

CSSB

157

# HOUSE COMMITTEE REPORT

(11)

Date referred: 4/8/87

FURTHER REFERRALS:

DATE: 5-16-87

The Finance Committee has considered CSSB 157 (Fin)

"An Act appropriating from the earnings reserve account of the Alaska permanent fund to the general fund."

**RECOMMENDS:**

- replace with HCS CSSB 157 (FIN)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

Al Adams  
Kat Kouchak  
Ronald J. Linn  
C. Small  
L. Mark Boyer  
Jay Brown  
Mike Durr  
Peter J...

**SIGNING OTHER RECOMMENDATIONS:**

Same Keys No Recommendations  
No No Rec.  
Keywellis "

Albert G. ...  
 Chairman's signature

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 157 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act appropriating from the earnings reserve  
7 account of the Alaska permanent fund to the general  
8 fund."

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

10 \* Section 1. The sum of \$516,000,000 is appropriated from the earnings  
11 reserve account of the Alaska permanent fund (AS 37.13.145) to the budget  
12 reserve fund (AS 37.05.156); however, the amount appropriated shall be  
13 transferred from the earnings reserve account to the budget reserve fund  
14 only as necessary to meet the requirements of sec. 2 of this Act.

15 \* Sec. 2. The appropriation made in sec. 1 of this Act is appropriated  
16 from the budget reserve fund to the general fund. This appropriation may  
17 be transferred to the general fund for expenditure upon a determination by  
18 the Department of Revenue that the cash balance of the general fund in the  
19 state treasury is insufficient to pay obligations of the general fund under  
20 appropriations at any time during fiscal year 1988. Only the amount re-  
21 quired to pay those obligations may be transferred or expended.

22 \* Sec. 3. The amount appropriated by this Act that is not transferred  
23 under sec. 2 of this Act lapses into the earnings reserve account of the  
24 Alaska permanent fund (AS 37.13.145) June 29, 1988.

No. 1

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version: HCS CS SB 157  
Publish Date: HOUSE 4/8/87

Revision Date: \_\_\_\_\_

Agency Affected: Permanent Fund Corporation

Title: Appropriating from earnings  
reserve account of AK PF to GF

BRU: \_\_\_\_\_

Sponsor: Governor

Components: \_\_\_\_\_

Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	0-174.9M	-0-	-0-	-0-	-0-	-0-
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	0-174.9M	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>0-174.9M</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

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

Prepared by: Fran Ulmer, Chair

Phone: 465-4963

Division: House State Affairs Committee

Date: April 7, 1987

Approved by Commissioner: \_\_\_\_\_

Date: \_\_\_\_\_

Agency: \_\_\_\_\_

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800

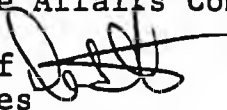
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 2, 1987

SUBJECT: Title of HCS CSSB 157 (State Affairs)

TO: Representative Fran Ulmer  
Chair, House State Affairs Committee

FROM: David R. Dierdorff   
Revisor of Statutes

Enclosed is the draft committee substitute requested by Dennis Burns for your committee.

The bill passed the Senate without an effective date provision. Thus, to add an immediate effective date to the draft, it is necessary to add the standard effective date clause to the title of the bill. This raises a question under the Uniform Rules as to whether such a title change is allowed in the second house.

Uniform Rule 35 provides in part:

A motion or proposition on a subject that requires a change in the title of the bill as enacted in the house of origin, other than a clerical or technical change is not in order in the second house.

It is my opinion that a change in the title of a bill regarding the effective date is a technical change permitted under Rule 35. This has been the position taken by this office since 1984.

The vote on passage of a bill occurs separately from the vote on the effective date section. Failure to adopt a special effective date does not defeat the bill itself or serve to rescind action in passing the bill. This is because under Article II, Sec. 14 of the state constitution a bill may become law upon a majority vote of the membership of each house. Under Article II, Sec. 18 it is only the special effective date itself that requires a two-thirds vote.

Representative Ulmer  
Page 2  
April 2, 1987

Uniform Rule 39(f) provides

(f) If a bill or portion of a bill contains material which has an effective date other than the date which is 90 days after the bill becomes law, the bill must contain a section or sections setting out the proposed effective date or dates. The section or sections relating to the effective dates must be approved by an affirmative vote of two-thirds of the full membership of each house. If a section setting out an effective date fails to receive the required two-thirds vote in either house, the section is void and without effect and is deleted from the bill. The fact that a bill contains a section which sets out an effective date shall also be noted in the title of the bill.

It is clear that changing the title to reflect whether an effective date is adopted or fails is required as a technical matter. This conclusion appears to be further supported in Rule 35 itself which provides in part

When the amendments to the body of a bill affect the numbering of sections, or passage or failure of the effective date clause affects the title, the clerk or secretary may accomplish the necessary changes without formal motion, and the changes shall be noted in the journal.

The issue has come up as to whether a bill passed by one house with an effective date and passed by the other with no effective date constitutes the same bill for purposes of determining whether identical legislation has passed each body of the legislature. Upon the advice of the attorney general that identical legislation had not passed both bodies, the governor returned SCSHB 207 am S (H failed eff. date) unsigned. (See 1980 House Journal, p. 2240 and 1980 Senate Journal, p. 1781) Legislative counsel advised that the bill became effective without the governor's signature as ch. 177, SLA 1980 and the superior court upheld the validity of the enactment. (Alaska Legislative Council v. Hammond, case no. 4FA-80-1689, Superior Court for the Fourth Judicial District.)

While we believe that the addition of effective date language to the title is permitted under the rules, I should point out that as a practical matter it may not be necessary to add an effective date to this bill. The amount to be

Representative Ulmer

Page 3

April 2, 1987

appropriated will not be certain (and the appropriation made by the bill can not be executed) until the annual financial report is published. Although the statute (AS 37.05.210(2)) requires publication by October 16, in the past two years it has not been published until early in the following year. I understand that the new commissioner promises to use every effort to meet the statutory deadline. Even if that occurs, it would be after the effective date of this bill without a special effective date. Consequently, the only advantage to an immediate effective date would be to encumber the necessary funds at an earlier date. That, of course, is a policy question for you to determine.

In any event, if you choose to add an effective date, we believe that that action is allowed under the Uniform Rules even though it may create some procedural delays.

DRD:mkr  
m10/088

Enclosure

# Alaska State Legislature

## House of Representatives

Al Adams  
Chairman  
Committee on Finance

April 14, 1987

WHILE IN SESSION  
P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3706

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3320

1024 W. 6th  
Anchorage, Alaska 99501  
(907) 274-0615



Official Business

### MEMORANDUM

TO: House Finance Committee members  
FROM: Representative Al Adams, Chair  
SUBJ: Draft HCS CS SB 157 (FIN)

Attached is a draft Finance C.S. for SB 157. It appropriates \$139,500,000 from the earnings reserve account of the permanent fund to the general fund. This amount is what I calculate is still needed to erase the FY87 deficit. Here is how I arrived at this amount:

Deficit (per January revenue forecast)	(\$866.4M)
Appropriating balance of budget reserve fund to general fund (Ch. 2, SLA 87)	427.3
Changing the funding source for Bradley Lake from the general fund to the railbelt energy fund (SB 159)	50.0
Increase in FY 87 revenue (per March revenue forecast)	264.2
Amount needed to fund FY 87 supplementals (HB 127)	(14.6)
AMOUNT NEEDED FROM EARNINGS RESERVE TO ERASE FY 87 DEFICIT: DRAFT HCS CS SB 157 (FIN)	<hr/> \$139.5 <hr/>
FY 87 Balance	0

The language of the C.S. has also been altered. Since all amounts are now known to arrive at the calculation, no references to other documents are needed. A cap on the amount taken from the earnings reserve account is retained by keeping the phrase "An amount not to exceed ..." in the bill.

I urge your favorable consideration of the draft C.S.

w01387N ✓  
Dierdorff  
4/14/87

Original sponsor: Rules/Governor

<u>Funding Information</u>	
General Fund	\$139,500,000)
Other Funds	<u>139,500,000</u>
	\$ -0-

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 157 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act appropriating from the earnings reserve

7 account of the Alaska permanent fund to the general

8 fund; and providing for an effective date."

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

10 \* Section 1. The sum of \$139,500,000 is appropriated from the earnings

11 reserve account of the Alaska permanent fund (AS 37.13.145) to the general

12 fund.

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

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## Alaska Permanent Fund Corporation

### FINANCIAL PROJECTIONS (in millions) as of March 31, 1987

FY	PRINCIPAL						INCOME					Reserves		
	FY Begin Balance	Appro- priations	Dedicated		Inflation Proofing Shortfall	FY End Balance	Net Income	Distributions			General Fund	Add (Delete)	FY End Balance	FY
			State Revenues*	Inflation Proofing				Per Capita Dividends**	Inflation Proofing					
78			54		54	2				1			78	
79	54		84		139	8				7			79	
80	139		344		483	32	12			12			80	
81	483	900	385		1,769	150	28			28	59	59	81	
82	1,769	800	401		2,969	368	71	\$1,000.00		71	185	244	82	
83	2,969	400	421	231	4,021	471	108	\$366.15	231	110	110	354	83	
84	4,021	300	366	151	4,838	530	175	\$331.29	151		204	557	84	
85	4,838	300	368	235	5,741	658	217	\$404.00	235		206	763	85	
86	5,741		323	216	6,281	1,021	303	\$556.26	216		501	1,264	86	
87	6,281	1,264	150	148	7,843	1,054	390	\$724.73	148		516	516	87	
88	7,843		165	320	8,329	796	424	\$790.57	320		51	567	88	
89	8,329		187	511	9,026	847	458	\$849.73	511		( 121)	446	89	
90	9,026		206	554	9,787	902	484	\$894.66	554		( 135)	311	90	
91	9,787		194	599	10,580	961	478	\$880.23	599		( 116)	195	91	
92	10,580		211	647	11,438	1,025	476	\$871.19	647		( 98)	97	92	
93	11,438		225	687	12,350	1,098	508	\$925.74	687		( 97)		93	
94	12,350		230	633	13,213	1,175	542	\$984.82	633				94	
95	13,213		230	677	14,120	1,256	579	\$1,048.31	677				95	
96	14,120		229	722	15,071	1,341	619	\$1,116.58	722				96	
97	15,071		231	770	16,072	1,431	662	\$1,188.95	770				97	
98	16,072		231	819	17,121	1,526	707	\$1,264.83	819				98	
99	17,121		228	871	18,220	1,624	754	\$1,344.20	871				99	
0	18,220		223	924	19,367	1,728	803	\$1,426.98	924				0	
1	19,367		217	980	20,564	1,835	855	\$1,513.29	980				1	
2	20,564		215	1,039	21,818	1,948	909	\$1,603.09	1,039				2	
3	21,818		210	1,100	23,128	2,066	966	\$1,696.39	1,100				3	
4	23,128		208	1,164	24,499	2,199	1,026	\$1,793.60	1,164				4	
5	24,499		205	1,231	25,936	2,319	1,088	\$1,894.48	1,231				5	
-----														
Cumulative Totals:	3,964	6,742	15,229	25,936	2,175	30,361	13,639	\$25,490.07	15,229	229	1,264			
=====														

ASSUMPTIONS: 1.92% Inflation Rate FY 87  
 ----- 14.03% Rate of Return FY 87

4.00% Inflation Rate FY 88  
 9.00% Rate of Return FY 88

\* SOURCE: Alaska Department of Revenue  
 30% Case Forecast - March 1987

STATUS QUO

6.00% Inflation Rate FY 89-05  
 9.00% Rate of Return FY 89-05

\*\* SOURCE: Population Projections From  
 DOR Revenue Source Book - Page 44



## Alaska Permanent Fund Corporation

### FINANCIAL PROJECTIONS (in millions)

as of March 31, 1987

FY	PRINCIPAL					INCOME					Reserves		FY		
	FY Begin Balance	Appropriations	Dedicated State Revenues*	Inflation Proofing	FY End Balance	Inflation Proofing Shortfall	Net Income	Per Capita Dividends	Inflation Proofing	General Fund	Add (Delete)	FY End Balance			
78			54		54					1			78		
79	54		84		139					7			79		
80	139		344		483					12			80		
81	483	900	385		1,769					28	59	59	81		
82	1,769	800	401		2,969					71	185	244	82		
83	2,969	400	421	231	4,021					110	110	354	83		
84	4,021	300	366	151	4,838					151	204	557	84		
85	4,838	300	368	235	5,741					235	206	763	85		
86	5,741		323	216	6,281					216	501	1,264	86		
87	6,281	1,264	150	148	7,843					148	371	371	87		
88	7,843		165	320	8,329					320	39	410	88		
89	8,329		187	511	9,026					511	( 133)	277	89		
90	9,026		206	554	9,787					554	( 147)	130	90		
91	9,787		194	599	10,580					599	( 127)	3	91		
92	10,580		211	543	11,334	104				543	( 3)		92		
93	11,334		225	580	12,139	113				580			93		
94	12,139		230	622	12,992	120				622			94		
95	12,992		230	666	13,887	127				666			95		
96	13,887		229	711	14,827	136				711			96		
97	14,827		231	758	15,816	146				758			97		
98	15,816		231	806	16,853	156				806			98		
99	16,853		228	857	17,938	168				857			99		
0	17,938		223	910	19,071	179				910			0		
1	19,071		217	966	20,254	192				966			1		
2	20,254		215	1,024	21,493	205				1,024			2		
3	21,493		210	1,084	22,786	218				1,084			3		
4	22,786		208	1,147	24,141	233				1,147			4		
5	24,141		205	1,213	25,560	247				1,213			5		
-----															
Cumulative Totals:	3,964		6,742	14,853	25,560	2,344				29,947	13,456	\$25,155.88	14,853	374	1,264
=====															

ASSUMPTIONS: 1.92% Inflation Rate FY 87  
 ----- 14.03% Rate of Return FY 87

4.00% Inflation Rate FY 88  
 9.00% Rate of Return FY 88

\* SOURCE: Alaska Department of Revenue  
 30% Case Forecast - March 1987



## Alaska Permanent Fund Corporation

### FINANCIAL PROJECTIONS

(in millions)

as of March 31, 1987

FY	PRINCIPAL					INCOME					Reserves		FY	
	FY Begin Balance	Appropriations	Dedicated State Revenues*	Inflation Proofing	FY End Balance	Inflation Proofing Shortfall	Net Income	Dividends	Per Capita Dividends**	Inflation Proofing	General Fund	Add (Delete)		FY End Balance
78			54		54						1			78
79	54		84		139						7			79
80	139		344		483						12			80
81	483	900	385		1,769						28	59	59	81
82	1,769	800	401		2,969			\$1,000.00			71	185	244	82
83	2,969	400	421	231	4,021			\$386.15	231	110		110	354	83
84	4,021	300	366	151	4,838			\$331.29	151			204	557	84
85	4,838	300	368	235	5,741			\$404.00	235			266	763	85
86	5,741		323	216	6,281		1,021	\$556.26	216			501	1,264	86
87	6,281	1,264	150	148	7,843		1,054	\$724.73	148	516				87
88	7,843		165	320	8,329		747	\$780.87	320			8	8	88
89	8,329		187	355	8,871	156	794	\$829.47	355			( 8)		89
90	8,871		206	379	9,456	166	846	\$863.35	379					90
91	9,456		194	445	10,095	134	900	\$837.04	445					91
92	10,095		211	515	10,821	103	961	\$815.64	515					92
93	10,821		225	555	11,601	108	1,030	\$866.87	555					93
94	11,601		230	596	12,427	114	1,104	\$922.66	596					94
95	12,427		230	638	13,294	121	1,182	\$983.07	638					95
96	13,294		229	682	14,205	130	1,264	\$1,048.11	682					96
97	14,205		231	727	15,163	139	1,350	\$1,117.46	727					97
98	15,163		231	774	16,169	149	1,440	\$1,190.16	774					98
99	16,169		228	824	17,220	160	1,535	\$1,266.20	824					99
0	17,220		223	875	18,318	172	1,633	\$1,345.48	875					0
1	18,318		217	929	19,464	183	1,737	\$1,427.98	929					1
2	19,464		215	985	20,664	196	1,844	\$1,514.00	985					2
3	20,664		210	1,043	21,916	209	1,957	\$1,603.36	1,043					3
4	21,916		208	1,104	23,228	223	2,075	\$1,696.32	1,104					4
5	23,228		205	1,168	24,602	238	2,199	\$1,792.98	1,168					5
-----														
Cumulative Totals:	3,964		6,742	13,895	24,602	2,702	28,892	12,988	\$24,303.47	13,895	745	1,264		
-----														

ASSUMPTIONS: 1.92% Inflation Rate FY 87  
 ----- 14.03% Rate of Return FY 87

4.00% Inflation Rate FY 88  
 9.00% Rate of Return FY 88

\* SOURCE: Alaska Department of Revenue  
 30% Case Forecast - March 1987

STATUS QUO EXCEPT FOR FY 87 ONLY,  
 EARNINGS RESERVE TO GENERAL FUND

6.00% Inflation Rate FY 89-05  
 9.00% Rate of Return FY 89-05

\*\* SOURCE: Population Projections From  
 DOR Revenue Source Book - Page 44

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

sb 157

March 3, 1987

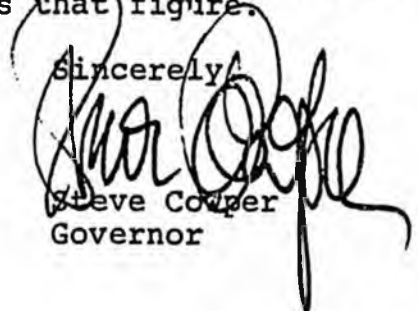
The Honorable Jan Faiks  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill appropriating money from the earnings reserve account (formerly called the "undistributed income account," AS 37.13.145) of the Alaska permanent fund to the general fund. This bill appropriates a sufficient amount of money to cover whatever deficit may exist after the end of fiscal year 1987 from the earnings reserve account of the permanent fund to the general fund. If an insufficient amount is available from the earnings reserve account, then the entire amount is appropriated to the general fund.

The deficit for fiscal year 1987 is identified in the bill by reference to the specific line in the state's annual financial report which reports that figure.

Sincerely,

  
Steve Cooper  
Governor



Original sponsor: Rules/Governor

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 CS FOR SENATE BILL NO. 157 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act appropriating from the earnings reserve  
7 account of the Alaska permanent fund to the general  
8 fund."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. (a) An amount calculated under (b) of this section is  
11 appropriated from the earnings reserve account in the permanent fund  
12 (AS 37.13.145) to the general fund.  
13 (b) The amount that may be appropriated under (a) of this section is  
14 the lesser of:  
15 (1) \$154,000,000; or  
16 (2) \$882,000,000 less the total of  
17 (A) the sum transferred from the budget reserve fund  
18 (AS 37.05.156) to the general fund by legislation enacted by the First  
19 Session of the Fifteenth Legislature;  
20 (B) the total of appropriations made from the Railbelt  
21 energy fund (AS 37.06.153) by legislation enacted by the First Session  
22 of the Fifteenth Legislature that were formerly funded by the general  
23 fund; and  
24 (C) the amount obtained by subtracting the January 1987  
25 revenue forecast for fiscal year 1987 prepared by the Department of  
26 Revenue from the March 1987 revenue forecast.

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 157

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act appropriating from the earnings reserve  
7 account of the Alaska permanent fund to the general  
8 fund; and providing for an effective date."

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

10 \* Section 1. The lesser of the following two amounts is appropriated  
11 from the earnings reserve account of the Alaska permanent fund to the  
12 general fund: (1) an amount sufficient to offset any negative amount in  
13 the "Available Fund Equity/Balance" for the general fund as reported for  
14 June 30, 1987 on the "State of Alaska, All Fund Types and Account Groups,  
15 Combined Balance Sheet" in the State of Alaska's "Annual Financial Report"  
16 for fiscal year 1987, published under AS 37.05.210(2); or (2) the amount in  
17 the earnings reserve account of the Alaska permanent fund as of July 1,  
18 1987.

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