



Analysis of Changes CS HB74 (L&C)

The CS for HB 74 (L&C) contains all the operable language concerning statutory authority for AIDEA to offer project financing that was in the original version of the bill without change. That is, the operative parts of the project financing portions of the original HB 74 are included in CS HB 74. There are a few differences between the bills, but these differences are ones of syntax, grammar, punctuation, and single word changes as set forth below.

1. CS for HB 74 inserts the word “and” at line 22, p. to AS 44.88.010(a)(9) so that line 22 reads “debt, to own and operate facilities, **and** to make and insure loans to finance and to...” The addition of the conjunctive “and” does not change the meaning of the statute and is grammatically correct whereas the syntax of the original is probably incorrect because it is a classic run on phrase.

2. In Section 3, AS 44.88.080(25) at line 20, p. 2 the Committee substitute changes the word “Airport” to “airports”. The January 16th original version of HB 74 used the singular so that the phrase read “to lend amounts from the international airport revenue fund to finance the development or improvement of utilities serving the airports.” (emphasis supplied).

This portion of AIDEA’s statutes references the Public Finance statute AS 37.15.430 entitled the **“International airports revenue fund”** (emphasis supplied). As a result, this part of HB 74 that references this fund should use “airports” and not “airport”. Original HB 74 used the term “airport” because that is the term used in the codified statutes of the authority. However, the use of the singular in AIDEA’s statutes is incorrect and the CS for HB 74 (L&C) contains a correction that conforms with the statutory reference to the correct name for the fund in AS 37.15.430.

3. Another change in Section 3 occurs in AS 44.88.080(9) at page 4, lines 30 and 31. The changes involve three grammatical changes: (1) the deletion of a comma in line 30 after the word “them”; (2) the insertion of a comma after the word “with”; and (3) deletion of the word “or” after the phrase “federal agency” in line 30.

None of these changes affect the meaning of the statute. They are also grammatically correct changes. For example, the operative intent of provision 9 is that AIDEA can accept gifts, grants, or enter into contracts with a variety of governmental entities which are then listed. The original comma after the word “them” is misplaced because the parenthetical pause needed is before the list of agencies that starts with the preposition “with” and not the noun “them”.

Similarly, the deletion of the first use of the disjunctive “or” is correct because this part of the statute is a list of governmental agencies so that the first “or” is not needed. Finally, insertion of the indefinite pronoun “a” before the phrase “private organization” at page 4 line 31 is correct because it is already used before the word “municipality” in the same line; the use of the indefinite is correct in this context because this is a reference to any municipality or private organization.

4. Also in Section 3 in AS 88.44.080(31), the word “impacted” is changed to “affected” at line 6, p. 7 so that the pertinent phrase reads “the interests of local governments affected by the authority’s activities to share in the benefits of these activities...” Not sure why the change in predicates is being made. Both verbs “impact” and “affect” can have, and in this context, do have essentially the same meaning from a legal perspective. From a perspective of syntax, the use of the predicate “affected” is grammatically preferable because one is affected by actions whereas impacted is a term often used in an environmental context.