

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
TWENTY-FIFTH LEGISLATURE

Juneau, Alaska

Wednesday

April 25, 2007

One Hundredth Day

Pursuant to adjournment the House was called to order by Speaker Harris at 10:09 a.m.

Roll call showed 36 members present. Representatives Kerttula, Kohring, and Nelson had been excused from a call of the House today.

Representative Samuels moved and asked unanimous consent that Representative Joule be excused from a call of the House from today to evening plane time, April 29. There being no objection, it was so ordered.

The invocation was offered by the Chaplain, Kayla Epstein of Congregation Sukkat Shalom. Representative Gatto moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With respect for the religious beliefs of all Alaskans, I offer the following prayer.

When justice burns like a flame, when love evokes willing sacrifice from us, when to the last full measure of selfless devotion we demonstrate our belief in the ultimate triumph of truth and righteousness, your goodness enters our lives, and we can begin to change the world; and then you live within our hearts, and we through righteousness behold your presence.

God of life and death be praised! Through us send help to the falling, healing to the sick, freedom to the captive; confirm your faithfulness to those who sleep in the dust. Amen.

The Pledge of Allegiance was led by Representative Dahlstrom.

CERTIFICATION OF THE JOURNAL

Representative Samuels moved and asked unanimous consent that the journal for the 99th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Guttenberg introduced Heidi Miller and Katrina Miller, Guest Pages, from Anderson.

REPORTS OF STANDING COMMITTEES

HB 90

The Finance Committee considered:

HOUSE BILL NO. 90
"An Act relating to bail."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 90(FIN)

"An Act relating to credit toward service of a sentence of imprisonment; relating to violation of probation and parole conditions by sex offenders; relating to bail; relating to distribution of certain materials to minors; relating to time limitations for prosecution of certain crimes; relating to sex offender registration; relating to the maximum time for probation; relating to certain post-conviction relief applications; relating to good time; and providing for an effective date."

The report was signed by Representative Meyer, Co-chair, with the following individual recommendations:

Do pass (6): Crawford, Thomas, Stoltze, Hawker, Kelly, Meyer

No recommendation (2): Gara, Joule

The following fiscal note(s) apply to CSHB 90(FIN):

2. Zero, Dept. of Law
3. Indeterminate, Dept. of Administration
4. Indeterminate, Dept. of Administration
7. Indeterminate, Dept. of Corrections

HB 90 was referred to the Rules Committee for placement on the calendar.

HB 177

The Resources Committee considered:

HOUSE BILL NO. 177

"An Act relating to the Alaska Gasline Inducement Act; establishing the Alaska Gasline Inducement Act matching contribution fund; providing for an Alaska Gasline Inducement Act coordinator; making conforming amendments; and providing for an effective date."

and recommends it be replaced with a forthcoming House Resources Committee substitute.

The report was signed by Representatives Johnson and Gatto, Co-chairs, with the following individual recommendations:

Do pass (7): Guttenberg, Edgmon, Seaton, Roses, Kawasaki, Johnson, Gatto

The following fiscal note(s) apply to CSHB 177(RES):

1. Zero, Dept. of Administration
2. Zero, Dept. of Commerce, Community, & Economic Development
3. Zero, Dept. of Natural Resources
4. Fiscal, Dept. of Natural Resources

5. Fiscal, Dept. of Revenue
6. Fiscal, Office of the Governor
7. Fiscal, Dept. of Labor & Workforce Development

HB 177 was referred to the Finance Committee.

HB 192

The Health, Education & Social Services Committee considered:

HOUSE BILL NO. 192

"An Act relating to notification to teachers of layoff or nonretention."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 192(HES)
(same title)

The report was signed by Representative Wilson, Chair, with the following individual recommendations:

Do pass (3): Gardner, Fairclough, Wilson

Do not pass (1): Seaton

No recommendation (2): Cissna, Neuman

Amend (1): Roses

The following fiscal note(s) apply to CSHB 192(HES):

1. Zero, Dept. of Education & Early Development

HB 192 was referred to the Finance Committee.

HB 238

The Finance Committee considered:

HOUSE BILL NO. 238

"An Act relating to the response account of the oil and hazardous substance release prevention and response fund; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 238(FIN)

(same title)

The report was signed by Representative Meyer, Co-chair, with the following individual recommendations:

Do pass (7): Foster, Gara, Thomas, Crawford, Joule, Hawker, Meyer

No recommendation (2): Stoltze, Kelly

The following fiscal note(s) apply to CSHB 238(FIN):

1. Zero, Dept. of Administration
2. Indeterminate, Dept. of Environmental Conservation
3. Fiscal, Dept. of Revenue

HB 238 was referred to the Rules Committee for placement on the calendar.

SJR 3

The Health, Education & Social Services Committee considered:

SENATE JOINT RESOLUTION NO. 3

Relating to the effect of Medicare rates on senior citizens' access to healthcare; and urging the United States Congress to increase Medicare rates for Alaska.

The report was signed by Representative Wilson, Chair, with the following individual recommendations:

Do pass (7): Cissna, Gardner, Neuman, Fairclough, Seaton, Roses, Wilson

The following fiscal note(s) apply:

1. Zero, Senate Health, Education & Social Services Committee

SJR 3 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

Honoring - Flore Lekanof
By Representative Edgmon

Honoring - Ina Bouker
By Representative Edgmon

Honoring - Richard and Della Clark on Their 50th Wedding Anniversary
By Representative Edgmon

Honoring - John Johnson
By Representative Edgmon

Honoring - Sandra Hill
By Representative Harris

Honoring - Linda M. Evans
By Senator Kookesh; Representative Salmon

In Memoriam - Paul Jones
By Representatives Gatto, Fairclough, Dahlstrom, Stoltze; Senators Dyson, Huggins

In Memoriam - Michael Kolivosky
By Senator Green; Representative Stoltze

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE RESOLUTIONS****HJR 20**

HOUSE JOINT RESOLUTION NO. 20 by Representatives Nelson, Edgmon, Harris, Joule, LeDoux, Salmon, Thomas, Wilson, Gruenberg, Ramras, Neuman, and Doogan:

Urging the United States Congress to intervene to eliminate or reduce the planned parcel post and bypass mail rate increases adopted by the United States Postal Service because of the severe effect the rate increases will have on rural Alaska.

was read the first time and referred to the State Affairs Committee.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS****HB 190**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 190 by Representatives Cissna, Crawford, Kerttula, Gardner, and Gruenberg, entitled:

"An Act relating to break times for employees who nurse a child."

was read the first time and referred to the Health, Education & Social Services and Labor & Commerce Committees.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF HOUSE BILLS****HB 13**

The following was read the second time:

HOUSE BILL NO. 13

"An Act relating to prepayments of accrued actuarial liabilities of government retirement systems; relating to the Alaska Municipal Bond Bank Authority; permitting the Alaska Municipal Bond Bank Authority or a subsidiary of the authority to assist state and

municipal governmental employers by issuing bonds, notes, commercial paper, or other obligations to enable the governmental employers to prepay all or a portion of the governmental employers' shares of the unfunded accrued actuarial liabilities of retirement systems; authorizing a governmental employer to issue obligations to prepay all or a portion of the governmental employer's shares of the unfunded accrued actuarial liabilities of retirement systems and to enter into a lease or other contractual agreement with a trustee or the Alaska Municipal Bond Bank Authority or a subsidiary of the authority in connection with the issuance of obligations for that purpose, and relating to those obligations; and providing for an effective date."

with the:

Journal Page

W&M RPT CS(W&M) NT 3DP 3AM	412
FN1: ZERO(REV)	414
STA RPT CS(W&M) NT 3DP 2NR	551
FN1: ZERO(REV)	552
FIN RPT CS(FIN) NT 5DP 2NR	867
FN1: ZERO(REV)	868
FN2: INDETERMINATE(H.FIN/ADM)	868

Representative Samuels moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 13(FIN)

"An Act relating to prepayments of accrued actuarial liabilities of government retirement systems; relating to the Alaska Municipal Bond Bank Authority, the Alaska Housing Finance Corporation, and the state bond committee; establishing the Alaska Pension Obligation Bond Corporation; permitting the Alaska Municipal Bond Bank Authority or a subsidiary of the authority, a subsidiary of the Alaska Housing Finance Corporation, the state bond committee, and the Alaska Pension Obligation Bond Corporation to assist state and municipal governmental employers by issuing bonds, notes, commercial paper, or other obligations to enable the governmental employers to prepay all or a portion of the governmental employers' shares of the unfunded accrued actuarial liabilities of retirement systems; authorizing a governmental

employer to issue obligations to prepay all or a portion of the governmental employer's shares of the unfunded accrued actuarial liabilities of retirement systems and to enter into a lease or other contractual agreement with a trustee, the Alaska Municipal Bond Bank Authority or a subsidiary of the authority, a subsidiary of the Alaska Housing Finance Corporation, the state bond committee, or the Alaska Pension Obligation Bond Corporation in connection with the issuance of obligations for that purpose, and relating to those obligations; relating to revision of the employer contribution rate in connection with financed prepayment of unfunded accrued actuarial liabilities of government retirement systems; and providing for an effective date."

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHB 13(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 13(FIN) will advance to third reading on tomorrow's calendar.

HB 155

The following was read the second time:

HOUSE BILL NO. 155

"An Act extending the termination date of the Alcoholic Beverage Control Board; and providing for an effective date."

with the:

Journal Page

L&C RPT 7DP	609
FN1: (DPS)	609
FIN RPT CS(FIN) 6DP 3NR	768
FN2: (H.FIN/DPS)	769

Representative Samuels moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 155(FIN)
(same title)

Representative Guttenberg objected.

The question being: "Shall CSHB 155(FIN) be adopted in lieu of the original bill?" The roll was taken with the following result:

HB 155

Second Reading

Adopt Finance CS

YEAS: 24 NAYS: 12 EXCUSED: 4 ABSENT: 0

Yeas: Chenault, Coghill, Dahlstrom, Doll, Fairclough, Foster, Gatto, Harris, Hawker, Johansen, Johnson, Kelly, LeDoux, Lynn, Meyer, Neuman, Olson, Ramras, Roses, Samuels, Seaton, Stoltze, Thomas, Wilson

Nays: Buch, Cissna, Crawford, Doogan, Edgmon, Gara, Gardner, Gruenberg, Guttenberg, Holmes, Kawasaki, Salmon

Excused: Joule, Kerttula, Kohring, Nelson

And so, CSHB 155(FIN) was adopted.

Representative Samuels moved and asked unanimous consent that CSHB 155(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 155(FIN) will advance to third reading on tomorrow's calendar.

HB 215

The following was read the second time:

HOUSE BILL NO. 215

"An Act relating to the establishment of a task force to review the Council on Domestic Violence and Sexual Assault."

with the:

Journal Page

HES RPT CS(HES) 6DP	748
FN1: ZERO(HSS)	749
FN2: ZERO(LAW)	749
FN3: INDETERMINATE(COR)	749
FN4: INDETERMINATE(DPS)	749
FIN RPT CS(HES) 5DP 1NR	871
FN1: ZERO(HSS)	871
FN2: ZERO(LAW)	871
FN5: ZERO(LEG)	871
FN6: (H.FIN/COR)	871
FN7: (DPS)	871

Representative Samuels moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 215(HES)
(same title)

There being no objection, it was so ordered.

Representative Samuels moved and asked unanimous consent that CSHB 215(HES) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 215(HES) was read the third time.

The question being: "Shall CSHB 215(HES) pass the House?" The roll was taken with the following result:

CSHB 215(HES)

Third Reading

Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0

Yeas: Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Kawasaki, Kelly, LeDoux, Lynn, Meyer, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Joule, Kerttula, Kohring, Nelson

And so, CSHB 215(HES) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE BILLS

SB 123

The following was read the second time:

CS FOR SENATE BILL NO. 123(FIN)

"An Act relating to the public employees' and teachers' defined benefit retirement plans; relating to the public employees' and teachers' defined contribution retirement plans; relating to the judicial retirement system; relating to the health reimbursement arrangement plan for certain teachers and public employees; relating to the supplemental employee benefit program; relating to the public employees' deferred compensation program; relating to group insurance for public employees and retirees; making conforming amendments; and providing for an effective date."

with the:

Journal Page

FIN RPT HCS(FIN) 5DP 4NR	849
FN2: ZERO(ADM)	849
FN3: (ADM)	849

Representative Samuels moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

HOUSE CS FOR CS FOR SENATE BILL NO. 123(FIN)
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Doll:

Page 8, line 30, through page 9, line 12:

Delete all material and insert:

"* **Sec. 16.** AS 14.25.310 is amended to read:

Sec. 14.25.310. Applicability of AS 14.25.310 - 14.25.590.

The provisions of AS 14.25.310 - 14.25.590 apply only to

(1) teachers who first become members on or after July 1, 2006, and before the effective date of this bill section and who have not elected under sec. 123 of this Act to be members of the defined benefit retirement plan established in AS 14.25.009 - 14.25.220;

(2) teachers who first become members on or after the effective date of this bill section and who have elected under AS 14.25.335 to be members of the defined contribution retirement plan established in AS 14.25.310 - 14.25.590 or are precluded by AS 14.25.335(e) from making an election under AS 14.25.335;

(3) members who are employed by employers that do not participate in the defined benefit retirement plan established under AS 14.25.009 - 14.25.220; or

(4) [TO] members who transfer into the defined contribution **retirement** plan under AS 14.25.540.

* **Sec. 17.** AS 14.25.310, as amended by sec. 16 of this Act, is amended to read:

Sec. 14.25.310. Applicability of AS 14.25.310 - 14.25.590.

The provisions of AS 14.25.310 - 14.25.590 apply only to

(1) teachers who first become members on or after July 1, 2006, and before the effective date of this bill section and who have not elected under sec. 123 of this Act to be members of the defined benefit retirement plan established in AS 14.25.009 - 14.25.220;

(2) teachers who first become members on or after the effective date of this bill section and who have elected under AS 14.25.335 to be members of the defined contribution retirement plan established in AS 14.25.310 - 14.25.590 or are precluded by AS 14.25.335(e) from making an election under AS 14.25.335;

(3) members who are employed by employers that do not participate in the defined benefit retirement plan established under

AS 14.25.009 - 14.25.220;

(4) former members under AS 14.25.220; or

(5) [(4)] members who transfer into the defined contribution retirement plan under AS 14.25.540."

Page 9, following line 19:

Insert new bill sections to read:

"* **Sec. 19.** AS 14.25.330(a) is amended to read:

(a) **Except as provided in AS 14.25.310, a** [A] teacher who first becomes a member on or after July 1, 2006, shall participate in the **system** [PLAN] as a member of the defined **benefit** [CONTRIBUTION] retirement plan **established in AS 14.25.009 - 14.25.220.**

* **Sec. 20.** AS 14.25 is amended by adding a new section to read:

Sec. 14.25.335. Election to participate in defined benefit or defined contribution plan. (a) Except as provided in (e) of this section, a person who has not previously been eligible for benefits under the teachers' retirement system who becomes eligible on or after the effective date of this bill section may, within 30 days after becoming eligible to elect a benefit plan, elect to enroll in either the defined benefit retirement plan or the defined contribution retirement plan. An election made under this section is irrevocable. Except as provided in (e) of this section, a person who is eligible to make an election under this subsection and fails to make an election is considered to have elected to enroll in the defined benefit retirement plan.

(b) The election allowed under this section must be made in writing on forms and in the manner prescribed by the administrator. Before accepting an election under this section, the administrator shall provide the employee with information to clearly inform the employee of the potential consequences of each of the employee's options.

(c) Upon making an election under this section to enroll in the defined benefit retirement plan, or upon failure to make an election under this section within 30 days after becoming eligible to elect a benefit plan, the employee shall be enrolled as a member of the defined benefit retirement plan, and the employee's participation in the system shall be governed by the provisions of AS 14.25.009 - 14.25.220.

(d) Upon making an election under this section to enroll in

the defined contribution retirement plan, the employee shall be enrolled as a member of the defined contribution retirement plan, and the employee's participation in the plan shall be governed by the provisions of AS 14.25.310 - 14.25.590.

(e) A member may be enrolled in the defined benefit retirement plan under (c) of this section only if the member's employer participates in both the defined benefit retirement plan and the defined contribution retirement plan.

(f) In this section,

(1) "defined benefit retirement plan" means the retirement plan established in AS 14.25.009 - 14.25.220;

(2) "defined contribution retirement plan" means the retirement plan established in AS 14.25.310 - 14.25.590."

Renumber the following bill sections accordingly.

Page 35, line 28, through page 36, line 10:

Delete all material and insert:

**** Sec. 82.** AS 39.35.700 is amended to read:

Sec. 39.35.700. Applicability of AS 39.35.700 - 39.35.990.

The provisions of AS 39.35.700 - 39.35.990 apply only to

(1) members first hired on or after July 1, 2006, and before the effective date of this bill section and who have not elected under sec. 123 of this Act to be members of the defined benefit retirement plan established in AS 39.35.095 - 39.35.680;

(2) persons who first became members on or after the effective date of this bill section and who have elected under AS 39.35.722 to be members of the defined contribution retirement plan established in AS 39.35.700 - 39.35.990 or are precluded by AS 39.35.722(e) from making an election under AS 39.35.722;

(3) members who are employed by employers that do not participate in the defined benefit retirement plan established under AS 39.35.095 - 39.35.680; or

(4) [TO] members who transfer into the defined contribution plan under AS 39.35.940.

*** Sec. 83.** AS 39.35.700, as amended by sec. 82 of this Act, is amended to read:

Sec. 39.35.700. Applicability of AS 39.35.700 - 39.35.990.

The provisions of AS 39.35.700 - 39.35.990 apply only to

(1) members first hired on or after July 1, 2006, and before the effective date of this bill section and who have not elected under sec. 123 of this Act to be members of the defined benefit retirement plan established in AS 39.35.095 - 39.35.680;

(2) persons who first became members on or after the effective date of this bill section and who have elected under AS 39.35.722 to be members of the defined contribution retirement plan established in AS 39.35.700 - 39.35.990 or are precluded by AS 39.35.722(e) from making an election under AS 39.35.722;

(3) members who are employed by employers that do not participate in the defined benefit retirement plan established under AS 39.35.095 - 39.35.680;

(4) former members under AS 39.35.680; or

(5) [(4)] members who transfer into the defined contribution plan under AS 39.35.940."

Page 36, following line 19:

Insert new bill sections to read:

"* **Sec. 85.** AS 39.35.720 is amended to read:

Sec. 39.35.720. Membership. **Except as provided in AS 39.35.700, an** [AN] employee who becomes a member on or after July 1, 2006, shall participate in the **system as a member of the defined benefit** plan set out in **AS 39.35.095 - 39.35.680** [AS 39.35.700 - 39.35.990].

* **Sec. 86.** AS 39.35 is amended by adding a new section to read:

Sec. 39.35.722. Election to participate in defined benefit or defined contribution plan. (a) Except as provided in (e) of this section, a person who has not previously been eligible for benefits under the public employees' retirement system who becomes eligible on or after the effective date of this bill section may, within 30 days after becoming eligible to elect a benefit plan, elect to enroll in either the defined benefit retirement plan or the defined contribution retirement plan. An election made under this section is irrevocable. A person who is eligible to make an election under this subsection and fails to make an election is considered to have elected to enroll in the defined benefit retirement plan.

(b) The election allowed under this section must be made in

writing on forms and in the manner prescribed by the administrator. Before accepting an election under this section, the administrator must provide the employee with information to clearly inform the employee of the potential consequences of each of the employee's options.

(c) Upon making an election under this section to enroll in the defined benefit retirement plan, or upon failure to make an election under this section within 30 days after becoming eligible to elect a benefit plan, the employee shall be enrolled as a member of the defined benefit retirement plan, and the employee's participation in the system shall be governed by the provisions of AS 39.35.095 - 39.35.680.

(d) Upon making an election under this section to enroll in the defined contribution retirement plan, the employee shall be enrolled as a member of the defined contribution retirement plan, and the employee's participation in the plan shall be governed by the provisions of AS 39.35.700 - 39.35.990.

(e) A member may be enrolled in the defined benefit retirement plan under (c) of this section only if the member's employer participates in both the defined benefit retirement plan and the defined contribution retirement plan.

(f) In this section,

(1) "defined benefit retirement plan" means the retirement plan established in AS 39.35.095 - 39.35.680;

(2) "defined contribution retirement plan" means the retirement plan established in AS 39.35.700 - 39.35.990."

Renumber the following bill sections accordingly.

Page 54, line 20:

Delete "sec. 20"

Insert "sec. 22"

Page 54, line 29:

Delete "sec. 50"

Insert "sec. 52"

Page 55, lines 5 - 7:

Delete all material and insert:

"* **Sec. 123.** The uncodified law of the State of Alaska is amended

by adding a new section to read:

RETIREMENT PLAN ELECTION OPTION. (a) A teacher who was hired on or after July 1, 2006, and before the effective date of this section and who is an active member of the defined contribution plan of the teachers' retirement system under AS 14.25.310 - 14.25.590 may make a one-time election before October 1, 2007, or within 90 days after the effective date of this section, whichever is later, to participate in the defined benefit retirement plan under AS 14.25.009 - 14.25.220 and to transfer any contributions, including employer contributions, made to the defined contribution plan before that date.

(b) A public employee who was hired on or after July 1, 2006, and before the effective date of this section and who is an active member of the defined contribution plan of the public employees' retirement system under AS 39.35.700 - 39.35.990 may make a one time election before October 1, 2007, or within 90 days after the effective date of this section, whichever is later, to participate in the defined benefit retirement plan under AS 39.35.095 - 39.35.680 and to transfer any contributions, including employer contributions, made to the defined contribution plan before that date.

(c) The election to participate in the defined benefit retirement plan under this section must be made in writing on forms and in the manner prescribed by the administrator. Before accepting an election to participate in the defined benefit retirement plan, the administrator shall provide the employee planning on making an election to participate in the defined benefit retirement plan with information, including calculations to illustrate the effect of moving the employee's retirement plan from the defined contribution retirement plan to the defined benefit retirement plan as well as other information to clearly inform the employee of the potential consequences of the employee's election.

(d) An election made under this section to participate in the defined benefit retirement plan is irrevocable. On making the election, the participant shall be enrolled as a member of the defined benefit retirement plan, the member's participation in the plan shall be governed by the provisions for the defined benefit retirement plan, and the member's participation in the defined contribution retirement plan shall terminate. The participant's enrollment in the defined benefit retirement plan shall be effective the first day of the month after the administrator receives the completed enrollment forms. An election made by an eligible member who is married is not effective unless the

election is signed by the individual's spouse.

(e) As directed by the participant, the board shall transfer or cause to be transferred the appropriate amounts to the designated account. The administrator shall credit the participant with a service credit that is equal to the participant's actual service or the actuarially calculated value of the employer and employee contribution transferred, whichever is less. The board shall establish transfer procedures by regulation, but the actual transfer may not be later than 30 days after the effective date of the member's participation in the defined benefit retirement plan unless the major financial markets for securities available for a transfer are seriously disrupted by an unforeseen event that also causes the suspension of trading on any national securities exchange in the country where the securities were issued. In that event, the 30-day period of time may be extended by a resolution of the board. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash as determined by the board. Securities shall be valued on the date of receipt in the participant's account.

(f) A person may make an election under this section only if the person's employer participates in both the applicable defined benefit retirement plan and the applicable defined contribution retirement plan.

(g) In this section,

(1) "active member" means an employee who is employed by an employer, is receiving compensation for seasonal, permanent full-time, or permanent part-time services, and is, on the effective date of this section, making contributions to the defined contribution retirement plan under AS 14.25.310 - 14.25.590 or AS 39.35.700 - 39.35.990, as applicable;

(2) "administrator" means the person serving as administrator under AS 14.25.003 for a teachers' retirement plan or the person appointed or designated by the commissioner of administration under AS 39.35.050 for a public employees' retirement plan;

(3) "board" means the Alaska Retirement Management Board established under AS 37.10.210;

(4) "defined benefit retirement plan" means the retirement plan established under AS 14.25.009 - 14.25.220 or AS 39.35.095 - 39.35.680, as applicable;

(5) "defined contribution retirement plan" means the retirement plan established under AS 14.25.310 - 14.25.590 or

AS 39.35.700 - 39.35.990, as applicable;

(6) "employer,"

(A) as applied to an active member of the plan under AS 14.25.310 - 14.25.590, has the meaning given in AS 14.25.590; and

(B) as applied to an active member of the plan under AS 39.35.700 - 39.35.990, has the meaning given in AS 39.35.990.

* **Sec. 124.** Sections 5, 6, 17, 62, 70, 71, 83, and 120(b) of this Act take effect July 1, 2010.

* **Sec. 125.** Except as provided in sec. 124 of this Act, this Act takes effect immediately under AS 01.10.070(c)."

Representative Doll moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Kelly objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

HCS CSSB 123(FIN)

Second Reading

Amendment No. 1

YEAS: 15 NAYS: 21 EXCUSED: 4 ABSENT: 0

Yeas: Buch, Cissna, Crawford, Doll, Doogan, Edgmon, Gara, Gardner, Gruenberg, Guttenberg, Holmes, Kawasaki, LeDoux, Lynn, Salmon

Nays: Chenault, Coghill, Dahlstrom, Fairclough, Foster, Gatto, Harris, Hawker, Johansen, Johnson, Kelly, Meyer, Neuman, Olson, Ramras, Roses, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Joule, Kerttula, Kohring, Nelson

And so, Amendment No. 1 was not adopted.

Representative Samuels moved and asked unanimous consent that HCS CSSB 123(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HCS CSSB 123(FIN) will advance to third reading on tomorrow's calendar.

HOUSE BILLS IN THIRD READING

HB 229

The following, which was held from the April 24, 2007, calendar (page 893), was again before the House:

HOUSE BILL NO. 229 am

"An Act authorizing the Alaska Railroad Corporation to participate in a project consisting of the acquisition, construction, improvement, maintenance, equipping, or operation of real and personal property, including facilities and equipment, for the Kenai gasification project and Port MacKenzie rail link, authorizing the corporation to issue bonds to finance all or a portion of the project, and identifying these as bonds for an essential public and governmental purpose; and providing for an effective date."

The question being: "Shall HB 229 am pass the House?" The roll was taken with the following result:

HB 229 am

Third Reading

Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 5 ABSENT: 0

Yeas: Buch, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Edgmon, Fairclough, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Kawasaki, Kelly, LeDoux, Lynn, Meyer, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

Excused: Foster, Joule, Kerttula, Kohring, Nelson

And so, HB 229 am passed the House.

Representative Samuels moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

HB 229 am was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Samuels moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Tyler Hughes

By Representatives Gatto, Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Fairclough, Gara, Gardner, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Kelly, Kerttula, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

In Memoriam - Rosenda "Rudy" A. Govina

By Senator Elton; Representatives Kerttula, Doll, Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Kelly, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

In Memoriam - Norma Goodman

By Senator Bunde; Representatives Harris, Chenault, Cissna, Coghill, Crawford, Dahlstrom, Doll, Doogan, Fairclough, Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Kelly, Kerttula, LeDoux, Lynn, Meyer, Nelson, Neuman, Olson, Ramras, Roses, Salmon, Samuels, Seaton, Stoltze, Thomas, Wilson

UNFINISHED BUSINESS

Representative Samuels moved and asked unanimous consent that the following members be excused from a call of the House. There being no objection, the members were excused as noted:

Representative Cissna - from 7:00 a.m., April 27 to evening ferry time, April 28

Representative Gara - from 6:00 p.m., April 27 to morning plane time, April 30

Representative Gatto - from 6:00 a.m., April 27 to morning plane time, April 30

Representative Harris - from noon, April 27 to evening plane time, April 29

Representative Ramras - from 6:00 p.m., April 27 to morning plane time, April 30

Representative Wilson - from 4:30 a.m., April 26 to afternoon plane time, April 29

HB 177

Representative Wilson added her "do pass" recommendation to the Resources Committee report (page 903) for the following:

HOUSE BILL NO. 177

"An Act relating to the Alaska Gasline Inducement Act; establishing the Alaska Gasline Inducement Act matching contribution fund; providing for an Alaska Gasline Inducement Act coordinator; making conforming amendments; and providing for an effective date."

HJR 4

Representative Fairclough added her name as cosponsor to:

HOUSE JOINT RESOLUTION NO. 4

Requesting the Federal Subsistence Board to reconsider its decision regarding the subsistence fishery priority given to Ninilchik residents.

HJR 18

Representative Meyer added his name as cosponsor to:

CS FOR HOUSE JOINT RESOLUTION NO. 18(TRA)

Opposing the enactment of the provisions in the Next Generation Air Transportation System Financing Reform Act of 2007 that impose air traffic control user fees, increase aviation fuel and aviation gas taxes, reduce airport funding, and reduce Congressional oversight of the Federal Aviation Administration.

HJR 19

Representatives Holmes and Guttenberg added their names as cosponsors to:

HOUSE JOINT RESOLUTION NO. 19

Relating to opposition to the Real ID Act of 2005.

HB 13

Representatives Roses, Dahlstrom, Johnson, and Johansen added their names as cosponsors to:

CS FOR HOUSE BILL NO. 13(FIN)

"An Act relating to prepayments of accrued actuarial liabilities of government retirement systems; relating to the Alaska Municipal Bond Bank Authority, the Alaska Housing Finance Corporation, and the state bond committee; establishing the Alaska Pension Obligation Bond Corporation; permitting the Alaska Municipal Bond Bank Authority or a subsidiary of the authority, a subsidiary of the Alaska Housing Finance Corporation, the state bond committee, and the Alaska Pension Obligation Bond Corporation to assist state and municipal governmental employers by issuing bonds, notes, commercial paper, or other obligations to enable the governmental employers to prepay all or a portion of the governmental employers' shares of the unfunded accrued actuarial liabilities of retirement systems; authorizing a governmental employer to issue obligations to prepay all or a portion of the governmental employer's shares of the unfunded accrued actuarial liabilities of retirement systems and to enter into a lease or other contractual agreement with a trustee, the Alaska Municipal Bond Bank Authority or a subsidiary of the authority, a subsidiary of the Alaska Housing Finance Corporation, the state bond committee, or the Alaska Pension Obligation Bond Corporation in connection

with the issuance of obligations for that purpose, and relating to those obligations; relating to revision of the employer contribution rate in connection with financed prepayment of unfunded accrued actuarial liabilities of government retirement systems; and providing for an effective date."

HB 213

Representative LeDoux added her name as cosponsor to:

HOUSE BILL NO. 213

"An Act relating to an aggravating factor at sentencing for crimes committed at certain shelters and facilities."

HB 215

Representatives Johnson, Roses, Dahlstrom, Seaton, and Johansen added their names as cosponsors to:

CS FOR HOUSE BILL NO. 215(HES)

"An Act relating to the establishment of a task force to review the Council on Domestic Violence and Sexual Assault."

SJR 3

Representatives Wilson and Gardner added their names as cross sponsors to:

SENATE JOINT RESOLUTION NO. 3

Relating to the effect of Medicare rates on senior citizens' access to healthcare; and urging the United States Congress to increase Medicare rates for Alaska.

ENGROSSMENT**HB 215**

CSHB 215(HES) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 229

HB 229 am was engrossed and signed by the Speaker and Chief Clerk.

ENROLLMENT**HCR 5**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 11:25 a.m., April 25, 2007:

HOUSE CONCURRENT RESOLUTION NO. 5

Supporting the 2007 National Crime Victims' Rights Week.

Legislative Resolve No. 5

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

The following meeting today was changed:

Resources Committee

CANCELED

Rules Committee

CHANGED TO:

7:15 p.m.

ADJOURNMENT

Representative Samuels moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 26, 2007. There being no objection, the House adjourned at 11:42 a.m.

Suzi Lowell
Chief Clerk