



# LAWS OF ALASKA

2008

**Source**

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**Chapter No.**

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## AN ACT

Relating to the bulk fuel bridge loan fund and program, power project fund, and the bulk fuel revolving loan fund; authorizing the Alaska Energy Authority to borrow money from the power project fund for the bulk fuel revolving loan fund and to repay money borrowed; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Relating to the bulk fuel bridge loan fund and program, power project fund, and the bulk fuel  
2 revolving loan fund; authorizing the Alaska Energy Authority to borrow money from the  
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4 providing for an effective date.

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6 \* **Section 1.** AS 29.60 is amended by adding a new section to read:

### Article 8A. Bulk Fuel Bridge Loan Fund and Program.

7 **Sec. 29.60.660. Bulk fuel bridge loan fund and program.** (a) The bulk fuel  
8 bridge loan fund is established in the department to assist communities, utilities  
9 providing power in communities, fuel retailers, and other persons in communities in  
10 purchasing bulk fuel to generate power or supply the public with fuel for use in  
11 communities, if no other funding source exists for the purchase. The fund consists of  
12 appropriations to the fund and income earned on investment of money in the fund.

13 (b) A community, utility, fuel retailer, or other person generating power or

1 supplying fuel in a community as described in (a) of this section is eligible to receive a  
2 loan from the bulk fuel bridge loan fund for a purchase of bulk fuel to be used in the  
3 community if the community, utility, fuel retailer, or other person

4 (1) has a written endorsement from the governing body of the  
5 community for which a loan from the fund under this section is sought; and

6 (2) first applied for and has been denied a loan from

7 (A) the bulk fuel revolving loan fund (AS 42.45.250)  
8 administered by the Alaska Energy Authority;

9 (B) any other funding source used by the community, utility,  
10 fuel retailer, or other person in the past three years to finance purchases of bulk  
11 fuel for the community; and

12 (C) any other funding source that the department determines is  
13 available to the community, utility, fuel retailer, or other person to purchase  
14 bulk fuel.

15 (c) Loans made from the bulk fuel bridge loan fund to one borrower in a fiscal  
16 year

17 (1) may not exceed \$500,000; and

18 (2) shall be repaid within one year after the date of the award.

19 (d) Interest may not be charged on a loan made from the bulk fuel bridge loan  
20 fund.

21 (e) Repayments of the loans made under this section shall be paid into the bulk  
22 fuel bridge loan fund. Money in the fund does not lapse. This fund is not a dedicated  
23 fund. Amounts in the fund may be appropriated for expenses directly related to  
24 administration of the fund.

25 (f) The department may contract for the administration of the bulk fuel bridge  
26 loan program established in this section.

27 (g) The department may adopt regulations under AS 44.62 necessary to carry  
28 out the provisions of this section.

29 (h) In this section,

30 (1) "community" means a municipality or unincorporated village that  
31 is a social unit, if the municipality or unincorporated village has a population of less

1 than 2,000 people;

2 (2) "fund" means the bulk fuel bridge loan fund established in (a) of  
3 this section;

4 (3) "person"

5 (A) has the meaning given in AS 01.10.060;

6 (B) includes a cooperative, a joint venture, and a governmental  
7 entity.

8 \* **Sec. 2.** AS 42.45.010(b) is amended to read:

9 (b) The authority may make loans from the power project fund

10 (1) to electric utilities, regional electric authorities, municipalities,  
11 regional and village corporations, village councils, **and** independent power producers  
12 [, AND NONPROFIT MARKETING COOPERATIVES] to pay the costs of

13 (A) reconnaissance studies, feasibility studies, license and  
14 permit applications, preconstruction engineering, and design of power projects;  
15 **and**

16 (B) constructing, equipping, modifying, improving, and  
17 expanding small-scale power production facilities that are designed to produce  
18 less than 10 megawatts of power, bulk fuel storage facilities, and transmission  
19 and distribution facilities, including energy production, transmission and  
20 distribution, waste energy, energy conservation, energy efficiency, and  
21 alternative energy facilities and equipment; [AND

22 (C) RECONNAISSANCE STUDIES, PRECONSTRUCTION  
23 ENGINEERING, DESIGN, CONSTRUCTION, EQUIPPING,  
24 MODIFICATION, AND EXPANSION OF POTABLE WATER SUPPLY  
25 INCLUDING SURFACE STORAGE AND GROUNDWATER SOURCES  
26 AND TRANSMISSION OF WATER FROM SURFACE STORAGE TO  
27 EXISTING DISTRIBUTION SYSTEMS;]

28 (2) to a borrower for a power project or for bulk fuel, waste energy,  
29 energy conservation, energy efficiency, or alternative energy facilities or equipment if

30 (A) the loan is entered into under a leveraged lease financing  
31 arrangement;

(B) the party that will be responsible for the power project or the bulk fuel, waste energy, energy conservation, energy efficiency, or alternative energy facilities or equipment is an electric utility, regional electric authority, municipality, regional or village corporation, village council, **or** independent power producer [, OR NONPROFIT MARKETING COOPERATIVE]; and

(C) the borrower seeking the loan demonstrates to the authority that the financing arrangement for the power project or the bulk fuel, waste energy, energy conservation, energy efficiency, or alternative energy facilities or equipment will reduce financing costs for the project, facilities, or equipment below costs of comparable public power projects, facilities, or equipment;

(3) to the bulk fuel revolving loan fund for the purposes described in AS 42.45.250(m) under terms, including interest, that the authority determines are appropriate to maintain the viability of the power project fund and the bulk fuel revolving loan fund; however, the authority may not make a loan under this paragraph if

(A) the cumulative outstanding balance of the loans would exceed the lesser of \$2,000,000 or 10 percent of the cash balance of the power project fund on June 30 of the preceding fiscal year; or

**(B) the cash balance of the power project fund is less than**

\* **Sec. 3.** AS 42.45.010(f) is amended to read:

(f) A loan for power [POWER] projects and bulk fuel, waste energy, energy conservation, energy efficiency, and alternative energy facilities or equipment [ARE SUBJECT TO THE FOLLOWING LIMITATIONS ON INTEREST AND SPECIFIC RESTRICTIONS:]

(1) [POWER PROJECTS FOR WHICH LOANS ARE OUTSTANDING FROM THE FORMER WATER RESOURCES REVOLVING LOAN FUND (FORMER AS 45.86) ON JULY 13, 1978, MAY RECEIVE ADDITIONAL FINANCING FROM THE POWER PROJECT FUND: IF

1 GRANTED,

2 (A) THE TERM OF THE ADDITIONAL FINANCING MAY  
3 NOT EXCEED 50 YEARS;

4 (B) THE INTEREST OF THE ADDITIONAL FINANCING  
5 MUST BE AT A RATE OF NOT LESS THAN THREE OR MORE THAN  
6 FIVE PERCENT A YEAR ON THE UNPAID BALANCE;

7 (C) THE GRANT OF THE ADDITIONAL FINANCING  
8 MUST BE CONDITIONED ON THE REPAYMENT OF LOAN PRINCIPAL  
9 AND INTEREST TO BEGIN ON THE EARLIER OF

10 (i) THE DATE OF THE START OF COMMERCIAL  
11 OPERATION OF THE PROJECT; OR

12 (ii) 10 YEARS FROM THE DATE THE LOAN IS  
13 GRANTED;

14 (2) A LOAN FOR A POWER PROJECT

15 (A)] may not be granted for a term that exceeds 50 years; and

16 (2) [(B)] shall be granted at an interest rate that is not less than zero  
17 percent and that is the lesser of

18 (A) [(i)] a rate equal to the percentage that is the average  
19 weekly yield of municipal bonds for the 12 months preceding the date of the  
20 loan, as determined by the authority from municipal bond yield rates reported  
21 in the 30-year revenue index of The [THE WEEKLY] Bond Buyer; or

22 (B) [(ii)] a rate determined by the authority that allows the  
23 project to meet criteria of financial feasibility established under (c) of this  
24 section.

25 \* **Sec. 4. AS 42.45.250(e)** is amended to read:

26 (e) Loans made from the bulk fuel revolving loan fund to one borrower in any  
27 fiscal year

28 (1) may not exceed \$500,000 [\$400,000], or, if the borrower is a  
29 cooperative corporation organized under AS 10.15 or an electric cooperative  
30 organized under AS 10.25 and uses the loan to purchase bulk fuel on behalf of more  
31 than one community, may not exceed the lesser of \$500,000 [\$400,000] multiplied by

1 the number of communities on whose behalf the bulk fuel is to be purchased, or  
2 **\$1,800,000** [\$1,500,000];

3 (2) shall be repaid in one year or less; and

4 (3) may not exceed 90 percent of the wholesale price of the fuel  
5 purchased.

6 \* **Sec. 5.** AS 42.45.250(f) is amended to read:

7 (f) Interest may be charged on a loan made from the bulk fuel revolving loan  
8 fund. Interest shall be charged on a loan at a rate equal to the percentage of the  
9 average weekly yield of municipal bonds for the 12 months preceding the date of the  
10 loan, as determined by the authority from municipal bond yield rates reported in the  
11 30-year revenue index of **The** [THE WEEKLY] Bond Buyer. However, if the  
12 authority finds that a community cannot afford to repay a portion of interest on a loan,  
13 and makes a determination in writing, the authority may reduce or eliminate the  
14 interest rate applicable to the loan.

15 \* **Sec. 6.** AS 42.45.250 is amended by adding a new subsection to read:

16 (m) Subject to the limitations of AS 42.45.010(b)(3), the authority may  
17 borrow money from the power project fund (AS 42.45.010) when necessary to meet  
18 commitments for loans from the bulk fuel revolving loan fund. The authority shall use  
19 the money in the bulk fuel revolving loan fund to repay the money borrowed from the  
20 power project fund and any interest charged on the money borrowed.

21 \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).