

CS FOR HOUSE BILL NO. 4001(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FOURTH SPECIAL SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 11/16/06

Referred: Today's Calendar

Sponsor(s): HOUSE RULES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting the commissioner of administration from adopting, allowing to**
2 **become law, or implementing regulations that grant or extend employment-related**
3 **benefits to same-sex partners of state employees and members of the state retirement**
4 **systems unless expressly authorized by statute; providing for the authority of the**
5 **commissioner of administration to take certain actions relating to those benefits if a**
6 **contingency is met; and providing for an effective date."**

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

8 *** Section 1.** AS 44.21 is amended by adding a new section to read:

9 **Sec. 44.21.015. Regulations and other actions prohibited.** The
10 commissioner of administration may not adopt, allow to become law, or implement
11 regulations that grant or extend employment-related benefits to same-sex partners of
12 state employees or members of the state retirement systems unless expressly
13 authorized by statute.

1 * **Sec. 2.** AS 44.21.015 is repealed and reenacted to read:

2 **Sec. 44.21.015. Regulations and other actions authorized.** The
3 commissioner of administration may adopt, allow to become law, and implement
4 regulations that grant or extend employment-related benefits to same-sex partners of
5 state employees or members of the state retirement systems. Regulations adopted
6 under this section relate to internal management and are not subject to AS 44.62
7 (Administrative Procedure Act). The commissioner of administration shall follow the
8 procedures set out in AS 39.35.005 to adopt regulations under this section.

9 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **CONTINGENCY.** Section 2 of this Act is contingent on the occurrence of the earliest
12 of the following events:

13 (1) the date that the director of elections certifies the results of a special
14 election of an advisory vote on whether the legislature should adopt a proposed constitutional
15 amendment to the state constitution to be considered by the voters at the 2008 general election
16 that would prohibit the state or a municipality or other subdivision of the state from providing
17 employment benefits to same-sex partners of public employees that is authorized by the
18 Fourth Special Session of the Twenty-Fourth Alaska State Legislature in which the majority
19 of qualified voters voting voted "No";

20 (2) the legislature has not passed, by August 1, 2008, a joint resolution to
21 place on the 2008 general election ballot a constitutional amendment that would prohibit the
22 state or a municipality or other subdivision of the state from providing employment benefits
23 to same-sex partners of public employees;

24 (3) the date that the director of elections certifies the results of the 2008
25 general election concerning the constitutional amendment described in (2) of this section in
26 which the majority of the qualified voters voting on the question voted "No."

27 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **RETROACTIVITY.** AS 44.21.015, added by sec. 1 of this Act, is retroactive to
30 June 1, 2006.

31 * **Sec. 5.** If, under sec. 3 of this Act, sec. 2 of this Act takes effect, it takes effect the day

1 following the date that the appropriate contingency described in sec. 3 of this Act is met.

2 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect immediately under

3 AS 01.10.070(c).