

HB

236

<TARGET><BILL>HB 236</BILL><SUBJECT>HB
236</SUBJECT><COMM>HJUD29</COMM></TARGET>

ALASKA STATE HOUSE

Session:

State Capitol Building,
Room 104
Juneau, AK 99801
Phone: (907) 465-4922
Fax: (907) 465-2197



Interim:

1292 Sadler Way, Suite 308
Fairbanks, AK 99701
Phone: (907) 451-2875
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REPRESENTATIVE DAVE TALERICO

Sponsor Statement for House Bill 236

"An Act relating to marriage solemnization."

A key component of the United States Constitution is the secure fundamental right to freely worship and practice religion in America found in the First Amendment. House Bill 236 clarifies the rights for clergy in Alaska. It acknowledges that those authorized to solemnize a marriage may not be forced to violate their religious beliefs nor will their religious freedom be coerced by the government or the courts.

Alaska Statute 25.05.261 provides that three entities are authorized to solemnize marriages – 1) religious leaders of churches or congregations in the state, 2) a marriage commissioner or judicial officer of the state, or 3) any religious organization or congregation according to the established ritual or form commonly practiced in the organization or congregation. The intent of this legislation is narrowly focused on those individuals who are authorized to solemnize a marriage in AS 25.05.261 (a) (1) or (3).

HB 236 states that clergy in their official capacity may refrain from participating in solemnizing a marriage, providing services, accommodations, facilities or goods related to the solemnization of a marriage without legal ramifications. This bill will not marginalize any marriage relationship, but simply protects the right of all religious leaders to conduct marriage ceremonies according to their beliefs.

While the Constitution clearly states that all Americans, including clergy, have the right to freely practice their religion, there is currently a dangerous trend in America towards the erosion of religious liberty. House Bill 236 affirms the crucial freedom of clergy and religious institutions to celebrate and solemnize marriages in accordance with their deeply held beliefs.

Staff contact: Joshua Banks, (907) 465-2847

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REPRESENTATIVE DAVE TALERICO

Sectional Analysis – House Bill 236

“An Act relating to marriage solemnization.”

Sec. 1 – AS 25.05.261

Creates the following new subsections to amend AS 25.05.261:

- (c) Creates a new subsection to ensure that there is no duty for a minister, priest, rabbi, principal church or congregation officer, or any other religious organization to solemnize a marriage, or to provide any services related to the solemnization or celebration of a marriage.
- (d) Creates a new subsection that allows a religious minister, officer, or religious organization to be free from criminal or civil liability if they refuse to solemnize a marriage or provide any service related to the solemnization or celebration of a marriage.
- (e) Creates a new subsection that prohibits the state or a municipality from penalizing a religious minister, officer, or religious organization if they refuse to solemnize a marriage or provide any service related to the solemnization or celebration of a marriage. To penalize is to take an action affecting a benefit or privilege guaranteed to the person by law, such as tax exemptions or state or municipal contracts, grants, or licenses.

Staff contact: Joshua Banks, (907) 465-2847

HOUSE BILL NO. 236

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES TALERICO, Lynn

Introduced: 1/19/16

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to marriage solemnization."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 25.05.261 is amended by adding new subsections to read:

4 (c) Nothing in this section creates or implies a duty on a person authorized to
5 solemnize a marriage under (a)(1) or (3) of this section to

6 (1) solemnize a marriage; or

7 (2) provide services, accommodations, facilities, goods, or privileges
8 for a purpose related to the solemnization, formation, or celebration of a marriage.

9 (d) A person permitted to solemnize a marriage under (a)(1) or (3) of this
10 section is not subject to criminal or civil liability for refusing to solemnize a marriage
11 or refusing to provide services, accommodations, facilities, goods, or privileges for a
12 purpose related to the solemnization, formation, or celebration of a marriage.

13 (e) The state or a municipality may not penalize a person who is permitted to
14 solemnize a marriage under (a)(1) or (3) of this section for refusing to solemnize a
15 marriage or refusing to provide services, accommodations, facilities, goods, or

1 privileges for a purpose related to the solemnization, formation, or celebration of a
2 marriage. In this subsection, "penalize" means to take an action affecting a benefit or
3 privilege guaranteed to the person by law, including a tax exemption or state or
4 municipal contract, grant, or license.

From: Greg Beal [<mailto:greg@gregbeal.com>]
Sent: Tuesday, January 26, 2016 9:07 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastor Protection Act

Great Idea, keep it up

Thank You

Greg Beal

Palmer, AK. 99645

From: Alaskans For Fair Tax [<mailto:alaskansforfairtax@wbcaak.com>]
Sent: Tuesday, January 26, 2016 9:10 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: HB236

Thanks for your efforts

Wiley Brooks

Alaska State Director

Americans for Fair Taxation

(907) 360-0113

alaskansforfairtax@wbcaak.com

www.Fairtax.org

From: Peggy [<mailto:thedaddysgirl@gmail.com>]

Sent: Tuesday, January 26, 2016 9:18 AM

To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>

Subject: Pastor Protection Bill

Thank you for sponsoring this bill. I am praying for passage of it and it becoming law in our state.
Blessings on you and your family. Margaret Myers, Ketchikan Sent from my iPhone

From: Gary Teague [<mailto:evergreengary@hotmail.com>]

Sent: Tuesday, January 26, 2016 9:19 AM

To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>

Subject: HB 236

Sir, I support the above mentioned bill.

Thank you,

Gary Teague

Sent from my Samsung device

From: Mitchell jacobus [<mailto:JACLLC@outlook.com>]

Sent: Tuesday, January 26, 2016 9:21 AM

To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>

Subject: Thank you

For supporting clergy and Pastors

Sent from my iPhone

From: Bill Lance [<mailto:balance@gci.net>]
Sent: Tuesday, January 26, 2016 9:26 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: pastor protection

KEEP UP THE GOOD WORK.

From: Kathleen Tonn [<mailto:tonn.kathleen@gmail.com>]
Sent: Tuesday, January 26, 2016 9:33 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: YOUR STAND

Thank you for standing for ABSOLUTE TRUTH by standing with pastors.

Respectfully,
Kathleen M. Tonn

tonn.kathleen@gmail.com

"Excellence Everyday"

From: Roy Sumner [mailto:sumner_roy@yahoo.com]
Sent: Tuesday, January 26, 2016 9:38 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastor Protection bill

Representative Talerico:

I would like to ask that you support this bill. Why should less than 5% of the population dictate to us what we believe. I am tired of businesses be driven into bankruptcy in the lower 48 for standing by their religious beliefs when there is plenty of businesses that will accommodate their life styles. Same as the Transgender bill that passed. What is next accommodate pedophiles.

Thank you for your time
Roy Sumner

From: patricia fink [<mailto:patriciafink12@gmail.com>]

Sent: Tuesday, January 26, 2016 9:54 AM

To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>; Peggy Talerico <davepeg@mtaonline.net>

Subject: Pastor Protection Bill

Dave, thank you for standing strong and introducing HB236 in the legislature. "That's our guy." We will pray the bill passes.

Pat in Texas

--

Patricia V Fink

From: Patrick LeMay [<mailto:patrick.lemay@lemayengineering.com>]

Sent: Tuesday, January 26, 2016 10:16 AM

To: Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Rep. David Talerico <Rep.David.Talerico@akleg.gov>

Subject: Pastor Protection Act

Senator Micciche and Representative Talerice:

I'm in full support of the Pastor Protection Act to affirm the rights of clergy, rabbis, and religious congregations to decline participation in same-sex marriages. We need to protect our clergy from any and all criminal or civil liability for refusing to perform or offer services or accommodations for same-sex marriages.

Thank you and keep up the good work.

Patrick M. LeMay, PE

President/CEO

LeMay Engineering & Consulting, Inc.

(907) 250-9038

From: Connie [<mailto:cbell1776@hotmail.com>]
Sent: Tuesday, January 26, 2016 10:34 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastor Protection Act

Thank you for standing up for religious liberty in Alaska. I'm standing with you and in prayer for you, your team, this legislation and for Gods' higher purposes in Alaska. God bless, protect and give you a courageous heart!

Connie Bell
Petersburg, AK
Sent from my iPhone

From: Scott Rees [<mailto:reesinalaska@gmail.com>]
Sent: Tuesday, January 26, 2016 10:57 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Thank you for supporting freedom...

...for ALL Alaskans to adhere to their own conscience and not be financially beholden to another's in fear of suit for believing differently.
HB236 has my support.

Scott Rees
907-885-7700

From: Joanne Klaver [<mailto:cjkkaver@icloud.com>]
Sent: Tuesday, January 26, 2016 11:05 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Support

Thank you for the support of your bill to pastors and churches.

Joanne Klaver
Sent from my iPad

From: Michael Paulsen [mailto:paulsen72@icloud.com]
Sent: Tuesday, January 26, 2016 11:08 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastor Protection Act

Dave

Thank you so much for introducing this bill. You are taking a stand for free speech and I greatly appreciate this. I have your back sir!

Michael Paulsen, CMS ret

Sent from my iPad

From: Kris Carmody [mailto:guitarmody@me.com]
Sent: Tuesday, January 26, 2016 11:19 AM
To: Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Bill

Hello Senator,

My name is Kris Carmody, I am a pastor in downtown Anchorage at Heart of the City. We are a church plant out of Anchorage City Church that has been up and running for almost two years (Feb 9th is to years). We are currently meeting in the sunshine plaza because we outgrew our previous space. We started the church with 28 adults and have grown to an average attendance of just over 400. We are making an impact in the downtown area. Our struggle is real, in that, we have everyone from the downtown CEO to heroin addicts to gay couples that come to check us out because of our high exposure. I am currently ending a series in the book of Ephesians Chapter 5 where I publicly defined marriage as a covenant before God between one man and one woman. We lost two gay couples that were attending but were able to retain one gay couple that have now expressed a desire to begin the process of what it would look like for them to live for Christ. Fighting the good fight of faith changes things.... the Gospel is still, and will remain the power of God for all who believe. As a pastor who is on the front lines I wanted to take the time to tell you how much I appreciate your taking this bill to Juneau. I feel supported and strengthened by your courage. Thank you!

More Love,
Kris Carmody

From: Gail Randall [mailto:ggrandall@acsedu.org]
Sent: Tuesday, January 26, 2016 12:36 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: HB236

Dear Representative Talerico,

I just wanted to take a minute to thank you for introducing the Pastor Protection Acts Bill. It is no small thing in the eyes of God that you are aggressively taking a stand in support of our pastors here in the great state of Alaska as they fight to uphold and defend the Biblical definition of marriage. Know that you are being prayed for and your tenacious work is not in vain!

Thank you again for all you do.

Gail Randall

From: trisha jones [mailto:sentrish@gci.net]
Sent: Tuesday, January 26, 2016 1:28 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: I support your Pastor Protection Bill

In Reference to proposed Pastor Protection bill... Thank you-

I know you know all of the following, but I have to state it for the record...

*The First Amendment of our US Constitution already declares all United States citizens shall enjoy freedom to practice religion; and federal laws supersede state and local law. **Our First Amendment:** "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." In the matter of forcing pastors to perform same sex marriages:*

- ✚ The Supreme Court erred by inserting themselves into an issue already settled upon the founding of our country.
- ✚ The Supreme Court failed to protect the fundamental right of citizens to practice their religious values;
- ✚ Majority of justices were activist judges, unjustly pandering to factions' intent upon forcing values destructive to the individual freedoms for all.
- ✚ Their Rulings are in violation of the United States Constitution

Factions against the exercise of religious freedom erroneously declare that who and where they choose to have same sex partner-ceremonies performed is a Constitutional Right when no such Constitutional right exists. This faction maintains their individual choices must be honored over the individual rights of others, thus making themselves a special class of citizens... more equal than other citizens. They either have forgotten or never learned, "***We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness***"- ***The Declaration of Independence.*** By siding with this faction, the Supreme Court's ruling substantially changed our US Constitution... In summary, they have made the Judicial Branch of our Government an irrelevant instrument concerned with activism rather than their doing their duty to interpret our constitutional laws.

These unjust rulings are a sign of the times that require individuals, families, and local governments to take our country and our US Constitutional values back from those non-responsive to upholding the rule of law as set out in our US Constitution. Chief Justice John Roberts (a George Bush appointee), boldly violated our Constitution, when, under pressure from liberal lawmakers, upheld Obama Care as lawful because it is really a TAX when the Legislative Branch of our government specifically stated in the approximate 2000 page bill that Obama Care was NOT a tax. Neither he nor any Supreme Court justice has authority to make law; the Supreme Court's mission is to interpret laws based on whether or not they adhere to our US Constitution. Additionally, Obama Care is fundamentally unconstitutional in that it forces, some but not all, citizens to purchase health care insurance against their individual will. Furthermore, it sets up an unelected regulatory agency, the IRS, to penalize **without due process** citizens who fail to comply with this unconstitutional law. It also violates the 4th Amendment guarding against unlawful search and seizure (of individual's bank accounts in this case).

Judicial Branch of the United States government INTERPRETS our laws based upon the United States Constitution.

Legislative Branch of the United States government CREATES laws in what they deem is a constitutional manner.

Executive Branch of the United States government ENFORCES constitutional laws.

Taxation without representation is the very reason for this country's beginnings when colonialists revolted against UNJUST laws dictated by King George of England against free citizens. The Grace of God and the bloody sacrifice of these patriots won Our United States of America Constitution which generations of Americans hold as a sacred document-not to be altered by the whims of self-serving individuals.

The necessity for your proposed law is the realization that all branches of our federal government are broken, and it is why I support a convention of two thirds of the states, whose main focus is on instituting TERM LIMITS and taking back the reins of an out-of-control federal government. Upon convening, this delegation can make NO CHANGES to our U.S. Constitution without the consent of three fourths of all the states.

See- Convention of States <http://www.conventionofstates.com/>

From: Crossroads [<mailto:crossroadsag@gci.net>]
Sent: Tuesday, January 26, 2016 12:16 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Thank you for protecting Pastors and Churches

Honorable Dave Talerico

Thank you sir for protecting churches and pastors from having religious rights and convictions over run by those who wish to mandate their choices at the cost of others.

God bless you

Pastor Jim Schulz

From: Dave [<mailto:dvehup@yahoo.com>]
Sent: Tuesday, January 26, 2016 3:15 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Supporting pastors 🙌🙌🙌🙌

Sent from my iPhone

From: Joyce Moropoulos [<mailto:joyce.m@heartreachalaska.com>]
Sent: Tuesday, January 26, 2016 3:50 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Thank you!

Dear Representative Dave Talerico,

Thank you for taking a stand for our Pastors in this great state of Alaska. Our country was founded upon biblical principles and I appreciate you standing up for the rights of all people.

Blessings to this bill, **Joyce Moropoulos**

Joyce Moropoulos

Executive Director

HeartReach Center

924 Leatherleaf Loop

Wasilla, AK 99654

From: Loran Baxter [mailto:lrbaxter@outlook.com]
Sent: Wednesday, January 27, 2016 5:31 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Religious Freedom

Thanks for taking a stand to support religious freedom for Alaska.

Loran Baxter

Sent from Surface

From: Leigh Steele-Ross [mailto:lsteele1234@yahoo.com]
Sent: Wednesday, January 27, 2016 5:59 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: HB 236

Thank you for your support for this important legislation. This is important to protect our pastors and religious rights. All good things have their reward.

Again, thank you!

Leigh Johnson-Steele

Sent from my iPad

From: David Keddington [mailto:dnkeddington@gmail.com]
Sent: Wednesday, January 27, 2016 6:33 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: HB236

Thank you for taking a stand against the dual standard in our society where I (a Christian) have to accept everyone else's values and yet my values are labeled hateful, discriminatory, and slowly being outlawed.

Plz contact me if there is anything I can do to support this effort.

Dave Keddington
Anchorage
907-306-3631

From: Daniel Mullins [<mailto:d.mullins10@hotmail.com>]
Sent: Wednesday, January 27, 2016 8:07 AM
To: Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Cc: dnkeddington@gmail.com
Subject: SB120 and HB236 Support

Gentlemen,

I just wanted to thank you both personally for standing up for our religious freedoms and to let you know that there is a silent majority out there that supports what you both are proposing. Your willingness to act and to stand up to religious discrimination will hopefully give a voice to this majority. For too long freedom of religion has been attacked by those using the social and economic equality agenda as a battering ram to force religious conservatives to take part in activities or services that go against their religious beliefs. Thank you again gentlemen. You have the support of my entire family as well as so many more.

Keep up the outstanding work.

Respectfully,

Dan Mullins
Anchorage AK

From: Jeff Erickson [<mailto:jeffhro@alaska.net>]
Sent: Wednesday, January 27, 2016 9:15 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastors Protection Act

Dear Sir,

Thank you for your work on affirming the freedoms our constitution provides. In particular, the "Pastors Protection Act" is an important step in defining the boundaries of one individual's freedom when they violate the moral values of another individual. I would hope that this act could provide the basis in principle for further protection of every citizen who declines to participate in any activity that they believe would be an endorsement of that behavior.

Jeff Erickson
Homer, AK 99603
Cell 907-399-1495

From: Thomas Fitterer [<mailto:fitterer@gci.net>]
Sent: Wednesday, January 27, 2016 10:22 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Cc: Thomas Fitterer <fitterer@gci.net>
Subject: Rep. Dave Talerico HB236 Thanks

Dear Representative Talerico,
I want to thank you for sponsoring HB236; with what is happening during these times, we truly need protection for those who seek to follow the Good Lord's ways. Please keep up the fine efforts.
Sincerely,
Thomas P. Fitterer,
Retired teacher, parent and grandparent

--

Thomas P. Fitterer
5933 Lund St.
Juneau, AK 99801-9760
fitterer@gci.net

From: K Johannes [<mailto:AMDG@alaska.net>]
Sent: Wednesday, January 27, 2016 3:14 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: HB236

Dear Representative, thank you for sponsoring HB236. This is necessary legislation.

Kristina Johannes

From: James Preston [<mailto:jpreston60@gmail.com>]
Sent: Monday, February 01, 2016 10:15 PM
To: Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>
Cc: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastor Protection Act

Dear Senator Micciche and Representative Talerico, Thank you for sponsoring SB120 and HB236. This Pastor Protection Act is VERY necessary to protect the First Amendment of our national constitution plus our state freedoms.

We are praying for you and this legislation. James E. & Janice E. Preston, PO Box 394, Homer, Alaska 99603

From: RMcmorrow@aol.com [<mailto:RMcmorrow@aol.com>]
Sent: Tuesday, February 02, 2016 6:18 AM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Thank you

Dear Senator Talerico,

Thank you for standing up for our religious freedom. I would have never believed that we would have to be doing this in my lifetime.

Sincerely,

Robert McMorrow, Sr.
3630 W 79th, Unit B
Anchorage, AK
99502

From: CLAY GATLIN [<mailto:cgatlin@faithak.com>]
Sent: Thursday, February 04, 2016 1:33 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastor Protection Acts

Representative Talerico,

I wanted to send you a quick note of my support. Thank you for standing up for clergy rights. It's an honor to pray for you as you continue in these efforts.

Peace!

Clay Gatlin
Faith Christian Community
Lead Pastor
907-243-1777
www.faithak.com
[@gatlinfive](https://twitter.com/gatlinfive) (twitter)

From: Binky [<mailto:binkyg@mtaonline.net>]
Sent: Thursday, February 11, 2016 2:26 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastor Protection Acts

Dear Dave (Representative Talerico),

We appreciate you taking a stand for the Pastor Protection Acts. I agree it is important to have our rights made specific and very clear. Thank you for being a support to Alaskan pastors. You are very much appreciated for taking a stand that is much needed.

God bless you,

Pastors Joseph and Elma Graham

In His Shadow Ministries
Healy, Alaska

From: Donald Ross [<mailto:donleigh9546@gmail.com>]
Sent: Tuesday, January 26, 2016 5:48 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: HB 236

I support HB 236. This legislation is needed to protect religious liberty.
Donald Ross

Sent from my iPhone

From: Phil and Maureen Klump [<mailto:ak-klump@gci.net>]
Sent: Tuesday, January 26, 2016 8:28 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: Pastor Protection Acts bill

Dear Representative Talerico, Thank you for sponsoring the Pastor Protection Acts bill. This bill is crucial in defending the religious freedoms of Alaskans. Sincerely, Dr. Philip J. Klump

From: Sammy Dempster [mailto:sldempster@alaska.edu]
Sent: Friday, January 08, 2016 6:56 PM
To: Rep. David Talerico <Rep.David.Talerico@akleg.gov>
Subject: HB 236

Hello Representative Talerico,

My name is Sam Dempster, we actually have met many times before; some in Healy and some in Anderson, but I doubt you remember.

I wanted to email you to let you know how mortified I am that I had to vote for you as the representative of Denali Borough, as you were the only one running. Literally a goat would have been a better and more logical candidate than you.

I will never vote for you again, and here's why; the bill that you proposed, HB 236 that allows discrimination against same-sex marriage is disgusting and backwards. Instead of worrying about our massive \$3.5 billion deficit that we are facing, you are worried about preventing humans the rights that they deserve? The literal first thing you propose is this bill only an idiot would think is appropriate at this time?

It baffles me that someone could think this was a good idea. Please, go back to your home state of Washington and leave mine alone. I do not want a person with somehow less intelligence than Sarah Palin representing me anymore. I will make sure to let everyone in your district how backwards you are.

AN ACT

1
2 relating to the rights of certain religious organizations and
3 individuals relating to a marriage that violates a sincerely held
4 religious belief.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 2, Family Code, is amended by adding
7 Subchapter G to read as follows:

8 SUBCHAPTER G. FREEDOM OF RELIGION WITH RESPECT TO RECOGNIZING OR
9 PERFORMING CERTAIN MARRIAGES

10 Sec. 2.601. RIGHTS OF CERTAIN RELIGIOUS ORGANIZATIONS. A
11 religious organization, an organization supervised or controlled
12 by or in connection with a religious organization, an individual
13 employed by a religious organization while acting in the scope of
14 that employment, or a clergy or minister may not be required to
15 solemnize any marriage or provide services, accommodations,
16 facilities, goods, or privileges for a purpose related to the
17 solemnization, formation, or celebration of any marriage if the
18 action would cause the organization or individual to violate a
19 sincerely held religious belief.

20 Sec. 2.602. DISCRIMINATION AGAINST RELIGIOUS ORGANIZATION
21 PROHIBITED. A refusal to provide services, accommodations,
22 facilities, goods, or privileges under Section 2.601 is not the
23 basis for a civil or criminal cause of action or any other action by
24 this state or a political subdivision of this state to penalize or

1 withhold benefits or privileges, including tax exemptions or
2 governmental contracts, grants, or licenses, from any protected
3 organization or individual.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2065 passed the Senate on
May 11, 2015, by the following vote: Yeas 21, Nays 9.

Secretary of the Senate

I hereby certify that S.B. No. 2065 passed the House on
May 22, 2015, by the following vote: Yeas 142, Nays 0, one
present not voting.

Chief Clerk of the House

Approved:

Date

Governor

BILL ANALYSIS

S.B. 2065
By: Estes
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 2065 provides that religious organizations, organizations connected to a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister may not be required to participate in any part of a marriage or celebration of a marriage if it would violate a sincerely held religious belief. Under the provisions of this bill, if someone belonging to one of the proscribed categories refuses to provide services, accommodations, facilities, goods, or privileges because of a sincerely held religious belief, that person's refusal cannot be the basis for a civil or criminal cause of action, or any other cause of action by the state or a political subdivision of the state, including withholding benefits or privileges, tax exemptions, or government contracts, grants, or licenses.

S.B. 2065 amends current law relating to the rights of certain religious organizations and individuals relating to a marriage that violates a sincerely held religious belief.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 2, Family Code, by adding Subchapter G, as follows:

SUBCHAPTER G. FREEDOM OF RELIGION WITH RESPECT TO RECOGNIZING OR PERFORMING CERTAIN MARRIAGES

Sec. 2.601. RIGHTS OF CERTAIN RELIGIOUS ORGANIZATIONS. Prohibits a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister from being required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief.

Sec. 2.602. DISCRIMINATION AGAINST RELIGIOUS ORGANIZATION PROHIBITED. Provides that a refusal to provide services, accommodations, facilities, goods, or privileges under Section 2.601 is not the basis for a civil or criminal cause of action or any other action by this

state or a political subdivision of this state to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from any protected organization or individual.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.

House Passes Bill on Pastors' Rights to Refuse Gay Marriages

- by [Aman Batheja](#)
- May 21, 2015

A bill clarifying that clergy members have the right to refuse to conduct marriages violating their beliefs tentatively passed the Texas House 141-2 Thursday.

Critics argue the so-called Pastor Protection Act, [Senate Bill 2065](#), is aimed at making it tougher for same-sex couples to marry in Texas, should the U.S. Supreme Court legalize gay marriages. The bill's author, state Sen. [Craig Estes](#), R-Wichita Falls, has said the bill is about protecting pastors "who have a strong religious belief " against same-sex marriage.

The bill passed out of the Senate earlier this month [on a 21-10 vote](#), with one Democrat joining Republicans in support.

Yet most Democrats in the Texas House voted for the bill, and made it clear Thursday that they believe the measure protects religious institutions supporting gay marriage as well as those that oppose it.

"I truly believe that there is space for LGBT justice and religious freedom and this, I feel, is the space for that," said state Rep. [Mary González](#), D-Clint, who has called herself the only openly pansexual elected official in the nation.

State Rep. [Celia Israel](#), D-Austin, said in a speech supporting the bill that she will one day marry her longtime lesbian partner in Texas. Pastors that don't support their union shouldn't worry about her trying to get them to conduct the ceremony, she said. SB 2065, Israel argued, would ensure that a clergy member that wants to support the ceremony can.

"This Roman Catholic urges you to vote yes," Israel said.

Ahead of Thursday's vote, Equality Texas withdrew its opposition to the measure and encouraged House Democrats to vote for it.

The bill's House sponsor, state Rep. [Scott Sanford](#), R-McKinney, described the bill as "a shield and not a sword" and noted that it did not change "the role of state government in issuing marriage licenses."

State Rep. [Patricia Harless](#), R-Spring, said the bill was about protecting pastors who feared what may happen in the future related to marriage and the law.

"Maybe pastors won't be sued, but we need some protection in case they are," Harless said.

The two “no” votes on the bill were state Reps. Terry Canales, D-Edinburg, and Armando Walle, D-Houston.

During the House debate, Canales asked Sanford about what situation the bill was trying to prevent, as he was not aware of a situation in which a religious clergy member has been prosecuted for not marrying a couple.

“I don’t think you should force somebody to marry anybody,” Canales said.

If the bill receives final approval in the House, it will go to Gov. Greg Abbott's desk. Abbott has indicated he will sign the bill.

<https://www.texastribune.org/2015/05/21/house-passes-bill-assuring-pastors-right-refuse-co/>



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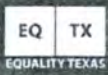
Legislation

2015: 84th Regular Session

The 84th Regular Session of the Texas Legislature convened on Tuesday, January 13, 2015. The 31 members of the Texas Senate and the 150 members of the Texas House of Representatives will consider legislation that directly impacts the lives of 26 million Texans. Throughout the 84th legislative session, Equality Texas will aggressively advocate and lobby for the elimination of discrimination based on sexual orientation and gender identity/expression.



Formerly Opposed Legislation (concerns have been resolved)
Pastor's Protection Bill





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Pastor's Protection Bill

HB 3567 - Sanford

SB 2065 - Estes

Nothing is more fundamental to the American experience than the free practice of religion. No church or other religious institution, or clergy person acting in their official capacity as a religious leader, can be forced to celebrate, recognize or serve a person that that institution or person's religious belief calls or them to shun. SB 2065 enumerates that already-existing right. The bill is less clear than is ideal that those protections do not extend to a clergy person who is employed by the government or a private employer that requires that services and goods must be provided without bias. Clarity regarding the narrowness of the bill was provided by the author and sponsor in the floor debate on the bill, which is a part of the official legislative record.

The final version of this bill, along with the clarified intent in the record, are proof that religious liberty and the freedom to marry are not mutually exclusive concepts and that both can be celebrated and protected by the law.

Take Action
Sign the Pledge
Share Your Story
Email Your Lawmakers
Volunteer
Donate

From: Pamela Lynn <aksunshine123@gmail.com>

Date: March 25, 2016 at 23:25:58 AKDT

To: <representative.gabrielle.ledoux@akleg.gov>, "Rep. David Talerico"
<Rep.David.Talerico@akleg.gov>

Subject: Regarding HB 236

Good evening

Regarding HB 236, I'd like to encourage a yes vote on this bill.

Living in a rural community, I very rarely get to go to the church my kids are baptized into because it's so far away. But today we did go and it feels like we're home when we're there. The young priest is a busy man visiting hospitals, having church services, doing ceremonies for funerals and also being a husband and a father to 5 children. But, if a homosexual couple were to ask him to marry them, he would lovingly have to say no. At that time they could walk away and ask anybody else, anywhere else to marry them, or, they could sue this priest, maybe even throw him in jail, and by doing so, destroy his family and all the hard work he puts into the church.

This bill is not really anything to fight against. It poses no threat to anybody since the law in Alaska makes it so easy to find someone to marry anybody. Instead this is something that I would imagine would be easy and quick to pass since it protects people like these folks who work at the Friends Church in Fairbanks:

Bring a Christian is not a crime. All these people do is try to teach others about how they are loved by Jesus and do their best to live by His word. They're hurting no one. No person should be able to throw them in jail or destroy their church because of their beliefs in the bible. Can you imagine being the trooper to arrest these people at the Assembly of God Church?

It could happen without this bill being passed.

Please protect our churches and all they do for the community and even the distant out reaches they support. Please pass HB 236.

Thank you

Pamela Samash

Nenana

322-2201



March 30, 2016

Rep. Gabrielle LeDoux
State Capitol, Room 118
Juneau, AK 99801-1182

Dear Representative LeDoux:

Thank you for agreeing to hear HB 236, *An Act Relating to Marriage Soleminization* in your committee. We appreciate the opportunity to testify on this very important piece of legislation.

As pastors, we have watched as our religious liberties have eroded over the last several years on a nationwide level. As you know, our United States Constitution ensures all people to freely practice their religious beliefs according to the tennents of their individual faith traditions. As leaders of the Roman Catholic Church in Alaska, we are grateful that Rep. Talerico and Senator Miccichi indroduced this legislation to clarify and codify our rights here in Alaska.

From our perspective, the bill you have before you is important on several fronts. First, it ensures that neither we nor our priests or deacons Statewide would be required to solemnize a same sex marriage. Our Catholic faith tradtion clearly professes that marriage is defined as between one man and one woman. While it is doubtful that a same sex couple would present themselves to one of our pastors and ask him to solemnize their marriage, this legislation would uphold our religious liberties.

Our second reason for supporting this bill is based on the assurances that we would not be required to allow parish or church facilities to be used for services or events that would be tied to a union that we do not recognize.

Here in Juneau, many of you may be familiar with the Shrine of St. Therese. St. Therese is the patron saint of Alaska. In 1938, a little stone chapel was built in her honor 22 miles North of here. Two previous bishops of the

Archdiocese of Anchorage Diocese of Fairbanks Diocese of Juneau
225 Cordova Street Anchorage, AK 99501
907-297-7744 phone 907-279-3885 fax

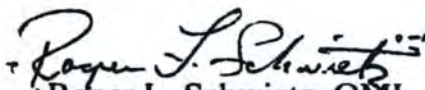
Diocese of Juneau, Bishop Cremont and Bishop Kenny are buried directly under the altar of this sacred space. Over the last 75 years we have welcomed guests from all over the world. Because of the unique surroundings and the simple beauty of this small chapel, many weddings have occurred here. In the past we have allowed all faith traditions to use the chapel. Now, we limit it strictly to Catholic weddings between one man and one woman. Passage of this legislation would ensure we could maintain our current practice.

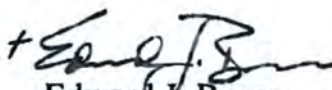
In the Archdiocese of Anchorage, we have a mission parish in Girdwood, Our Our Lady of the Snows. This chapel has been marketed through Alyeska Hotel as a "destination wedding" location. A clause in the contract that the Archdiocese has with the hotel states that marriages or use of the facility may not conflict with Catholic church teaching. This legislation would ensure that clause would remain true to our church teaching and that the chapel would be used for couples who support our definition of marriage.

In the Diocese of Fairbanks, we have Immaculate Conception Church on the banks of the Chena River. The distinctive white buildings with it tapering bell tower and statue of our Holy Mother Mary is on the National Historical Register. It attracts interest from Catholic and non-Catholics alike as a venue for marriage ceremonies. This bill would provide peace of mind should we need to decline enquiries from inappropriate parties.

We urge you to support this important piece of legislation that will ensure our religious liberties will be maintained.

Sincerely,


+Roger L. Schwietz, OMI
Archdiocese of Anchorage


Edward J. Burns
Diocese of Juneau


Chad W. Zielinski
Diocese of Fairbanks

CC: House Judiciary
Rep. David Talerico
Senator Peter Miccichi

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version HB236
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB236-DHSS-BVS-4-1-16 Dept. Affected Health and Social Services
Title Right to Refuse to Solemnize Marriage Appropriation Public Health
Allocation Bureau of Vital Statistics
Sponsor Rep Talerico
Requester _____ OMB Component Number 961

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
			FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1178	temp code (UGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY16) operating costs 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended, or repealed? n/a Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version.

Prepared by Jay C. Butler, MD, Chief Medical Officer/Director
Division Public Health
Approved by Sana Efird, Asst. Commissioner, Finance and Management Services
Agency Health and Social Services

Phone 269-6680
Date/Time 3/31/2016 8pm
Date 4/1/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB236

Analysis

This bill would amend AS 25.05.261 related to marriage solemnization, prohibit any duty being placed on a clergy member, religious leader or congregation to solemnize a marriage or to provide goods, services or accommodations related to the celebration or formation of a marriage. It would also prohibit the any civil or criminal liability or other penalty from being imposed by the state or a municipality on a clergy member, religious leader or congregation for refusing to solemnize a marriage or to provide goods, services or accommodations related to the celebration or formation of the marriage.

This bill has zero fiscal impact to the Department of Health and Social Services. Per AS 18.50.270, the Bureau of Vital Statistics is responsible for prescribing and furnishing marriage license/certificate forms, not the solemnization.

ALASKA STATE LEGISLATURE

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Fax: (907) 373-4729



Session:
State Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-2186
Fax: (907) 465-3818

REPRESENTATIVE WES KELLER DISTRICT 10

TO: Representative Talerico

THROUGH: Representative Keller

Handwritten signature of Representative Wes Keller.

FROM: Ken Truitt, Staff to Rep. Keller
Alaska Bar no: 9406053

Handwritten signature of Ken Truitt.

DATE: April 4, 2016

RE: Response to 4/1/16 ACLU letter

CC: Rep. LeDoux, Chair, House Judiciary Committee
Rep. Keller, Vice-Chair, House Judiciary Committee

I write to offer some additional comments and clarifications to those of Joshua Decker of the Alaska ACLU regarding HB 236. In his letter of April 1, 2016, Mr. Decker recounted his organizations impressive record of defending constitutionally protect religious liberties—and to be sure when constitutional enumerated rights are protected, we all benefit—but to also suggest HB 236 as drafted presented perhaps negative unintended consequences. I offer some clarifying thoughts to those conclusions.

Mr. Decker referred to how well in balance constitutional religious liberties have been over the last almost 60 years with those rights guaranteed by the various nondiscrimination laws and suggests that HB 236 as drafted will upset that balance.

I have been licensed to practice law in Alaska for over 20 years and for almost 10 of those years I regularly defended the State of Alaska against claims that either the state or its employees had violated a person's constitutional rights. Through that experience I have learned that constitutional doctrine is never static. "In balance," as Mr. Decker writes, implies a permanence or that constitutional doctrine remains immovable.

To the contrary, constitutional doctrine is more like a pendulum on a grandfather clock: It is always in motion and every so often subject to the total reversal of direction and then travel in the opposite direction.

The *Obergefell v. Hodges*¹ case from this past summer was just such a momentum change. Yet, when Mr. Decker refers to the “decades long balance” he fails to discuss *Obergefell*'s effect on both First Amendment religious liberties and the various nondiscrimination laws. Specifically, never before has a right protected by nondiscrimination laws directly conflicted with a constitutionally protected Sacrament of the Catholic Church and an essential tenant of a majority of protestant churches and other major world religions.

Obviously, a tension now exists between these two rights that before *Obergefell* were in balance. Yet the Court in *Obergefell* issued no guidance to clarify how these competing rights may co-exist going forward. Indeed, one of *Obergefell*'s defining attributes as a Supreme Court decision is the Court neither explained its rationale nor offered any insight as to how far that rationale might extend. Thus, while the case announced a new right, it created more uncertainty than clarity in how that new right will impact more traditional religious liberties.

Typically, this type of uncertainty gains clarity through litigation, or legislation. As I read HB 236, the bill provides clarity where none currently exists and eliminates areas of possible litigation. Given how most churches are funded through member donations, and thus, not typically funded far beyond the monthly tithes and offerings, clarity and reduced risk of litigation are good outcomes.

Mr. Decker also briefly mentioned two different cases that I will offer some additional thoughts to. Justice Scalia, in writing for the majority in a free exercise case from 1990 did author the quote Mr. Decker cited. The sum of the quote being that religious beliefs do not excuse a person from complying with a valid law that prohibits certain conduct. Some context helps clarify this quote.

In that case² two Oregon residents lost their jobs as drug rehabilitation counselors because they had ingested peyote during a ceremony of their church, the Native American Church. At the time peyote was a schedule I controlled substance and its intentional possession a crime in Oregon with no religious use exemption. They were later denied unemployment benefits from the State of Oregon because their dismissal was the result of work related misconduct. They sued in state court. Their case eventually reached the U.S Supreme Court where the Court denied their claim that Oregon had unlawfully encroached on their First Amendment free exercise of religion rights.

Thus, when Justice Scalia refers to religious beliefs not excusing one from complying with otherwise valid laws that prohibit conduct, he is specifically referring to the illegal possession and consumption of schedule I controlled substances.

The case is most known for prompting Congress to enact the Religious Freedom Restoration Act (RFRA); Pub. L. No. 103-141, 107 Stat. 1488 (November 16, 1993). In ruling against two employees, Justice Scalia announced a new test for free exercise cases while abandoning the long established compelling state interest test used to adjudicate fundamental rights issues (recall the earlier discussion about constitutional doctrine being more like a

¹ 576 U.S. ____ (2015), Docket No. 14-556 (the gay marriage case).

² *Empl. Div., Dept. of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990).

pendulum). Congress quickly—for Congress—passed the RFRA, overruled the new test Justice Scalia had created, and reinstated the compelling state interest test for free exercise cases.³

Mr. Decker also referred to an Alaska Supreme Court case that is a little more relevant—while not directly on point still speaks to the merits of HB 236. In *Swanner v. Anchorage Equal Rights Commn.*, 874 P.2d 274 (Alaska 1994) a landlord was found to have violated an Anchorage municipal ordinance that prohibited landlords from denying a rental based on someone's marital status. Mr. Swanner had consistently applied a policy of not renting to couples who planned to live together without being married. His cited reason was his sincere religious belief in the sanctity of marriage. *Id.* at 277. The Alaska Supreme Court upheld the Anchorage ordinance and found its application against Mr. Swanner did not violate his free exercise rights under the U.S. and Alaska Constitutions. *Id.* At 284.

The *Swanner* scenario differs from the effect of HB 236 on many levels. *Swanner* dealt with two heterosexual people living together while unmarried and a landlord who was in business to make money from offering living units to people for profit. Whereas HB 236 provides liberty to churches and religious institutions that offer their facilities as a public service to their communities. Absent HB 236 being adopted, it is not too hard to imagine a church facing a challenge under the *Swanner* rationale for the refusal to allow its facility to be used for events related to the solemnization or celebration of certain marriages. HB 236 provides clarity and would announce when these competing interests collide, the state's policy is to protect the free exercise of religion. This is absolutely within the legislature's purview to do so.

In summary, constitutional jurisprudence likens more to a pendulum than a static item balanced in stillness. Whatever balance may have existed between the nondiscrimination laws and protected exercise of religion was upset by the *Obergefell* case and as a result uncertainty not clarity exists between these two areas of protected liberties. HB 236 would bring more clarity where there is confusion, more certainty where there is doubt.

If I can be of further assistance, please do not hesitate to ask.

³ The Supreme Court turned around and ruled the RFRA was unconstitutional, at least as it applied to the states (that pesky pendulum again) and since then states have been enacting their individual versions of RFRA, although Alaska has yet to do so.