

12197

HOUSE

JUDICIARY

Barbara Belknap, 4481 Abby Way, Juneau, Alaska 99801, 780-8602

Public Testimony, HJR 9, March 27, 2007

I am here to testify against HJR 9. Former House Speaker Gail Philips helped me decide what I would say today.

Representative Phillips is in a new television ad for Northern Dynasty Minerals' Pebble Mine. In the ad, she says that fairness is an Alaskan moral value. She is also quoted in yesterday's paper as saying that attacks on the Pebble Mine are "so unfair that I think it is un-American and un-Alaskan."

Fairness is in the eye of the beholder. When our children were young, my husband and I had the final say when they couldn't agree. Inevitably, one would end up crying, "That's not fair!" In our democracy, when two parties cannot agree on what is fair, the issue goes to the courts for an impartial decision.

We are here today because some members of the administrative and legislative branches didn't like a decision made about fairness by the judicial branch. The judges ruled that it was not fair for some public employees to get employment benefits by virtue of marriage, while their co-workers who were in committed same-sex relationships were denied benefits. *This Res. appears to go even further, prohibit all employers from offering benefits to any couples who are not married.*
The state constitution guarantees equal protection, and, since the ^{state} workers were prohibited by the constitution from marrying, the fair and just thing to do was to provide equal benefits for equal work.

The overarching goal of good government ^{policy} should be making ^{that} as many people as possible have health benefits, not trying to take them away. ~~My understanding of this resolution is that heterosexual couples who are not married will be included in the benefits while gay and lesbian couples are not covered by the state.~~
I am an Alaskan and I have to respectfully disagree with Representative Phillips. ^{benefits} Fairness is not an inherent moral value for Alaskans or we wouldn't be here today. ^{guarantee} "Live and let live" used to be an Alaskan philosophy, but obviously that is no longer ^{benefit} true. ^{time}

This resolution will further divide Alaskans. The us versus them public discourse will continue to hurt our gay and lesbian family members, friends and neighbors who contribute so much to our state. Ultimately, if the two proposed amendments to the constitution pass, existing ^{and future} benefits will be taken away from hard-working Alaska ^{Public} employees.

Now, that is really unfair.

Bob Doll

27 MARCH 2007

HJR 9

THANK YOU MR. CHAIRMAN.

MY SUBJECT TODAY IS "WHAT ARE WE FIGHTING FOR?"

I BEGAN MY 36 YEARS OF MILITARY SERVICE BY ENLISTING AS A PRIVATE OF INFANTRY IN THE US ARMY RESERVE IN 1955. AT THAT TIME WE STILL HAD IN OUR UNIT MANY VETERANS OF THE KOREAN WAR, AND SOME OF WW II, WHO REMEMBERED THE OLD CLICHE, "WHAT ARE WE FIGHTING FOR?" IT WAS MOST OFTEN SAID IN JEST, AND THE STANDARD RESPONSE WAS USUALLY THAT WE WERE FIGHTING FOR SOME PINUP QUEEN OR FOR THE CHANCE TO CHASE SOME PROSPECTIVE PINUP.

BUT THE QUESTION ALSO HAD A POTENTIAL
HARD EDGE, AND THE DEPARTMENT OF THE
ARMY MADE SEVERAL TRAINING FILMS WITH
THE SAME TITLE. THE FILMS INVARIABLY
CONVEYED THE MESSAGE THAT WE WERE
FIGHTING TO RID THE WORLD OF BULLIES, BE
THEY GERMAN, JAPANESE, OR SOVIET. AND
THAT SEEMED TO ME LIKE A GOOD THING TO
INVEST ONE'S LIFE TOWARD.

I HAD OCCASION TO REMEMBER THAT MESSAGE,
OFTEN, IN THE NEXT 36 YEARS. WHEN THE RIFLE,
HELMET, AND PACK SEEMED LIKE TOO MUCH TO
CARRY, OR WHEN GREEN WATER CAME OVER

THE BOW AND NEARLY CARRIED ME
OVERBOARD, OR WHEN THE ^{VIETNAM} CANAL I WAS
TAKING MY BOAT ALONG SEEMED TOO LONG,
TOO STRAIGHT, AND TOO NARROW, I THOUGHT A
LOT ABOUT WHAT I WAS FIGHTING FOR.

I BELIEVED, MR CHAIRMAN, THAT I WAS
FIGHTING TO PREVENT THE KIND OF BULLYING
THAT SINGLES OUT SOME OF OUR CITIZENS FOR
INFERIOR STATUS; THAT APPLIES SOME KIND OF
TEST THAT UNDERMINES THEIR CITIZENSHIP;
THE KIND OF BULLYING THAT MADE POSSIBLE
THE RISE OF NAZIS, FASCISTS, AND COMMUNISTS
TO THE CONTROL OF ONCE-PROUD NATIONS,
AND WHICH REQUIRED ALL OF OUR MANPOWER
AND TREASURE TO OVERCOME. I WAS, AND

REMAIN, PROUD OF WHATEVER SMALL ROLE I
HAD BEEN ABLE TO PLAY IN THAT EFFORT, AND I
BELIEVE THAT MOST AMERICANS SHARE IN THE
PRIDE THAT COMES WITH HAVING OVERCOME
THAT KIND OF BULLYING.

AND SO I ASK THE COMMITTEE TO TABLE THIS
RESOLUTION, AND REASSURE THOSE OF US WHO
THOUGHT WE KNEW WHAT WE WERE FIGHTING
FOR, THAT THE ALASKA LEGISLATURE
UNDERSTANDS WHAT WE HAVE ALL FOUGHT
FOR.

HOUSE STATE AFFAIRS COMMITTEE
MARCH 27, 2007
TESTIMONY ON HJR 9

My name is Marsha Buck and I am here representing PFLAG Juneau. PFLAG stands for Parents, Families, and Friends of Lesbians and Gays. I am a parent.

Alaskan voters recently gave you, the Legislature, a mandate, didn't they! They shortened the legislative session from 120 days to 90 days beginning next January. Alaskans appear to be giving you the message that they want you to use your time wisely not frivolously during the legislative session. It seems to me that this hearing today may be the very type of activity that Alaskan voters had in mind when we made the 90 day vote.

You do not need to be here this morning, nor do I. The advisory vote scheduled one week from today does not need to be occurring either. And especially, BOTH this hearing and the advisory vote TOGETHER do not need to be happening. Together they give the appearance of a huge waste of time and money.

Unless, of course, a particular group is into political maneuvering or a particular group is somehow using the removal of my daughter's health benefits for some purposes I don't understand, purposes that go against the Alaskan value of fairness. But I would love to trust that you, our legislators, would not use my daughter and her rights to try and trick people into voting the way a minority group would like them to vote next Tuesday.

No, I would love to trust that you, our legislators, would render unto Caesar that which is Caesar's, in this case your time and loyalty to the process of running one third of the balanced 3 part state government, and would render unto God what is God's, which is in all cases your deeply religious side that follows the commandment to love your neighbor as yourself, and that neighbor includes my daughter and many Alaskans like her. The way a legislative body shows love is not by going out individually to shovel driveways, although we all know that help has been badly needed this winter, but by making certain that Alaskans who are like my daughter have the health care benefits that they have worked to earn.

Please do not pass HJR 9 out of this committee. It is time to VOTE NO today just like we will Vote NO on April 3rd.

Marsha Buck
8445 Kimberly St.
Juneau

Testimony on HJR 9 March 27, 2008
Lin Davis

This bears repeating: I like what Pres Bush said at Coretta Scott King's funeral: "Her work made us whole." Let's use Coretta's life and Pres. Bush's words as a measuring stick, and see how HJR 9 holds up.

First, HJR 9 will take away the health insurance and survivor benefits that I am now able to offer my same sex my life partner. Imagine, taking away health benefits. We've been together 19 yrs, and we're on our 3rd set of dogs. My partner is self employed, and my health insurance is all that she has. As an older couple, we are very financially vulnerable: if she had a major medical crisis and had no health insurance, we could quickly lose our home and slide into bankruptcy. If my partner had to enter a nursing home, I would not be able to remain in our home.

We could lose so much so quickly. And how does taking away her health insurance serve the public good?

How will it help our community if she is prevented from getting my last paycheck and death benefits?

Because HJR 9 makes us financially very vulnerable, our whole community loses if the 2 of us are in health financial crisis. It costs everyone: local businesses, the hospital, the city, the state, when we can't financially survive. HJR 9 does not strengthen our communities. HJR 9 is clearly bad public policy. It appears to be punishing those of us who are different. This is not a Coretta.

The intent of HJR 9 is to make sure that certain groups of people are kept financially and socially vulnerable and marginalized. Why would anyone want to do that to a group of their fellow Americans?

At a time when most states are figuring out how to provide health insurance for ALL citizens, Alaska will be in a race to the bottom by proposing to take away health and survivor benefits from gay employees who are in committed long term relationships. Note, the net has widened and now unmarried men and women are also targets of HJR 9.

2) HJR 9 is so un-Alaskan. We know these exact words are imported from Michigan where this policy has been damaging to the public good.

Alaskans believe in fairness and equal pay for equal work. What kind of example are we setting for our youth when they see it is okay to treat gay people and unmarried people as 2nd class citizens? My co-workers at the job center are pleased that after 10 years of working there, I am finally making a salary equal to theirs. Our benefits are 40% of our pay.

Alaskans are proud of our constitution and its eloquent equal protection which indeed lives up to Coretta's life work. HJR 9 appears to be another prong in a movement called "No Gays Left in the Constitution."

What if the signers of this resolution are unknowingly writing their child or niece or nephew or grandchild out of constitutional equal protection? What a deeply harmful action toward a family member you didn't know is gay or doesn't plan to get married.

Last Sunday's headlines said that 75 Juneau high school students have tried to kill themselves in the last year. Not that all of them or any of them are gay, but that they cannot see themselves happily alive and working and making a living and feeling tenderly connected in a society that is constantly dividing people against each other and not respecting differences.

HJR 9 targets certain groups of people, and it does not make us whole. Constitutional equal protection makes us whole.

HJR 9 will prevent employers from providing the work-related merit-based benefits that they deem necessary. Here in Juneau, CBJ, Bartlett Hospital, the university, Alaska Airlines, Blockbuster, Freds, Laidlaw, McDonalds, Radio Shack, Safeway, Starbucks, Tesoro, UPS, Wells Fargo and Home Depot and Wal-Mart have successfully offered same sex benefits for years. These large companies know that offering equal pay for equal work gives them the ability to hire and retain talented workers. Good public policy. Everyone wins.

It's interesting that 6 of the 12 states that offer same sex domestic partner benefits also offer them for heterosexual couples who can show all the documents that indicate financial interdependence and life partnership.

HJR 9 will tangle with the rights of Alaskan employers and that doesn't sound like good public policy either.

As someone who graduated from a Christian college, there is something very wrong, very un-Christian, very un-Jesus-like, when certain minorities are constantly targeted with harmful legislation like HJR 9.

Here in Alaska, we have so many important issues to deal with, and we need minds and hearts and energies ready to tackle a gas line and coastal villages falling into the sea.

A mind is a precious thing to waste on the politics of inequality.

FORM 7
44/332

FEBRUARY 13
Friday • 2004

SCHEDULE	ACTION LIST
8	HJR9 IS NOT ABOUT MARRIAGE. IT IS ABOUT TAKING AWAY RIGHTS AND BENEFITS FROM A SEGMENT OF ALASKA'S POPULATION.
9	ALASKA'S STATE CONSTITUTION GUARANTEES EQUAL RIGHTS TO ALL ITS CITIZENS. THERE IS NOTHING EXCLUSIONARY ABOUT ITS WORDING AND TO HAVE SOME MEMBERS OF THIS LEGISLATIVE BODY TRY TO TAKE AWAY THESE RIGHTS FOR PURELY POLITICAL REASONS IS WRONG.
10	
11	
12	
1	
2	
3	
4	
5	
6	I ASK THIS LEGISLATIVE BODY TO DO WHAT IS RIGHT AND JUST.
7	DO NOT PASS HJR9

NOTES THANK YOU
 Rolando Rivas
 7247 Duben Ave.
 Anch AK 99504



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the _____

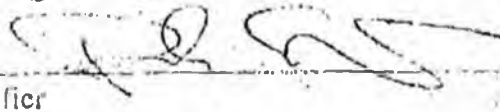
Committee on HSR 9 Committee Name
Bill / Subject Dated 3/27/07

This intrusion into my life and my partner's life is unacceptable.

This amendment would prevent me from visitation and decision rights should my partner suffer a serious illness. After 15 years of partnership - a partnership entered into in the Unitarian Church - I am deeply concerned that the state would now attempt to involve itself in our lives.

Please vote no on this proposed Amendment.

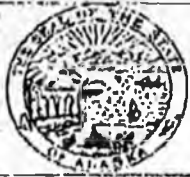
SIGNED:



Testifier

Representing

1722 Tamarack St 458-0913
Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House state affairs
 Committee on HSR 9 Committee Name
Bill / Subject Dated 3/27/07

To the Alaska State Legislature: Table this bill!
 Stop wasting our time and tax money with an advisory vote which is just a political ploy.
 Stop wasting our tax money legislating a reduction of benefits on working Alaskan families just because that "family" doesn't fit the fundamentalist Christian views of "family".
 Partner benefits are just that, benefits in support of Alaska families regardless of their construct. Partner benefits are not "marriage" benefits.
 Removing benefits from Alaska families will cost Alaska in terms of the state's ability to recruit employees in the state and maintain the health of the people who live here. People without health care always end up costing the state.
 I don't think the legislature have anything better to do than attempt to micromanage our private lives! When did the republican party stand for larger government?

SIGNED:

Denise Prosen
 Testifier

MYSELF and my family
 Representing

PO BOX 81271 FBX AK 99708 907-455-1260
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House State Affairs
 Committee on House Joint Resolution No. 9 Dated 3/27/07
Committee Name
Bill / Subject

I urge you to support partner benefits for all Alaskans and not alter the Constitution, which is an excellent document as it stands. Many families will be negatively impacted by loss of benefits which will hurt children as well as adults. It is in the best interests of the state to promote stable couples and families and benefits add to this stability. Please do not ^{delete} remove benefits from either same sex couples or mixed couples. Same sex couples in particular do not have the option of marrying and gaining benefits.

SIGNED:

Lawrence Koyler

Testifier

Representing

PO Box 82003, Fairbanks, AK 99708

Address / Phone Number

479-8343

Nancy Manly

From: Rep. Bob Lynn
Sent: Tuesday, March 27, 2007 10:42 AM
To: Nancy Manly
Subject: FW: HJR 9

-----Original Message-----

From: shalvor@juno.com [mailto:shalvor@juno.com]
Sent: Monday, March 26, 2007 11:37 PM
To: Rep. Bob Lynn
Subject: HJR 9

Dear Rep. Lynn,

I am an ordained Lutheran pastor, working full time as a hospital staff chaplain, primarily with families in pediatrics, maternity and newborn intensive care. I am unable to attend Tuesday's hearing about HJR 9; however, I ask you to defeat this proposed bill. I work every day with all kinds of families, traditional and nontraditional. Not having access to health insurance can be devastating to families - I've seen deaths occur when families have put off medical care because they were afraid they could not pay for it.

This issue is also personal for me as a lesbian with a life partner, Erin Pikey. A year and a half ago we were in a head-on car accident when another car crossed into our lane. We continue to deal with the ramifications of that accident. Luckily for us, my employer began offering domestic partner benefits the following year, and I don't know what we would have done had Erin not had that access to insurance. We hope to raise a child one day. Our families exist, and will continue to exist regardless of what legislation is passed or defeated. I see groups arguing that this measure is necessary to "protect the family" or "defend the family." This measure will cause harm to my family and to many others.

Do not amend our state constitution so that it will cause harm to many families who do not fit a traditional mold. Excluding all "rights, benefits, obligations, qualities, or effects of marriage" from those who are not in a legally married, one man-one woman relationship is a broad statement that could have devastating effects for many families as well as economic ramifications for Alaskan businesses striving to be competitive and just, and for our society as a whole. Please defeat HJR 9.

Thank you for your consideration,
Rev. Susan M. Halvor
17450 Rachel Ave.
Eagle River, AK 99577
907.696.5206

Love recognizes no barriers.

It jumps hurdles, leaps fences, penetrates walls to arrive at its destination, full of hope.

-- Maya Angelou



ALASKA STATE LEGISLATURE

(Page 1 of 2)

Please enter into the record my testimony to the

State Affairs

Committee on

HJR. 9

Committee Name

Dated 27 March 2007

Bill / Subject

I want to speak to you about my Christian faith, my faith as a Quaker. While Quakers lack creeds, we are united by common testimonies, perhaps the best-known of which are peace and equality. But I would like to talk about the testimonies of Community and Integrity.

Quaker Community is often directed inward, guiding how we act in worship and among ourselves. But Community also directs us to take a caring interest in people other than ourselves. We recognize that no fruit is borne of a community whose members are not held accountable to and responsible for each other. We are called to be our brothers' keepers. We do this in part by providing employment and retirement benefits. The effect of this bill will be to weaken that network of support, and it can only weaken the ties of community.

Another Quaker testimony - the one at the very core of this issue - is that of Integrity. Quaker Integrity demands that we hold God at the center of our lives in all spheres - in religion, in work, in family, and in public policy. We listen for the Inner Christ, then, for our wholeness and consistency, do as that voice leads us. Quaker Integrity often manifests as honesty or fair dealing, but it is also seen in fulfilling our promises, doing the work for which they are paid, offering a fair wage for work, and providing equal pay for equal work. (Continued on page 2)

SIGNED:

Paul F. Adasiak

PAUL F. ADASIAK

Testifier

Self

Representing

519 Bonfield St, Fbks. 99701 Tel: 452-5411

Address / Phone Number



ALASKA STATE LEGISLATURE

(Page 2 of 2)

Please enter into the record my testimony to the State AffairsCommittee on H.J.R. 9 Committee NameDated 17 March 2007

Bill / Subject

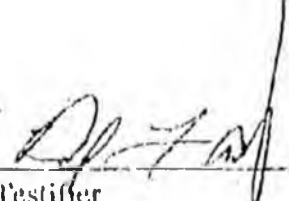
(Continued from page 1)

Article 1, Section 1 of the Alaska Constitution guarantees all persons the rights to "life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry, and that all are entitled to equal rights, opportunities, and protection under the law." Nothing could better embody the Quaker value of Integrity! The Supreme Court merely upheld this in its unanimous ruling of October, 2005. Any attempt to undermine this ruling bespeaks a lack of integrity, and this amendment's passage would undermine the integrity of our entire state.

As a man of family and a man of religion, I ask you to table this unfair amendment and let it never again see the light of ~~the~~ day.

Thank you.

SIGNER


 Testifier

PAUL F. ADASIAK

Self

Representing

599 Bunfield St, Fbks, 99701 Tel: 452-5411


Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House State Affairs
 Committee on HJR 9 Committee Name
 Dated March 27, 2007
Bill / Subject

I am writing to object ~~to~~ to HJR 9.
 I have never participated in a legislative debate,
 but this proposal is the worst example of
 government interference I have ever seen.
 I am a heterosexual, Christian man, and
 strongly believe in marriage, but I also
 believe very strongly that the government
 has no business requiring the state to people
 discriminate on the basis of what ~~they~~
 choose to do in their bedrooms

SIGNED: 
 Testifier
(myself)
 Representing
P.O. Box 81271, Fairbanks, AK 99708
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House State Affairs Committee
 Committee on HEALTH Committee Name
 Dated 3-27-07
 Bill / Subject

Thank you for the opportunity to speak to you today. I urge you to vote on HSR4.

Proponents of the continuation of long-standing insurance coverage are hereby invited to submit evidence in support of their position.

It is the court's responsibility to look at a law's constitutionality, not its regulatory. Stay the bench.

The criteria for which to obtain partner benefits is quite stringent and not something simple, easy or cheap.

There is a time to take away health benefits for anyone. Please Vote No on HSR4!

SIGNED: Cheryl Hummer
 Testifier

myself
 Representing

P.O. Box 82183 Fairbanks, AK 99708
 Address / Phone Number

407-
 452-8800

Why are we here today?

I respectfully suggest that the Legislature has more important matters to attend to. Alaska needs your work to make our gas line a reality. Our schools, roads and communities need your attention.

I am here today to oppose HJR 9 and the \$1.2million we are spending on the non-binding special election April 3rd Advisory vote

I am here because some people want to take my health insurance. I have worked hard for this health insurance. I work at the University, where I have received benefits for my family for the past six years that I have been employed there. I am very proud of our great University that it has paid its employees equally for about 12 years. As an Alaskan and an American, don't I deserve the same opportunity to provide health insurance for my family?

*This has
Not harmed
a single
Alaska
family.
Not threatened
Marriages.*

Family health insurance is an important, you might say, "life or death" element of job compensation. All Alaskans deserve Equal Pay for Equal Work. I deserve to be paid the same as the person working next to me.

Now is not the time to be taking away health insurance from any Alaskan worker.

Whose interests are you serving by taking away health insurance from me and other Alaskan workers?

I am like most other Alaskans. I want my privacy and I don't want to stick my nose in my neighbors business. But that is why we are here today because some folks want to impose their radical views on Alaska. If you don't fit the narrow mold of these folks, they think you don't deserve any rights. This is scary. Reasonable religious folks disagree with these tactics of hate politics. Our country is founded on separation of church and state. We cannot let the morality of a few dictate and limit the rights of all Alaskans.

I wonder why the Advisory vote is completely different than HJR 9? The Advisory votes asks us if we want to take health insurance from gay people, but if passed HJR 9 would effect the rights of more than 16,000 heterosexual Alaskan families (source: 2000 US Census). Why the bait and switch? It seems like the backers of HJR 9 and the Advisory Vote are playing up and encouraging bigotry towards gay Alaskans.

recently asked

As a friend ~~said~~ to me, "whose health insurance would Jesus take away?"

I recall Jesus' advice was that, "he who is without sin among you shall cast the first stone"

Tim Stallard
2780 Monteverde Rd.
Fairbanks, AK 99709
374-9958

March 26, 2007

Chair and Members
House State Affairs Committee

Gentlepersons,

Governing the diverse and independent citizens of Alaska can sometimes be compared to "herding cats." Likewise can the indignant Alaskan public attempting to keep the legislative Majority on a civil and constructive track. I am here this morning to join an effort to herd you cats toward a sense of responsibility.

Alaska is a state that should be governed by humane and just law, not intolerance and emotional tirades. The slick mailers sent out in support of "Vote yes to protect marriage and families" distorts the truth. The ruling of the Alaska Supreme Court is not abusive. The Advisory vote and this proposed legislation is abusive to a significant percent of Alaskans, both adults and children who would lose health benefits they already have.

Based on the equal protection clause of our Alaska Constitution, the Supreme Court sought through its ruling to protect persons in committed relationships who are prohibited from marriage by the 1998 Amendment. The ruling called for equal pay, including benefits, for equal work. To characterize that ruling as a demand for "Special Benefits" is dishonest semantics. Every legislator swore to uphold the State Constitution. Failing to support "equal protection" for all Alaskans violates our Constitution and panders to prejudices based on disregard for our system of justice and ignorance of the nature of sexual orientation.

Whatever the outcome of the Advisory Vote, it is not a representative scientific poll. This Advisory Vote you approved foments fear, hatred and divisiveness in our communities. Recent letters to the Editor are shocking in their trampling of democratic values. The Special election is also a waste of the peoples' money. And, this Bill HJR 9 wastes your time and ours when there are many high priority needs for legislative action. I believe it is an exercise in futility.

If you have homophobic constituents with whom you wish to demonstrate an alliance, this Bill is a political ploy unworthy of elected State Representatives. HJR 9 is shameful and should never come out of Committee. It is not the "Cat's Meow."

Yours truly,
Dixie A. Hood
9350 View Drive
Juneau 99801



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the JUDICIARY
 Committee Name
 Committee on HJR9 Dated 4/17/07
 Bill / Subject

Hello; I appreciate the opportunity to testify on HJR9. I have been a Fairbanks resident for over 13 years. I have been partnered to a man, Patrick Marlow, for over 10 years. In 1996 we celebrated our partnership with our families in a church service. On that day, we signed our wills and powers of attorney and had them witnessed by members of the congregation.

Since then we have established our lives in Fairbanks. We have bought a home together, and accumulated probably too much property. I am very concerned that HJR9 will undermine the joint property and powers of health and financial attorney that we established. HJR9 will not change the definition of marriage in the Constitution. Recognizing that we would not have the opportunity to legally marry, ^{Patrick & I} we have used the tools of everyday law to create a framework that makes sense for our lives.

I fear that HJR is a blunt tool and a broad brush that will revise common property and personal law. It establishes a special class of second class Alaskans

SIGNED:

Testifier RICHARD COLLINS

SELF

Representing
1722 TAMARACK RD, FAIRBANKS, AK 99709
PO BOX 83683, FAIRBANKS, AK 99708
 Address / Phone Number

(907) 458-0913

Thank you
 for your time
 and please
 vote no on
 HJR9

Kind Representatives,

.. What could I possibly say to convince you to vote "No" on HJR 9?

Five of the members of this committee voted "Yes" last year on HB 4002, approving the April 3rd advisory vote. And in each of those five districts, at least half of those who voted, voted "Yes". Your integrity would seem to demand your "Yes" vote. Short of persuading you that authorizing the advisory vote was a mistake, I can probably do little to encourage you now to vote "No".

However, I can take away one cowardly excuse for a "Yes" vote and ask you to face up to what you may vote for.

Representative Mike Kelly (who, I realize, is not on the Judiciary Committee) has gone on the record saying; "I don't see how any legislator could vote to deny the people their vote on this issue." In this, he shows a poor understanding of the Legislature's role in constitutional amendments. He seems to think that the Legislature's job is to allow any amendment proposed to be approved by a majority of the popular vote. But that is not our process. Our Constitution shows more wisdom than that.

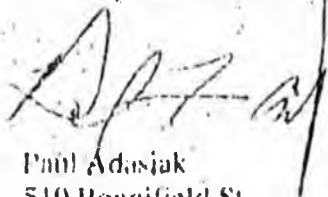
First, amendments must be passed by the Legislature. This body is presumed to have greater knowledge of State needs, a broader perspective, and a longer view than the average voter.

Second, amendments to the State Constitution require a two-thirds vote -- not a simple majority -- of each house of the Legislature. It was made thus to allow only persistent, pressing needs to be placed into the Constitution. If you place any stock in the results of the April 3 advisory vote (with 52.8% voting "Yes"), you cannot believe that Alaskan citizens are clamoring for a Constitutional amendment. And, if you compare that number to the 68% majority who voted for the "marriage amendment" in 1998, you cannot believe that this concern is pressing. If anything, this concern is fading!

Do not argue that you're voting for HJR 9 because "the voters should get to decide". With Constitutional amendments, your job is to use your best judgment for the long-term interests of the State -- not to act as a rubber stamp.

There is only one reason to vote for this amendment: because you think that denying constitutionally mandated health-care and retirement benefits to the unmarried partners and step-children of public employees is a good thing. Are you willing to say that?

Please, do not let an increased burden on families be your legacy. It is not too late to change course. For Alaskan families, I urge you to vote "No".



Paul Adasiak
519 Bonrifield St.
Fairbanks, Alaska 99701
Tel: 907-452-5411
E-mail: adasiak@mosquitonet.com

Thank you for the opportunity to speak. I am here today to oppose HJR 9.

First I want to briefly mention that I believe today is day 92 of the Legislative session. We don't have a budget or a gas line plan yet, but you are spending precious public time considering whether to take away health insurance from hard working Alaskan families (including my family).

Secondly I also want to point out that it is not true that the backers of this discriminatory amendment are "pro-family". The 2000 US Census estimated there are about 16,500 non-traditional unmarried families in Alaska. It is anti-family and un-Christian to take away health insurance, outlaw legal protections, and deny ~~any parental~~ obligations to Alaska's many non-traditional families. This amendment will have unknown legal ramifications for thousands of Alaskan families. Marriage is not at risk by treating non-traditional families with respect and common decency.

While our country was founded on separation of church and state, our society is broadly influenced by Christ's message of compassion for all. As Jesus taught us in the parable of the good Samaritan, we should offer health care and common decency to all humans, not just those who pass our own personal moral judgment. Jesus also taught us at a public stoning, that "he who is without sin among you, shall cast the first stone." Yet this amendment lacks Christ's universal compassion and is all about throwing stones and passing personal judgment on others.

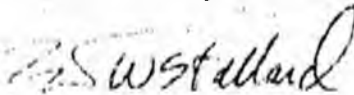
My main point I want to make is as a tourism business owner that discrimination is bad for business. Needless to say, tourism is a major pillar of our economy. I think everyone has heard the slogan, "What happens in Vegas...?" As a side note, this used to be the Alaskan way: "What Alaskans do in their cabin in the woods is their own business, not anyone else's, nor especially the State's". But today we are consider pulling up the welcome mat for unmarried couples, gays, lesbians, and their friends. Gay and lesbian travel is estimated to be a \$58 billion/year industry across the USA. If Alaska captures 1/2% of this market that is \$500 million/year. Do we want to chase away travelers by judging them on their personal moral values?

Unfortunately in our recent past some Alaskan businesses used to display signs saying "no Natives", now you are considering a "no gays or unmarried couples" caveat under Alaska's "open for business" sign. As a businessman, its pretty simple to me: (in today's global economy) discrimination is bad for business.

My other business concern is the issue of domestic partner benefits that sparked this whole debate. More than half of the Fortune 500 companies offer D.P. benefits to unmarried and gay couples. Alaska Airlines, IBM, Conoco Phillips, BP, and many more offer such benefits. They don't do this merely because it is the right thing to do, they offer benefits because it is good for business. Why would we want to outlaw this business best practice in Alaska?

I ask you all to support the true pro-family, pro-Christian, pro-tourism, and pro-business future of Alaska, by voting against this discriminatory amendment.

Tim Stallard
2780 Monteverde Rd.
Fairbanks, AK 99709





ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the H. Judiciary Committee
 Committee on HJR 9 Constitutional Amendment / Money Dated April 17, 2007
Committee Name
Hill / Subject

I am offering this testimony today to urge you strongly to vote no on HJR 9 based on the following reasons:

- 1) Our state constitution should be used to protect and defend civil rights, not to deny rights nor to legislate discrimination.
- 2) I am concerned about the number of children currently receiving benefits who would lose access to health care and the security of other benefits, as well as for the children who would be denied such benefits in the future should the amendment pass. Increasing children's access to health care is critical to Alaska's future. We should be working to remove barriers to health care access, not creating new ones.
- 3) As the state supreme court has already found, this is an equal pay for equal work issue, not an issue dealing with marriage. Alaska should promote equitable pay for equitable work. It's makes good business and economic sense, as managers of Alaska's businesses have found, such as Alyeska. Our state will attract and retain better qualified and more productive employees by offering equal pay for equal work.

SIGNED:

Shayle Hutchison
 Testifier Shayle Hutchison

Individual Self
 Representing

904 E Chena Hills Fairbanks 99709 | 374-0786
 Address / Phone Number
PO Box 70672 Fairbanks AK 99707

My name is Steven Jacquier and I am speaking on behalf of myself, my partner, and our children.

This issue being addressed today is entirely about fundamental issues of fairness as regards equal pay for equal work. Just as both our leaders and average people alike eventually came to realize the fundamental malignant wrongness of prejudicial discrimination in slavery, in preventing women from voting, and in denying partners of different colors the right to marry we trust time is on the side of reason and justice with this issue as well. HJR 9 is like a throwback to Territorial days when some people felt quite righteously justified in posting signs saying "No dogs or Natives allowed." My family and I have faith this, too, shall pass. Sooner or later justice will prevail and equal work for equal pay will stand uncontested as the law of the land for all people, just as it is now, today, thanks to the great wisdom of our founding fathers in the Alaska State Constitution. As time moves forward and younger, more diverse, better educated voters replace those whose irrational fears would block equal justice for all the question will change from "Should the same-sex partners of state employees be barred from equal access to benefits?" to "How, in 2007, could the legislators and people of this great state ever have sullied themselves with attempting to change the state constitution so as to implement such ugly discrimination?" If this bill moves forward today then history will recall this moment with distaste, just as we recall with embarrassment and shame the irrational prejudices of decades past. The question remains of just how much cost and harm to families unlike their own (as well as to the taxpayers, institutions, and reputation of Alaska as a whole) legislators such as Representative Coghill are willing to inflict on others based on their personal religious beliefs. Evidence in abundance shows there is no fiscal justification for this prejudicial bill. To quote the great scholar and statesman, Pres. John Adams, "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence." Indeed, the more the evidence of reason is willfully ignored and the more extremist, reactionary, and intolerant the Republican party allows itself to become of the actual diversity in our society the more irrelevant it will be and, accordingly, the less influence it will have in future. Please make a better choice today and table HJR 9.

My partner is a retired UAA professor and small business owner. I am a teacher, have taught for many years in Alaska's rural villages, and now also own and operate a small business. This is a second relationship for both of us; Doran lost his first partner, Frank, to diabetes after they were together for 27 years. My first partner, Robb, died after 13 years together. Doran and I have now been together for 5 going on 6 years and will doubtless remain a couple for the rest of our lives; between the two of us we have worked in Alaska for 45 years so far. Our family resides in South Anchorage. Our daughter, Kristina, is in high school and our son, Andrew, is in college; raising children and putting them through college is indeed expensive.

We carry our own weight and are not a burden upon anyone else, nor would we want to be parasites unfairly leeching off the labor of others. Can you say the same? Not if you support HJR 9.

My partner and I have worked long and hard in Alaska and continue to do so now; our payroll contributions have funded the coverage of our married coworkers for decades. I am currently covered by my partner's insurance but if this bill succeeds, though, then after having paid in once already via our payroll deductions we would be forced to also seek private health coverage, pulling out our wallets a second time to pay at private rates, on top of our labor having subsidized coverage for our coworkers' spouses for 45 years. Obtaining equivalent medical insurance at private rates is very expensive: money which could be much better spent on our children's needs and college tuition fees.

Bills like this in the South were called Jim Crow laws; they marginalized and disenfranchised people of color, turned white folks into parasites upon the labor of people of color, and were bad for everyone. Jim Crow laws existed because a righteous majority was content to tyrannically exploit and abuse a minority; not an admirable exercise of good Christian values. This is *no different*. Gay people are just as God created us; we have no more choice about that than we do about our skin color.

Just as women should receive pay equal with that of men for performing equal work, Alaskans in longstanding committed relationships contributing to our community with their labor yet who are prohibited from marriage absolutely do merit treatment equal with that accorded our married coworkers. The Alaska constitution says so, the highest court in this state says so, and common decency says so. We work just as hard, pay in just as much, we too have children in school and college, we would go to city hall and sign a civil marriage contract if we could, and many of us have certainly been together as committed *unmarried* couples far longer than most heterosexual *married* couples. If the situation were turned around, with this bill directly targeting our married coworkers and forcing us to become parasites upon them, then as fair-minded good neighbors we would not stand for it!

This bill turns our married coworkers into parasites. Yes, parasites. Parasites benefitting at the expense of others by taking from the labor of coworkers with families who are barred from marriage. Parasites do not make for good coworkers, nor good neighbors, nor a healthy Alaska. Parasites are without any shred of honor or dignity, and people who embrace being parasites should not even think about trying to claim the high moral ground on this issue.

Pandering to prejudice, HJR 9 seeks to pervert the Alaska constitution by inverting the whole purpose of a constitution to strip away equal treatment and unfairly target a specific group (unmarried families) for harm while creating special protections and special privileges for others (married families), thus effectively forcing the latter to be parasites upon their coworkers and neighbors, whether they want that despicable role or not.

Quite likely some members of this committee actually are listening to testimony with an open mind and a genuine desire to sort out that which will best serve our community here in Alaska. Unfortunately, it is also fairly likely that some of you are so enmeshed in partisan politics that you are merely making a cynical pretense at listening for the sake of form. Whichever group you fall into I hope that you can recognize that such a divisive, fiscally

irresponsible, and maliciously prejudicial bill as this will--like a malignant burden of parasites--bring more and more grief, expense, and suffering the bigger it is allowed to grow ...and that harm will be to everyone.

How would you feel if your family, your children, were attacked like this? Prejudicially targeting and harming families and children is exactly that which HJR 9 does, make no mistake. The sponsors and supporters of this bill should feel deeply ashamed of themselves. Please do not become guilty of doing violence to others through supporting this repugnant legislation. Please demonstrate maturity, exercise statecraft, and through your actions be leaders we may feel proud to have serving in our legislature -please defeat this bill as well as every other bigoted effort which comes before you, regardless of whom it targets. Equal pay for equal work means just that: equal. Not more, not less: simply equal.

Thank you for listening to my family; please feel welcome to contact us if you have any questions.

Transcript of additional oral testimony follows, on page 5.

[JACQUIER TESTIMONY, CONTINUED]

5.

This divisive effort has been the root of so much radical rancor. For example, here in Anchorage supporters of the recent advisory vote — adults — were willfully trespassing without permission onto public schools and posting their campaign signs on school grounds even when asked not to engage in this illegal activity.

For the record, since there seems to be some confusion on the matter, gay and lesbian people can and do procreate as well as providing excellent parenting to orphaned children.

I join Chairman Ramras in wishing there were no hatred of gay and lesbian people in Alaska but my friend Gene's experience indicates otherwise. Gene was murdered by a zealot who burst into his home and smashed in Gene's skull with a hammer for being "an abomination in the sight of the Lord."

Good morning. I can see no reason whatsoever to amend our constitution to further define marriage and its benefits. I am a happily married woman. My husband and I have a blended family of five adult children and 12 grandchildren. I do not see how this legislation will in any way improve my life, my husband's life, or the lives of any of my children or grandchildren. In fact, I see the very harmful effects this legislation will have on our gay son and his partner. These two young men work hard at their jobs, work hard at higher education, contribute to our family culture, and society at large. These two men are truly as dedicated to one another as my husband and I are to each other. To remove benefits from them that they have worked for and truly earned is hateful and criminal. The only basis for HJR 9 is hate. Hate of a minority population in this state. Forgive me, but I thought the legislative body was elected by the people to represent the people and protect their rights. How does HJR 9 protect the earned rights of my son and his partner? Our Constitution should not have been amended in 1998 and should not be amended now. HJR 9 is nothing more than a hate crime. Please defeat HJR 9 in this committee. *as a whole*

This is very clear to me.

*Shirley Rivers
7247 Duben Ave
Anchorage, AK 99504
333-6168
d.20@gci.net*

Good afternoon to all of you, I am here representing my self and my family
HJR 9

This bill has been pushed through the legislative body by a few of the highly conservative legislators who feel the need to press their agenda on a segment of Alaska's population. This Bill has nothing to do with marriage, but has every thing to do with equal rights under our constitution. I for one can not understand how it was that you felt the need to spend over a million of our tax dollars to run a poll to find out how some of our citizens felt. When it would have been just as easy to hire an agency to run a poll and a whole lot less expensive. Yet you did just that *Where business is so important enough to vote on something like*

I am here today to ask each of you to do the right thing. Our state constitution was written to among other things and I am sure you all are very well aware, that is it affords equal rights to all Alaskans not just those we feel are worthy of its protection. Yet here we are again testifying against what has become yet another hot button issue for those who feel that they are potentially better than the person sitting next to them in the work place.

What is it that makes you feel that you have the right to deny medical benefits to a segment of the population because they do not fit the mold that you have laid out. HJR 9 will not just affect those who have been waiting for medical benefits but potentially denying those rights already afforded them by their employers. Where is the justification in that I ask you? If you our legislature continue to pass this bill up the ladder it will be sad day for all Alaskans. What will come next? Will we some day again start do deny rights to our Alaska native other segments of our population as we did not so very long ago by an all white legislature. Because perhaps we might feel they just are not quite fitting the mold that we have come to expect.

So I ask you again to do what is the right thing not because some of you might feel it would get you more votes at some point but to do what is just and equal for all Alaskans. And that is to table HJR9.

Thank you.
Rolando Rivas
7247 Duben Ave.
Anchorage, Alaska

TO: HJUD
 FROM: ANC L10
 PGS: 2

Good afternoon,

I am here to speak to HJR9.

You know, I stay awake nights trying to figure out how denying my son health insurance from his partner's employer is going to defend or protect ~~the~~ ^{my} marriage of ~~his parents, i.e., his father and I.~~ ^{to} This makes no practical sense to me. We are just fine. My son and his partner do not threaten our marriage. If anything, they enrich our lives. They have been together three years and are just as devoted and loving to each other as are our heterosexual children and their spouses. We feel greatly blessed by all of our children and their families.

I do, however, see a threat on my personal horizon if HJR9 should pass into law. For instance, if because of HJR9 our son should lose his health insurance and suffer a major accident or illness, the financial obligation for this catastrophe will fall on the shoulders of his partner and their extended family. That would be us, his parents, and his brother and sisters. Please know, without any doubt, this bill will definitely not just affect the people you so easily hate and dismiss, but also those you profess to protect.

HJR9 is a hideous hate crime based on homophobia, which is based on fear, or worse, HJR9 is a political ploy to get out the vote of those people who are eaten alive with homophobia and fear. The crafters of this bill will do anything for a vote, right down to amending a perfectly good constitution, wasting time and money for political gain. The crafters of this bill should be ashamed. Go back to your offices, put on your thinking caps, open your hearts and create legislation that will be useful to our society.

While you are wasting taxpayer time and money on amending the constitution to deny a minority population health care, you could be doing something useful. What are you doing to improve the education of our children? What are you doing to improve the health care system for all Alaskans? What are you doing to help end the plague of drug abuse? What are you doing to help the homeless? What are you doing to help end spousal and child abuse? What are you doing TRYING TO PASS LEGISLATION TO DENY PEOPLE RIGHTS THEY HAVE EARNED AND ARE ENTITLED TO?

The Courts are correct
 Vote NO and stop this nonsense in this committee

Shirley Rivas
 7247 Duben Avenue
 Anchorage, AK 99504
 333-6168
 April 17, 2007

In January Alaska became the 12th state to offer same sex domestic partner benefits.

11 other states have been offering these benefits for years. Some since the early 90's. For these states, this is main stream. It has been a good business practice and good public policy to include more people under health insurance and survivorship benefits. Over half of the Fortune 500 companies offer these benefits, and the % is increasing each quarter. Now more small businesses are offering them. This is increasingly a mainstream practice.

HJR 9 however is in the business of taking away health and survivor benefits.

It would remove them from our gay state workers who recently acquired them, and then it would prevent new gay people from obtaining these benefits. Now, a new twist, this legislation also targets unmarried people. The doctor letter that ran in the Empire continues to be helpful: 40 doctors said that this is a state health crisis to widen the circle of groups that are targeted for no benefits. Juneau doctors do not want the health of Alaskan families harmed by this unfair and undemocratic State legislation.

HJR 9 will prevent employers from providing the work-related merit-based benefits that employers deem necessary. HJR 9 will tangle with the rights of employers.

Here in Juneau, it appears that we have at least 18 companies that offer same sex partner benefits, and HJR 9 would force them to end these employment benefits. CBJ, the University, Bartlett Hospital, Alaska Airlines, Blockbuster, Footlocker, Freds/Kroger, Home Depot, Laidlaw, McDonalds, Radio Shack, Safeway, Sears, Starbucks, Tesoro, UPS, Wal-Mart and Wells Fargo. Here are 18 companies who will be forced to discriminate against gay people and unmarried people.

Last night I surfed the websites of these businesses. All of them include diversity and respect for differences as one of their 3 top values. HJR 9 would attempt to dismantle corporate policies, values and culture. (Show screen sheets from 8 companies)

The advisory vote was close and clear, and it got closer with yesterday's results. There's no traction in Alaska for further discrimination against gays or other target groups. Gov Palin said it too: No Mandate here.

Let's end this undemocratic effort to isolate us gay people in order to keep us financially and socially vulnerable. As Lincoln said, "When you trample on the rights of others, you lose your own genius for independence." Let's save our genius capacities for setting up a gas pipeline, and let's get back to the larger good work that we are all meant to do.

Jane Pierson

From: Sherry [tunillas@chugach.net]
Sent: Wednesday, April 18, 2007 8:53 PM
To: Jane Pierson
Subject: Bill and Sherry Tunilla: Written Testimony HJR 9 on April 17, 2007



BILL SHERRY TUNILLA
P.O. Box 231465
Anchorage, Alaska 99523-1465
(907) 248-5616

HJR 9 Constitutional Amendment Relating to Marriage

We are asking that you please bring this before the people. Marriage can only exist between ONE man and ONE woman. Same Sex couples cannot receive the Sacrament of Marriage. God and Nature forbids it and we will be held accountable if we choose to place a man made law before a natural law that has existed since the beginning of man and woman.

BILL:

Hello, I'm Bill Tunilla and this is my wife Sherry. Sherry and I have been married for 23 years and we have five children. We are here to support Marriage as being between ONE man and ONE woman. Marriage to us is a Sacrament, a lifetime covenant between Man, Woman and our great God. It can never just be a legal contract between two men or between two women. It is a Holy Covenant and the gift of the holiness is in our sexuality, in our ability as man and woman to join as ONE with God in the creation of children.

Today there are wars on many fronts. One of those wars is the war on the traditional American family. Sherry and I feel like our beliefs are being destroyed and are under attack and that our ability to freely worship and parent our children may be forever changed.

Sherry and I grew up in America where most families had both a Dad and a Mom, a husband and a wife. We grew up in a time where marriage was still a respected state between man and woman, where couples looked forward to having children and continuing to raise those children to respect the law, to respect church teachings. A time where giving to your neighbor was just a normal part of life.

BILL

I was proud to serve in the military and serve my country, proud to marry, to adopt five special needs children, to volunteer in my church and community often, giving of the gifts I have been given.

America still valued the American dream when I grew up and I still do. We still valued modesty and truthfulness, compassion and it was a time that no one questioned what happened in their parent's bedrooms or felt a need to know about anyone else's sexuality. It was a time of innocence, and it was a matter left up to our parents and the creator of the universe, it certainly wasn't on public display as it is today. And people did not use their sexuality as a reason for getting special favors. In my heart I believe that the Homosexual men and women today are publicly asking for their sexuality to be viewed as means to receive special favors.

I also believe that if allowed that these special favors will cost our society greatly. Not only are they in direct violation of God's laws and those of nature, but for our tax papers as well. I can think of better ways to spend my tax dollars. I have **read that in Massachusetts they have had to cut back on elder, disabled and children's programs to make way for this special group of people.** Our children, our parents and the disabled deserve better than this. If more of my tax money is to be used for special needs then I would expect our law makers to consider far greater needs than marriage for those of the homosexual community, perhaps using those dollars to fight AIDS, which homosexual men I have been told still have the greatest incidence of multiple partners and of contracting AIDS.

SHERRY;

Bill and I do value our traditional lifestyle and we wish to pass that on to our children. But each time my children turn on the TV or view a newspaper the headlines declare something is wrong with what we are teaching our children. Every group seems to have a right to this and some of those rights seem to ignore God's right, the true source of all of our lives. We cannot ignore that anymore. Our families and especially our children are growing up in a time where many of our beliefs and our values are being stripped away each day by one group or another in their quest for their personal special intentions.

In the America I grew up in, I valued being able worship and to pray to our One common God. **I fear that if homosexuals are allowed by law to marry as man and wife, then one day they will come to my church and ask my pastor to marry them. Because it is against the law of God and nature and our church he will deny them. And when they cry out discrimination will Bill and I and our children still have a church to worship in? Will our church doors be closed by lawsuits? Will our ability to worship our God be denied us? Will my donations to my church become a way to cover legal expenses instead truly helping those in real need in our community?**

I believe in my constitutional right to worship. Our forefathers, my Grandfather and my father were both World War 2 Vets, my husband a Gulf War Vet and my Son is stationed right now in Iraq fighting for our freedom, so we can freely worship in our churches as we choose. In this great country we cannot just allow a few people to change what God has already proclaimed as truth and in our hearts that we all know to be true.

SHERRY;

Our country is under attack from within just as many great leaders predicted it to be and if we will allow Marriage to be defined as anything else but between ONE Man and ONE woman then we will regret it just as we regret losing prayer in our schools. Men and women have fought and died to protect and to pass down to future generations the freedom of worship. And through out many centuries Godly men and women have fought and died for our faith and our Bible. We must not go against what God has

already decreed as the truth. We will be held accountable.

According to the Gospel of Mark Chapter 10from the beginning of creation, God made them male and female. For this reason a man shall leave his father and mother and be joined to his wife and the two shall become one flesh. So they are no longer two but one flesh. Therefore what God has joined together, no human being may separate."

Again, WE must not let any man or woman change the laws of God. No one has the right to change God's desire as our creator. Our GREAT GOD did not create two men, he did not create two women to be joined together as ONE but instead he created ONE man and ONE woman, he carefully formed them to compliment each other to become ONE in his sight and he told them to go forth and create life.

Thank you,

Bill and Sherry Tunilla



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the H. Judiciary Committee
 Committee on HJR 9 Constitutional Amendment / Marriage Dated April 17, 2007
Committee Name
Bill / Subject

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SIGNED: Shayle Hutchison Shayle Hutchison
 Testifier

Individual Self
 Representing

904 E Chena Hills Fairbanks 99709 | 374-0789
 Address / Phone Number
PO Box 70672 Fairbanks AK 99707

Thank you for the opportunity to speak. I am here today to oppose HJR 9.

First I want to briefly mention that I believe today is day 92 of the Legislative session. We don't have a budget or a gas line plan yet, but you are spending precious public time considering whether to take away health insurance from hard working Alaskan families (including my family).

Secondly I also want to point out that it is not true that the backers of this discriminatory amendment are "pro-family". The 2000 US Census estimated there are about 16,500 non-traditional unmarried families in Alaska. It is anti-family and un-Christian to take away health insurance, outlaw legal protections, and deny ~~my parental~~^{family} obligations to Alaska's many non-traditional families. This amendment will have unknown legal ramifications for thousands of Alaskan families. Marriage is not at risk by treating non-traditional families with respect and common decency.

While our country was founded on separation of church and state, our society is broadly influenced by Christ's message of compassion for all. As Jesus taught us in the parable of the good Samaritan, we should offer health care and common decency to all humans, not just those who pass our own personal moral judgment. Jesus also taught us at a public stoning, that "he who is without sin among you, shalt cast the first stone." Yet this amendment lacks Christ's universal compassion and is all about throwing stones and passing personal judgment on others.

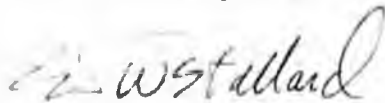
My main point I want to make is as a tourism business owner that discrimination is bad for business. Needless to say, tourism is a major pillar of our economy. I think everyone has heard the slogan, "What happens in Vegas...?" As a side note, this used to be the Alaskan way: 'What Alaskans do in their cabin in the woods is their own business, not anyone else's, nor especially the State's'. But today we are consider pulling up the welcome mat for unmarried couples, gays, lesbians, and their friends. Gay and lesbian travel is estimated to be a \$58 billion/year industry across the USA. If Alaska captures 1/2% of this market that is \$500 million/year. Do we want to chase away travelers by judging them on their personal moral values?

Unfortunately in our recent past some Alaskan businesses used to display signs saying "no Natives", now you are considering a "no gays or unmarried couples" caveat under Alaska's "open for business" sign. As a businessman, its pretty simple to me: (in today's global economy) discrimination is bad for business.

My other business concern is the issue of domestic partner benefits that sparked this whole debate. More than half of the Fortune 500 companies offer D.P. benefits to unmarried and gay couples. Alaska Airlines, IBM, Conoco Phillips, BP, and many more offer such benefits. They don't do this merely because it is the right thing to do, they offer benefits because it is good for business. Why would we want to outlaw this business best practice in Alaska?

I ask you all to support the true pro-family, pro-Christian, pro-tourism, and pro-business future of Alaska, by voting against this discriminatory amendment.

Tim Stallard
2780 Monteverde Rd.
Fairbanks, AK 99709



Today is the day for our legislative to do what most Alaskan want them to do with this bill HJR9.

Otherwise we wasted a lot of money.

Please do the right thing.

Paul Merrifield

1556 Dogwood Street

Fairbanks, Alaska 99709

907-451-0657

leconte@gci.net



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judiciary
 Committee on H.J.R. 9 Committee Name
 Dated 17 April 2007
Bill / Subject

(Testimony attached)

SIGNED:

Testifier

PAUL ADASIAK

Self

Representing

519 Bennifield St Fairbanks 99701

907-457-5411

Address / Phone Number

Co (m)

"I would like the people of Alaska to have a chance to chime in"

- Alpha
- ~~Delta~~ Delta
- Alpha
- Sierra
- India
- Alpha
- Kilo

Jim Minnery also on the people's right to vote

Michelle

Jean Michelle, atty for the legis.

Is this amendment a revisior? ⇒ Const'l Conv'n required!

Encompasses "whole lot more than marriage"
Unresolved: does it apply to private enterprise

Kind Representatives,

What could I possibly say to convince you to vote "No" on HJR 9?

Five of the members of this committee voted "Yes" last year on HB 4002, approving the April 3rd advisory vote. And in each of those five districts, at least half of those who voted, voted "Yes". Your integrity would seem to demand your "Yes" vote. Short of persuading you that authorizing the advisory vote was a mistake, I can probably do little to encourage you now to vote "No".

However, I *can* take away one cowardly excuse for a "Yes" vote and ask you to face up to what you may vote for.

Representative Mike Kelly (who, I realize, is not on the Judiciary Committee) has gone on the record saying, "I don't see how any legislator could vote to deny the people their vote on this issue." In this, he shows a poor understanding of the Legislature's role in constitutional amendments. He seems to think that the Legislature's job is to allow any amendment proposed to be approved by a majority of the popular vote. But that is not our process. Our Constitution shows more wisdom than that.

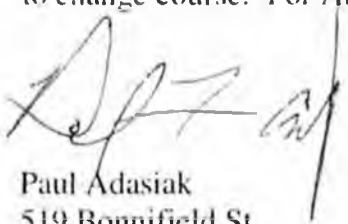
First, amendments must be passed by the Legislature. This body is presumed to have greater knowledge of State needs, a broader perspective, and a longer view than the average voter.

Second, amendments to the State Constitution require a two-thirds vote -- not a simple majority -- of each house of the Legislature. It was made thus to allow only persistent, pressing needs to be placed into the Constitution. If you place any stock in the results of the April 3 advisory vote (with 52.8% voting "Yes"), you cannot believe that Alaskan citizens are clamoring for a Constitutional amendment. And, if you compare that number to the 68% majority who voted for the "marriage amendment" in 1998, you cannot believe that this concern is pressing. If anything, this concern is fading!

Do not argue that you're voting for HJR 9 because "the voters should get to decide". With Constitutional amendments, your job is to use your best judgment for the long-term interests of the State -- not to act as a rubber stamp.

There is only one reason to vote for this amendment: because you think that denying constitutionally mandated health-care and retirement benefits to the unmarried partners and step-children of public employees is a good thing. Are you willing to say that?

Please, do not let an increased burden on families be your legacy. It is not too late to change course. For Alaskan families, I urge you to vote "No".



Paul Adasiak
519 Bonmifield St.
Fairbanks, Alaska 99701
Tel: 907-452-5411
E-mail: adasiak@mosquitonet.com



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the JUDICIARY
Committee Name
 Committee on HJR9 Dated 4/17/07
Bill / Subject

Hello, I appreciate the opportunity to testify on HJR9. I have been a Fairbanks resident for over 13 years. I have been partnered to a man, Patrick Marlow, for over 3 years. In 1996 we celebrated our partnership with our families in a church service. ~~On~~ that day, we signed our wills and powers of attorney and had them witnessed by members of the congregation.

Since then we have established our lives in Fairbanks. We have bought a home together, and accumulated probably 100 much property. I am very concerned that HJR9 will undermine the joint property and powers of health and financial attorney that we established. HJR9 will not change the definition of marriage in the Constitution. Recognizing that we will not have the opportunity to legally marry, ^{Patrick + I} we have used the tools of everyday law to create a framework that makes sense for our lives.

I fear that HJR is a blunt tool and a broad brush that will revise common property and personal law. It establishes a special class of second class Alaskans

SIGNED:

Thank you for your time and please vote no on HJR9

Testifier RICHARD COLLINS
SELF
 Representing
1722 TAMARACK RD, FAIRBANKS, AK 99709
PO BOX 83683, FAIRBANKS, AK 99708
 Address / Phone Number
(907) 458-0913

HJR

28



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

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Chairman
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Room 204
(907) 465-2095

Rep. Mike Doogan
Room 112
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: February 6, 2008

To: Representative Kevin Meyer
Co-Chairman House Finance Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: Referral File for HJR 28

Attached please find the following documents which represents the referral file for HJR 28:

- Sponsor Statement
- CSHJR 28(JUD) 25-LS1217K
- HJR 28 25-LS1217C
- Fiscal Notes
 - ADM
 - REV
 - REV
 - OOG
- Support Documentation
- HJUD Report



Representative Ralph Samuels

House District 29

Sponsor Statement

HJR 28 Constitutional Amendment: Production Tax Revenue Fund

Proposing an amendment to the Constitution of the State of Alaska relating to the production tax revenue fund, dedicating a portion of the petroleum production tax to the fund, and limiting appropriations from the fund

Saving the surplus cash that Alaska is receiving at high oil prices is the most important thing we can do this session.

House Joint Resolution 28 would put before the voters of Alaska, the opportunity to save a large portion of that money while still having the ability to provide for essential government services such as education, transportation and public safety.

The voters of Alaska would have the chance to create an endowment established as a separate fund in the State treasury that would provide a cash flow mechanism for the State on into perpetuity.

If the idea passes with a majority vote of Alaskans, all of the "windfall profits", or the money gained as a result of the progressivity feature of Alaska's severance tax - AS 43.55.011(g), would be deposited into an endowment fund. The fund would then spin off 4.5% of its total value into the general fund which could be used for government services.

This endowment concept is widely accepted as the methodology for large scale endowments ranging from the Ford Foundation to Yale University.

It is of the utmost importance to the economic health of Alaskans that the State think LONG-TERM. The passage of HJR 28 would put the issue of this constitutional amendment before the people of Alaska. The cash flow it will provide will help Alaskans for generations. It will constitutionally protect the seed-corn.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 028a
 () Publish Date: _____

Identifier (file name): HJR028-DOA-DC-F-1-25-08 Dept. Affected: Administration
 Title: "Proposing an amendment to the Constitution relating to the production tax revenue fund, dedicating a portion of the tax..." RDU: Centralized Admin Services
 Sponsor: Representatives Samuels, Hawker, Ramras Component: Finance
 Requester: _____ Component Number: 59

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Establishing funds created by legislation such as this is in the normal course of business for the Division of Finance.

Prepared by: Kim Garnero, Director
 Division: Division of Finance
 Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone: 465-3435
 Date/Time: 1/25/08 10:00 AM
 Date: 1/25/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 28
 () Publish Date: _____

Identifier (file name) HJR28-DOR-TRE-1-24-08 Dept. Affected: Revenue 04
 Title Const Am Production Tax Revenue Fund RDU Taxation and Treasury
 Component Taxation and Treasury
 Sponsor Reps. Samuels, Hawker, Ramras
 Requester House Judiciary Component Number 2476

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual	950.0		1,300.0	1,650.0	2,000.0	2,400.0	2,800.0	
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	950.0	0.0	1,300.0	1,650.0	2,000.0	2,400.0	2,800.0	

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Constitutionally Dedicated Fund	950.0		1,300.0	1,650.0	2,000.0	2,400.0	2,800.0	
TOTAL	950.0	0.0	1,300.0	1,650.0	2,000.0	2,400.0	2,800.0	

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This fiscal note is a best estimate cost applicable to a constitutionally dedicated fund (called the "production tax revenue fund") that receives revenues from the progressive surcharge portion of the oil production tax (AS 43 55 011(g)) for management oversight, accounting, performance measurement, financial advisory and internal and external portfolio investment management services. For an investment portfolio with an asset allocation structured to accommodate a moderate risk/reward profile at a funding level of 950 million, an estimated cost of 10 basis points or 950 thousand would be a reasonable estimate. This would be an investment portfolio where the Commissioner of Revenue would be the fiduciary and a large emphasis would be placed on internal and passive investment management. As a comparison, the investment management cost of the State's retirement portfolios is 21 basis points annually. The permanent fund costs about 19 basis points a year to manage. Costs are directly related to the complexity of the types of asset classes of securities and the asset size of the portfolio. Cost increases are based on estimated future contributions only.

Prepared by Brian C Andrews
 Division Treasury Division
 Approved by Jerry Burnett
Department of Revenue

Phone 465-2300
 Date/Time 1/23/08 4:00 PM
 Date 1/24/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 28
 () Publish Date: _____

Identifier (file name): HJR28-DOR-TAX-1-24-08 Dept. Affected: Revenue 04
 Title: Const Am Production Tax Revenue Fund RDU: Taxation and Treasury
 Component: Taxation and Treasury
 Sponsor: Reps. Samuels, Hawker, Ramras
 Requester: House Judiciary Component Number: 2476

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()	0.0	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	(400,000.0)		(350,000.0)	(350,000.0)	(400,000.0)	(400,000.0)	(400,000.0)	
1005 GF/Program Receipts								
1037 GF/Mental Health								
Constitutionally Dedicated Fund	400,000.0		350,000.0	350,000.0	400,000.0	400,000.0	400,000.0	
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

*This measure proposes to create a constitutionally dedicated fund (called the "production tax revenue fund") that receives revenues from the progressive surcharge portion of the oil production tax (AS 43 55 011(g)). All revenues received through the progressive surcharge tax after June 30, 2007 would be deposited in the fund. We estimate that in addition to the FY 2009 - 2014 revenues, approximately \$950 million would be deposited in the fund from fiscal year 2008 progressive surcharge tax revenues.

Prepared by: Jonathan Iversen, Director and Cherie Nienhuis, Petroleum Economist
 Division: Tax Division
 Approved by: Jerry Burnett
Department of Revenue

Phone: 269-1033
 Date/Time: 1/23/08 4:00 PM
 Date: 1/24/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR28
 () Publish Date: _____

Identifier (file name): HJR028-OOG-DOE-1-18-08 Dept. Affected: OOG
 Title Constitutional amendment relating to the production tax RDU Elections
revenue fund, dedicating a portion of the petroleum... Component Elections
 Sponsor Representatives Smauels, Hawker, Ramras
 Requester House Judiciary Committee Component Number 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual	1.5						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
-------------------------------	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	1.5						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The passage of this resolution would require the constitutional amendment to appear on the 2008 general election ballot. The cost of providing information about the constitutional amendment in the Official election Pamphlet, as required by AS 15.58 is \$1.5. Should the addition of this question require printing an 8-1/2 by 18 inch ballot, the cost will increase to \$22.0.

Prepared by: Gail Fenumai, Director Phone 465-2644
 Division: Division of Elections Date/Time 1/18/2008, 5:06pm
 Approved by: Linda Perez, Administrative Director Date 1/18/2008
Office of the Governor

HIST. by
Rep. Samuels
2-6-08

"DRAFT
Assumptions"
by Dept of Rev.
for Jud.
Committee
HJR 28

Earnings
Payout

8.51% *This earning is based on PERS annualized returns from 1996-2006.
5.00% *Payout is 5% of the average annual EoFY balance on the preceding five fiscal years.
*Payout doesn't happen until after the last deposit in Aug. 2014

Assumptions:

Initial deposit in Jan. 2009	\$	950,000,000
Additional deposit in Aug. 2009	\$	400,000,000
Additional deposit in Aug. 2010	\$	350,000,000
Additional deposit in Aug. 2011	\$	350,000,000
Additional deposit in Aug. 2012	\$	400,000,000
Additional deposit in Aug. 2013	\$	400,000,000
Additional deposit in Aug. 2014	\$	400,000,000

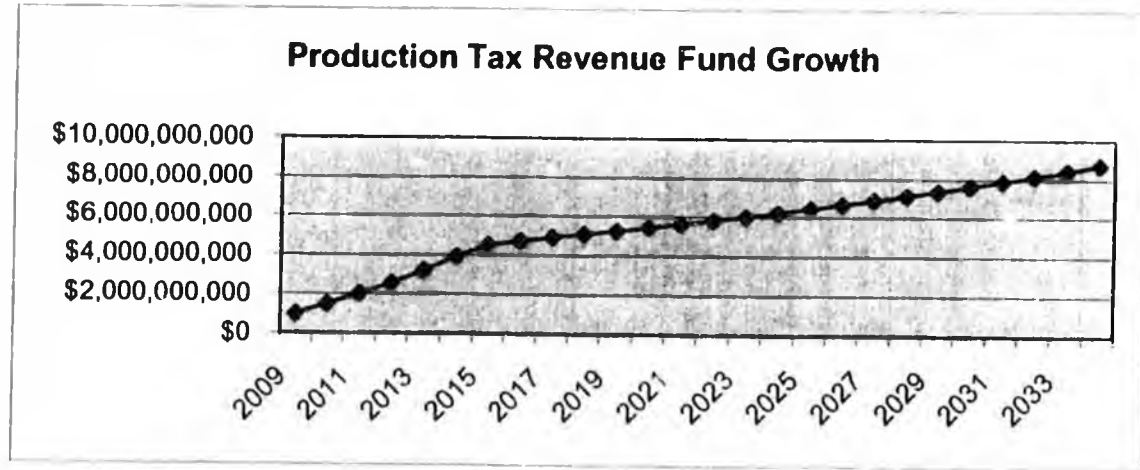
*Although additional deposits come in in August, we still calculate the interest earnings based on a 12-month period, instead of 11 months.

FY	BoFY Balance	Avg Earnings @ 8.51%	EoFY Balance	Payout @ 5.00%	Remaining Balance
2009	\$950,000,000	\$40,422,500	\$990,422,500	\$0	\$990,422,500
2010	\$1,390,422,500	\$118,324,955	\$1,508,747,455	\$0	\$1,508,747,455
2011	\$1,858,747,455	\$158,179,408	\$2,016,926,863	\$0	\$2,016,926,863
2012	\$2,366,926,863	\$201,425,476	\$2,568,352,339	\$0	\$2,568,352,339
2013	\$2,968,352,339	\$252,606,784	\$3,220,959,123	\$0	\$3,220,959,123
2014	\$3,620,959,123	\$308,143,621	\$3,929,102,745	\$0	\$3,929,102,745
2015	\$4,329,102,745	\$368,406,644	\$4,697,509,388	(\$164,328,505)	\$4,533,180,884
2016	\$4,533,180,884	\$385,773,693	\$4,918,944,577	(\$193,348,782)	\$4,725,605,795
2017	\$4,725,605,795	\$402,149,053	\$5,127,754,848	(\$218,942,807)	\$4,908,812,041
2018	\$4,908,812,041	\$417,739,905	\$5,326,551,946	(\$239,998,735)	\$5,086,553,211
2019	\$5,086,553,211	\$432,865,678	\$5,519,418,889	(\$255,901,896)	\$5,263,516,993
2020	\$5,263,516,993	\$447,925,296	\$5,711,442,289	(\$266,041,225)	\$5,445,401,064
2021	\$5,445,401,064	\$463,403,631	\$5,908,804,694	(\$275,939,727)	\$5,632,864,967
2022	\$5,632,864,967	\$479,356,809	\$6,112,221,776	(\$285,784,396)	\$5,826,437,380
2023	\$5,826,437,380	\$495,829,821	\$6,322,267,201	(\$295,741,548)	\$6,026,525,653
2024	\$6,026,525,653	\$512,857,333	\$6,539,382,986	(\$305,941,189)	\$6,233,441,796
2025	\$6,233,441,796	\$530,465,897	\$6,763,907,693	(\$316,465,844)	\$6,447,441,850
2026	\$6,447,441,850	\$548,677,301	\$6,996,119,151	(\$327,338,988)	\$6,668,780,163
2027	\$6,668,780,163	\$567,513,192	\$7,236,293,355	(\$338,579,704)	\$6,897,713,651
2028	\$6,897,713,651	\$586,995,432	\$7,484,709,083	(\$350,204,123)	\$7,134,504,960
2029	\$7,134,504,960	\$607,146,372	\$7,741,651,332	(\$362,226,806)	\$7,379,424,526
2030	\$7,379,424,526	\$627,989,027	\$8,007,413,553	(\$374,661,865)	\$7,632,751,688

2031	\$7,632,751,688	\$649,547,169	\$8,282,298,857	(\$387,523,662)	\$7,894,775,195
2032	\$7,894,775,195	\$671,845,369	\$8,566,620,564	(\$400,826,934)	\$8,165,793,631
2033	\$8,165,793,631	\$694,909,038	\$8,860,702,668	(\$414,586,870)	\$8,446,115,799
2034	\$8,446,115,799	\$718,764,454	\$9,164,880,253	(\$428,819,159)	\$8,736,061,094
Total		\$11,689,263,858		(\$6,203,202,764)	

Fund Growth

	Growth of Balance at Year End
2009	\$990,422,500
2010	\$1,508,747,455
2011	\$2,016,926,863
2012	\$2,568,352,339
2013	\$3,220,959,123
2014	\$3,929,102,745
2015	\$4,533,180,884
2016	\$4,725,605,795
2017	\$4,908,812,041
2018	\$5,086,553,211
2019	\$5,263,516,993
2020	\$5,445,401,064
2021	\$5,632,864,967
2022	\$5,826,437,380
2023	\$6,026,525,653
2024	\$6,233,441,796
2025	\$6,447,441,850
2026	\$6,668,780,163
2027	\$6,897,713,651
2028	\$7,134,504,960
2029	\$7,379,424,526
2030	\$7,632,751,688
2031	\$7,894,775,195
2032	\$8,165,793,631
2033	\$8,446,115,799
2034	\$8,736,061,094



**Saving
Upside
Petroleum
Extraction
Revenues**

**Capturing
Our
Oil
Largess**

**Retaining
Alaska's
Large
Petroleum
sHare**

HJR

34



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

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Chairman
Room 118
(907) 465-3004

Rep. Nancy Dahlstrom
Vice-Chairman
Room 409
(907) 465-3783

Rep. John Coghill
Room 214
(907) 465-3719

Rep. Bob Lynn
Room 104
(907) 465-4931

Rep. Ralph Samuels
Room 204
(907) 465-2095

Rep. Mike Doogan
Room 112
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: 2/22/2008

To: Representative John Coghill
Chair House Rules Committee

From: Representative Jay Ramras
Chair House Judiciary Committee

Re: Referral file for HJR 34 - FEDERAL FUNDING FOR
DNA TESTING

Attached please find the following documents:

- Sponsor Statement
- HJR 34 25-LS1463\A
- Back-up information
- 0 HJUD Fiscal Note
- HJUD Committee Report

ALASKA STATE LEGISLATURE

House of Representatives

INTERIM:
716 W. 4TH AVE.
ANCHORAGE, AK 99501
Phone: (907) 269-0265
Fax: (907) 269-0264
(website: www.akrepublicans.org/roses.htm)



SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
Phone: (907) 465-4939
Toll Free: (800) 465-4939
Fax: (907) 465-2418

Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

HJR 34 – FEDERAL FUNDING FOR DNA TESTING

Sponsor Statement

House Joint Resolution 34 respectfully urges the United States Congress to reauthorize the Debbie Smith DNA Backlog Grant Program.

Originally passed in 2004, the "Debbie Smith Act" ensured that DNA evidence could be used to convict the guilty and free the innocent. Since then, millions of dollars of federal funding have been appropriated under the Debbie Smith DNA Backlog Grant Program to process the thousands of unprocessed DNA evidence kits – including rape kits – across the country.

Currently in Alaska we have about 400 backlogged DNA cases and have been a recipient of the federally funded Debbie Smith Grant program. The program is set to expire in fiscal year 2009, and by reauthorizing this program the grants will continue until FY 2014. I strongly urge your support of HJR 34.

Debbie Smith Reauthorization Act of 2008 Introduced; Landmark Law Has Helped Process Thousands of DNA Evidence Kits, Put Rapists Behind Bars

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<http://www.forensicnursemag.com/>

Posted on: 01/21/2008



WASHINGTON, D.C. -Congresswoman Carolyn B. Maloney (D-NY), House Judiciary Committee Chairman John Conyers (D-MI), and House Judiciary Committee Ranking Member Lamar Smith (R-TX) have introduced "The Debbie Smith Reauthorization Act of 2008," legislation that would extend an important federal DNA backlog processing program through FY 2014.

The original "Debbie Smith Act" was signed into law in 2004 as part of "The Justice for All Act," comprehensive legislation that ensured that DNA evidence could be used to convict the guilty and free the innocent. Since then, millions of dollars of federal funding have been appropriated under the Debbie Smith DNA Backlog Grant Program to process the thousands of unprocessed DNA evidence kits -- including rape kits -- across the country.

"Passing the original Debbie Smith bill was a huge victory for Debbie, and for the thousands of rape survivors like her. Our bill is set to expire soon, but I will not stand by and let rapists roam free while the DNA evidence that could convict them goes unprocessed. Reauthorizing the Debbie Smith Act will ensure we continue to keep rapists off our streets and put them in prison where they belong," said Maloney.

"Congress has a responsibility to ensure justice for rape victims and tough sentences for rapists," stated Smith. The Debbie Smith Act helps law enforcement officials identify, apprehend and prosecute rapists by reducing the DNA backlog. Debbie Smith's courageous efforts have brought justice to rape victims nationwide. This important legislation protects women by providing federal funding to process the DNA evidence needed to take violent criminals off the streets."

Maloney authored the original "Debbie Smith Act" after rape survivor Debbie Smith testified before the House Government Reform Committee in June 2001 about using DNA evidence to solve rape cases. Debbie Smith was raped near her home in 1989. For six and a half years, she lived in fear that her attacker would return to kill her. Only on the day that Debbie's husband told her that the man who had raped Debbie -- who had been identified because of DNA evidence -- was already in prison, was Debbie able to live without fear.

A bipartisan coalition of members of Congress, organizations, and crime victims like Debbie Smith worked together to pass the original "Debbie Smith Act." The president signed the bill into law just as police in New York State made their first arrest, based on an indictment of a DNA sample ("John Doe"), of a suspect in a sexual assault case from 1996. The bill is set to expire at the end of FY 2009.



H-E-A-R-T, Inc.
Debbie Smith Founder/CEO
Rob Smith President

P. o. Box 1813 Williamsburg, VA 23185-1813
E-mail: robanddeb@direcway.com
Office: (804)829-2981
Fax #: (804)829-2656

January 31, 2008

Honorable Bob Roses
State Representative
Room 416
120 4th St
Juneau AK 99801-1182

RE: Resolution urging Congress to reauthorize federal state and local forensic DNA grants

Dear Representative Roses:

You are probably aware of the incredible improvements made to the criminal justice system through DNA testing of evidence. As a rape survivor whose attacker was identified through a match on the DNA database, I can provide personal testament to the value of this tool. However, the federal funding upon which DNA labs in Alaska rely for assistance with backlog management is in serious jeopardy of elimination unless the US Congress acts in 2008. **I hope you will join with legislators throughout the country in passing a Resolution urging Congress to reauthorize funding for the federal DNA backlog grant programs.**

In 1980, I was a victim of a horrific rape. Due to a significant DNA backlog, I waited for *nearly seven years* for my rapist to be identified. Thankfully, my attacker was finally caught through DNA testing. But I still live with the pain of knowing that others continue to wait in fear as their attackers remain unidentified, as their cases sit in similar backlogs. I also fear for those who have been wrongfully convicted and await the hope of DNA testing to exonerate them. And I fear the true perpetrator who still roams the streets – free only because we have not allocated enough resources for DNA analysis.

These fears drove me to bring my story to Congress, where we eventually passed the Justice for All Act of 2004. Title II of this bill provides DNA funding to state and local labs for backlogs, and was named the *Debbie Smith Act* in recognition of my efforts. Unfortunately, that program was authorized for only five years. In the last four years, Alaska has received more than \$855,895.00 from these grants to support DNA testing. After 2009, Alaska will have to make up this shortfall from your own budget unless this important federal grant is reauthorized in 2008.

I hope you will recognize the importance of these federal grants – *not only in terms of criminal justice, but also in terms of the potential funding implications for state and local budgets.* I have attached a draft Resolution for your consideration. **Prompt action on this Resolution would send a signal to Congress that fully funding these DNA backlog grants should be a top priority.** Please contact me if I can be of any help in this matter.

Sincerely,

Debbie Smith
Founder CEO

GovTrack.us

Tracking the 110th United States Congress

[Legislation](#) > 2007-2008 (110th Congress) > [H.R. 5057](#)

H.R. 5057: Debbie Smith Reauthorization Act of 2008

Bill Status

Introduced: Jan 17, 2008

Sponsor: Rep. Carolyn Maloney [D-NY]

Status: Introduced

[Go to Bill Status Page](#)

You are viewing the following version of this bill:

Introduced in House: This is the original text of the bill as it was written by its sponsor and submitted to the House for consideration.

Text of Legislation

HR 5057 IH

110th CONGRESS

2d Session

H. R. 5057

To reauthorize the Debbie Smith DNA Backlog Grant Program.

IN THE HOUSE OF REPRESENTATIVES

January 17, 2008

Mrs. MALONEY of New York (for herself, Mr. CONYERS, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reauthorize the Debbie Smith DNA Backlog Grant Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Debbie Smith Reauthorization Act of 2008'.

SEC. 2. REAUTHORIZATION OF THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended--

(1) in subsection (c)(3)--

(A) by striking subparagraphs (A) through (D);

(B) by redesignating subparagraph (E) as subparagraph (A); and

(C) by inserting after subparagraph (A) (as so redesignated) the following new subparagraph:

'(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.'; and

(2) by amending subsection (j) to read as follows:

'(j) Authorization of Appropriations- There are authorized to be appropriated to the Attorney General for grants under subsection (a) of this section \$151,000,000 for each of the fiscal years 2009 through 2014.'



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TITLE 42 > CHAPTER 136 > SUBCHAPTER IX > Part A > § 14135

§ 14135. The Debbie Smith DNA Backlog Grant Program

(a) Authorization of grants

The Attorney General

may make grants to eligible States or units of local government for use by the State or unit of local government for the following purposes:

- (1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples collected under applicable legal authority.
- (2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect.
- (3) To increase the capacity of laboratories owned by the State or by units of local government to carry out DNA analyses of samples specified in paragraph (1) or (2).
- (4) To collect DNA samples specified in paragraph (1).
- (5) To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

(b) Eligibility

For a State or unit of local government to be eligible to receive a grant under this section, the chief executive officer of the State or unit of local government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall, as required by the Attorney General—

- (1) provide assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;
- (2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 14132 (b)(3) of this title;
- (3) include a certification that the State or unit of local government has determined, by statute, rule, or regulation, those offenses under State law that

shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State or unit of local government shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) of this section and samples specified in subsection (a)(2) of this section;

(5) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(3) of this section;

(6) if submitted by a unit of local government, certify that the unit of local government has taken, or is taking, all necessary steps to ensure that it is eligible to include, directly or through a State law enforcement agency, all analyses of samples for which it has requested funding in the Combined DNA Index System; and

(7) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(4) of this section.

(c) Formula for distribution of grants

(1) In general

The Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among eligible States and units of local government that—

(A) maximizes the effective utilization of DNA technology to solve crimes and protect public safety; and

(B) allocates grants among eligible entities fairly and efficiently to address jurisdictions in which significant backlogs exist, by considering—

(i) the number of offender and casework samples awaiting DNA analysis in a jurisdiction;

(ii) the population in the jurisdiction; and

(iii) the number of part 1 violent crimes in the jurisdiction.

(2) Minimum amount

The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriation.

(3) Limitation

Grant amounts distributed under paragraph (1) shall be awarded to conduct DNA analyses of samples from casework or from victims of crime under subsection (a)(2) of this section in accordance with the following limitations:

(A) For fiscal year 2005, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

(B) For fiscal year 2006, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

(C) For fiscal year 2007, not less than 45 percent of the grant amounts

shall be awarded for purposes under subsection (a)(2) of this section.

(D) For fiscal year 2008, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

(E) For fiscal year 2009, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

(d) Analysis of samples

(1) In general

A plan pursuant to subsection (b)(1) of this section shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

(A) operated by the State or a unit of local government; or

(B) operated by a private entity pursuant to a contract with the State or a unit of local government.

(2) Quality assurance standards

(A) The Director of the Federal Bureau of Investigation shall maintain and make available to States and units of local government a description of quality assurance protocols and practices that the Director considers adequate to assure the quality of a forensic laboratory.

(B) For purposes of this section, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 14132 (b) of this title.

(3) Use of vouchers or contracts for certain purposes

(A) In general

A grant for the purposes specified in paragraph (1), (2), or (5) of subsection (a) of this section may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

(B) Redemption

A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

(C) Payments

The Attorney General may use amounts authorized under subsection (j) of this section to make payments to a laboratory described under subparagraph (B).

(e) Restrictions on use of funds

(1) Nonsupplanting

Funds made available pursuant to this section shall not be used to supplant State or local government funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local government sources for the purposes of this Act.

(2) Administrative costs

A State or unit of local government may not use more than 3 percent of the funds it receives from this section for administrative expenses.

(f) Reports to the Attorney General

Each State or unit of local government which receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section is expended, a report at such time and in such manner as the Attorney General may reasonably require, which contains—

- (1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and
- (2) such other information as the Attorney General may require.

(g) Reports to Congress

Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to the Congress a report that includes—

- (1) the aggregate amount of grants made under this section to each State or unit of local government for such fiscal year;
- (2) a summary of the information provided by States or units of local government receiving grants under this section; and
- (3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how such plan will ensure the effective use of DNA technology to solve crimes and protect public safety.

(h) Expenditure records**(1) In general**

Each State or unit of local government which receives a grant under this section shall keep records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

(2) Access

Each State or unit of local government which receives a grant under this section shall make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.

(i) Definition

For purposes of this section, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(j) Authorization of appropriations

Amounts are authorized to be appropriated to the Attorney General for grants under subsection (a) of this section as follows:

- (1) \$151,000,000 for fiscal year 2005;

- (2) \$151,000,000 for fiscal year 2006;
- (3) \$151,000,000 for fiscal year 2007;
- (4) \$151,000,000 for fiscal year 2008; and
- (5) \$151,000,000 for fiscal year 2009.

(k) Use of funds for accreditation and audits

The Attorney General may distribute not more than 1 percent of the grant amounts under subsection (j) of this section—

- (1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or reaccreditation;
- (2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community—
 - (A) to defray the costs of external audits of laboratories operated by such State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;
 - (B) to assess compliance with any plans submitted to the National Institute of Justice, which detail the use of funds received by States or units of local government under this Act; and
 - (C) to support future capacity building efforts; and
- (3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

(l) Use of funds for other forensic sciences

The Attorney General may award a grant under this section to a State or unit of local government to alleviate a backlog of cases with respect to a forensic science other than DNA analysis if the State or unit of local government—

- (1) certifies to the Attorney General that in such State or unit—
 - (A) all of the purposes set forth in subsection (a) of this section have been met;
 - (B) a significant backlog of casework is not waiting for DNA analysis; and
 - (C) there is no need for significant laboratory equipment, supplies, or additional personnel for timely DNA processing of casework or offender samples; and
- (2) demonstrates to the Attorney General that such State or unit requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.

(m) External audits and remedial efforts

In the event that a laboratory operated by a State or unit of local government which has received funds under this Act has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of such audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with such standards, the State or unit of local government shall implement any such remediation as soon as practicable.

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Alaska

Statistical Information	Total
Offender Profiles	10,965
Forensic Samples	647
Number of CODIS Labs	1
NDIS Participating Labs	1
Investigations Aided	212

[Back to Statistical Map](#)

sexual assault statistics

According to a study conducted by the National Victim Center, 1.3 women (age 18 and over) in the United States are forcibly raped each minute. That translates to 78 per hour, 1,871 per day, or 683,000 per year. - *Rape in America: A Report to the Nation*, National Victim Center, 1992.

According to the U.S. Department of Justice, nearly 6 out of 10 rape/sexual assault incidents are reported by victims to have occurred in their own home or at the home of a friend, relative, or neighbor. - *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault*, Bureau of Statistics, Office of Justice Programs, U.S. Dept. of Justice, 1997.

51% of the sexual assault cases studied in the Women's Safety Project survey were committed against young women between 16 and 21 years old. - "Sexual Violence in Women's Safety Project, A Community-Based Survey," 1995.

In 29% of rapes, the offender used a weapon. - *Violence Against Women*, Bureau of Justice Statistics, U.S. Dept. of Justice, 1994.

According to the U.S. Department of Justice, an estimated 91% of the victims of rape and sexual assault are female and 9% are male. Nearly 99% of the offenders they described in single-victim incidents are male. - *Violence Against Women*, Bureau of Justice Statistics, U.S. Dept. of Justice, 1994.

Rape or sexual assault was the violent crime least often reported to law enforcement. - *Crime Victimization 1999: Changes 1998-99 with Trends 1993-99*, National Crime Victimization Survey, Bureau of Justice Statistics, U.S. Dept. of Justice, 2000.

13.3% of college women indicated that they had been forced to have sex in a dating situation. *Journal of Interpersonal Violence*, I. Johnson & R. Sigler, 2000.

Among developmentally disabled adults as many as 83% of the females and 32% of the males are victims of sexual assault. *Sexual Assault Against Women with Disabilities*, Disabled Women's Network, 1991.

The National Violence Against Women Survey found that rape is a crime committed primarily against youth. Of the women who reported being raped sometime in their lives, 21.6% were younger than age 12, 32.4% were ages 12 to 17, 29% were

ages 18 to 24, and 16.6 % were over 25 years old. Thus, 54% of women victims were under age 18 at the time of the first rape and 83% were under the age of 25. - *"Prevalence, Incidence and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey," National Institute of Justice, Office of Justice Programs, U S. Dept. of Justice, 1998.*

4 out of 5 students (81%) have experienced some form of sexual harassment during their school years. - *"Prevalence, Incidence and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey," National Institute of Justice, Office of Justice Programs, U S. Dept. of Justice, 1998.*

77% of completed rapes are committed by someone who is known to the victim. - *Bureau of Justice Statistics, U.S. Dept. of Justice.*

[back](#)

Crystal Koeneman

From: Collins, Michelle L (DPS) [michelle.collins@alaska.gov]
Sent: Friday, February 15, 2008 10:25 AM
To: Crystal Koeneman
Subject: RE: DNA Backlog Grant Program

Crystal,

They are currently vacant positions that already existed. I absolutely support federal funding for DNA!

Michelle L. Collins
Criminalist IV, DNA/CODIS Supervisor
AK State CODIS Administrator
Alaska Scientific Crime Detection Laboratory
5500 East Tudor Road
Anchorage, AK 99507
907-269-5620 phone
907-338-6614 fax

Please note that my e-mail address has changed. My new e-mail address is
Michelle.Collins@alaska.gov

From: Crystal Koeneman [mailto:Crystal_Koeneman@legis.state.ak.us]
Sent: Friday, February 15, 2008 10:12 AM
To: Collins, Michelle L (DPS)
Subject: RE: DNA Backlog Grant Program

Michelle,

Thank you for getting back to me so quickly!!! I do have a few more questions...when you say that you are preparing to hire 2 more staff...are those currently vacant positions that are needing to be filled, or are they two new positions? Also, I was wondering if you supported HJR 34 - FEDERAL FUNDING FOR DNA TESTING. Please let me know!!! Thank you for your time!!!

*Crystal Koeneman
Legislative Assistant ~ Rep. Bob Roses
District 19, Northeast Anchorage, Alaska
phone 907-465-4939 ~ fax 907-465-2418*

From: Collins, Michelle L (DPS) [mailto:michelle.collins@alaska.gov]
Sent: Friday, February 15, 2008 9:42 AM
To: Crystal Koeneman
Subject: DNA Backlog Grant Program

Crystal,

Alaska currently has about 400 backlogged DNA cases. We currently have only 2 full-time analysts, but are preparing to hire 2 more. I am attaching a spreadsheet summarizing the federal grants we have received in the past few years. If you have any additional questions, feel free to contact me directly.

Thanks,
Michelle L. Collins

Criminalist IV, DNA/CODIS Supervisor
AK State CODIS Administrator
Alaska Scientific Crime Detection Laboratory
5500 East Tudor Road
Anchorage, AK 99507
907-269-5620 phone
907-338-6614 fax

Please note that my e-mail address has changed. My new e-mail address is
Michelle.Collins@alaska.gov

<u>Federal Grant</u>	<u>Period</u>	<u>Purposes</u>	<u>Amount</u>	<u>Notes</u>
2007 DNA Convicted Offender Backlog	10/1/07-9/30/08	DNA robotic software and in-house analysis supplies	\$ 160,000.00	Active
2006 DNA Convicted Offender Backlog	10/1/06-9/30/08	Supplies for in-house analysis of convicted offender DNA	\$ 87,500.00	Active
2006 DNA Backlog Reduction	10/1/06-9/30/08	Permanent Criminalist Salary, DNA supplies, Administrative Expenses	\$ 106,474.00	Active
2006 DNA Capacity Enhancement	10/1/06-9/30/07	DNA Robots, DNA Microscope, Expert System Software, Onsite DNA staff training, CODIS Server, Workstations, Validation Supplies	\$ 212,026.00	Closed
2005 DNA Capacity Enhancement	10/1/05-3/31/07	DNA equipment, supplies, Non-permanent Personnel Services for CODIS sample uploading	\$ 181,600.00	Closed
2004 DNA Backlog Reduction	8/1/04 - 7/31/07	Non-perm Criminalist Salary DNA Screening	\$ 194,620.00	Closed

HJR

37



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

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Rep. Max Gruenberg
Room 110
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: March 19, 2008

To: Representative Kevin Meyer
Co-Chair House Finance Committee

From: Representative Jay Ramras
Chair House Judiciary Committee

Re: Referral File for CSHJR37(JUD) 25-LS1527M

Please accept this memo as the referral file for HJR37(JUD) 25-LS1527M.
Attached are the following documents:

- CSHJR37(JUD) 25-LS1527M
- Fax to Legislative Legal on going final
- Sponsor Statement
- HJR37 25-LS1527C
- Sectional
- OOG Fiscal Note
- March 10, 2008 Legal memo by Jack Chenoweth
- SJR 2
- HJUD Report

Representative Jay Ramras
Cnair, House Judiciary
Labor & Commerce
Oil & Gas
Military & Veteran Affairs
1292 Sadler Way, Suite 324
Fairbanks, Alaska 99701
Phone: (907) 452-1088
Fax: (907) 452-1146

Alaska State Legislature



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House District 10

House of Representatives

Fax

To: Legislative Legal

Fax #: 2029

Number of pages including cover: 1

From: Jane Pierson

Date: March 19, 2008

Re: CSHJR37() 25-LS1527AE

Please go final on the above-referenced resolution. There were no amendments to the AE version.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Thank you

Member

Alaska State Legislature

House of Representatives

Interim:
716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133
Phone: (907) 269-0123
Fax: (907) 269-0124

Standing Committees:
Judiciary
State Affairs



Session:
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

House Special Committee:
Ways & Means

Finance Subcommittees:
Administration
Courts

Representative Max F. Gruenberg, Jr.
House District 20
Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Assistant Floor Leader

Email:
rep.max.gruenberg@legis.state.ak.us

SPONSOR STATEMENT FOR HJR37

BY: REPRESENTATIVE MAX F. GRUENBERG, JR.

TITLE: "Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor and to eliminate personal pronoun references in the sections proposed to be amended."

In 1970 the legislature proposed and the voters of Alaska approved a series of amendments to the state constitution that changed the name of the office of "Secretary of State" to the office of "Lieutenant Governor." At that time, however, the drafting attorneys did not catch all of the references to "Secretary of State".

HJR37 corrects the two remaining references to "Secretary of State" in the state constitution. The proposed amendments, if approved by the legislature, would be placed before the voters in the next general election.

HJR37 also corrects personal pronouns referenced in the sections.

Member

Alaska State Legislature

House of Representatives

Standing Committees:
Judiciary
State Affairs



House Special Committee:
Ways & Means

Finance Subcommittees:
Administration
Courts

Representative Max F. Gruenberg, Jr.
House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Assistant Floor Leader

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Email:
rep.max.gruenberg@legis.state.ak.us

Sectional Analysis for HJR37

BY: Representative Max F. Gruenberg, Jr.

Section 1. Amends Article II, sec. 5, Constitution of the State of Alaska

Adds: **lieutenant governor**
Removes: [SECRETARY OF STATE]

Adds: **the legislator**
Removes: [HE]

Section 2. Amends Article II, sec. 25 Constitution of the State of Alaska

Adds: **lieutenant governor**
Removes: [SECRETARY OF STATE]

Adds: **the head of each principal department**
Removes: [HE]

These sections update by correcting the only two outdated references to "secretary of state" to "lieutenant governor" following the 1970 constitutional amendment that changed the name of that office. These amendments also correct the wording of these sections to make them gender neutral.

Section 3. This section states that the constitutional amendments will be placed on the ballot at the next general election as required by Alaska.

Art. XIII, Sec. 1 of the Constitution. Two thirds of each House must approve the proposed amendment and a majority of the electoral voting must ratify it.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR37
 () Publish Date: _____

Identifier (file name): HJR037-OOG-DOE-3-7-08 Dept. Affected: OOG
 Title Constitutional amendment to correct obosolete references RDU Elections
to offices Component Elections
 Sponsor Representative Gruenberg
 Requester House State Affairs Committee Component Number 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual	1.5						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES ()							
-------------------------------	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	1.5						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The passage of this resolution would require the constitutional amendment to appear on the 2008 general election ballot. The cost of providing information about the constitutional amendment in the Official election Pamphlet, as required by AS 15.58 is \$1.5. Should the addition of this question require printing an 8-1/2 by 18 inch ballot, the cost will increase to \$22.0.

Prepared by: Gail Fenumai, Director
 Division: Division of Elections
 Approved by: Linda Perez, Administrative Director
Office of the Governor

Phone 465-2644
 Date/Time 3/7/2008, 12:37pm
 Date 3/7/2008

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 10, 2008

SUBJECT: HJR 37, correcting obsolete references in the state constitution to "secretary of state" (Work Order No. 25-LS1527\C)

TO: Representative Max F. Gruenberg, Jr.

FROM: Jack Chenoweth
Assistant Revisor

The joint resolution has been scheduled for a House State Affairs Committee hearing.

For whatever use you may choose to make of the material, set out below is a replication of my notes shared with the joint resolution's sponsor when this matter was last before the legislature in 2005.

In 1970, the legislature proposed and the voters, by a margin of 71% - 29% (yes = 46,102; no = 18,781), approved a series of amendments to the state constitution that changed the name of the constitutional office of "secretary of state" to the office of "lieutenant governor." In the 1970 joint resolution that proposed the amendments, SJR 2, a copy of which accompanies this memo, the drafting attorneys of the time did not catch all the references to "secretary of state." They missed the two that appear in article II, section 5 and article III, section 25. By proposing amendments to delete in those two sections the obsolete references to secretary of state and substituting references to lieutenant governor, this House joint resolution would correct the oversight.

Unlike statutes, corrections of errors and omissions in the state constitution cannot be completed editorially. Under article XIII, section 1,

Amendments. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor.