

CS FOR HOUSE BILL NO. 105(ENE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON ENERGY

Offered: 2/25/15

Referred: Resources, Labor and Commerce, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the programs and bonds of the Alaska Industrial Development and**
 2 **Export Authority; related to the financing authorization through the Alaska Industrial**
 3 **Development and Export Authority of a liquefied natural gas production plant and**
 4 **natural gas energy projects and distribution systems in the state; amending and**
 5 **repealing bond authorizations granted to the Alaska Industrial Development and Export**
 6 **Authority; and providing for an effective date."**

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

8 * **Section 1.** AS 44.88.095(c) is amended to read:

9 (c) Before entering into a lease or other agreement under AS 44.88.090(e)
 10 regarding a project for which the authority agrees to issue bonds in an amount in
 11 excess of \$10,000,000 [\$6,000,000], there must be filed with the authority a certified
 12 copy of a resolution of the governing body of the political subdivision of the state, if
 13 any, in which the project is to be located, consenting to the location of the project. The

1 consent need only refer to the general nature of the project ultimately to be acquired or
 2 financed, as set out in a request of the proposed project applicant. Before entering into
 3 a lease or other agreement under AS 44.88.090(e) regarding a project, the authority
 4 shall find, on the basis of all information reasonably available to it, that

5 (1) the project and its development under this chapter will be
 6 economically advantageous to the state and the general public welfare and will
 7 contribute to the economic growth of the state;

8 (2) the project applicant is financially responsible;

9 (3) provision to meet increased demand on [UPON] public facilities
 10 that might result from the project is reasonably assured; and

11 (4) the project will provide, or retain, employment reasonably related
 12 to the amount of the financing by the authority, considering the amount of investment
 13 for each [PER] employee for comparable facilities and other relevant factors.

14 * Sec. 2. AS 44.88.095(g) is amended to read:

15 (g) The authority may issue bonds in an amount greater than \$25,000,000
 16 [\$10,000,000] to assist in the financing of a development project under AS 44.88.172 -
 17 44.88.177 only if approved by law, excluding refunding bonds. Refunding bonds may
 18 be issued without further approval by law in a principal amount sufficient to provide
 19 funds for the payment of all bonds to be refunded by them and, in addition, for the
 20 payment of all other amounts that the authority considers appropriate in connection
 21 with the refunding, including expenses incident to the redeeming, calling, retiring, or
 22 paying of the outstanding bonds, the funding of reserves, and the issuance of the
 23 refunding bonds.

24 * Sec. 3. AS 44.88.155(d) is amended to read:

25 (d) A loan participation purchased by the authority with assets of the
 26 enterprise development account or with proceeds of bonds secured by assets of the
 27 enterprise development account

28 (1) may not exceed \$25,000,000 [\$20,000,000]; however, in the case
 29 of a loan participation for qualified energy development, the loan participation may
 30 exceed \$25,000,000 [\$20,000,000] with legislative approval;

31 (2) may not be purchased unless

1 (A) the project applicant is not, or, if the applicant is not a
2 single proprietorship, all members of the business enterprise or enterprises
3 constituting the project applicant are not, in default on another loan made by
4 the state or by a public corporation of the state; and

5 (B) at least 10 percent of the principal amount of the loan is
6 retained by the loan originator, or the loan is for financing improvements in
7 energy efficiency;

8 (3) may not be purchased if the loan to be purchased exceeds 75
9 percent of the appraised value of the collateral offered as security for the loan unless
10 the amount of the loan in excess of this limit is federally insured or guaranteed or is
11 insured by a qualified mortgage insurance company, except that the loan to be
12 purchased under this paragraph may not exceed the total of loan proceeds used to
13 refinance an existing debt plus the cost of new construction, expansion, or acquisition
14 unless the proceeds from the additional amounts of the loan to be purchased are
15 restricted to uses approved by the authority to finance commercial activity in the state
16 by a business enterprise;

17 (4) may not be purchased if the participation in the loan to be
18 purchased is for a term longer than the following, except that a loan under (A) or (C)
19 of this paragraph may not have a term longer than three-quarters of the authority's
20 estimate of the life of the collateral offered as security for the loan:

21 (A) 40 years from the date the loan is made in the case of a
22 loan participation for a project described in AS 44.88.900(11)(E);

23 (B) 50 years from the date the loan is made in the case of a loan
24 participation for qualified energy development;

25 (C) 25 years from the date the loan is made in the case of a loan
26 participation for other projects;

27 (5) may be made only if the participation in the loan to be purchased
28 contains amortization provisions; the amortization provisions

29 (A) must be complete and satisfactory to the authority and
30 require periodic payments by the borrower;

31 (B) may allow the loan originator to amortize the portion of the

1 loan retained by the loan originator using a shorter amortization schedule than
2 the amortization schedule for the portion of the loan held by the authority if

3 (i) in the authority's opinion, the project financed can
4 support the increased debt service; and

5 (ii) the accelerated amortization schedule is required to
6 induce the originator to make the loan;

7 (6) may be made only if the participation in the loan to be purchased is
8 in the form and contains the terms and provisions with respect to insurance, repairs,
9 alterations, payment of taxes and assessments, default reserves, delinquency charges,
10 default remedies, acceleration of maturity, secondary liens, and other matters the
11 authority prescribes; and

12 (7) may be made only if the participation in the loan to be purchased is
13 secured as to repayment by a mortgage or other security instrument in the manner the
14 authority determines is feasible to assure timely repayment under the loan documents
15 entered into with the borrower.

16 * **Sec. 4.** Section 2(a), ch. 27, SLA 1993, as amended by sec. 19, ch. 111, SLA 1996, is
17 amended to read:

18 (a) The Alaska Industrial Development and Export Authority may issue bonds
19 to finance the acquisition, design, and construction of a port facility and [RELATED
20 LOADING AND CONVEYOR] equipment related to the development and operation
21 of a bulk commodity loading and shipping terminal, to be located at Point
22 MacKenzie [. THE TERMINAL MAY BE LOCATED ANYWHERE WITHIN
23 COOK INLET]. The facility will be owned by the authority. The principal amount of
24 the bonds may not exceed \$50,000,000.

25 * **Sec. 5.** The uncodified law of the State of Alaska enacted in sec. 11(a), ch. 26, SLA 2013,
26 is amended to read:

27 (a) The Alaska Industrial Development and Export Authority, through the
28 Alaska Industrial Development and Export Authority sustainable energy transmission
29 and supply development fund (AS 44.88.660), may provide financing up to a principal
30 amount of \$275,000,000 for the development, construction, and installation of, and the
31 start-up costs of operation and maintenance for, a liquefied natural gas production

1 plant and system and affiliated infrastructure in the state that will provide natural
2 gas to Interior Alaska [ON THE NORTH SLOPE] and [A] natural gas distribution
3 systems [SYSTEM] and affiliated infrastructure that will provide natural gas to [IN]
4 Interior Alaska.

5 * **Sec. 6.** The uncodified law of the State of Alaska enacted in sec. 25, ch. 123, SLA 1990,
6 as repealed and reenacted by sec. 1, ch. 3, FSSLA 1992, is amended to read:

7 Sec. 25. The Alaska Industrial Development and Export Authority may issue
8 bonds to finance the acquisition, design, and construction of aircraft maintenance air
9 cargo/air transport support facilities located at Anchorage International Airport, to be
10 owned by the Authority. The principal amount of the bonds may not exceed \$28,000,000
11 [\$85,000,000]. This section grants the legislative approval required by AS 44.88.095.

12 * **Sec. 7.** Section 3, ch. 27, SLA 1993; sec. 7, ch. 76, SLA 1995; sec. 24, ch. 111, SLA
13 1996; secs. 24(a) and 24(b), ch. 109, SLA 1998; sec. 24(d), ch. 109, SLA 1998, as amended
14 by sec. 1, ch. 93, SLA 2006; and sec. 1, ch. 37, SLA 2004, are repealed.

15 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).