

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2955

## ACLU v. State of Alaska and MOA Same-Sex Domestic Partner Benefits

### Case Timeline

- 1999: Alaska Civil Liberties Union (ACLU) and 18 individuals filed suit in Alaska Superior Court against the State of Alaska (SOA) and the Municipality of Anchorage (MOA).
- Complaint: Employee benefit programs offered to spouses of employees and retirees but not to same-sex partners of employees and retirees violated the plaintiffs' right to equal protection under the Alaska Constitution (Art. I, Sec. 1) because of prohibition on same-sex marriage ( Art. I, Sec. 25).
- November 2001: Superior Court ruled in State's favor; ACLU appealed to Supreme Court.
- October 2005: Supreme Court ruled in favor of ACLU and held that "the spousal limitations are unconstitutional as applied to public employees with same-sex domestic partners." Supreme Court requested briefs on remedy.
- November 21, 2005: Remedy briefing completed by ACLU; suggested giving the legislature time to act to amend relevant statutes.
- January 5, 2006: Remedy briefing completed by State; suggested giving the legislature time to act to amend relevant statutes.
- May 24, 2006: ACLU filed supplemental brief with Supreme Court.
- June 1, 2006: Supreme Court issued its remedy order, requiring the SOA and the MOA to provide benefits complying with the Court's 2005 opinion by no later than January 1, 2007. Also:
  - Remanded the case to the Superior Court, directing that court to issue whatever orders it deems necessary to ensure that the compliance with deadline.
  - State and MOA to file statements with Superior Court, outlining the steps they plan to take to achieve compliance.
- July 3, 2006: State filed statement with Superior Court proposing regulations and a timeline for implementation, which court subsequently modified and then ordered.
- August 9, 2006: Superior Court ordered State to provide advance copy of proposed regulations to the ACLU and Court by August 22.
- August 22, 2006: State provided advance copy of draft regulations as ordered.
- September 1, 2006: Court ordered State to provide intended final regulations to the Court by October 6.
- September 1-30, 2006: Commissioner Nordstrand published draft regulations for public comment.
- September 27-28, 2006: Commissioner Nordstrand held public hearings on draft regulations in Juneau and Anchorage.
- October 10, 2006: State provided revised regulations to the Court as ordered.
- October 13, 2006: Commissioner Nordstrand adopted final regulations and sent to Department of Law and then Lt. Governor for filing.
- October 19, 2006: ACLU filed motion for emergency relief requesting Court order Commissioner Nordstrand to issue emergency regulations conforming to MOA's proposed eligibility criteria by October 27.
- October 24, 2006: State filed statement of opposition to ACLU's motion for emergency relief.
- October 25, 2006: ACLU filed reply brief.

- October 30, 2006: Superior Court ordered specific changes to State's regulations.
- October 31, 2006: Superior Court ordered State to file amended regulations by November 1.
- November 1, 2006: State filed motion for stay of Court's orders of October 30 and 31.
- November 1, 2006: State filed emergency motion in Supreme Court for stay of Superior Court's orders of October 30 and 31.
- November 1, 2006: Superior Court ordered State to notify the Court when it intends to file with the Supreme Court a petition for review and orders the State to file amended regulations in compliance with its orders of October 30 and 31.
- November 2, 2006: Superior Court granted in part State's motion for stay by not requiring the State to adopt or implement the amended regulations required by the Court.
- November 3, 2006: Supreme Court denied without prejudice State's motion for emergency stay.
- November 6, 2006: State filed with Supreme Court petition for review of Superior Court's orders.
- November 8, 2006: State filed draft regulations in compliance with Superior Court orders.
- November 8, 2006: Superior Court ordered State to file by November 9 alternative draft regulations consistent with the Court's finding of October 30 or additional argument in support of the constitutionality of the adopted regulations.
- November 9, 2006: State filed response to Court's order of November 8, citing insufficient time to propose alternative regulations and referring Court to its Petition for Review filed in Supreme Court on issues of constitutionality.

**Section 10**  
**Supreme Court Order,**  
**June 1, 2006**

**Additional Court Filings**  
**and Materials Available**  
**Upon Request to Legislative**  
**Printshop**

**and**

**Also Available Online at**  
**[www.state.ak.us/drb](http://www.state.ak.us/drb)**

In the Supreme Court of the State of Alaska

Alaska Civil Liberties Union, et al., )  
 )  
 Appellants, )  
 v. )  
 )  
 State of Alaska & Municipality of )  
 Anchorage, )  
 Appellees. )

Supreme Court No. S-10459

Order RECEIVED

JUN 05 2006

Attorney General's Office

Date of Order: 06/01/06

Trial Court Case # 3AN-99-11179CI

Before: Bryner, Chief Justice, Matthews, Eastaugh, Fabe, and Carpeneti,  
Justices.

Upon consideration of the parties' supplemental briefs on remedy issues,  
**IT IS ORDERED:**

1. Appellees must provide, no later than January 1, 2007, benefits complying  
with this court's opinion issued 10/28/05.

2. Appellants' request for interim benefits is DENIED.

3. This case is REMANDED to the superior court for further proceedings.

The superior court shall enter such orders as may in the judgment of the superior court  
be necessary to ensure the appellees' expeditious compliance with this court's opinion  
by the deadline set in Paragraph 1 of this order. Appellees must file pre-deadline  
statements outlining the steps they plan to take to achieve such compliance; those  
statements must be filed in the superior court within thirty days of this order. The  
superior court may also adopt interim deadlines for the pre-implementation process,  
including, but not limited to:

a. Early deadlines for adopting and publicizing criteria for qualifying  
domestic relationships;

AkCLU v. State and MOA  
Remedy Order, Page 2  
June 1, 2006

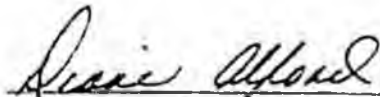
- b. A deadline for distributing forms on which employees may apply for the benefits;
- c. A deadline for completing the initial enrollment of employees in qualifying domestic relationships.

4. This order is the final judgment of this court. This court is not retaining jurisdiction of this case.

5. The disputed benefit program of each appellee remains in effect until that appellee begins providing benefits complying with the 10/28/05 opinion, with Paragraph 1 of this order, and with any order entered by the superior court on remand.

6. The parties are to bear their own costs and attorney's fees with respect to the supplemental briefing on remedy issues.

Clerk of the Appellate Courts



Diane Alford, Deputy Clerk

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AkCLU v. State and MOA  
Remedy Order, Page 3  
June 1, 2006

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**Section 11**  
**Superior Court**  
**Ordering changes to**  
**criteria October 30, 2006**

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

THE ALASKA CIVIL LIBERTIES UNION; )  
DAN CARTER and AL INCONTRO; )  
LIN DAVIS and MAUREEN LONGWORTH; )  
SHIRLEY DEAN and CARLA TIMPONE; )  
DARLA MADDEN and KAREN WOOD; )  
AIMEE OLEJASZ and )  
FABIENNE PETER-CONTESSSE; )  
KAREN STURNICK and )  
ELIZABETH ANDREWS; )  
THERESA TAVEL and KAREN WALTER; )  
CORIN WHITTEMORE, GANI RUTHELLEN; )  
and ESTRA BENSUSSEN and CAROL ROSE )  
GACKOWSKI, )

Plaintiffs, )

v. )

THE STATE OF ALASKA, and )  
THE MUNICIPALITY OF ANCHORAGE, )

Defendants. )

Case No. 3AN-99-11179 CI

On remand from the  
Alaska Supreme Court  
No. S-10459

ORDER

On June 1, 2006, the Alaska Supreme Court ordered the State of Alaska and the Municipality of Anchorage<sup>1</sup> to provide employment benefits for same sex domestic partners of state employees and retirees by January 1, 2007. This case was then remanded to the trial court to monitor the implementation of the Alaska Supreme Court's order.

On October 17, 2006, the Commissioner of Administration adopted regulations that are designed to provide employment benefits for same sex domestic partners. Plaintiffs requested emergency relief, claiming that the State's regulations are not consistent with

<sup>1</sup> The Plaintiffs do not have any objection to the Municipality of Anchorage's implementation of the Supreme Court's order. Should the State decide to adopt the MOA's required domestic partner criteria, this court would find them to be constitutional.

either the Supreme Court's ruling or the equal protection guarantee of the Alaska Constitution because (1) the State's qualifying criteria are too burdensome and (2) the State has failed to propose regulations providing state employees and their same-sex partners all the same benefits that state employees and their spouses receive. Plaintiffs urge this court to order the State to promulgate, by emergency regulation, the regulations adopted by the Municipality of Anchorage and to order the State to fully comply with the Alaska Supreme Court's ruling.

When examining whether same-sex domestic partners of state employees are entitled to certain state benefits, the Alaska Supreme Court described the relationships at issue as relationships "between adult couples who reside together in long-term interdependent, intimate associations."<sup>2</sup> It observed that many same-sex domestic partners are in "committed domestic relationships"<sup>3</sup> and are "closely connected as any married couple, in the sense of providing the same level of love, commitment, and mutual economic and emotional support, as between married couples."<sup>4</sup>

Despite the language of the Alaska Supreme Court indicating that same-sex domestic partners with the same "truly close relationship"<sup>5</sup> as married couples are entitled to the same state benefits, the regulations proposed by the State impose criteria that many married individuals would not satisfy, either by choice or because of factors related to their economic status.<sup>6</sup> This results in "disparate treatment of similarly situated persons" in

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<sup>2</sup> *Alaska Civil Liberties Union v. State*, 122 P.3d 781, 791 (Alaska 2005).

<sup>3</sup> *Id.* at 783.

<sup>4</sup> *Id.* at 784 n.5.

<sup>5</sup> *Id.* at 791.

<sup>6</sup> See this court's discussion of the disparities in its Appendix to Court's Order Mandating a Broad Public Notice at § I.A (September 7, 2006).

violation of the state guarantee of equal protection.<sup>7</sup> Although the Alaska Supreme Court assumed that the State has a legitimate interest in restricting benefits to individuals in truly close relationships, it mandated that the State's restrictions treat those similarly situated in a similar manner. Requiring same-sex couples to meet criteria that many married couples do not have to meet does not comply with this mandate.

Plaintiff's request for emergency relief is granted in part. The State of Alaska is ordered to modify its October 17, 2006 regulations so that they comply with the Alaska Supreme Court's order and the Equal Protection Clause of the Alaska Constitution. In an effort to preserve, as much as possible, the proposed regulations that do meet the Alaska Supreme Court's mandate, I am ordering only a partial revision of these regulations. At a minimum, this court orders the State to revise the draft regulations as follows:

1. The exclusivity requirement in 2 AAC 38.010(b)(2) shall be deleted. In response to the court's inquiry as to the definition of exclusive, the State was unable to provide a definition or guidance as to the intended use of this term. I recognize that the State has a legitimate interest in not providing benefits to partners who are in other long-term relationships. 2 AAC 38.010(b)(8) and (9) ensure that that concern will be met.<sup>8</sup>
2. The twelve-month provisions in 2 AAC 38.010(b)(2), (3), and (7) shall be amended to reflect a six-month period. I recognize the State's interest in making sure that the same-sex partnership is a long-term relationship. In Alaska, a six-month period is sufficient to meet the requirements of AS 25.23.050 (no parental consent

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<sup>7</sup> *Alaska Civil Liberties Union*, 122 P.3d at 787.

<sup>8</sup> See Appendix to Court's Order Mandating a Broad Public Notice at § II (September 7, 2006) for additional analysis of the exclusivity provision.

required in adoption cases when parent has abandoned child for at least six months); AS 25.25.101 and AS 25.30.300(a)(2) (Alaska is child's "home state" for the purpose of asserting jurisdiction over a child custody matter when the child has resided in Alaska for at least six months); and AS 43.23.008 (a person must have resided in Alaska for at least six-months before a temporary absence in order to remain eligible for the Permanent Fund Dividend). I find that a six-month period is also sufficient to meet the State's interest in ensuring that only domestic partners in long-term relationships are eligible for state benefits.<sup>9</sup>

3. The deleted subsection (9) of 2 AAC 38.010(c) shall be reinserted to the draft regulations, allowing same-sex domestic partners who are "jointly responsible for a child through adoption or guardianship" to rely on this status as one of the required criteria. In addition, the language set out in 2 AAC 38.010(c) shall be revised to allow for benefits to be available to domestic partners who satisfy 2 AAC 38.010(b) and the reinserted subsection (9), or who satisfy 2 AAC 38.010(b) and three criteria in subsections (2) through (8).<sup>10</sup>

In addition, the State is ordered to provide the following benefits, already provided to state employees and their spouses, to state employees and their same-sex domestic partners:

1. The right of a state employee to take personal leave upon the medical disability or death of his or her spouse (per AS 39.20.225(b)(2) and (b)(5) and AS 39.20.305(a)(2)); and

<sup>9</sup> See *Id.* at § I.A for additional analysis of the durational provision

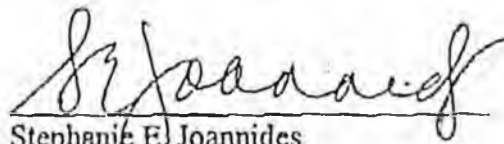
<sup>10</sup> See *Id.* at § II for analysis of the type and number of criteria used to define "domestic partnership." See also this court's discussion in its Order dated September 1, 2006, at 8.

2. The right of a state employee's spouse, as the first person on a statutory list of "default" recipients, to receive unpaid compensation of a deceased employee who failed to designate anyone to receive that payment (AS 39.20.360(2)).

These qualify as employment benefits akin to the benefits at issue in *Alaska Civil Liberties Union v. Alaska*.<sup>11</sup> Because denying these benefits to state employees and their same-sex domestic partners does not bear a substantial relationship to the stated governmental interests, they must be provided to state employees in domestic partnerships in the same manner they are provided to state employees with spouses. The State's interests in cost control, administrative efficiency, and promotion of marriage are legitimate, but the absolute denial of benefits to public employees with same-sex domestic partners is not substantially related to these governmental interests.<sup>12</sup>

As the Alaska Supreme Court observed, "Article I, section 1 of the Alaska Constitution mandates equal treatment of those similarly situated."<sup>13</sup> Therefore, the State is ordered to immediately incorporate this court's order into its regulations or otherwise modify its regulations so that they comply with the Alaska Supreme Court's mandate.

DONE this 30<sup>th</sup> day of October 2006, at Anchorage, Alaska.

  
Stephanie E. Joannides  
Superior Court Judge

<sup>11</sup> See *Alaska Civil Liberties Union*, 122 P.3d at 783-4 n.4.

<sup>12</sup> This court also addressed the issue of additional state benefits in its Appendix to Court's Order Mandating a Broad Public Notice at § III (September 7, 2006). See also this court's Order dated September 1, 2006, at 8.

<sup>13</sup> *Alaska Civil Liberties Union*, 122 P.3d at 787.

**HB**

**40001**

**SFIN**

**FILE**

**SENATE FINANCE COMMITTEE REPORT**  
**First Committee of Referral**

REPORTED OUT  
 NOV 19 2006  
 SENATE FINANCE COMMITTEE

DATE: 11/19/06

FURTHER:

Date of 5-Day Notice: Special Session  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 11/19/2006

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

HB 4001 PROHIBIT SAME-SEX EMPLOYMENT BENEFIT REG

"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."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DoA	11/15/06			✓	1
House Finance	11/16/06		✓		2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Bunde			✓	
				✓	
			✓		
				✓	
CO-CHAIR:					
CO-CHAIR:					

# FISCAL NOTE

REPORTED OUT  
 NOV 19 2006  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: CSHB 4001(FIN)  
 (H) Publish Date: 11/16/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act prohibiting the commissioner of administration RDU Centralized Administrative Services  
from drafting, adopting, filing, or publishing regulations granting Component Retirement and Benefits  
 Sponsor Rules  
 Requester Rules Component No. 64

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURE:	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1097 Aetna Res						
1142 RHF/MM						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

Prepared by: Traci Carpenter, Director  
 Division: Retirement and Benefits  
 Approved by: Charrisse Millett, Legislative Liaison  
 Agency: Department of Administration

Phone: 465-4817  
 Date/Time: 11/15/06 4:40 PM  
 Date: 11/15/2006

REPORTED OUT  
 NOV 19 2006  
 SENATE FINANCE COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 2  
 Bill Version: CSHB 4001(FIN)  
 (H) Publish Date: 11/16/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title: An Act prohibiting the commissioner of BRU \_\_\_\_\_  
administration from drafting, adopting, filing, Component: \_\_\_\_\_  
or publishing regulations granting or extending \_\_\_\_\_  
employment-related benefits for same-sex \_\_\_\_\_  
partners of unmarried state employees; and \_\_\_\_\_  
providing for an effective date. \_\_\_\_\_  
 Sponsor \_\_\_\_\_  
 Requestor \_\_\_\_\_ Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>XXXXXX</b>	<b>XXXXXX</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	XXXXXX	XXXXXX	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>XXXXXX</b>	<b>XXXXXX</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 Deputy Attorney General Craig Tillery testified that there would be legal costs but they would be absorbed in the regular budget process

Prepared by: Sharon Kelly Phone: 465-6619  
 Division: House Finance Date/Time: 11/16/06 3:01 PM  
 Approved by: Meyer/Chenault Date: 11/16/2006  
 Agency: House Finance

SENATE FINANCE COMMITTEE  
11 / 19 / 2006 COMMITTEE ACTION

Bill Number	HB 4001		
Amendment			
Motion	to Report from Committee		
<u>Motion by</u>	Stedman		
<u>Objection by</u>	Bunde		
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Hoffman	✓		
Senator Olson			—
Senator Stedman	✓		
Senator Bunde			✓
Senator Dyson	✓		
Co-Chair Wilken			—
Co-Chair Green	✓		
<u>Tally</u>			
Yea	4		
Nay	1		
Absent	2		
<b>MOTION</b>	<b>PASSED</b>		

**HB**

**40002**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB4002  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
Title "An Act authorizing an advisory vote on employment benefits for same-sex partners..." RDU Elections  
Component Elections  
Sponsor House Rules Committee  
Requester House Finance Committee Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	285.6					
Travel	61.0					
Contractual	756.4					
Supplies	53.3					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1,156.3</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,156.3					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>1,156.3</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This estimate is based on the cost of the 2006 primary election and assumes the election will be conducted in person. Contractual services includes: ballot printing, election boards, advertising, shipping and postage, polling place rental and set-up, forms printing, microfilming, printing and mailing of informational pamphlet.

Prepared by: Whitney H. Brewster, Director  
Division: Division of Elections  
Approved by: Whitney H. Brewster, Director  
Agency: Office of the Lt. Governor, Division of Elections

Phone 907-375-6426  
Date/Time 11/16/2006, 9:10am  
Date 11/16/2006

HOUSE BILL NO. 4002

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FOURTH SPECIAL SESSION

BY THE HOUSE RULES COMMITTEE

Introduced: 11/15/06  
Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing an advisory vote on employment benefits for same-sex partners of  
2 public employees; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 ADVISORY VOTE. At a special election to be held on April 3, 2007, in substantial  
7 compliance with the election laws of the state, including absentee voting and the preparation,  
8 publication, and mailing of an election pamphlet under AS 15.58, the lieutenant governor  
9 shall place before the qualified voters of the state a question advisory to the legislature and the  
10 governor. The election pamphlet for the special election must comply with  
11 AS 15.58.020(a)(6), including the requirement that it contain statements that advocate voter  
12 approval or rejection of the question. Notwithstanding AS 15.60.00 and other laws relating  
13 to preparation of the ballot proposition, the question shall appear on the ballot in the following  
14 form:

substantially #2  
passed

QUESTION

1  
2  
3  
4  
5  
6  
7

Shall the legislature adopt a proposed amendment to the state constitution to be considered by the voters at the 2008 general election that would prohibit the state, or a municipality or other subdivision of the state, from providing employment benefits to same-sex partners of public employees? <sup>retirees</sup>

Yes [ ]                      No [ ]

\* Sec. 2. This Act takes effect immediately under AS 01.10.070(e).

#1? - passed

**HB**

**40002**

SFIN

FILE

**SENATE FINANCE COMMITTEE REPORT**  
**First Committee of Referral**

REPORTED OUT  
 NOV 19 2006  
 SENATE FINANCE COMMITTEE

DATE: 11/19/06

FURTHER:

Date of 5-Day Notice: Special Session  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 11/19/2006

Finance Committee considered CS FOR HOUSE BILL NO. 4002(FIN)(efd fld)

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

"An Act authorizing an advisory vote on employment benefits for same-sex partners of public employees and same-sex partners of public employee retirees."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
_____	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

Department	Date	Fiscal	Indet.	Zero	FN#
Div. of Elections	11/16/06	1,154.3			1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	Bunde			<input checked="" type="checkbox"/>	
				<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
CO-CHAIR:		<input checked="" type="checkbox"/>			
CO-CHAIR:					

# FISCAL NOTE

REPORTED OUT  
NOV 19 2006  
SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 4002(FIN)  
(H) Publish Date: 11/16/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
Title: "An Act authorizing an advisory vote on employment benefits for same-sex partners..." RDU: Elections  
Sponsor: House Rules Committee Component: Elections  
Requester: House Finance Committee Component No.: 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	285.6					
Travel	61.0					
Contractual	756.4					
Supplies	53.3					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1,156.3</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,156.3					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>1,156.3</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This estimate is based on the cost of the 2006 primary election and assumes the election will be conducted in person. Contractual services includes: ballot printing, election boards, advertising, shipping and postage, polling place rental and set-up, forms printing, microfilming, printing and mailing of informational pamphlet.

Prepared by: Whitney H. Brewster, Director  
Division: Division of Elections  
Approved by: Whitney H. Brewster, Director  
Agency: Office of the Lt. Governor, Division of Elections

Phone: 5. 75-6426  
Date/Time: 11/16/2006, 9 10am  
Date: 11/16/2006