

HOUSE FINANCE COMMITTEE  
November 16, 2006  
1:52 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:52:33 PM](#).

MEMBERS PRESENT

Representative Mike Chenault, Co-Chair  
Representative Kevin Meyer, Co-Chair  
Representative Bill Stoltze, Vice-Chair  
Representative Richard Foster  
Representative Mike Hawker  
Representative Jim Holm  
Representative Mike Kelly  
Representative Beth Kerttula

MEMBERS ABSENT

Representative Reggie Joule  
Representative Carl Moses  
Representative Bruce Weyhrauch

ALSO PRESENT

Representative John Coghill; Representative Les Gara;  
Representative LeDoux; Representative Dahlstrom;  
Representative Gatto; Craig Tillery, Deputy Attorney  
General, Department of Law,

SUMMARY

HB 4001 "An Act prohibiting the commissioner of administration from drafting, adopting, filing, or publishing regulations granting or extending employment-related benefits for same-sex partners of unmarried state employees; and providing for an effective date."

CSHB 4001 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with two new fiscal notes: LAW (indeterminate) and ADM (zero).

#hb4001

HOUSE BILL NO. 4001

"An Act prohibiting the commissioner of administration from drafting, adopting, filing, or publishing regulations granting or extending employment-related

benefits for same- sex partners of unmarried state employees; and providing for an effective date."

Co-Chair Chenault MOVED to ADOPT work draft #24-LS2005\L, Wayne, 11/16/06, as the version of the bill before the Committee. Representative Kerttula OBJECTED for purposes of discussion.

[1:54:03 PM](#)

REPRESENTATIVE COGHILL explained the changes made in the committee substitute (CS). He observed that, like HB 4001, the CS prohibits the administration from adopting, implementing or allowing regulations to become law, which grant benefits to same sex partners (Section 1). Section 2 would allow regulations to be granted based on Section 3 contingencies. There are three contingencies in Section 3. The first contingency would be based on the certification of the result of a special election opposing a constitutional amendment; if the result is in favor of a constitutional amendment regulations would not go into effect; if the vote was against a constitutional amendment regulations would go into effect under the contingency language. Under subsection (2) of Section 3: regulations would also go into effect if the legislature does not pass a joint resolution proposing an amendment to the Constitution by August 1, 2008; regulations would not go into effect if there is a joint resolution calling for a vote on a constitutional amendment. The third contingency Section 3 (3), pertains to the outcome of a vote on a constitutional amendment; if the result is in favor of a constitutional amendment regulations would not go into effect; if the vote was against a constitutional amendment regulations would go into effect. A retroactivity clause to June 1, 2006, was included to prevent "a cohort of people who would get the benefits, without the benefit of a clear regulation". He stressed that the legislation would allow the people of Alaska to speak on the issue.

Representative Kerttula summarized that the regulations would take effect if any of the negatives occur, otherwise there would be a constitutional amendment.

Representative Hawker clarified that the earliest occurrence of any one of the three contingencies would trigger the repeal of the prohibition and implementation of the authority.

Representative Kerttula WITHDREW her OBJECTION to adoption of work draft #24-LS2005\L, Wayne, 11/16/06. There being NO OBJECTION, it was so ordered.

[2:00:18 PM](#)

CRAIG TILLERY, DEPUTY ATTORNEY GENERAL, DEPARTMENT OF LAW, explained that the court is on a separate track from the pending legislation. The Court has ordered changes to the regulations proposed by the Administration. The order has been stayed pending petition for review to the Supreme Court. The Department is waiting on the review from the Supreme Court. He opined that litigation will ensue if the legislation is enacted.

In response to a question by Representative Kerttula, Mr. Tillery asserted that any legislative action would have an impact "in front of the Court". He clarified that regulations would go into effect unless there is a constitutional amendment.

Representative Kerttula observed that the CS does not change the Constitution or the equal protection clause, which the Court has based its underpinnings on.

[2:02:39 PM](#)

Representative Stoltze observed that a minority of the legislature could block a constitutional amendment. He stated that he is uncomfortable with the few choices left to the Legislature.

[2:04:05 PM](#)

Representative Kelly felt that the CS significantly improved the climate between the Legislature and the Court on the matter. He observed that in other jurisdictions, legislatures have been allowed the time they deem necessary to deal with the issue. He supported the request to the Court for more time. He observed the pending unfunded liability, which, he felt, the addition of new participants would exacerbate. He argued that the provisions would move toward inclusion of non-married heterosexual couples. He expressed further concern and frustration.

[2:07:32 PM](#)

Representative Kerttula spoke against the bill, which she felt did nothing. She thought the Department of Law had done a great job of addressing the issue and was close to a resolution.

Representative Foster MOVED to report CSHB 4001 (FIN) out of Committee with the accompanying fiscal note the CS with fiscal notes.

Representative Kerttula OBJECTED.

[2:10:10 PM](#)

A roll call vote was taken on the motion.

IN FAVOR: Foster, Hawker, Holm, Kelly, Stoltze, Meyer,  
Chenault  
OPPOSED: Kerttula,

Representatives Weyhrauch, Moses and Joule were absent from the vote.

The MOTION PASSED (7-1).

CSHB 4001 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with two new fiscal notes: LAW (indeterminate) and ADM (zero).

RECESSED:            [2:10:37 PM](#)

Vice-Chair Meyer recessed the meeting to the call of the chair.

RECONVENED:        [4:15:52 PM](#)

Co-Chair Chenault noted that there was no other business before the Committee.

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ADJOURNMENT

The meeting was adjourned at 4:16 PM