

MINUTES
SENATE FINANCE COMMITTEE
Fourth Special Session
November 19, 2006
5:08 p.m.

CALL TO ORDER

Co-Chair Lyda Green convened the meeting at approximately [5:08:37 PM](#).

PRESENT

Senator Lyda Green, Co-Chair
Senator Con Bunde, Vice Chair
Senator Fred Dyson
Senator Lyman Hoffman
Senator Bert Stedman

Also Attending: SCOTT NORDSTRAND, Commissioner, Department of Administration;

Attending via Teleconference: From an offnet location: JAN DEYOUNG, Chief Assistant Attorney General, Statewide Section Supervisor, Labor & State Affairs Section, Civil Division, Department of Law.

SUMMARY INFORMATION

SB 4001-STATE EMPLOYEE SAME-SEX PARTNER BENEFITS

This bill was scheduled but not heard.

HB 4001-PROHIBIT SAME-SEX EMPLOYMENT BENEFIT REG

The Committee heard from the Department of Administration and the Department of Law. The bill reported from Committee.

HB 4002-ADV. VOTE: SAME-SEX PARTNER EMP. BENEFITS

The Committee heard from the Department of Administration. The bill reported from Committee.

#hb4001

CS FOR HOUSE BILL NO. 4001(FIN) am(efd fld)

"An Act prohibiting the commissioner of administration from adopting, allowing to become law, or implementing regulations that grant or extend employment-related benefits to same-sex partners of state employees and members of the state retirement systems unless expressly authorized by statute."

This was the first hearing for this bill in the Senate Finance Committee.

SCOTT NORDSTRAND, Commissioner, Department of Administration, compared the Senate Finance Committee substitute for SB 4001 and the House Finance Committee substitute for HB 4001. He commented that the current committee substitutes diverged greatly from Governor Murkowski's original bill, and explained that the Senate Finance Committee substitute would prohibit the commissioner of the Department of Administration, the position he currently holds, from issuing a regulation to provide retirement or health benefits to the same-sex partner of a State employee. He continued that the implementation of such a regulation would be punishable as a class b misdemeanor under this bill.

Commissioner Nordstrand reported that the Senate Finance Committee substitute also provides for a retroactivity date of June 1, 2006. That is the date the Alaska Supreme Court issued an order requiring the State to provide benefits to same-sex partners of State employees.

Commissioner Nordstrand summarized the House Finance Committee substitute as a "shorter, simplified version" of the Senate bill. The committee substitute for HB 4001 would remove the criminal penalties designated in CS SB 4001(FIN), and contains more concise language.

[5:12:37 PM](#)

Commissioner Nordstrand stressed that CS HB 4001(FIN) did not contain a retroactivity provision. He considered that "important", as regulations to provide same-sex partner benefits were issued by the Department of Administration on October 13,

2006. The Senate committee substitute would criminalize this act, whereas CS HB 4001 would not.

[5:13:04 PM](#)

JAN DEYOUNG, Chief Assistant Attorney General, Statewide Section Supervisor, Labor & State Affairs Section, Civil Division, Department of Law, was available via teleconference to respond to legal questions.

Senator Stedman moved to report the bill from Committee with individual recommendations and accompanying fiscal notes.

Senator Bunde objected.

A roll call was taken on the motion.

IN FAVOR: Senator Hoffman, Senator Stedman, Senator Dyson, and Co-Chair Green

OPPOSED: Senator Bunde

ABSENT: Senator Olson and Co-Chair Wilken

The motion PASSED (4-1)

CS HB 4001(FIN)am(efd fld) was REPORTED from Committee with zero fiscal note #1 from the Department of Administration and indeterminate fiscal note #2 from the Department of Law.
#hb4002

[5:14:35 PM](#)

CS FOR HOUSE BILL NO. 4002(FIN)(efd fld)
"An Act authorizing an advisory vote on employment benefits for same-sex partners of public employees and same-sex partners of public employee retirees."

This was the first hearing for this bill in the Senate Finance Committee.

SCOTT NORDSTRAND, Commissioner, Department of Administration, explained that the bill would fund a special election for a

state-wide advisory vote on April 3, 2007 to allow voters the opportunity to indicate their preferences on a potential constitutional amendment prohibiting the State from extending benefits to same-sex couples. If the advisory vote demonstrated support for the proposed amendment, it would appear on the 2008 general election ballot. He understood the advisory vote would coincide with the Municipality of Anchorage's election in an attempt to minimize the costs of the special election.

[5:16:08 PM](#)

Senator Hoffman voiced concern that voter turnout for special elections was historically low, and voters in Anchorage may have more incentive to participate on election day if there are other issues on the ballot. He was concerned Anchorage may be disproportionately represented in the election results.

[5:16:49 PM](#)

Commissioner Nordstrand replied that the Division of Elections may be able to address Senator Hoffman's concern. He added that other municipal elections could also be held on that day to encourage voters in other areas to take part in the election.

[5:17:30 PM](#)

Senator Stedman moved to report the bill from Committee with individual recommendations and accompanying fiscal notes.

There being no objection, CS HB 4002(FIN)(efd fld) was REPORTED from Committee with fiscal note #1 in the amount of \$1,156,300 from the Division of Elections.

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ADJOURNMENT

Co-Chair Lyda Green adjourned the meeting at [5:18:01 PM](#)