

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

March 24, 2021

1:44 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Liz Snyder, Vice Chair
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Christopher Kurka
Representative Sarah Vance

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 109

"An Act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

- MOVED HB 109 OUT OF COMMITTEE

HOUSE BILL NO. 62

"An Act relating to solemnization of marriage."

- HEARD & HELD

HOUSE BILL NO. 57

"An Act relating to the budget reserve fund established under art. IX, sec. 17(d), Constitution of the State of Alaska; relating to money available for appropriation for purposes of applying art. IX, sec. 17, Constitution of the State of Alaska; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 109

SHORT TITLE: EXTEND BAR ASS'N BOARD OF GOVERNORS

SPONSOR(S): REPRESENTATIVE(S) CLAMAN

02/22/21 (H) READ THE FIRST TIME - REFERRALS
 02/22/21 (H) JUD, FIN
 03/22/21 (H) JUD AT 1:30 PM GRUENBERG 120
 03/22/21 (H) Heard & Held
 03/22/21 (H) MINUTE (JUD)
 03/24/21 (H) JUD AT 1:30 PM GRUENBERG 120

BILL: HB 62

SHORT TITLE: MARRIAGE WITNESSES

SPONSOR (s): REPRESENTATIVE (s) CLAMAN

02/18/21 (H) PREFILE RELEASED 1/15/21
 02/18/21 (H) READ THE FIRST TIME - REFERRALS
 02/18/21 (H) STA, JUD
 02/25/21 (H) STA AT 3:00 PM GRUENBERG 120
 02/25/21 (H) -- MEETING CANCELED --
 03/04/21 (H) STA AT 3:00 PM GRUENBERG 120
 03/04/21 (H) Heard & Held
 03/04/21 (H) MINUTE (STA)
 03/09/21 (H) STA AT 3:00 PM GRUENBERG 120
 03/09/21 (H) Heard & Held
 03/09/21 (H) MINUTE (STA)
 03/11/21 (H) STA AT 3:00 PM GRUENBERG 120
 03/11/21 (H) Moved HB 62 Out of Committee
 03/11/21 (H) MINUTE (STA)
 03/12/21 (H) STA RPT 4DP 2DNP 1AM
 03/12/21 (H) DP: CLAMAN, STORY, TARR, KREISS-TOMKINS
 03/12/21 (H) DNP: EASTMAN, VANCE
 03/12/21 (H) AM: KAUFMAN
 03/19/21 (H) JUD AT 1:30 PM GRUENBERG 120
 03/19/21 (H) <Bill Hearing Canceled>
 03/24/21 (H) JUD AT 1:30 PM GRUENBERG 120

WITNESS REGISTER

DANIELLE BAILEY

Executive Director, Alaska Bar Association
 City & State

POSITION STATEMENT: Answered questions during the hearing on HB 109.

BEN HOFFMEISTER, President

Alaska Bar Association
 Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 109.

KRIS CURTIS
Legislative Auditor
Legislative Audit Division
Legislative Agencies and Offices
Juneau, Alaska

POSITION STATEMENT: Offered information regarding audits during the hearing on HB 109.

SOPHIE JONAS, Staff
Representative Matt Claman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 62 on behalf of Representative Claman, prime sponsor.

CIAN MULHERN
Celtic Ministries
Wasilla, Alaska

POSITION STATEMENT: Testified during the hearing on HB 62.

JOE CONNELLY, Owner
Chugach Peaks Photography,
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 62.

ACTION NARRATIVE

[1:44:01 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:44 p.m. Representatives Eastman, Vance, Kreiss-Tomkins, Drummond, Kurka, Snyder, and Claman were present at the call to order.

HB 109-EXTEND BAR ASS'N BOARD OF GOVERNORS

[1:44:45 PM](#)

CHAIR CLAMAN announced that the first order of business would be HOUSE BILL NO. 109, "An Act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

CHAIR CLAMAN noted this was the second hearing of HB 109 in the House Judiciary Standing Committee. He said the committee would now take up amendments. He stated for the record that

Legislative Legal and Research Services has permission to make any technical and conforming changes to HB 109.

[1:45:37 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 1, labeled 32-LS0592\A.3, Fisher, 3/23/21, which read as follows:

Page 1, line 2, following "**Association**";:

Insert "**relating to the selection of members for the Board of Governors of the Alaska Bar Association**;"

Page 1, following line 6:

Insert new bill sections to read:

*** Sec. 2.** AS 08.08.050(a) is amended to read:

(a) **Except as provided in (d) of this section, two** [TWO] members of the board shall be elected by and from among the members of the association resident in the first judicial district; four members of the board shall be elected by and from among the members of the association resident in the third judicial district; two members by and from among the members of the association resident in the combined area of the second and fourth judicial districts; and one member of the board shall be elected at large by and from among the members of the association residing in the entire state. Three members who are not attorneys shall be appointed by the governor and are subject to confirmation by the legislature in joint session.

*** Sec. 3.** AS 08.08.050(c) is amended to read:

(c) **Except as provided in (d) of this section, four** [FOUR] board members shall be selected on the following triennial rotation:

(1) in the first year, one member from the first judicial district, one member from the combined area of the second and fourth judicial districts, one member from the third judicial district, and one appointed member;

(2) in the second year, one member at large, two members from the third judicial district, and one appointed member; and

(3) in the third year, one member from the combined area of the second and fourth judicial districts, one member from the third judicial district, one member from the first judicial district, and one appointed member.

*** Sec. 4.** AS 08.08.050 is amended by adding a new subsection to read:

(d) The Board of Governors may by regulation allocate the nine attorney member seats on the Board of Governors elected by the active members of the Alaska Bar under AS 08.08.040(a) to each judicial district in proportion to the number of active members of the Alaska Bar residing in each judicial district. The members of the board from each judicial district, as allocated under this subsection, shall be elected by and from the members of the association resident in that judicial district."

Renumber the following bill section accordingly.

Page 1, line 7:

Delete "This"

Insert "Section 1 of this"

[1:45:42 PM](#)

REPRESENTATIVE SNYDER objected.

[1:45:47 PM](#)

REPRESENTATIVE EASTMAN noted that AS 08.08.050 lays out the composition of [the Board of Governors of the Alaska Bar] in relation to four judicial districts. He said this law was created in the 1950s, but the apportionment scheme has not been changed since 1971. He stated that Amendment 1 recognizes that this apportionment is outdated and would give the board the opportunity, not a mandate, to discuss amendment of the board selection process.

[1:47:51 PM](#)

CHAIR CLAMAN noted those available for questions.

[1:48:15 PM](#)

REPRESENTATIVE KREISS-TOMKINS said he would like to hear from anyone on the Alaska Bar Association regarding Amendment 1.

[1:48:36 PM](#)

DANIELLE BAILEY, Executive Director, Alaska Bar Association, indicated that over the past 20 years population changes and

attorney representation has been consistent, thus, she does not think Amendment 1 is necessary at this time. In response to Representative Kreiss-Tomkins, she stated the proportions and reiterated that they have remained consistent. She confirmed the relation between that consistency and the reason she said Amendment 1 is not needed.

[1:50:58 PM](#)

BEN HOFFMEISTER, President, Alaska Bar Association, echoed that the board has had consistent representation and warned that "dilution of the ... other judicial districts" would "do a disservice to our membership." He talked about learning a lot from individuals from other parts of the state and explained that how things are done in one district's court differs from another. He opined that restructuring is not only unnecessary but also not required.

[1:54:13 PM](#)

CHAIR CLAMAN asked Representative Eastman if there is a problem with the legislature's decision on this matter and why the legislature would want to give up that power.

[1:54:40 PM](#)

REPRESENTATIVE EASTMAN replied that the Alaska Bar Association is a private one. He listed the number of members currently in each judicial district, as laid out in statute, and he said Amendment 1 would allow the board to separate those districts, for example, to ensure a certain number of members from each district on the board. He questioned whether the association wants the legislature telling them how to run their affairs.

[1:57:45 PM](#)

REPRESENTATIVE DRUMMOND directed attention to page 1 of an audit report, to the list of membership of the Board of Governors of the Alaska Bar, and she calculated that there are two members from the first judicial district, four members from the third judicial district, and two members from the second and fourth judicial districts. She questioned the necessity of Amendment 1, "since the organization appears to be self-selecting" just as is suggested in the proposed amendment; therefore, she said she would not support Amendment 1.

[1:58:51 PM](#)

REPRESENTATIVE EASTMAN said he would still like to know from the Bar Association whether its members think the decision is best left to the legislature.

[1:59:47 PM](#)

MS. BAILEY said Amendment 1 allows the association flexibility only when doing proportional representation. She indicated that if Amendment 1 were adopted, the second judicial district would never get any representation because currently that district has only 24 members, and, taking into account the comments of Mr. Hoffmeister, she said she would be "worried about that." She added, "As to the larger question over who should have responsibility, that is something I'm not prepared to talk about and [which] I don't believe is actually reflected in the amendment."

[2:00:45 PM](#)

REPRESENTATIVE KURKA said he supports Amendment 1. He alluded to the eight-year sunset and said that is a long time "to have things locked into statute." He said it probably does make sense to have some flexibility with the board. He said he disagreed with Ms. Bailey's reading of Amendment 1, and he emphasized the word "may" in the amendment. He said there are multiple options for apportionment.

[2:02:09 PM](#)

CHAIR CLAMAN said this structure has been in place for 50 years, and multiple legislatures have had the opportunity to fix the system if they thought it was broken. The reasons for having the representation as structured ensure that the less represented areas of the state have a voice on the Board of Governors of the Alaska Bar. He referred to Representative Eastman's spreadsheet and said if there was proportional representation on the board, the Anchorage Bar Association would essentially be running the state bar. He referred to a court case, *Miller v. Carpeneti*, from 2009, which notes that the one person/one vote topic does not apply to the board.

CHAIR CLAMAN said there is good reason for the legislature to have said it wants rural areas of the state to be carefully considered. He explained that the board operates under Roberts Rules, which states that the president of the board votes only when his/her vote makes a difference. He continued, "And so, if

you had one person from Southeast, Alaska, which proportional representation would bring you, or one person from ... the fourth judicial district, Fairbanks, which is what proportional representation would give you, on many occasions people from those regions would actually not get a vote on issues taken up by the board." Chair Claman noted that currently the three public members are all from the third judicial district in Anchorage, so the committee might actually consider an amendment that would require the governor to apportion his seat on the board so that other areas besides Anchorage would be represented. He explained that he was just pointing that out, not offering an amendment. He said for all those reasons, he thinks Amendment 1 is seeking a problem that does not exist, thus he urged a "no" vote on Amendment 1.

[2:05:05 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment 1 to Amendment 1, on page 2, line 9, [as numbered on the hardcopy of Amendment 1, in the paragraph that is the proposed new subsection (d) to AS 08.08.050], as follows:

Between "each judicial district" and ", as allocated under"

Insert ", subject to a minimum number of board members from each judicial district"

[2:05:51 PM](#)

CHAIR CLAMAN objected.

[2:06:05 PM](#)

REPRESENTATIVE EASTMAN explained that the proposed Conceptual Amendment 1 to Amendment 1 would ensure the board maintains the ability to ensure there is some level of representation from each judicial district. He said his intent is not to have the board become "lopsided."

[2:07:01 PM](#)

REPRESENTATIVE KURKA asked whether Conceptual Amendment 1 to Amendment 1 would "solve" the concerns voiced by the Alaska Bar Association representatives.

[2:07:27 PM](#)

MS. BAILEY replied, "Again, I don't think an amendment is necessary." She reiterated that the number of attorneys in each district has been consistent over the last 20 years, so she does not think "a proportional response" is needed at this time.

REPRESENTATIVE KURKA clarified he was asking about Conceptual Amendment 1 to Amendment 1, which would ensure proportionality, and he offered his understanding that that speaks directly to Ms. Bailey's concern.

[2:08:17 PM](#)

CHAIR CLAMAN posited that Ms. Bailey had answered in stating that the amendment is not necessary because the existing structure works.

[2:08:38 PM](#)

CHAIR CLAMAN maintained his objection. He noted that all members present were physically in the committee room [for consideration of who could be called on to vote].

[2:08:58 PM](#)

A roll call vote was taken. Representatives Kurka, Vance, and Eastman voted in favor of Conceptual Amendment 1 to Amendment 1. Representatives Drummond, Snyder, Kreiss-Tomkins, and Claman voted against it. Therefore, Conceptual Amendment 1 to Amendment 1 failed by a vote of 3-4.

[2:09:54 PM](#)

A roll call vote was taken. Representatives Eastman, Kurka, and Vance voted in favor of Amendment 1. Representatives Kreiss-Tomkins, Drummond, Snyder, and Claman voted against it. Therefore, Amendment 1 failed by a vote of 3-4.

[2:10:43 PM](#)

REPRESENTATIVE KURKA moved to adopt Amendment 2, labeled 32-LS0592\A.2, Fisher, 3/23/21, which read as follows:

Page 1, line 6:
Delete "2029"
Insert "2025"

[2:10:51 PM](#)

The committee took an at-ease from 2:10 p.m. to 2:11 p.m.

[2:11:42 PM](#)

CHAIR CLAMAN explained that simultaneously, the committee had taken the at-ease as Representative Snyder was objecting to Amendment 2.

[2:12:15 PM](#)

REPRESENTATIVE SNYDER confirmed, "yes."

[2:12:21 PM](#)

REPRESENTATIVE KURKA spoke to Amendment 2. He said he thinks eight years is a long time to go between audits and four would be better.

[2:13:03 PM](#)

CHAIR CLAMAN sought to discover the timing of sunsets on this matter historically.

[2:13:41 PM](#)

MS. BAILEY listed the last audits as having occurred July 2012, November 2008, and November 2006. She offered her understanding that switching the audits to eight-year intervals was because "doing a legislative audit every so often was actually taxing on both legislative staff and on Bar staff."

[2:14:29 PM](#)

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, offered her understanding that up until 2006 "the maximum allowed for in statute" was four years. She asked the committee to keep that in mind while making comparisons.

[2:14:56 PM](#)

REPRESENTATIVE DRUMMOND offered her understanding that Ms. Bailey had said it was four years between 2006 and the following audit.

MS. CURTIS offered her understanding that it was "four, six, eight." She stated that numerous factors can be weighed when

considering a recommended term of extension. The most important is whether the board is serving the public's interest and whether it should be extended. She said she also considers the division's workload. In addition to the mandated audits for that which is in statute, the division also does the financial audit of the state and the state's federal single audit. Further, the division performs special audits at the request of the Legislative Budget and Audit Committee. There are limited resources. She recommended scheduling an audit every eight years, because reducing that interval means that the division will [expend] additional resources "earlier on" and have fewer resources available to do other things at the request of the legislature. She said there is a cost to the legislature for an audit. She relayed that the cost of auditing "a fairly clean board" can run between 350 and 550 hours at a current rate of \$80 an hour. In response to a follow-up question, she said there is no average in terms of the length of an audit.

[2:17:51 PM](#)

REPRESENTATIVE DRUMMOND reflected that Ms. Curtis was saying that the length between audits depends on the division's finding; for a board with a lot of issues, the division would recommend a shorter period before the next audit took place; and with no issues with the association in question, Ms. Curtis is recommending the eight-year interval. She asked if that was the maximum number of years.

[2:18:21 PM](#)

MS. CURTIS responded that eight years is "the maximum allowed for in statute." In response to Representative Drummond's summarization, she explained that it is not so "cut and dried." She said if she knows the division will be doing a lot of audits in eight years, she may recommend seven years, for example; the timing is influenced by the management of the division's projects.

[2:19:13 PM](#)

CHAIR CLAMAN noted that the Alaska Bar Association is run under supervision of the [Alaska] Supreme Court, which he speculated is one reason why "they have a long history of doing very well on the audits and running a pretty tight ship." He said he thinks the eight-year interval recommended by the Legislative Audit Division is reasonable; therefore, he does not support Amendment 2.

[2:19:45 PM](#)

REPRESENTATIVE KURKA said he still thinks eight years is a long time. He expressed appreciation for the remarks made by Ms. Curtis, but remarked on the responsibility legislators have to their constituents and maintained his support for returning to four years.

[2:20:17 PM](#)

A roll call vote was taken. Representatives Vance, Kurka, and Eastman voted in favor of Amendment 2. Representatives Snyder, Drummond, and Claman voted against it. Therefore, Amendment 2 failed to be adopted by a vote of 3-3.

[2:21:39 PM](#)

REPRESENTATIVE EASTMAN expressed appreciation for the work the association has done with the legislature regarding the audit and encouraged updates for the legislature when the remaining items in the audit are addressed.

[2:22:20 PM](#)

REPRESENTATIVE CLAMAN relayed his appreciation for the work of the association and the audit, and he stated his support for HB 109.

[2:22:32 PM](#)

REPRESENTATIVE SNYDER moved to report HB 109 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 109 was reported out of the House Judiciary Standing Committee.

HB 62-MARRIAGE WITNESSES

[2:23:05 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 62, "An Act relating to solemnization of marriage."

[2:23:22 PM](#)

SOPHIE JONAS, Staff, Representative Matt Claman, Alaska State Legislature, presented HB 62 on behalf of Representative Claman, prime sponsor. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

At present, during the solemnization of marriage, couples must assent to the marriage in the presence of each other, the person solemnizing the marriage, and at least two additional witnesses. Afterward, all parties must sign the marriage certificates. House Bill 62 would eliminate the requirements of any additional witnesses at the marriage solemnization and the signatures of these witnesses on marriage certificates in an effort to help support Alaska's destination wedding industry while preserving the integrity of marriage solemnizations.

Alaska is one of 20 states that require two wedding witnesses—the upper limit of wedding witness requirements nationwide. Twenty-four states and the District of Columbia do not require wedding witnesses at all. Wedding witnesses played a more critical role in past centuries when record keeping was less automated. Witnesses could be contacted to verify the wedding had taken place in the event that records were damaged or missing. Today, however, the role of a wedding witness is ceremonial. In Alaska, while the person solemnizing the marriage must meet certain criteria, no form of witness verification (proof of identification, language comprehension, address validation, etc.) is required. HB 62 would allow Alaska to compete with states like Hawaii and Florida, which require no wedding witnesses and lead the nation in destination weddings.

Destination weddings are a growing business in Alaska, especially as couples opt for small, intimate ceremonies rather than large ones due to risks associated with COVID-19. But the requirement of two wedding witnesses makes Alaska a less attractive location for many who travel from farther away or who do not want the financial burden of a larger wedding.

Couples who come to the state without their own witnesses are tasked with finding strangers to witness their wedding. The burden of supplying these witnesses

often falls to those who work in Alaska's wedding industry who ask friends and family to witness the weddings of their out-of-town clients. Especially during the COVID-19 pandemic, it is hard for out-of-state couples to find two witnesses and couples may be reluctant to have strangers as their wedding witnesses. The additional witness requirement can also place an increased financial burden on the couple. For example, for a remote location wedding, such as a glacier, the couple must pay extra seating costs to transport the witnesses.

At present, destination weddings bring in an estimated \$1 million in revenue to Alaska in the form of roughly 500 destination weddings a year. This revenue figure doesn't consider the fact that more than 90% of the out-of-state couples who come to Alaska to get married stay for days and weeks to explore our great state. The resulting benefit to Alaska's tourism industry is substantial.

[2:25:48 PM](#)

MS JONAS covered the sectional analysis [included in the committee packet], which read as follows [original punctuation provided]:

Section 1 AS 25.05.301. Form of solemnization. Eliminates requirement of two witnesses at a marriage solemnization ceremony.

Section 2 AS 25.05.321. Certificates. Eliminates requirement of the signatures of two witnesses on marriage certificates.

Section 3 AS 25.05.361. Unlawful solemnization of marriage. Deletes language to conform with changes made in section 1 of the bill.

Section 4 AS 25.05.041. Matters insufficient to render marriage voidable. Repeals subsections (a)(3) and (a)(5) to conform with changes made in section 1 of the bill.

[2:26:39 PM](#)

MS. JONAS played a "testimonial video" [provided by upcoming testifier, Joe Connelly].

[2:32:17 PM](#)

The committee took a brief at-ease at 2:32 p.m.

[2:32:33 PM](#)

CHAIR CLAMAN opened invited testimony.

[2:32:55 PM](#)

CIAN MULHERN, Celtic Ministries, stated that he has performed weddings for over 21 years in many states, quite a few of which do not require witnesses. He emphasized that the presence of witnesses does not influence the seriousness with which a couple takes their vows. He said witnesses do not make a wedding more legitimate, and he questioned who is to determine whether witnesses are competent.

[2:35:05 PM](#)

JOE CONNELLY, Owner, testified in support of HB 62. He said HB 62 would change only the requirement for witnesses; it would not affect the definition of sanctity of marriage. He said it merely would make it easier for two people to commit to each other without "government forcing random strangers into their ceremony." He said HB 62 would not make a wedding ceremony more serious or lead to higher divorce rates. He said it would make it easier for people to get married, and he spoke about the locales in Alaska where he has photographed weddings. Often people want a private ceremony, he remarked. He opined, "We should encourage these small destination weddings and the tourist dollars that follow." Florida and Hawai'i, with the highest destination weddings, do not require witnesses; 30 states in total do not, he remarked.

[2:38:08 PM](#)

REPRESENTATIVE DRUMMOND offered her understanding that Mr. Connelly had provided the video and asked him to confirm that one of the couples in the video had to hold their ceremony in the helicopter office rather than the destination to which they had hired the helicopter to go.

[2:38:46 PM](#)

MR. CONNELLY confirmed that the legal part of the ceremony had taken place in the helicopter hanger office [in order for two witnesses to be present], then the couple had the spiritual part of the ceremony on the glacier. In response to a follow-up question, he explained that other than the couple, the others on the helicopter were himself, as photographer, and the pilot, who obtained a special one-day license to marry the couple.

[2:40:29 PM](#)

REPRESENTATIVE KURKA indicated that he had not realized [the requirement to have two witnesses] was an impediment. He asked for clarification regarding witnesses, timing, and location.

[2:41:38 PM](#)

MR. CONNELLY emphasized that the issue is not about where the witnesses are but that there must be two witnesses separate from the officiant. In response to a follow-up question, he confirmed that under Alaska law, the officiant cannot be considered one of the two required witnesses. He argued that the officiant is sufficient, and he reiterated that already 30 states do not require the two witnesses.

[2:44:13 PM](#)

REPRESENTATIVE EASTMAN recollected having heard testimony from those who said there have been ceremonies where the officiant served as one of the two witnesses.

MR. CONNELLY interjected, "Not in Alaska."

[2:44:51 PM](#)

REPRESENTATIVE EASTMAN said he registered the objection to two witnesses being present at the ceremony but asked whether there was objection to "the documentation having two witnesses after the fact."

[2:45:41 PM](#)

CHAIR CLAMAN asked whether Representative Eastman was suggesting an amendment such that a couple could get married on a glacier without the witnesses, and then those witnesses would sign afterward in recognition that the newlyweds really had wanted to get married.

[2:46:12 PM](#)

REPRESENTATIVE EASTMAN described the signing of a marriage license as "official and formal" and suggested that even when that happens separate from a marriage ceremony, "there might still be utility in maintaining in statute or requirement that that document, whenever it's signed," has two witnesses.

[2:46:57 PM](#)

MR. CONNELLY responded that when he first envisioned the proposed legislation and brought the idea to Representative Claman, his initial thought was to leave the marriage license as is. He explained that currently a marriage license has two blank spaces on it for witness signatures. Those spaces could be left for those who want witnesses to sign but be left blank for those who do not. Either license, signed or unsigned, would be legal and processed by the state.

REPRESENTATIVE EASTMAN said that makes sense and he would support it, but his question pertains to "a little bit after that." He asked, "Is there any reason that we wouldn't require, you know, when you're going to get ... your marriage license document, that ... your signature at that point should not be witnessed?"

MR. CONNELLY responded that prior to COVID-19, either the bride or groom would pick up the marriage license from the Bureau of Vital Records, where he or she would sign it; the other person would sign in front of the marriage officiant. He said that served as a check. He said the requirement for two witnesses on top of that is antiquated and stems from a time in the past when the church in England was not able to "properly maintain documents." Now, Mr. Connelly proffered, people typically take photos with a mobile phone. He said anyone could write any name, even fictitious, on the witness line of the certificate, because there is "no auditing" or "verification of the people who are actually listed on the marriage license." He said it is probably best to have the officiant, who was certainly a witness to the marriage, sign the document.

[2:50:40 PM](#)

REPRESENTATIVE KREISS-TOMKINS, having heard this legislation in two legislatures and two committees, opined that [requiring two witness signatures] is one of the most stupid things he has ever

heard state government do. He said the law complicates people's lives and "the sooner we can dispense with this and get rid of this requirement, the better."

[2:51:19 PM](#)

REPRESENTATIVE DRUMMOND asked about the increase in cost to take two extra people on a helicopter [to serve as witnesses during a wedding in a remote location].

[2:52:06 PM](#)

MR. CONNELLY confirmed the cost is significantly more and the result is sometimes couples will cancel, which means less revenue. He suggested that some go ahead with the wedding without the witnesses, who afterward sign "Donald Duck or something on the license, because nobody checks it anyways." In response to a request for specific costs, he offered that a four-seater helicopter could cost \$1,500 and a 6-seater could cost \$3,000, so basically double the cost for a bigger helicopter.

[2:54:37 PM](#)

CHAIR CLAMAN opened public testimony on HB 62. After ascertaining that there was no one who wished to testify, he closed public testimony.

[2:55:13 PM](#)

REPRESENTATIVE VANCE said, "I'm one of those who feels that the two witnesses is highly significant." She drew attention to a sentence beginning on page 1, line 10, of HB 62, which read: "At the time of the ceremony, the person solemnizing the marriage shall complete the certification on the original marriage certificate." She said she thinks that is the difficulty, that the witnesses have to be there during the ceremony to make the certificate fully legal. She then paraphrased [the third paragraph from "Solemnization Law and Legal Definition"], from USLegal.com, which read as follows:

Similarly, in the solemnization of marriage, no particular form is required except that the parties must declare in the presence of the judge, minister or magistrate, and the attending witnesses, that they take each other as husband and wife. In every case there shall be at least two witnesses present besides

the person performing the ceremony.[Barnett v. Hudspeth, 211 Cal. App. 2d 310 (Cal. App. 1st Dist. 1962)]

REPRESENTATIVE VANCE suggested the challenge is separating a religious ceremony [from] the legal action of the two witnesses, who, "after a ceremony can say, 'Do you take each other as husband and wife?' in front two witnesses, and they say, 'Yes, yes we do.'" She said she thinks that could fulfill the legal requirement. She said she thinks amending line 10 would serve this purpose.

[2:57:49 PM](#)

CHAIR CLAMAN announced that HB 62 was held over.

[2:59:48 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:00 p.m.