

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

May 11, 2022

1:33 p.m.

**MEMBERS PRESENT**

Senator Roger Holland, Chair  
Senator Mike Shower, Vice Chair  
Senator Shelley Hughes  
Senator Robert Myers  
Senator Jesse Kiehl

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 62 (JUD) AM  
"An Act relating to the Legislative Ethics Act; relating to solemnization of marriage; and relating to consent to marriage."

- HEARD & HELD

HOUSE BILL NO. 325  
"An Act relating to domestic violence."

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: HB 62

SHORT TITLE: MARRIAGE: WITNESSES/solemnization/consent

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  
03/24/21 (H) Heard & Held  
03/24/21 (H) MINUTE(JUD)  
03/29/21 (H) JUD AT 1:00 PM GRUENBERG 120  
03/29/21 (H) <Bill Hearing Canceled>  
03/31/21 (H) JUD AT 1:00 PM GRUENBERG 120  
03/31/21 (H) Moved CSHB 62(JUD) Out of Committee  
03/31/21 (H) MINUTE(JUD)  
04/05/21 (H) JUD RPT CS(JUD) NEW TITLE 4DP 3DNP  
04/05/21 (H) DP: DRUMMOND, KREISS-TOMKINS, SNYDER,  
CLAMAN  
04/05/21 (H) DNP: EASTMAN, VANCE, KURKA  
03/09/22 (H) SUSTAINED RULING OF CHAIR Y21 N14 E4 A1  
03/11/22 (H) TECHNICAL SESSION 3/11 - ON 3/14  
CALENDAR  
03/16/22 (H) TRANSMITTED TO (S)  
03/16/22 (H) VERSION: CSHB 62(JUD) AM  
03/18/22 (S) READ THE FIRST TIME - REFERRALS  
03/18/22 (S) HSS, JUD  
04/05/22 (S) HSS AT 1:30 PM BUTROVICH 205  
04/05/22 (S) Heard & Held  
04/05/22 (S) MINUTE(HSS)  
04/19/22 (S) HSS AT 1:30 PM BUTROVICH 205  
04/19/22 (S) Heard & Held  
04/19/22 (S) MINUTE(HSS)  
04/26/22 (S) HSS AT 1:30 PM BUTROVICH 205  
04/26/22 (S) Moved SCS CSHB 62(HSS) Out of Committee  
04/26/22 (S) MINUTE(HSS)  
04/27/22 (S) HSS RPT SCS(HSS) 4NR SAME TITLE  
04/27/22 (S) NR: WILSON, REINBOLD, BEGICH, HUGHES  
05/06/22 (S) JUD AT 1:30 PM BUTROVICH 205  
05/06/22 (S) -- MEETING CANCELED --  
05/09/22 (S) JUD AT 1:30 PM BUTROVICH 205  
05/09/22 (S) -- MEETING CANCELED --  
05/11/22 (S) JUD AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

REPRESENTATIVE MATT CLAMAN  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 62.

BREANNA KAKARUK, Staff  
Representative Matt Claman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis for HB 62 on behalf of the sponsor.

JOE CONNELLY, Owner  
Chugiak Peaks Photography  
Anchorage, Alaska

**POSITION STATEMENT:** Provided invited testimony in support of HB 62.

CIAN MULHERN, Reverend  
Celtic Ministries  
Wasilla, Alaska

**POSITION STATEMENT:** Provided invited testimony in support of HB 62.

JERRY ANDERSON, Administrator  
Select Committee on Legislative Ethics  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to travel and hospitality compensation for officiating a wedding during the hearing on HB 62.

#### **ACTION NARRATIVE**

[1:33:07 PM](#)

**CHAIR ROGER HOLLAND** called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Senators Myers, Hughes, Shower, Kiehl, and Chair Holland were present at the call to order.

#### **HB 62-MARRIAGE: WITNESSES/SOLEMNIZATION/CONSENT**

[1:33:42 PM](#)

CHAIR HOLLAND announced the consideration of CS FOR HOUSE BILL NO. 62(JUD) am "An Act relating to the Legislative Ethics Act;

relating to solemnization of marriage; and relating to consent to marriage."

[SCS CSHB 62(HSS) was before the committee.]

[1:34:08 PM](#)

REPRESENTATIVE MATT CLAMAN, Alaska State Legislature, Juneau, Alaska, presented the sponsor statement for HB 62.

[Original punctuation provided.]

Mr. Chair and members of Senate Judiciary, thank you for hearing House Bill 62.

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 requirement for two additional witnesses at the marriage solemnization to help support Alaska's destination wedding industry while preserving the integrity of marriage. HB 62 adds a requirement that a person verify that the parties intend to marry each other. Thus, both the person solemnizing and the person verifying sign the marriage certificate and provide contact information.

Finally, HB 62 repeals the statute that allows a child who is 14 or 15 years old to marry, thus banning child marriage under age 16 with no exceptions. It limits marriage of minors who are at least 16 years of age to those who want to marry a person who is no more than three years older. Thus, a minor may only marry if (1) they have parental consent and court approval or (2) they have court approval after the court finds that the parents are (a) arbitrarily and capriciously withholding consent, (b) absent or otherwise unaccountable, (c) in disagreement among themselves on the question, or (d) unfit to decide the matter.

Alaska is one of 20 states that require two wedding witnesses. Twenty-three states and the District of Columbia do not require wedding witnesses. Wedding witnesses played a more critical role in past centuries when record keeping was not reliable. Witnesses could be contacted to verify the wedding had

taken place if records were damaged or missing. Today, in contrast, record keeping is reliable and 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 is required—just a name and signature. 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 significant and growing business in Alaska. As shown in the chart we distributed, non-resident weddings (where both parties are non-residents) already comprise approximately 10% of marriages in Alaska. The two-witness requirement 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 to ask friends and family to witness the weddings of their out-of-town clients. The two-witness requirement can also place an increased financial burden on the couple. For example, for a remote location wedding, such as on a glacier, the couple must pay extra aircraft seating costs to transport the two witnesses.

At present, destination weddings bring in an estimated \$1 million in revenue to Alaska in the form of approximately 500 destination weddings a year. This revenue figure doesn't even account for 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. HB 62 will help Alaska's tourism industry by allowing Alaska to compete with states on a level field.

As a result of a house floor amendment, the legislation makes an important change to Alaska law regarding child marriage, as described earlier. There is increased concern about the connection between child marriage and human trafficking and sex trafficking. Reducing or even eliminating child

marriage in Alaska is an important step toward improving public safety and combatting trafficking.

[1:38:12 PM](#)

Research shows that the substantial majority of child marriages—90% or more—involve a minor under the age of 18 and an adult who may be several years older—sometimes as much as 20 years older. As you will hear from the invited testimony, a substantial majority of child marriages end in divorce—approximately 80%—compared to a divorce rate of approximately 50% for adult marriages.

As we look to strengthen our economy and improve public safety, changing Alaska's child marriage law to reflect our community values is a much-needed step forward for our state.

[1:38:56 PM](#)

BREANNA KAKARUK, Staff, Representative Matt Claman, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for HB 62 on behalf of the sponsor.

[Original punctuation provided.]

Section 1 AS 24.60.030(a). Prohibited conduct and conflicts of interest. Amends the Legislative Ethics Act to allow a legislator to accept travel and hospitality for solemnizing a marriage.

Section 2 AS 25.05.171(b). Persons capable of consenting to marriage: Minimum ages, and consent of parent or guardian. Amends subsection (b) to limit exceptions to minors who are at least 16 years of age who want to get married and marry a person who is no more than three years older. A minor may only marry if (1) they have parental and court approval or (2) they gave court approval after the court finds that the parents are (a) arbitrarily and capriciously withholding consent, (b) absent or otherwise unaccountable, (c) in disagreement among themselves on the question, or (d) unfit to decide the matter.

Section 3 AS 25.05.301. Form of solemnization. Eliminates the requirement of two witnesses at a marriage solemnization ceremony and adds a person who "verifies" the marriage by (1) communicating with both

parties to confirm their intent to marry; and (2) signing the marriage certificate. The person verifying the marriage is not required to witness the ceremony.

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Section 4 AS 25.05.321. Certificates. Eliminates the requirement for two witnesses to sign the marriage certificate and adds a person who "verifies" the marriage by signing the marriage certificate.

Section 5 AS 25.05.321. Certificates. Specifies that the person solemnizing the marriage and the person verifying the marriage must put their contact information on the certificate forms.

Section 6 AS 25.05.361. Unlawful solemnization of marriage. Deletes language to conform with changes made in section 2 of the bill.

Section 7 AS 25.05.020. Arrival at majority upon marriage. Deletes language to confirm with changes made in section 2 of the bill.

Section 8 Repeals AS 25.05.041(a)(3) and (a)(5)—statutes that relate to marriage witnesses—to conform with changes made in section 3 of the bill. Repeals AS 25.05.171(a)—statutes that relate to allowing marriage involving a 16- or 17-yearold person with parental consent—to conform with changes made in section 2 of the bill.

1:41:29 PM

SENATOR SHOWER stated that some constituents raised concerns that provisions in the bill move away from more conservative, traditional marriages, marriage ceremonies, and witnessing marriages.

REPRESENTATIVE CLAMAN responded that he previously sponsored a bill that allowed elected officials to perform marriage ceremonies. The bill allowed anyone elected to public office to perform a marriage ceremony. He stated he had performed several ceremonies that he would characterize as traditional ones. He said even before that law passed, a person could obtain a 3-day temporary marriage commissioner certificate that would allow the person to perform a wedding. He related that the previous bill intended to protect the rights of religious individuals who had priorities for their religion. They did not wish to be forced to

marry someone outside their traditions. For example, a rabbi might limit performing a marriage ceremony to members of his synagogue. Further, that law would also allow someone to decline officiating at a gay couple's wedding.

[1:44:28 PM](#)

SENATOR SHOWER remarked that his father-in-law officiated at his daughter's wedding and a Justice of the peace (JP) officiated at his wedding.

[1:44:52 PM](#)

SENATOR MYERS referred to a chart in members' packets that showed the number of resident and non-resident weddings. He asked the sponsor whether he had any data on destination weddings. He noted that the military, mining, and fishing industry brings in significant non-residents. He wondered if the data could separate the people coming to Alaska as a wedding destination from residents getting married here.

REPRESENTATIVE CLAMAN responded that one wedding photographer would testify about weddings. He said he spoke to four or five wedding photographers who indicated that their schedules were booked for this summer. He related his understanding that there were numerous destination weddings in Alaska.

[1:46:46 PM](#)

SENATOR KIEHL referred to the legislative ethics portion of the bill and asked whether the language was necessary.

REPRESENTATIVE CLAMAN explained that Representative Vance requested those provisions. She was worried that the travel and hospitality costs might get out of control. For example, she wondered what would happen if someone asked a legislator to perform a wedding on an eight-day cruise on one of the cruise ships. The question was if the legislator could accept an eight-day cruise, including meals, as a gratuity for performing the ceremony. The goal was to allow some level of transportation as gratis, including flying an officiant to a glacier to perform a wedding ceremony and attend the reception. He stated he wanted to ensure that people would not need to declare it. However, if a legislator took an expensive cruise, they probably would need to disclose it. Still, the spirit was to recognize incidental expenses would not need to be disclosed on the ethics disclosure.

[1:49:56 PM](#)

JOE CONNELLY, Photographer and Owner, Chugiak Peaks Photography, Anchorage, Alaska, stated that he supported the provision that would raise the minimum age for marriage, which wasn't part of the original bill. He indicated his testimony would focus on the state's requirement to have two witnesses sign a form just before or after a marriage ceremony.

MR. CONNELLY said he has worked as a wedding photographer in Alaska since 2006. He related that 400-500 couples come to Alaska to get married, many of whom do not bring any family or friends. Further, about 4,000-4,500 local weddings occur in Alaska, many without family or friends present. Some people don't want a large group present at their wedding, so requiring two witnesses to verify their marriages creates an unfair burden. Often marriage commissioners are tasked with finding witnesses for people to fulfill the state requirement. Witnesses may not know the bride or groom but do this as a favor to the marriage commissioner. Many people choose Alaska as a destination wedding location because of its remoteness, beauty, independence, and grandeur. He stated that anyone over 18 and of sound mind could pick up a one-day commissioner license. However, the couple must bring two witnesses along, even if it means the witnesses also must hike to the top of a mountain or fly to a glacier.

Mr. CONNELLY remarked that hiking and flying might seem unusual, but it's a daily occurrence for Alaskan weddings.

[1:53:45 PM](#)

CHAIR HOLLAND reported that approximately 22 states require two witnesses, 22 states require none, and six require one witness. He wondered if it would be beneficial to go from requiring two witnesses to one or from two to zero.

MR. CONNELLY responded that it would be beneficial not to require any witnesses. He stated that the process requires the couple to obtain a marriage license, and the person solemnizing the marriage must sign the original marriage certificate. An officiant must be 18 years of age and of sound mind as determined by the clergy or their representative. The officiant could attest to the marriage if there were any doubt that the wedding happened. He noted that the couple also would have photos of their wedding.

MR. CONNELLY reported that many states, including Hawaii and Florida, do not have witness requirements. Those states have not encountered problems because they don't require any witnesses to

sign the marriage certificate. He offered his view that weddings in those states are no less important or successful, nor do they lead to increased marriage fraud. He indicated that the original requirement for witnesses goes back hundreds of years. The Church of England could not keep track of the records. Since the Bureau of Vital Statistics maintains digital records of marriage licenses, it is now more of a formality and tradition.

[1:56:40 PM](#)

SENATOR MYERS asked whether the photographer could be a witness.

MR. CONNELLY responded that he could be a witness. He noted he often officiates the wedding. He described a hypothetical wedding at Hatcher Pass, in which the bride and groom traveled to Alaska without any family or friends. The photographer, bride, and groom hiked six hours to a remote setting. The photographer would be able to marry them if they brought along an additional witness. Under the bill, the photographer could set up a tripod, marry the couple and capture the wedding on a video, but not need additional people.

[1:57:53 PM](#)

SENATOR SHOWER stated he would not oppose the bill because he has strong libertarian convictions. He related that while serving in the military, he saw that many young men and women would get married. However, many of these marriages resulted in divorce. He wondered if removing the witness requirements would also remove some cross-checks. He said he supports increasing the minimum age for marriage to 18 years of age. He asked whether the witnesses would provide some type of stability for these young military couples by helping them decide if they were doing the right thing.

MR. CONNELLY responded that two 18-year-old military members do not look to their buddies or parents for approval. Witnesses check a box and sign, but don't have to be related to the bride and groom. The state also doesn't require someone to talk sense into the couple. Instead, the state only requires that two random adults be physically present. He said this requirement is irrelevant.

[2:01:09 PM](#)

SENATOR SHOWER expressed skepticism that someone would just solicit witnesses by randomly asking people to be witnesses for a wedding.

MR. CONNELLY answered that he observed it happening all the time.

SENATOR SHOWER expressed surprise.

MR. CONNELLY said it happens every single week.

SENATOR SHOWER remarked that he was horrified.

REPRESENTATIVE CLAMAN responded that was one reason to remove the witness requirement.

MR. CONNELLY agreed it could be awkward for a bride and groom to ask random people to sign as witnesses to their marriage, such as a mom and grandma out for a stroll, pushing a stroller. It is why he initiated the whole process to remove the requirement.

2:01:52 PM

REPRESENTATIVE CLAMAN stated that Senator Shower's question was more specific to the child marriage concept, such as when a 16-year-old wants to marry an 18-year old. The version that passed the House required parents to consent to the marriage but did not require a court proceeding. The Senate Health and Social Services Standing Committee (SHSS) changed it by requiring the court to be involved in that decision. He acknowledged that the court noted it does not happen often. He related one instance in which the parents gave their consent, and the judge subsequently sent them out of the room because he wanted to ensure that no one was pressuring the underage child. The judicial review helps provide additional protection to ensure the youth understand what they are doing. It is essential to have the court involved if child marriages are not banned.

REPRESENTATIVE CLAMAN acknowledged that he had heard stories that some parents pressured their children to get married, but it doesn't always work out very well.

REPRESENTATIVE CLAMAN indicated that Senator Shower also raised an issue regarding military personnel. He was aware of some instances where soldiers going off to war would get married a week before departure. However, when they return six months later, their wives are gone and have sold their property. He acknowledged that this bill would not solve all the problems. He surmised that commanders probably held conversations with those under their command to ensure that they understood what they were doing. He wondered whether it was the state's role to intervene or if the community needed to ask those questions. He

recalled that a family friend married early in his military career, and the marriage ended, so he understands that sometimes people don't think through their decisions.

[2:05:36 PM](#)

SENATOR KIEHL stated that he appreciated that the bill addresses those under 18. He offered his view that having marriage witnesses may not be necessary, especially since the couple might select random witnesses or pay them. He recalled being asked to officiate at a marriage ceremony by a couple he did not know. He said he used the three-day waiting period to talk about marriage commitment. He asked whether the bill retains the three-day waiting period requirement.

REPRESENTATIVE CLAMAN responded that the bill does not change the three-day waiting period requirement.

[2:07:05 PM](#)

SENATOR MYERS referred to page 5 of HB 62. He indicated that the person verifying the ceremony was supposed to confirm that each party intends to marry the other. He wondered why the language used "intends" instead of "consents" since the committee discussed parents consenting to underage marriages and ways to ensure someone was not getting duped.

REPRESENTATIVE CLAMAN stated that using the word "intent" was purposeful because it implies greater thought. He related that he had been debating "intent" on a bill related to sexual assault. In that context, the question was related to what level of action or inaction is enough to reflect consent. It would depend on the level of passive participation that counts as consent. He said marriage means substantially more than that. One hopes that it means the person wants to make a real commitment to their partner and intends to do this.

[2:09:22 PM](#)

SENATOR MYERS offered his view that "consent" seemed stronger than "intent."

[2:09:37 PM](#)

CHAIR HOLLAND turned to invited testimony.

[2:10:14 PM](#)

CIAN MULHERN, Celtic Ministries, Wasilla, Alaska, stated that military members are considered Alaska residents since their license reads Joint Base Elmendorf Richardson (JBER) or some

other base. Thus, military members getting married are not considered out-of-state weddings.

[2:11:10 PM](#)

REVEREND MULHERN spoke in favor of raising the minimum age to 18. He explained that couples sometimes choose witnesses randomly. He stated that often no one knows the witnesses, if they are convicted felons, or in good standing. It is often impossible to locate the witnesses later since no personal identifier is required or appears on the marriage certificate. It doesn't mean the witnesses ensure that the officiant appropriately performed the wedding ceremony.

[2:13:11 PM](#)

JERRY ANDERSON, Administrator, Select Committee on Legislative Ethics, Anchorage, Alaska, indicated that he had reviewed the bill.

[2:13:41 PM](#)

CHAIR HOLLAND asked him to explain Section 1, subparagraph (D).

MR. ANDERSON responded that subparagraph (D) harmonizes other sections of the Legislative Ethics Act regarding accepting hospitality and travel outside of a gift. He stated that it also comports with AS 24.60.085 related to restrictions on earned income and honoraria. That section relates to an appearance or speech by a legislator, so adding subparagraph (D) was beneficial.

[2:14:58 PM](#)

SENATOR MYERS asked what reporting requirements were necessary if someone were to pay for his travel from Fairbanks to Anchorage to officiate at a wedding ceremony.

MR. ANDERSON answered that there would be no reporting requirement under the current Legislative Ethics Act or HB 62.

[2:15:31 PM](#)

CHAIR HOLLAND asked him to confirm that reporting requirements were not required under current law, and reporting would still not be necessary if the bill were to pass.

MR. ANDERSON answered yes. He explained that just as for restrictions on earned income or an honorarium, legislators are not required to disclose travel expenses.

[2:15:58 PM](#)

SENATOR SHOWER asked if this would only apply in Alaska or if the legislator could travel to Hawaii.

REPRESENTATIVE CLAMAN answered that the permission only applied to Alaska. If a legislator or other person wanted to officiate at a friend's wedding in Hawaii, they would need permission from the State of Hawaii.

[2:16:27 PM](#)

SENATOR SHOWER asked for suggestions on prudent limitations. For instance, he surmised that it would not be acceptable for someone to pay for a legislator's expensive cruise in Southeast Alaska just to officiate a friend's wedding during the cruise.

CHAIR HOLLAND envisioned a scenario where a legislator might be invited to fly to a lodge during sockeye season to officiate a wedding. He wondered if the flight would pose a problem.

[2:17:38 PM](#)

MR. ANDERSON responded that AS 24.60.085 covers that question. A legislator would not be able to seek or receive compensation significantly greater than the value of the services rendered, taking into account the higher rates generally charged by specialists in a profession. The committee would consider that standard.

[2:18:27 PM](#)

CHAIR HOLLAND imagined it would be an expensive helicopter flight to the Chukchi Sea if a couple wanted to be married while wading in the water.

[2:19:18 PM](#)

CHAIR HOLLAND held HB 62 in committee.

[2:19:30 PM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Judiciary Standing Committee meeting at 2:19 p.m.