

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 10**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

BY SENATOR KERTTULA

Introduced: 1/28/91  
 Referred: State Affairs and Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to management and investment of certain state funds; and providing for  
 2 an effective date."

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

4 \* **Section 1.** AS 37.10 is amended by adding new sections to read:

5 **ARTICLE 5. STATE INVESTMENT BOARD.**

6 **Sec. 37.10.210. STATE INVESTMENT BOARD.** (a) There is established in the  
 7 Department of Revenue the State Investment Board. The purpose of the board is to manage and  
 8 invest, with the assistance of the Department of Revenue, state funds and revenue.

9 (b) The board consists of nine members. Two of the members shall be elected by the  
 10 members of the teachers' retirement system. One of the members elected must be an active  
 11 member of the system and one of the members elected must be receiving a benefit from the  
 12 system. Nominations may be made by the Teachers' Retirement Board or by petition signed by  
 13 at least 10 persons eligible to vote in the election. Two members shall be elected by the  
 14 members of the public employees' retirement system. One of the members elected must be an

1 active member of the system and one of the members elected must be receiving a benefit from  
2 the system and a benefit based on contributions to the supplemental benefits system under  
3 AS 39.30.150 - 39.30.180. Nominations may be made by the Public Employees' Retirement  
4 Board or by petition signed by at least 10 persons eligible to vote in the election. The  
5 commissioner of revenue and the commissioner of administration are members of the board. The  
6 governor shall appoint three public members of the board. The Teachers' Retirement Board and  
7 the Public Employees' Retirement Board shall adopt regulations governing the elections under  
8 this subsection.

9 (c) The public members must have recognized competence and wide experience in  
10 finance, investments, or other business management-related fields. A public member may not  
11 hold another state or federal office, position, or employment, either elective or appointive, except  
12 as a member of the armed forces of either the United States or of this state. The members of  
13 retirement systems and public members of the investment board shall serve staggered terms of  
14 six years and may be reappointed or reelected to the board.

15 (d) The governor may remove a public member of the board from office. A removal by  
16 the governor must be in writing and must state the reason for the removal. After a member  
17 receives written notice of removal from the governor, the member may not participate in board  
18 business and may not be counted for purposes of establishing a quorum.

19 (e) A vacancy on the board shall be promptly filled in the same manner as the seat was  
20 originally filled. A person elected or appointed to fill a vacancy holds office for the balance of  
21 the unexpired term of the person's predecessor. A vacancy on the board does not impair the  
22 authority of a quorum of the board to exercise all the powers and perform all the duties of the  
23 board.

24 (f) The board shall annually elect a chair from among its members.

25 (g) Five members of the board constitute a quorum for the transaction of business and  
26 the exercise of the powers and duties of the board.

27 (h) A member of the board may receive a per diem allowance and transportation  
28 expenses in carrying out the duties set out in this chapter.

29 Sec. 37.10.220. POWERS AND DUTIES OF THE BOARD. (a) The board shall

30 (1) hold regular and special meetings at the call of the chair or of at least five of  
31 the members;

1 (2) invest and manage all state funds whose investment and management is not  
2 specifically provided for by another law;

3 (3) submit long-range and quarterly investment reports to the Legislative Budget  
4 and Audit Committee;

5 (4) report to the governor and the legislature by September 30 of each year  
6 concerning the investment of state funds.

7 (b) The board may

8 (1) employ outside investment advisors to review investment policies and make  
9 recommendations to the board;

10 (2) establish investment policies for the funds;

11 (3) engage independent certified public accountants to audit the funds for which  
12 the board is responsible and to report to the board with the results of the audit;

13 (4) contract with external performance evaluators to review the performance of  
14 each fund managed or invested by the board and report to the board and to the other boards  
15 directly responsible for the activities supported by the fund on the fund's condition;

16 (5) do all acts necessary, convenient, or desirable to carry out the powers  
17 expressly granted or necessarily implied in this chapter.

18 Sec. 37.10.230. CONFLICTS OF INTEREST. (a) Members of the board are subject to  
19 the provisions of AS 39.50.

20 (b) If a member of the board or an employee of the board acquires, owns, or controls an  
21 interest, direct or indirect, in an entity or project in which assets under the control of the board  
22 are invested, the member shall immediately disclose the interest to the board. The disclosure is  
23 a matter of public record and shall be included in the minutes of the board meeting next  
24 following the disclosure.

25 Sec. 37.10.240. REGULATIONS. The board may adopt regulations under the  
26 Administrative Procedure Act (AS 44.62).

27 Sec. 37.10.290. DEFINITION. In AS 37.10.210 - 37.10.290, "board" means the State  
28 Investment Board.

29 \* Sec. 2. AS 14.25.035(d) is amended to read:

30 (d) The commissioner of administration shall report to the board concerning the condition  
31 and administration of the system. The reports shall be distributed to the members of the system.

1 The State Investment Board [COMMISSIONER OF REVENUE] shall provide reports to the  
2 board on the condition and investment performance of the teachers' retirement trust fund and an  
3 annual external performance review. The review must be complete, understandable, and  
4 presented in acceptable format according to industry patterns and customs.

5 \* Sec. 3. AS 14.25.040 is amended by adding a new subsection to read:

6 (j) The board shall adopt regulations under AS 37.10.210(b) concerning elections for the  
7 State Investment Board. The regulations relate to the internal management of a state agency and  
8 their adoption is not subject to the Administrative Procedure Act (AS 44.62).

9 \* Sec. 4. AS 14.25.180 is amended to read:

10 Sec. 14.25.180. MANAGEMENT AND INVESTMENT OF FUND. (a) The State  
11 Investment Board [COMMISSIONER OF REVENUE] is the [TREASURER OF THE  
12 SYSTEM AND THE] fiduciary of the fund. In managing the fund, the State Investment Board  
13 [COMMISSIONER OF REVENUE] shall

14 (1) consider the status of the fund's investments and the system's liabilities on  
15 both a current and a probable future basis;

16 (2) determine the appropriate investment objectives for the fund;

17 (3) establish investment policies aimed at achieving the objectives; and

18 (4) act only in regard to the best financial interests of the system's beneficiaries.

19 (b) The State Investment Board [COMMISSIONER OF REVENUE] may invest the  
20 fund on the basis of probable total rate of return without regard to the distinction between  
21 principal and income or to the generation of income.

22 (c) In carrying out investment duties under this chapter, the State Investment Board  
23 [COMMISSIONER OF REVENUE] has the same powers and duties in regard to the teacher's  
24 retirement trust fund as are provided in AS 37.10.071, except that the standard of prudence that  
25 the board [COMMISSIONER] must obey under AS 37.10.071(c) shall be in regard to the  
26 management of large trust investments rather than large investments.

27 \* Sec. 5. AS 14.40.400(b) is amended to read:

28 (b) The State Investment Board [COMMISSIONER OF REVENUE] is the fiduciary  
29 of the trust fund and shall account for and invest the fund as set out in AS 37.14.110(c),  
30 37.14.160, and 37.14.170, except that the board [COMMISSIONER] shall report the condition  
31 and investment performance of the fund to the Board of Regents.

1 \* Sec. 6. AS 14.40.805 is amended to read:

2 Sec. 14.40.805. POWERS AND DUTIES OF THE STATE INVESTMENT BOARD  
3 [COMMISSIONER OF REVENUE]. The State Investment Board [COMMISSIONER OF  
4 REVENUE] is the trustee of the fund and has the powers and duties under this section to

5 (1) act as official trustee of the cash and investments belonging to the fund and  
6 to secure adequate and safe custodial facilities;

7 (2) receive all items of cash and investments belonging to the fund;

8 (3) collect the principal and income from investments acquired by the trustee and  
9 deposit the amounts in separate principal and income accounts for the fund;

10 (4) invest and reinvest the assets of the fund as provided in this section and as  
11 provided for the investment of retirement funds under AS 14.25.180;

12 (5) exercise the powers of a trustee with respect to the assets of the fund;

13 (6) do all acts, whether or not expressly authorized, that the State Investment  
14 Board [COMMISSIONER OF REVENUE] considers necessary or proper in administering, as  
15 a trustee, the assets of the fund;

16 (7) maintain accounting records of the fund in accordance with investment  
17 accounting principles and with distinction between the principal and income accounts of the fund;

18 (8) engage an independent firm of certified public accountants to annually audit  
19 the financial condition of the fund's investments and investment transactions;

20 (9) enter into and enforce contracts or agreements considered necessary for the  
21 investment purposes of the fund;

22 (10) report to the university the condition and investment performance of the  
23 fund;

24 (11) make payments to the university on behalf of qualified beneficiaries;

25 (12) make refunds upon termination of an advance tuition payment contract; and

26 (13) pay the costs of administration of the fund.

27 \* Sec. 7. AS 18.56.095(a) is amended to read:

28 (a) There is a special fund of the state to be known as the "state mortgage insurance  
29 fund," referred to in this section as [(CALLED] the "mortgage insurance fund," [)] which shall  
30 be completely segregated and set apart from all other funds of the state, and which is a trust fund  
31 for the uses and purposes of this section and into and from which money shall be paid as

1 provided in this section. The mortgage insurance fund shall be held by the State Investment  
2 Board [COMMISSIONER OF REVENUE], subject to the power of the commissioner of  
3 commerce and economic development to enter into and perform agreements with respect to the  
4 use of money in the mortgage insurance fund and to pledge, assign, or grant interests in the  
5 mortgage insurance fund as provided in this section. The commissioner of commerce and  
6 economic development may enter into agreements with the corporation with respect to the  
7 exercise of any power or approval relating to the mortgage insurance fund under this section,  
8 including, without limitation, agreements as to the use of money in the mortgage insurance fund,  
9 agreements with respect to the terms and conditions upon which payments from the mortgage  
10 insurance fund shall be made to the corporation with respect to mortgage loans insured under this  
11 section, and agreements regarding the payment of and security for mortgage insurance bonds, and  
12 in connection with these agreements the commissioner of commerce and economic development  
13 may pledge, assign, or grant other interests in the mortgage insurance fund to the corporation as  
14 may be necessary or appropriate in connection with the insurance of mortgage loans and to  
15 provide for the payment of and security for mortgage insurance bonds. An [ANY SUCH]  
16 agreement or [ANY OF] the rights of the corporation under the agreement and payments received  
17 or to be received under the agreement may be pledged or assigned by the corporation for the  
18 benefit of the holders of mortgage insurance bonds.

19 \* Sec. 8. AS 18.56.095(b) is amended to read:

20 (b) In addition to any other fees and charges that the corporation may charge on  
21 mortgage loans, it may collect or cause to be collected on all mortgage loans made or purchased  
22 with the proceeds of the sale of mortgage insurance bonds, either or both a special mortgage loan  
23 insurance commitment fee or a mortgage loan insurance premium. The special mortgage loan  
24 insurance commitment fees and special mortgage loan insurance premiums when received shall  
25 be deposited in the mortgage insurance fund by the corporation, or by any mortgage loan  
26 servicer, trustee, or agent designated by the corporation to receive them, and shall be held,  
27 invested and, together with all investment income derived from them, reinvested by the State  
28 Investment Board [COMMISSIONER OF REVENUE] as set out in AS 37.10.071, subject to  
29 any agreement with the corporation under (a) of this section.

30 \* Sec. 9. AS 22.25.048(c) is amended to read:

31 (c) The State Investment Board [COMMISSIONER OF REVENUE] is the

1 [TREASURER OF THE SYSTEM AND THE] fiduciary of the fund and has the same powers  
2 and duties under this section in regard to the judicial retirement trust fund as are provided in  
3 AS 14.25.180.

4 \* **Sec. 10.** AS 26.05.228(c) is amended to read:

5 (c) The State Investment Board [COMMISSIONER OF REVENUE] is the  
6 [TREASURER OF THE SYSTEM AND THE] fiduciary of the fund and has the same powers  
7 and duties under this section in regard to the fund as are provided under AS 14.25.180.

8 \* **Sec. 11.** AS 36.30.850(b) is amended to read:

9 (b) This chapter applies to every expenditure of state money by the state, acting through  
10 an agency, under a contract, except that this chapter does not apply to

- 11 (1) grants;
- 12 (2) contracts for professional witnesses to provide for professional services or  
13 testimony relating to existing or probable lawsuits in which the state is or may become a party;
- 14 (3) contracts of the University of Alaska where the work is to be performed  
15 substantially by students enrolled in the university;
- 16 (4) contracts for medical doctors and dentists;
- 17 (5) acquisitions or disposals of real property or interest in real property, except  
18 as provided in AS 36.30.080;
- 19 (6) disposals under AS 38.05;
- 20 (7) contracts for the preparation of ballots under AS 15.15.030;
- 21 (8) acquisitions or disposals of property and other contracts relating to airports  
22 under AS 02.15.070, 02.15.090, 02.15.091, and AS 44.88;
- 23 (9) disposals of obsolete property under AS 19.05.060;
- 24 (10) disposals of obsolete material or equipment under AS 35.20.060;
- 25 (11) agreements with providers of services under AS 44.47.250; AS 47.07;  
26 AS 47.08; AS 47.10; AS 47.17; AS 47.24; AS 47.25.195, and 47.25.310;
- 27 (12) contracts of the Department of Fish and Game for flights that involve  
28 specialized flying and piloting skills and are not point-to-point;
- 29 (13) purchases of income-producing assets for the state treasury or a public  
30 corporation of the state;
- 31 (14) operation of the state boarding school established under AS 14.16, if the

1 State Board of Education or the commissioner of education adopts regulations for use by the state  
2 boarding school in procurement and contracting;

3 (15) a contract that is a delegation, in whole or in part, of investment powers  
4 held by the State Investment Board [COMMISSIONER OF REVENUE] under AS 14.25.180,  
5 AS 14.40.400, AS 14.42.200, 14.42.210, AS 18.56.095, AS 22.25.048, AS 26.05.228,  
6 AS 37.10.070, 37.10.071, AS 37.14, or AS 39.35.080;

7 (16) a contract that is a delegation, in whole or in part, of investment powers  
8 of the Board of Trustees of the Alaska Permanent Fund Corporation under AS 37.13;

9 (17) the purchase of books, book binding services, newspapers, periodicals,  
10 audio-visual materials, network information services access, approval plans, professional  
11 memberships, archival materials, objects of art, and items for museum or archival acquisition  
12 having cultural, historical, or archaeological significance; in this paragraph

13 (A) "approval plans" means book selection services in which current book  
14 titles meeting an agency's customized specifications are provided to the agency subject  
15 to the right of the agency to return those books that do not meet with the agency's  
16 approval;

17 (B) "archival materials" means the noncurrent records of an agency that  
18 are preserved after appraisal because of their value;

19 (C) "audio-visual materials" means nonbook prerecorded materials,  
20 including records, tapes, slides, transparencies, films, filmstrips, cassettes, videos, compact  
21 discs, laser discs, and items that require the use of equipment to render them usable;

22 (D) "network information services" means a group of resources from  
23 which cataloging information, holdings records, inter-library loans, acquisitions  
24 information, and other reference resources can be obtained;

25 (18) contracts for the purchase of standardized examinations for licensure under  
26 AS 08;

27 (19) contracts for home health care and adult residential and foster care services  
28 provided under regulations adopted by the Department of Health and Social Services;

29 (20) contracts for supplies or services for research projects funded by money  
30 received from the federal government or private grants;

31 (21) guest speakers or performers for an educational or cultural activity; or

1 (22) contracts of the Alaska Industrial Development and Export Authority for  
2 a clean coal technology demonstration project that

3 (A) is attempting to develop a coal-fired electric generation project;

4 (B) uses technology that is capable of commercialization during the  
5 1990's; and

6 (C) qualifies for federal financial participation under P.L. 99-190 as  
7 amended.

8 \* Sec. 12. AS 37.05.540(d) is amended to read:

9 (d) The State Investment Board [DEPARTMENT OF REVENUE] shall manage and  
10 invest assets of the budget reserve fund in the manner set out for the management and investment  
11 of the assets of the general fund under AS 37.10.070. Income from investment of the budget  
12 reserve fund may be appropriated to the fund each year by law.

13 \* Sec. 13. AS 37.05.550(a) is amended to read:

14 (a) There is in the general fund the Alaska marine highway system vessel replacement  
15 fund. The fund consists of money appropriated to it by the legislature. Money appropriated to  
16 the fund does not lapse. The State Investment Board [DEPARTMENT OF REVENUE] shall  
17 manage the fund. Interest received on money in the fund shall be accounted for separately and  
18 may be appropriated into the fund annually. The legislature may appropriate money from the  
19 fund for refurbishment of existing state ferry vessels, acquisition of additional state ferry vessels,  
20 or replacement of retired or outmoded state ferry vessels.

21 \* Sec. 14. AS 37.10.070 is amended to read:

22 Sec. 37.10.070. INVESTMENT OF RESIDUAL MONEY. (a) The board  
23 [COMMISSIONER] shall invest, as set out in AS 37.10.071, the money in the state treasury  
24 above an amount sufficient to meet immediate expenditure needs. In managing the invested  
25 assets, the board [COMMISSIONER] shall

26 (1) consider the status of the assets and liabilities on both a current and a probable  
27 future basis;

28 (2) determine the appropriate investment objectives;

29 (3) establish investment policies to achieve the objectives; and

30 (4) act only in regard to the best financial interests of the state.

31 (b) The board [COMMISSIONER] may invest on the basis of probable total rate of

1 return without regard to the distinction between principal and income and without regard to the  
2 generation of income.

3 (c) In this section, "board" means the State Investment Board ["COMMISSIONER"  
4 MEANS THE COMMISSIONER OF REVENUE].

5 \* Sec. 15. AS 37.10.071 is amended to read:

6 Sec. 37.10.071. INVESTMENT POWERS AND DUTIES. (a) In making investments  
7 under this section, the board [COMMISSIONER OF REVENUE] shall

8 (1) act as official custodian of cash and investments by securing adequate and safe  
9 custodial facilities for them;

10 (2) receive all items of cash and investments;

11 (3) collect and deposit the principal of and income from owned or acquired  
12 investments;

13 (4) invest and reinvest the assets in accordance with this section;

14 (5) receive and spend appropriations to cover the cost of the exercise of duties  
15 under this section;

16 (6) exercise the powers of an owner with respect to the assets;

17 (7) perform all acts, not prohibited by this section, whether or not expressly  
18 authorized, that the board [COMMISSIONER] considers necessary or proper in administering  
19 the assets;

20 (8) maintain accounting records in accordance with generally accepted  
21 [INVESTMENT] accounting principles;

22 (9) engage an independent certified public accountant to conduct an annual audit  
23 of the financial condition and investment transactions;

24 (10) enter into and enforce contracts or agreements considered necessary,  
25 convenient, or desirable for the investment purposes of this section; and

26 (11) when choosing to acquire or dispose of investments, secure competitive  
27 national or international market rates or prices, or the equivalence of those rates or prices in the  
28 judgment of the board [COMMISSIONER].

29 (b) Under this section, the board or the board's [COMMISSIONER OR THE  
30 COMMISSIONER'S] designee may

31 (1) delegate investment, custodial, or depository authority on a discretionary or

1 nondiscretionary basis to officers or employees of the state or to independent firms, banks, or  
2 trust companies, by designation through appointments, contracts, or letters or authority;

3 (2) acquire or dispose of investments either directly, indirectly, or through  
4 investment pools or trusts, by competitive or negotiated agreements, contracts, or auctions, in  
5 public or private markets;

6 (3) concentrate or diversify investments as the board [COMMISSIONER]  
7 considers appropriate to increase the probable total rate of return or to decrease the overall  
8 exposure to potentially adverse market value risks;

9 (4) protect the market value or the rate of return of the investments by entering  
10 into forward agreements to buy or sell assets at a future date as a hedge against existing held  
11 assets or as a precommitment of future cash flows;

12 (5) lend assets, under an agreement and for a fee, against deposited collateral of  
13 equivalent market value;

14 (6) borrow assets on a short-term basis, under an agreement and for a fee, against  
15 the deposit of collateral consisting of other assets in order to accommodate temporary cash or  
16 investment needs;

17 (7) hold investments in bearer or registered form in the name of the state, a fund,  
18 or nominees authorized by the board [COMMISSIONER];

19 (8) utilize consultants, advisors, custodians, investment services, and legal counsel  
20 for assistance in investment matters on either a continuing or a limited-term basis and with or  
21 without compensation;

22 (9) declare records to be confidential and exempt from AS 09.25.110 and  
23 09.25.120 if the records contain information that discloses the particulars of the business or the  
24 affairs of a private enterprise, investor, borrower, advisor, consultant, counsel, or manager.

25 (c) In exercising investment, custodial, or depository powers or duties under this section,  
26 the board [COMMISSIONER] shall exercise the judgment and care under the circumstances then  
27 prevailing that an institutional investor of ordinary professional prudence, discretion, and  
28 intelligence exercises in managing large investments with consideration for the purpose of the  
29 fund, the investment objectives, the continuing disposition of the fund's investments, and the  
30 probable safety of the capital as well as the probable investment returns.

31 (d) In exercising investment, custodial, or depository powers or duties under this section,

1 the board or the board's [COMMISSIONER OR A] designee [OF THE COMMISSIONER] is  
2 liable for a breach of a duty that is assigned or delegated under this section, or under AS 14.25.-  
3 180, AS 14.40.400(b), AS 37.10.070, AS 37.14.110(c), 37.14.160, 37.14.170, or AS 39.35.080.  
4 However, the board or the board's [COMMISSIONER OR THE COMMISSIONER'S] designee  
5 is not liable for a breach of a duty that has been delegated to another person if the delegation is  
6 prudent under the applicable standard of prudence set out in statute or if the duty is assigned by  
7 law to another person, except to the extent that the board [COMMISSIONER] or designee

8 (1) knowingly participates [PARTICIPATE] in, or knowingly undertakes to  
9 conceal, an act or omission of another person, knowing that the act or omission is a breach of  
10 that person's duties under this chapter;

11 (2) by failure to comply with this section in the administration of specific  
12 responsibilities, enables another person to commit a breach of duty; or

13 (3) has knowledge of a breach of duty by another person, unless the board  
14 [COMMISSIONER] or designee makes reasonable efforts under the circumstances to remedy the  
15 breach.

16 (e) The state shall defend and indemnify the board [COMMISSIONER] or an officer or  
17 employee of the state against liability under (d) of this section to the extent that the alleged act  
18 or omission was performed in good faith and was prudent under the applicable standard of  
19 prudence.

20 (f) In this section, "board" ["COMMISSIONER OF REVENUE" OR  
21 "COMMISSIONER"] means

22 (1) the State Investment Board [COMMISSIONER OF REVENUE] for  
23 investments under AS 14.25.180 or AS 37.10.070; or

24 (2) the person or body provided by law to manage the investments, for  
25 investments not subject to AS 14.25.180 or AS 37.10.070.

26 \* **Sec. 16.** AS 37.14.110(c) is amended to read:

27 (c) The State Investment Board [COMMISSIONER OF REVENUE] shall account for  
28 the fund in accordance with generally accepted accounting principles and shall determine  
29 the net income of the fund [IN ACCORDANCE WITH INVESTMENT ACCOUNTING  
30 PRINCIPLES AND] in a manner that preserves the distinction between principal and income and  
31 that excludes capital gains or losses realized on principal. The principal of the fund and the

1 capital gains or losses realized on principal shall be perpetually retained in the fund for  
2 investment purposes.

3 \* **Sec. 17.** AS 37.14.140 is amended to read:

4 Sec. 37.14.140. UTILIZATION OF INCOME. The net income of the fund may not be  
5 appropriated for a purpose other than the support of the state public school program. The State  
6 Investment Board [COMMISSIONER OF REVENUE] shall invest realized net income that has  
7 not been appropriated or that has been appropriated but not expended until the income is  
8 appropriated and expended.

9 \* **Sec. 18.** AS 37.14.160 is amended to read:

10 Sec. 37.14.160. DUTIES OF THE STATE INVESTMENT BOARD [COMMIS-  
11 SIONER OF REVENUE]. The State Investment Board [COMMISSIONER OF REVENUE]  
12 is the treasurer of the trust fund created in AS 37.14.110 and shall

13 (1) exercise the powers and duties established in AS 14.25.180(c);

14 (2) deposit the principal and income from investments in separate principal and  
15 income accounts for the fund;

16 (3) invest and maintain accounting records that distinguish between the principal  
17 and income of the fund;

18 (4) provide reports to the board established under AS 37.14.120 on the condition  
19 and investment performance of the fund.

20 \* **Sec. 19.** AS 37.14.170 is amended to read:

21 Sec. 37.14.170. INVESTMENTS. The State Investment Board [COMMISSIONER OF  
22 REVENUE] is the fiduciary of the trust fund and shall invest the fund to provide increasing net  
23 income over long-term periods to the fund's income beneficiaries. The board  
24 [COMMISSIONER] may invest the money in the fund on the basis of probable total rate of  
25 return to promote the long-term generation of income. In managing the trust fund, the board  
26 [COMMISSIONER] shall

27 (1) consider the status of the fund's capital and the income generated on both a  
28 current and a probable future basis;

29 (2) determine the appropriate investment objectives;

30 (3) establish investment policies to achieve the objectives; and

31 (4) act only in regard to the financial interests of the fund's beneficiaries.

1 \* **Sec. 20.** AS 37.14.200(c) is amended to read:

2 (c) The net income of the fund shall be determined by the State Investment Board  
3 [COMMISSIONER OF REVENUE] in accordance with generally accepted [INVESTMENT]  
4 accounting principles. However, the board shall preserve [AND IN A MANNER THAT  
5 PRESERVES] the distinction between principal and income.

6 \* **Sec. 21.** AS 37.14.210 is amended to read:

7 Sec. 37.14.210. **POWERS AND DUTIES OF THE STATE INVESTMENT BOARD**  
8 [COMMISSIONER OF REVENUE]. The State Investment Board [COMMISSIONER OF  
9 REVENUE] is the fiduciary [TREASURER] of the fund and has the power and duty to:

10 (1) act as official custodian of the cash and investments belonging to the fund by  
11 securing adequate and safe custodial facilities;

12 (2) receive all items of cash and investments belonging to the fund;

13 (3) collect the principal and income from investments owned or acquired by the  
14 fund and deposit the amounts in separate principal and income accounts for the fund;

15 (4) invest and reinvest the assets of the fund as provided in this section and as  
16 provided for the investment of funds under AS 14.25.180(c) and AS 37.14.170;

17 (5) exercise the powers of an owner with respect to the assets of the fund;

18 (6) maintain accounting records of the fund in accordance with generally  
19 accepted [INVESTMENT] accounting principles; however, the board shall preserve the [AND  
20 WITH] distinction between the principal and income accounts of the fund;

21 (7) engage an independent firm of certified public accountants to annually audit  
22 the financial condition of the fund's investments and investment transactions;

23 (8) enter into and enforce contracts or agreements considered necessary for the  
24 investment purposes of the fund;

25 (9) report to the commission the condition and investment performance of the  
26 fund;

27 (10) do all acts, whether or not expressly authorized, that the State Investment  
28 Board [COMMISSIONER OF REVENUE] considers necessary or proper in administering the  
29 assets of the fund.

30 \* **Sec. 22.** AS 39.30.095(d) is amended to read:

31 (d) If the commissioner of administration determines that there is more money in the

1 fund than the amount needed to pay premiums or benefits for the current fiscal year, the surplus,  
2 or so much of it as the commissioner of administration considers advisable, may be invested by  
3 the State Investment Board [COMMISSIONER OF REVENUE] in the same manner as  
4 retirement funds are invested under AS 14.25.180.

5 \* Sec. 23. AS 39.30 is amended by adding a new section to read:

6 Sec. 39.30.175. INVESTMENT OF BENEFIT PROGRAM RECEIPTS. The State  
7 Investment Board is the fiduciary of the receipts of the employee benefits program established  
8 under AS 39.30.150 - 39.30.180 and has the same powers and duties concerning the management  
9 and investment in regard to those receipts as are provided under AS 14.25.180.

10 \* Sec. 24. AS 39.35.020 is amended to read:

11 Sec. 39.35.020. ADMINISTRATION. The commissioner of administration is responsible  
12 for the administration of the system and for carrying out this chapter. In addition the  
13 commissioner shall

- 14 (1) maintain the accounts of the system;
- 15 (2) make payments for the various purposes specified;
- 16 (3) submit periodic reports or statements of account that are needed;
- 17 (4) issue a statement of account to an employee requesting it showing the amount  
18 of the employee's contributions to the system;
- 19 (5) as soon as possible after the close of each fiscal year, and not later than six  
20 months after the close of each fiscal year, send to the governor, the legislature, and the board an  
21 annual statement on the operations of the system containing
  - 22 (A) a balance sheet;
  - 23 (B) a statement of income and expenditures for the year;
  - 24 (C) a report on an actuarial valuation of its assets and liabilities;
  - 25 (D) a summary of assets held in the pension fund listed by the categories  
26 of investment, as provided by the State Investment Board [COMMISSIONER OF  
27 REVENUE];
  - 28 (E) other statistical financial data that are necessary for a proper  
29 understanding of the financial condition of the system and the result of its operations;
- 30 (6) establish a public employees retirement trust fund in which the assets of the  
31 system shall be deposited and held;

1 (7) engage an independent certified public accountant to conduct an annual audit  
2 of the system's accounts and the annual report of the system's financial condition and activity;

3 (8) report to the board concerning the condition and administration of the system  
4 and distribute the report to the members of the system.

5 \* Sec. 25. AS 39.35.040 is amended to read:

6 Sec. 39.35.040. POWERS AND DUTIES OF BOARD. The Public Employees  
7 Retirement Board has the following powers and duties:

8 (1) to hold regular meetings and special meetings considered necessary; all  
9 meetings are open to the public and the board keeps a full record of all its proceedings;

10 (2) to adopt, with modifications it considers proper, regulations recommended by  
11 the administrator for carrying out this chapter;

12 (3) to consider and adopt resolutions on matters referred to it by the administrator  
13 in connection with changes in policy and revisions of this chapter;

14 (4) to act as an appeals board, hold hearings at the request of an employer,  
15 employee, surviving spouse or a beneficiary on decisions made by the administrator, and submit  
16 its findings to the administrator;

17 (5) to have prepared, at least biennially, an actuarial valuation of the total  
18 obligations under the system of each employer and, on the basis of the valuation and in time for  
19 incorporation of the results in the state budget, to certify to the appropriate budgetary authorities  
20 of each employer:

21 (A) an appropriate contribution rate for all employers; and

22 (B) an amount appropriate for each employer to liquidate the employee's  
23 past service liability; the board shall have an actuarial and financial experience analysis  
24 of the system conducted at appropriate intervals, but no less frequently than once every  
25 six years; the actuarial valuations and the actuarial and financial experience analysis shall  
26 be prepared and certified by a member of the American Academy of Actuaries;

27 (6) to prescribe the policies for the proper operation of the system and carry on  
28 other activities that are considered necessary to carry out the intent and purpose of the system  
29 in accordance with this chapter;

30 (7) to prescribe the rate of interest that shall be credited to the employee accounts  
31 each year;

1 (8) to waive the requirements of AS 39.35.520 in accordance with AS 39.35.522;  
2 (9) to exercise the duties set out in AS 39.30.155 with respect to the supplemental  
3 employee benefit program (AS 39.30.150 - 39.30.180);

4 (10) to exercise the duties set out in AS 39.45.025 with respect to the deferred  
5 compensation program for state employees;

6 **(11) to adopt regulations under AS 37.10.210(b) concerning elections to the**  
7 **State Investment Board; the regulations relate to the internal management of a state agency**  
8 **and their adoption is not subject to the Administrative Procedure Act (AS 44.62).**

9 \* Sec. 26. AS 39.35.080 is amended to read:

10 Sec. 39.35.080. DUTIES OF THE STATE INVESTMENT BOARD [COMMISSIONER  
11 OF REVENUE]. The State Investment Board [COMMISSIONER OF REVENUE] is the  
12 [TREASURER OF THE SYSTEM AND THE] fiduciary of the fund. The board  
13 [COMMISSIONER] has the same powers and duties established under this chapter in regard to  
14 the fund as are provided in AS 14.25.035(d) and 14.25.180.

15 \* Sec. 27. AS 39.45.030(a) is amended to read:

16 (a) The State Investment Board [ADMINISTRATOR OF THE STATE OR POLITICAL  
17 SUBDIVISION DEFERRED COMPENSATION PROGRAM] is authorized, subject to contracts  
18 with individual employees, to invest the funds held under a deferred compensation program in

19 (1) fixed and variable life insurance and annuity contracts or other contracts  
20 issued by life insurance companies;

21 (2) shares of or deposits in insured state or federal chartered credit unions in the  
22 state;

23 (3) shares of or deposits in insured state or federal chartered savings and loan  
24 associations in the state;

25 (4) deposits in insured mutual savings banks in the state;

26 (5) deposits in insured state and national banks in the state; and

27 (6) multi-employer trusts established for investment of deferred compensation  
28 assets of state and local governments.

29 \* Sec. 28. AS 39.50.200(b) is amended by adding a new paragraph to read:

30 (52) State Investment Board (AS 37.10.210).

31 \* Sec. 29. AS 43.23.015(e) is amended to read:

1 (e) If a public agency claims a permanent fund dividend on behalf of an individual, the  
2 public agency shall hold the dividend in trust for the individual. Money held in trust under this  
3 subsection shall be invested by the State Investment Board under [COMMISSIONER IN  
4 ACCORDANCE WITH] AS 37.10.070.

5 \* **Sec. 30.** AS 43.23.045(a) is amended to read:

6 (a) The dividend fund is established as a separate fund in the state treasury. The  
7 dividend fund shall be administered by the commissioner and shall be invested by the State  
8 Investment Board [COMMISSIONER] in the same manner as provided in AS 37.10.070.

9 \* **Sec. 31.** AS 44.25.020 is amended to read:

10 Sec. 44.25.020. DUTIES OF DEPARTMENT. The Department of Revenue shall

11 (1) enforce the tax laws of the state;

12 (2) collect, account for, and have custody of [, INVEST, AND MANAGE] all  
13 state funds and all revenues of the state except revenues incidental to a program of licensing and  
14 regulation carried on by another state department;

15 (3) register cattle brands;

16 (4) supply necessary clerical and administrative services for the Alcoholic  
17 Beverage Control Board and the State Investment Board; and

18 (5) implement the investment and management policies and directives of the  
19 State Investment Board [INVEST AND MANAGE THE BALANCE OF THE POWER  
20 DEVELOPMENT FUND IN ACCORDANCE WITH AS 44.83.386].

21 \* **Sec. 32.** AS 44.83.386 is amended to read:

22 Sec. 44.83.386. INVESTMENT OF FUND. The State Investment Board  
23 [DEPARTMENT OF REVENUE] shall invest the money in the fund in accordance with  
24 AS 37.10.070, 37.10.071, and 37.10.075. The board [DEPARTMENT OF REVENUE] shall  
25 provide money in the fund to the authority only after costs have been incurred or amounts in the  
26 fund have been otherwise obligated under contracts for the acquisition and construction of a  
27 project. Amounts that have been obligated, but for which costs have not yet been incurred, may  
28 be segregated by the Department of Revenue or transferred to the authority only with the prior  
29 approval or agreement of the commissioner of revenue. Income received on money that is  
30 segregated or transferred under this section must be deposited in the general fund.

31 \* **Sec. 33.** AS 46.11.050(b) is amended to read:

1 (b) A [AFTER DECEMBER 31, 1980, A] financial institution that makes home mortgage  
2 loans with money provided to it by the State Investment Board [COMMISSIONER OF  
3 REVENUE] from surplus state general fund investments authorized by AS 37.10.070, or a state  
4 agency that [WHICH] makes a direct home mortgage loan to an applicant, shall include  
5 estimated heating and lighting costs as determined by an energy audit in standard principal,  
6 interest, taxes and insurance calculation of the cost of buying a housing unit. An applicant for  
7 a home mortgage loan shall provide the financial institution or the state agency with a copy of  
8 an energy audit.

9 \* **Sec. 34.** AS 47.80.200(b) is amended to read:

10 (b) The State Investment Board [COMMISSIONER OF REVENUE] is the custodian  
11 of the trust fund in the same manner as provided for the public school trust fund in  
12 AS 37.14.160 - 37.14.170, except where the provisions of AS 47.80.200 - 47.80.290 conflict.

13 \* **Sec. 35.** TRANSITION. All litigation, hearings, investigations, and other proceedings pending  
14 under a law amended or repealed by this Act, or in connection with functions transferred by this Act,  
15 continue in effect and may be continued and completed notwithstanding a transfer, amendment, or repeal  
16 provided for in this Act. Orders and regulations issued or adopted under authority of a law amended  
17 or repealed by this Act remain in effect for the term issued, or until revoked, vacated, or otherwise mod-  
18 ified under the provisions of this Act. All contracts, rights, liabilities, and obligations created by or  
19 under a law amended or repealed by this Act, and in effect on the effective date of this Act, remain in  
20 effect notwithstanding this Act's taking effect. Records, equipment, and other property of agencies of  
21 the state whose functions are transferred under this Act shall be transferred commensurate with the  
22 provisions of this Act.

23 \* **Sec. 36.** (a) Notwithstanding AS 37.10.210(c), enacted by sec. 1 of this Act, the initial terms of  
24 the appointed and elected members of the board of directors of the State Investment Board shall be as  
25 follows:

26 (1) one member from each state retirement system and one public member shall serve  
27 terms of six years;

28 (2) one member from a state retirement system and one public member shall serve terms  
29 of four years;

30 (3) one member from a state retirement system and one public member shall serve terms  
31 of two years.

1 (b) The State Investment Board may hold organizational meetings as soon as a quorum of the  
2 board has been elected to or selected for the board.

3 \* Sec. 37. AS 37.10.210, 37.10.230, 37.10.240, and 37.10.290, enacted by sec. 1 of this Act, and  
4 sec. 36 of this Act take effect immediately under AS 01.10.070(c).

5 \* Sec. 38. Except as provided in sec. 37 of this Act, this Act takes effect January 1, 1992.