.171, which allows minors 16 to 18 years of age to marry with parental consent and minors 14 to 15 years of age to marry with judicial approval and parental consent. Section 4 [page 2, lines 5-8] states that the Act applies to people married on or after the effective date.

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REPRESENTATIVE LEDOUX referred to page 1, line 9, which read, "emancipated under AS 09.55.590", and asked for the definition of "emancipated."

MS. GODINEZ answered that "emancipated" means the person is 16 years of age or older, living separately from his/her parents or guardians, and can prove himself/herself to be self-supporting.

REPRESENTATIVE LEDOUX inquired as to what was involved for emancipation; she asked why a minor wouldn't just petition for emancipation [to marry].

MS. GODINEZ expressed her understanding that under HB 310, a minor could seek emancipation and if successful, file for marriage.

REPRESENTATIVE LEDOUX asked if that is a loophole that almost subsumes the proposed legislation; the minor would not be required to be age 18 but could simply petition for emancipation.

REPRESENTATIVE CLAMAN explained that the difference between the two is as follows: to get emancipated one needs to have a court hearing with a judge to determine if the qualifications for emancipation are met; under HB 310, one can get married with parental consent without proving self-sufficiency.

REPRESENTATIVE LEDOUX asked for the number of children under age 16 who are married in Alaska each year.

MS. GODINEZ replied that the number each year is between zero and one. She clarified that someone who is emancipated has most of the legal rights of an adult. She mentioned that the intent of HB 310 is to ensure that people entering marriage are on equal legal footing with their spouses.

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REPRESENTATIVE LEDOUX asked whether those who are 16 through 18 years of age and get married are marrying against their wills. She related that she has a friend who was married at age 17 and has been married for 30 years; the friend had her parents' permission; and she wasn't forced to marry.

MS. GODINEZ responded that there are many cases of people happily married at age 16. The proposed legislation would ask those people to wait a couple of years so that in the rare cases in which someone is being forced into marriage by external pressure from their families or other parties, that marriage would be prevented.

REPRESENTATIVE LEDOUX summarized by saying that although there are many cases in which people get married at age 16 who have workable marriages, HB 310 proposes that they forego marriage for two years because of the extremely rare incidence in which someone is forced into marriage.

REPRESENTATIVE CLAMAN referred to Table 1 of the LRS Report to point out that there are very few people getting married at ages 16 and 17, and of those, the clear majority get divorced and are left in very poor financial conditions due to low functioning during the marriage.

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REPRESENTATIVE BIRCH cited the LRS Report to point out that the number of marriages of those age 17 and under decreased from 73 in 2000 to 14 in 2015; it decreased to zero for the 15 and under age group; and there was only 1 in the 15 and under age group in the most recent five years shown on the chart. He offered that half of marriages end up in divorce regardless of age. He asked whether minors could be married in another state and have it recognized in Alaska.

REPRESENTATIVE CLAMAN expressed his belief that under the "Full Faith and Credit Clause" [U.S. Constitution, Article IV, Section 1] a marriage in Nevada, for example, would be recognized in Alaska, if legal in Nevada.

REPRESENTATIVE BIRCH asked whether two people, who cannot legally be married in Alaska, could travel to another state, like Nevada, where it is permissible to be married at age 16, then return to Alaska to live.

REPRESENTATIVE CLAMAN offered that he believes that to be the case; under the Full Faith and Credit Clause of the U.S. Constitution, Alaska would have to recognize the marriage that occurred in Nevada.

REPRESENTATIVE BIRCH asked whether there are any religious issues associated with the proposed legislation or whether it would violate any religious jurisdiction. He clarified, "Is there a religious exemption?"

MS. GODINEZ responded that the sponsor has not received any opposition from religious minorities.

[4:08:43 PM](#)

REPRESENTATIVE KNOPP referred to page 1, lines 11-12, of HB 310 and asked if there is anyone under age 18 in the active military.

REPRESENTATIVE CLAMAN relayed that with parental consent, someone can join the military at age 17. The military exemption is included for the occasion of someone being deployed and wanting to marry his/her sweetheart before leaving. He maintained that there is considerable history of people getting married just before deployment; there are spousal benefits, which is an important factor.

REPRESENTATIVE KNOPP asked about the language change on page 1, lines 4-5: the deletion of "one man and one woman" and the addition of "two natural persons".

REPRESENTATIVE CLAMAN explained that was recommended because that is what the U.S. Constitution requires.

[4:10:32 PM](#)

REPRESENTATIVE WOOL asked whether under the military exemption, someone could enroll in the military at age 17 with parental consent and marry someone 16 years of age who is not in the military. He asked whether the exemption would exist for the 16-year-old spouse as well.

MS. GODINEZ expressed her understanding that the exemption would apply to the underage military enrollee marrying an adult.

REPRESENTATIVE WOOL pointed out that page 1, line 11, states that the member of the U.S. Armed Forces may be under age 18. He offered that a 17-year-old boy [in the military] can marry a 21-year-old woman but could not marry a 17-year-old woman not in the military.

MS. GODINEZ agreed.

REPRESENTATIVE CLAMAN added that if the 17-year-old woman not in the military got emancipated, then the marriage could proceed.

REPRESENTATIVE WOOL asked whether in the case of a 16- or 17-year-old who has received emancipation through a judge and really wanted to get married, parental consent would be necessary.

MS. GODINEZ replied that in that scenario, the person would need judicial approval and parental consent. The exception to parental consent is an extreme case, in which the parents are unfit to decide the matter.

REPRESENTATIVE WOOL mentioned that his aunt got married at age 16 a long time ago; getting married at a younger age was more common then than today. He mentioned that marriage right before "shipping off to war" seems a little dated but conceded that it does occur.

[4:13:51 PM](#)

REPRESENTATIVE TUCK referred to the document, entitled "Child Marriage in America Executive Summary," provided by the sponsor and included in the committee packet. He asked for the definitions of "minors," "children," and "adults" and the lines of demarcation for the three groups.

MS. GODINEZ expressed her belief that the words "children" and "minors" are being used interchangeably in the document, and they refer to people under the age of 18. She confirmed that anyone age 18 to 21 is not a minor.

[4:15:09 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 310.

[4:15:25 PM](#)

JEANNE SMOOT, Tahirih Justice Center (TJC), testified that the Tahirih Justice Center is a 20-year-old national legal services organization that works with survivors of domestic violence, sexual assault, and other violence and abuse, including forced marriages. She relayed that forced marriages can involve insidious forms of coercion, not only physical violence but extreme psychological abuse and threats. When that comes from a parent or a loved one, it does have the effect of "a gun to the head" or "shotgun wedding" for a teenage girl who is still very dependent on her family both emotionally and practically.

MS. SMOOT stated that TJC has operated a special forced marriage initiative across the country and over the past several years; it worked on over 500 cases involving women and girls across the U.S. The organization also has analyzed the minimum marriage laws and exceptions for all 50 states and released a detailed report on how the current laws can facilitate forced marriages and other abuses and exploitation in the guise of marriage.

MS. SMOOT continued by saying that based on the work that TJC has done, she has flagged a few of the concerns that Alaska's current law poses in terms of serious child protection risks.

She stated that the parental consent exception can conceal parental coercion; among the forced marriage cases, most often the perpetrator is a parent. There are many reasons for this, but sometimes it's because a parent just wants to be rid of additional responsibility for a girl and to offload her onto whomever will take her. She said that regardless of the backgrounds of these cases, the common vulnerability is that children lack the legal rights and resources to stand up for themselves and get to safety.

MS. SMOOT mentioned that the low age of 14 falls even below the state's legal age of consent for sex, and combined with the affirmative defense to prosecution for statutory rape that is in Alaska statute, it means that as long as the parties are married, one can essentially "roadmap" a "work around" for predators to access young girls that would otherwise be off limits.

MS. SMOOT stated a third concern for flagging: Only a handful of the minors currently being married ever see a judge. The concern is that the approval process has only vague and subjective criteria and doesn't have other critical safeguards, like court-appointed counsel for the minor. She said that, unfortunately, for the reasons she has stated, Alaska's current laws make it far too easy for a host of horrors - ones that TJC staff see every day - lurking behind the marriage of an underage girl, no questions asked. She said, "That is the crux of the problem with current law." She maintained that TJC does not know how many of the cases behind the statistics are forced marriages of children. Based on TJC work and the vulnerabilities staff see, they are very concerned precisely because the children marrying today are marrying against national trends. They represent particularly vulnerable children who have no say in the matter and whose parents or partners are not listening to them ... (indisc.).

MS. SMOOT stated that this year alone, 15 states have taken up reform bills; 8 more are on the horizon. Virginia passed a law like HB 310, but the year before the law passed, 182 minors were married, including one younger than age 15.

REPRESENTATIVE TUCK asked for a written copy of Ms. Smoot's testimony.

[4:19:30 PM](#)

CHAIR KREISS-TOMKINS, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 310.

CHAIR KREISS-TOMKINS announced that HB 310 would be held over.

HB 152-ORGANIZED MILITIA; AK ST. DEFENSE FORCE

[4:19:50 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be CS FOR HOUSE BILL NO. 152(MLV), "An Act relating to the organized militia; and relating to the authority of the adjutant general."

[4:20:22 PM](#)

REPRESENTATIVE LEDOUX moved to adopt the committee substitute (CS) for HB 152, Version 30-LS0366\R, Wallace, 2/12/18, as the working document, referred to as "Version R."

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[4:20:38 PM](#)

KENDRA KLOSTER, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor of HB 152, relayed that Version R removes "imminent response authority" - the language allowing the adjutant general (TAG) to call the national guard to duty if the governor is unavailable. She added that Version R retained the language regarding command, control, the TAG accepting resignations and retirements, and adding the Alaska State Defense Force (ASDF) and Alaska Naval Militia (AKNM) to the tuition program.

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CHAIR KREISS-TOMKINS removed his objection to the motion to adopt Version R. There being no further objection, Version R was before the committee.

REPRESENTATIVE LEDOUX commented that Version R addresses her concerns.

REPRESENTATIVE WOOL commented that Version R addresses his concerns as well.

REPRESENTATIVE TUCK expressed that the state should devise a way to quickly respond in situations of imminent danger to the state of Alaska - a natural disaster or other circumstance - when the governor and lieutenant governor are incapacitated. Currently there would have to be a designation that the governor is incapacitated, then the swearing in of the lieutenant governor before action can be taken by the military to keep Alaskans safe.

[4:23:21 PM](#)

REPRESENTATIVE LEDOUX moved to report the CS for HB 152, Version 30-LS0366\R, Wallace, 2/12/18, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSHB 152(STA) moved out of the House State Affairs Standing Committee.

[4:24:28 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:24 p.m.