

SENATE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FOURTH LEGISLATURE
FOURTH SPECIAL SESSION

Juneau, Alaska

Tuesday

November 14, 2006

First Day

Pursuant to the October 27 Proclamation of the Governor calling for the convening of the Fourth Special Session of the Twenty-Fourth Legislature (page 3778), the Senate was called to order by President pro tempore Gary Stevens at 11:33 p.m.

The roll showed seventeen members present. Senator Bunde was excused from a call of the Senate. Senators Davis, Ben Stevens were absent.

Senator Green, Acting Majority Leader, moved and asked unanimous consent that Senators Davis, Ben Stevens be excused from a call of the Senate to November 18. Without objection, Senators Davis, Ben Stevens were excused.

The prayer was offered by the Chaplain, Q. Smythe. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Lord,
Please bless us today. Give us a glimpse of Your
infinite wisdom. Watch over us and our families and
keep us safe. Amen.

Senator Wilken led the Senate in the Pledge of Allegiance.

Messages from the Governor

Executive Proclamation
by
Frank H. Murkowski, Governor

Under the authority of art. II, sec.9, and art. III, sec. 17, of the Alaska Constitution, and in the public interest, I call the Twenty-Fourth Legislature of the State of Alaska into its fourth special session at Juneau, Alaska in the legislative chambers on November 13, 2006, at 11:00 a.m., to consider the subject of employment-related benefits for same-sex domestic partners of state employees and retirees under the state's retirement systems.

Dated this 27th day of October, 2006.

/s/

Frank H. Murkowski, Governor

**Introduction and Reference of
Senate Resolutions****SCR 401**

SENATE CONCURRENT RESOLUTION NO. 401 BY THE
SENATE RULES COMMITTEE,

Relating to legislative powers over same-sex partner
employment benefits and urging the courts to delay
action until the legislature has sufficient time to act in
the next regular session of the legislature.

was read the first time.

Senator Green, Acting Majority Leader, moved and asked unanimous consent to take up SENATE CONCURRENT RESOLUTION No. 401. Without objection, the resolution was before the Senate on final passage.

The question being: "Shall SENATE CONCURRENT RESOLUTION NO. 401 Relating to legislative powers over same-sex partner employment benefits and urging the courts to delay action until the legislature has sufficient time to act in the next regular session of the legislature, pass the Senate?" The roll was taken with the following result:

SCR 401

Final Passage

YEAS: 12 NAYS: 5 EXCUSED: 3 ABSENT: 0

Yeas: Cowdery, Dyson, Green, Hoffman, Huggins, Olson, Seekins, Stedman, Stevens G, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, French, Guess, Kookesh

Excused: Bunde, Davis, Stevens B

and so, SENATE CONCURRENT RESOLUTION NO. 401 passed the Senate and was referred to the Secretary for engrossment.

Introduction and Reference of Senate Bills

SB 4001

SENATE BILL NO. 4001 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to employment-related insurance benefits for the same-sex partner of a state employee; relating to survivor and medical benefits for the same-sex partner of a member of the state's teachers', public employees', judicial, or elected public officers retirement systems; and providing for an effective date."

was read the first time and referred to the Finance Committee.

The following fiscal information was published today:

Fiscal Note No. 1, Department of Administration

Governor's transmittal letter dated November 13, 2006:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to employment-related insurance benefits for the same-sex partner of a state employee and relating to survivor and medical benefits for the same-sex partner of a member of the state's teachers' and public employees', judicial, or elected public officers retirement systems.

The bill sets out the purpose of the legislature to allow a public employee or retiree under the state's retirement systems, to the extent required by the Alaska Supreme Court in the case of *Alaska Civil Liberties Union v. State*, 122 P.3d 781 (Alaska 2005), to have access to employment-related insurance and survivor benefits for the employee's or retiree's same-sex partner that are provided to the spouse of a state employee or retiree under AS 39.30.090 and 39.30.091, and under the statutes that provide for the state's retirement systems.

Section 5 of the bill sets out the affidavit and documentation requirements that a state employee or retiree must meet in order to enroll a same-sex partner in the health plans provided to state employees and retirees. These requirements are incorporated by reference in new sections in the statutes for the retirement systems allowing designation of same-sex partners as beneficiaries for survivor benefits (secs. 2 and 3 (teachers' retirement system), sec. 4 (judicial retirement system), secs. 7 and 8 (public employees' retirement system), and sec. 9 (elected public officers retirement system)).

In order to provide a same-sex partner with benefits, an employee or retiree must file an affidavit with the appropriate plan administrator that includes 11 specific declarations, under penalty of perjury, by the employee or retiree and same-sex partner to establish a committed relationship, and must also provide documentation specified by sec. 5 of the bill. The employee or retiree must notify the administrator upon termination of the relationship. In addition to potential criminal penalties, willful falsification of information in the affidavit or documentation provided to enroll a same-sex partner in health benefits or to designate the same-sex partner as a beneficiary for survivor benefits may result in termination of enrollment of the same-sex partner and termination of entitlement to survivor benefits.

The bill ratifies the open enrollment conducted under regulations adopted by the commissioner of administration on October 13, 2006.

While Alaskans may differ on their views on the wisdom of the court's order, the state has a duty to comply with the court's order. Therefore, I urge your support of this legislation.

Sincerely yours,

/s/

Frank H. Murkowski
Governor

Unfinished Business

SJR 19

On October 5, 2006, President Stevens and Speaker Harris made the following appointments:

Legislative Task Force to Assess Health Care Associated Infections

Senator Gary Stevens
Senator Davis
Representative Gatto
Representative Wilson

Public members:

Jay Butler
Dr. Richard Neubauer
Sandra Stark
Dan Kashevaroff
Linda Fink
Kim Mynes-Spink

HCR 30

On October 5, 2006, President Stevens and Speaker Harris made the following appointments:

Alaska Climate Impact Assessment Commission

Senator Gary Stevens
Senator Olson
Representative Samuels
Representative Joule

Public members:

Bob Pawlowski
Lance Miller
Stephanie Madsen
Dennis Nottingham
Caleb Pungowiyi
Michael Hurley
John Shively

Senators Dyson, Wagoner moved and asked unanimous consent to be excused from a call of the Senate from noon, November 15 to 2:00 p.m. November 19. Without objection, Senators Dyson, Wagoner were excused.

Senator Hoffman moved and asked unanimous consent to be excused from a call of the Senate from noon, December 15 to December 19. Without objection, Senator Hoffman was excused.

Announcements

Announcements are at the end of the journal.

Engrossment**SCR 401**

SENATE CONCURRENT RESOLUTION NO. 401 Relating to legislative powers over same-sex partner employment benefits and urging the courts to delay action until the legislature has sufficient time to act in the next regular session of the legislature, was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Adjournment

Senator Green, Acting Majority Leader, moved and asked unanimous consent that the Senate stand in adjournment until 2:00 p.m., November 15, 2006. Without objection, the Senate adjourned at 11:48 p.m.

Kirsten Waid
Secretary of the Senate

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

+ indicates teleconference

= indicates bill previously heard/scheduled

FINANCE

Nov 14 Tuesday Senate Finance 532
 The Topic will be:
 Employment-related benefits for same sex
 domestic partners of state employees
 and retirees
 Meeting will occur pending referral
 Testimony by invitation only
 Meeting postponed to 9 a.m. 11/15

Nov 15 Wednesday Senate Finance 532 9:00 AM
 SB4001 STATE EMPLOYEE SAME-SEX PARTNER BENEFITS

HEALTH, EDUCATION & SOCIAL SERVICES

Nov 14 Tuesday Butrovich 205
 +
 Implementation of Alaska Supreme Court
 Order regarding State benefits for
 same-sex domestic partners
 <Pending Introduction & Referral>
 The meeting was postponed from 11/13 to
 a call of the chair. Earliest will be
 afternoon.

JOINT COMMITTEES**AK CLIMATE IMPACT ASSESSMENT COMMISSION**

Nov 16 Thursday Capitol 124 1:00 PM
-- Rescheduled from 11/14/06 --
-- Organizational Meeting --
<Teleconference Listen Only>

LEGISLATIVE BUDGET & AUDIT

Nov 14 Tuesday House Finance 519 9:00 AM
** DELAYED TO 5:00 p.m. **
I. Call to Order
II. RPLs
III. Audits (Executive Session)
IV. Other Business

OTHER MEETINGS**MISCELLANEOUS MEETINGS**

Nov 14 Tuesday Capitol 124 1:00 PM
- Meeting Postponed to 1:00 p.m. 11/16 -
AK CLIMATE IMPACT ASSESSMENT COMMISSION
-- Organizational Meeting --
-- Teleconference <Listen Only> --