

HB

20

<TARGET><BILL>HB 20</BILL><SUBJECT>HB
20</SUBJECT><COMM>HSTA30</COMM></TARGET>



Alaska State Legislature

Representative Matt Claman

Session: State Capitol, Rm 118 Juneau, AK 99801 Phone: 465-4919

Interim: 1500 W. Benson Blvd., Anch, AK 99503 Phone: 269-0130

Sponsor Statement

House Bill 20

House Bill 20 expands the number of people eligible to solemnize (i.e. commemorate or memorialize) a marriage. Currently, religious leaders, judicial officers of the state, and individuals who have become "marriage commissioners" have the authority to marry individuals in Alaska. This group specifically includes:

- Ministers;
- Priests;
- Rabbis;
- Commissioned officers of the Salvation Army;
- Principal officers or elders of recognized churches or congregations that traditionally do not have regular ministers, priests, or rabbis;
- Marriage commissioners; and
- Judicial officers of the state.

House Bill 20 adds language to include elected officials, appointed or elected, to the group of individuals with the authority to solemnize a marriage. Currently, anyone can perform a marriage ceremony as long as they first obtain a marriage commissioner appointment from the Alaska Court System, which can be time consuming and includes providing the court with personal information and paying \$25.

This bill expands the individuals with authority to perform marriage ceremonies to include officials who hold public office and have sworn to uphold the constitution and the law. The bill has real practical advantages, particularly in rural communities. For example, if a couple in a remote Alaskan village are set to be married on a date and the minister becomes ill, the local mayor or assembly person could perform the marriage on short notice. In addition, couples who may not be affiliated with a particular religious organization would be able to have an elected official perform their wedding without having to go through the time-consuming of arranging for a marriage commissioner appointment for another person.

Finally, the bill reduces the cost of operating the court system by allowing elected officials to perform some of the work currently performed by judges and magistrates.

HOUSE COMMITTEE REPORT

2/22/17

(7)
Date Referred to Committee: January 18, 2017

FURTHER REFERRALS: Judiciary

Date of Committee Action: February 18, 2017

The STATE AFFAIRS Committee considered:

HB 20

HOUSE BILL NO. 20

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

HB 20 SOLEMNIZE MARRIAGE: ELECTED OFFICIALS

Recommends it be replaced with HCS or CS for HB 20 (STA)
For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

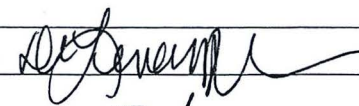
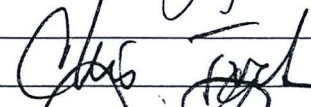
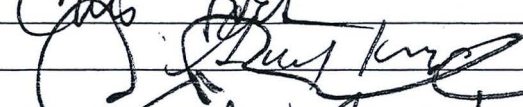
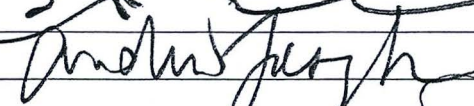
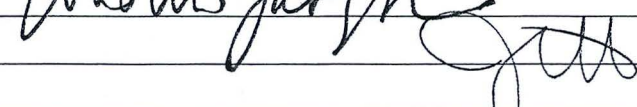

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
ADM
AJS
CED
COR
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	DHS			✓

PREVIOUS FISCAL NOTES				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

(4) (2)

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson		✓		
	Tuck	✓			
	Knopp	✓			
	Birch		✓		
	Josephson (alt.)	X			
	Kreiss-Tomkins	X			
Chair:					
Chair:					



Alaska State Legislature

Representative Matt Claman

Session: State Capitol, Rm 405 Juneau, AK 99801 Phone: 465-4919
Interim: 716 W. 4th Ave, Rm 312 Anch, AK 99501 Phone: 269-0130

To: Representative Jonathan Kreiss-Tomkins, Chairman
House State Affairs Committee

From: Representative Matt Claman
HB 20 Prime Sponsor

A handwritten signature in blue ink, appearing to read "Matt Claman".

Subject: Hearing Request for HB 20

Date: February 8, 2017

I respectfully request that you calendar HB 20 3 for a hearing in the House State Affairs Committee. You have received a copy of the most recent version of the bill, the sponsor statement, and additional support material.

The bill adds language that expands the number of people eligible to solemnize a marriage from religious leaders, judicial officers of the state, and individuals who have become "marriage commissioners" to now include elected officials, either appointed or elected, to the group of individuals with the authority to solemnize a marriage.

The staff assigned to this resolution is Sara Perman who can be reached at 465-6597. Please do not hesitate to contact my office if we can provide any additional information.

1 AN ACT
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

ALASKA LEGISLATURE
House State Affairs Committee

Rep. Jonathan Kreiss-Tomkins, Chair

State Capitol, Room 411
Juneau, Alaska 99801
907.465.3732
Toll Free 1.888.461.3732

hsta@akleg.gov



Rep. Gabrielle LeDoux, Vice Chair

Rep. Chris Birch
Rep. DeLena Johnson
Rep. Gary Knopp
Rep. Chris Tuck
Rep. Adam Wool

Rep. Andy Josephson, Alternate

MEMORANDUM

TO: All Members of the 30th Alaska Legislature
FROM: Rep. Jonathan Kreiss-Tomkins, Chair
State Affairs Committee

DATE: January 18, 2017

RE: Bill Hearing Request Requirements

The House State Affairs Committee will meet **Tuesdays and Thursdays** from **3:00pm – 5:00pm** in **Room 120**, the Gruenberg committee room.

The committee will be pleased to consider scheduling legislation for a hearing when the bill's prime sponsor submits a signed, written request to my office together with a complete packet of bill information as described below. Requests for scheduling the following week must be received by noon on Tuesday.

A bill will be considered for scheduling in committee when the following documents have been received in the **committee email (hsta@akleg.gov)** and one hard copy (no staples) has been delivered to the committee aide in room 411:

- **Sponsor Statement** addressing the current bill version
- Sectional Analysis for long or complex bills
- **Most recent version of the bill**
- A brief explanation of changes, if any, that have occurred since introduction
- **Current fiscal note(s)**
- Request for any specialized Information Technology equipment

- Names and contact information of witnesses and requested teleconference sites. Please notify the committee aide of all off-net callers not less than one day prior to the meeting
- Additional documentation relating to the bill: legal opinions, letters of support or opposition, research data, publications, etc. Each should be clearly marked with the source of information, including the provider's name and/or organization.

All electronic files must be named in the following format:

- HBXXX Sponsor Statement followed by the date the document was provided to the committee
 - Example: **HB012 Sponsor Statement 1.28.17**
- HBXXX Sectional Analysis followed by the version of the bill and the date the document was provided to the committee
 - Example: **HB012 Sectional Analysis ver H 1.28.17**
- HBXXX followed by the current version letter as assigned by Legal Services and the date the document was provided to the committee
 - Example: **HB012 ver H 1.28.17**
- HBXXX Fiscal Note followed by the file name assigned by the department and the date the document was provided to the committee
 - Example: **HB012 Fiscal Note DCCED-DBS 1.28.17**
- HBXXX Supporting Document followed by the description of the document and the date the document was provided to the committee
 - Example: **HB012 Supporting Document-Support Letters 1.28.17**
 - Example: **HB012 Supporting Document-Article ADN 1.28.17**
- HBXXX Opposing Document followed by description of the document and the date the document was provided to the committee
 - Example: **HB012 Opposing Document-Opposition Letters 1.28.17**
 - Example: **HB012 Opposing Document-Article News Miner 1.28.17**
- HBXXX Additional Documents followed by description of the document and the date the document was provided to the committee
 - Example: **HB012 Additional Documents-July 2015 Dept of Law Opinion 1.28.17**
- HBXXX Draft Proposed Amendment ver X followed by the date the document was provided to the committee
 - Example: **HB012 Draft Proposed Amendment ver P 2.15.17**
- HBXXX Proposed Blank CS ver X followed by the date the document was provided to the committee
 - Example: **HB012 Draft Proposed Blank CS ver A 2.15.17**

All documents should be converted to a PDF format from the source computer. Please only scan documents as last resort. In the event documents must be scanned, they should be converted to searchable PDF document in the highest resolution possible. All support letters and emails received need to be scanned into one searchable PDF and opposition letters and emails in a separate searchable PDF.

All documents must be marked with the author's name and the legislative office that produced the document. This will be really helpful for the record later and give a foundation for the document.

The email subject line for hearing requests must include the bill number. Should you need to send additional documents to the committee, the email subject line must include the bill number and document name, example: HB012 (HSTA)//Fiscal Note DCCED.

All documents included in your bill packet should be printed and delivered to the committee aide in the order you prefer them to be distributed. Do not staple any documents together; use paper clips only.

Due to limited email capacity, if you have large documents over 5 pages to include with your committee packet, please provide a list of the resources/studies with a link to access the documents. You may pick out pertinent information from a specific study to include in your bill packet as long as it is kept under 5 pages and includes the front page of the study. In special circumstances in which you need to exceed the 5-page limit, please talk directly with the committee aide.

Any amendments, sponsor substitutes, blank committee substitutes, handouts, or other documents you wish to place before the committee need to be delivered to my office no less than 24 hours prior to the scheduled hearing and discussed with me and my staff in advance.

Please feel free to contact my committee aide, Stephanie Gilardi, at 465-6848 or hsta@akleg.gov with any questions.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 20
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB020-DHSS-BVS-2-13-17
Title: SOLEMNIZE MARRIAGE: ELECTED OFFICIALS
Sponsor: CLAMAN
Requester: (H) STA

Department: Department of Health and Social Services
Appropriation: Public Health
Allocation: Bureau of Vital Statistics
OMB Component Number: 961

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 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

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: Jay Butler, MD, Chief Medical Officer/Director	Phone: (907)269-6680
Division: Public Health	Date: 02/13/2017 12:00 PM
Approved By: Shawnda O'Brien, Asst. Commissioner	Date: 02/13/17
Agency: Health and Social Services	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 20

Analysis

HB020 broadens application of AS 25.05.261(a), *Who may solemnize*, by adding the category of elected public officials to those legally eligible to perform this service.

The bill similarly broadens the circumstances covered by AS 25.05.281, *Marriage solemnized by unauthorized person*; if a person falsely claiming to be an elected official solemnizes a marriage and that marriage is consummated on the belief that the individuals have been lawfully married, the marriage is valid.

This bill has no programmatic or fiscal impact to the Department of Health and Social Services.



10111 East Eagle River Loop Road
Eagle River, Alaska 99577

February 16, 2017

Representative Jonathan Kreiss-Tomkins
Chair, State Affairs Committee

Dear Rep Kreiss-Tomkins:

I write in support of HB 20 regarding the solemnization of marriage that is being sponsored by Rep. Matt Claman.

In my opinion, I think this would allow a wider access to formal marriage ceremonies, particularly in smaller communities where officials and clergy that are already granted this privilege, may not be available.

Thank you,

The Rev. Dr. Martin W. Eldred

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: HB 20

- 1 Page 2, line 1, following "state":
- 2 Insert "; nothing in this paragraph requires or obligates an individual holding an
- 3 elective public office in the state to solemnize a marriage"

February 16, 2017

Rep. Jonathan Kreiss-Tomkins
Chairman, House State Affairs Committee
State Capitol, Room 411
Juneau, Alaska 99801



Re: Opposition to HB 20, relating to marriage solemnization

Dear Representative Kreiss-Tomkins:

We are writing to express our opposition to House Bill 20:

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

HB 20 proposes to add elected officials to the list of persons who are authorized under law to solemnize marriages. Currently, those authorized to solemnize marriages include religious leaders (ministers, priests, rabbis), judicial officers, and marriage commissioners.

Alaska Family Council is concerned that the “authority” to solemnize a marriage can, especially with respect to public officials, be easily construed as a “duty” to solemnize a marriage.

Religious leaders can and do refuse to solemnize marriages for any number of reasons. For example, they can decline if the persons seeking marriage do not comply with the marriage requirements of a particular religion, or church. The First Amendment of the U.S. Constitution, as well as Article I, Section 4 of the Alaska State Constitution, would presumably protect the right of religious leaders to decline to solemnize a marriage for reasons that are purely sectarian.

Unfortunately, recent legal and political developments make it less clear that public officials enjoy the same freedom to refuse marriage solemnization for reasons of individual conscience or religious belief.

In Wyoming, the case of Judge Ruth Neely has drawn national attention. The following is a statement from the attorneys representing Judge Neely, that sums up the relevant facts of her case. This statement is accessible on the website for Alliance Defending Freedom:

<https://www.adflegal.org/detailspages/case-details/an-inquiry-concerning-the-honorable-ruth-neely>

“Judge Neely has served as the municipal judge in Pinedale, Wyoming, for over 21 years. In that position, she hears cases that involve traffic and parking violations, animal-control issues, and miscellaneous criminal misdemeanors like public intoxication and shoplifting.

Judge Neely has no authority to solemnize marriages as a municipal judge.

“Judge Neely has also served as a part-time circuit court magistrate for approximately 14 years. In that capacity, she has the authority to do things like administer oaths, issue subpoenas, conduct bond hearings, issue warrants, and solemnize marriages. Although Judge Neely ‘*may* perform the ceremony of marriage’ as a magistrate, she has *no legal obligation or duty* to do so.

“In December 2014, a reporter in Pinedale who suspected that Judge Neely’s religious beliefs prevented her from serving as a celebrant for same-sex marriages asked her whether she was ‘excited’ to perform same-sex weddings. In response, Judge Neely stated that she believes that marriage is the union of one man and one woman, and therefore, she would be unable to perform same-sex weddings. A few days later, an article appeared in the *Sublette Examiner* quoting Judge Neely as saying that, because of her religious beliefs, she would ‘not be able to do’ same-sex marriages and that she had not ‘been asked to perform’ one. [emphasis added]

“In March 2015, the Wyoming Commission on Judicial Conduct and Ethics filed a complaint against her, alleging judicial misconduct and seeking her removal from both judicial positions. The commission claimed that by merely communicating her religious beliefs about marriage and her inability to serve as a celebrant for same-sex marriages, Judge Neely failed to follow the law and manifested bias and prejudice.

“The commission brought these charges even though Judge Neely has never been asked to solemnize a same-sex marriage, no law requires magistrates to serve as a celebrant for any marriage, magistrates may decline to perform weddings for a host of secular reasons, and Judge Neely has an unblemished record of integrity, impartiality, and scrupulous compliance with the law in her more than 21 years of judicial service.

“In February 2016, the commission filed with the Wyoming Supreme Court a recommendation that Judge Neely be removed from office. The commission recommended that Judge Neely be removed not only from her position as a part-time circuit court magistrate, the position in which she may but need not perform weddings, but also from serving as a municipal judge, a job in which she is not even permitted to solemnize marriages.

“In April 2016, Judge Neely filed a petition with the Wyoming Supreme Court objecting to the commission’s recommendation. She also filed a brief explaining that it would violate the United States and Wyoming Constitutions to remove her from office for stating her religious beliefs about marriage.”

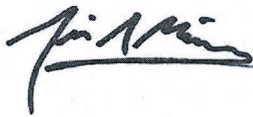
The case in Wyoming has yet to be resolved. But it underscores our concern with HB 20, that when a public official is vested with the “authority” to solemnize marriages, this can be easily be construed as a “duty” to perform marriages – or at least limit their reasons for declining to do so.

As a practical matter, HB 20 seems unnecessary because any elected official can already apply for the temporary authority to solemnize a marriage by seeking a one-day marriage commissioner appointment. The process for seeking such an appointment is explained on the Alaska Court System website at the following link:

<http://courts.alaska.gov/trialcourts/trialcts.htm#comm>

Alaska Family Council believes that HB 20 is unnecessary, and potentially could lead to situations in which elected officials suffer punitive consequences merely for declining to solemnize marriages for reasons of personal conviction or religious belief.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Minnery". The signature is written in a cursive style with a horizontal line underneath the name.

Jim Minnery
President, Alaska Family Council

HB 20

This bill makes sense and provides a streamlined process to add people who are authorized to perform marriage ceremonies if they so choose. Please advance and pass HB 20.

Gayle Schuh
18631 Gibens Cir.
Eagle River, AK 99577

I support HB20. It is so important for Alaskans to have the option of having a public official solemnize their marriage.

Thank you.

Fred Traber
Anchorage, AK 99501

What: House State Affairs Committee Hearing – HB 20
Where: GRUENBERG 120 @State Capitol
When: Saturday, February 18 at 11:00 am

Hi,
My name is Skylar Phoenix from Homer, AK
907-235-5987
I am just writing this e-mail to support HB 20--Thank You

Support HB20
THANK YOU
Danny Parish

Sent from my GCI smartphone.

Good morning!

I urge you to support HB 20. Allowing elected officials the optional right to perform weddings would greatly benefit rural Alaskans and those who have no particular religious affiliation.

Thanks for your time!

Cindy Lelake
Anchorage

Sent from my iPad

I support this bill!!!
Thanks Matt Claman!!!
Sincerely,
Joanie Fogel zip code :99502

As a member of the Anchorage community, I would like to express my support for HB 20. Particularly for smaller communities across the state, extending the services provided to constituents by our elected officials to providing marriage solemnization is a simple and cost effective service. Please support HB 20.

Thank you for your time and consideration on this matter.

Sincerely,

Kylie Clark
Registered voter in Alaska

Please support HB20.

As a non-religious person, I would like to be able to have the same liberty as people of faith, to have a local trusted official preside over my wedding (someone not associated with a church).

Non-religious Alaskans have to go through the fee and registration process to be married since there is not a simple free secular option.

Thank you.

Emily Butler
174 S Franklin St
Juneau, AK

A phone message from Marian
Pardon brevity and autocorrect

I'm writing to share my support for HB 20. By allowing elected officials to solemnize marriages we are able to allow more marriages across Alaska, including rural communities. As a recent newly wed, I support allowing more options to Alaskans for their own marriages.

I'm urging member of the committee and House to vote yes on HB 20.

Thank you,
Lindsey Hajduk
4209 Harrison St, Anc, AK 99503

I am encouraging you to support the passing of HB20. Since an elected official ALREADY occupies a position of trust, there is NO valid reason why they should not solemnize a wedding. I personally applied for marriage commissioner status to solemnize a wedding ceremony for a friend 17 years ago. If I can do so, why should not an elected official do so without further paperwork?

Please support the passing of House Bill 20.

Thomas U Rachal Jr

Alaskan By Choice Since 1970