



# LAWS OF ALASKA

1985

**Source**

CSSB 280(Fin)am

**Chapter No.**

68

**AN ACT**

Relating to the authorization of bonds or notes for the DeLong Mountain transportation project, establishing conditions under which the bonds or notes may be issued; and providing for an effective date.

---

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

THE ACT FOLLOWS ON PAGE 1, LINE 12

Approved by the Governor: May 31, 1985  
Actual Effective Date: July 1, 1985

AN ACT

Relating to the authorization of bonds or notes for the DeLong Mountain transportation project, establishing conditions under which the bonds or notes may be issued; and providing for an effective date.

\* Section 1. The Alaska Industrial Development Authority is authorized to issue bonds or notes in a principal amount not to exceed \$175,000,000 to provide financing for the DeLong Mountain transportation project.

\* Sec. 2. Before bonds or notes authorized under sec. 1 of this Act may be issued, the Alaska Industrial Development Authority shall comply with AS 44.88.173 and shall incorporate into the final finance plan and agreement for the DeLong Mountain transportation project the following terms and conditions:

(1) Cominco, Ltd. is required to agree in writing that

(A) Cominco, Ltd. will pay for all or a portion of the operation and maintenance of facilities constructed as part of the project based on the use Cominco Alaska makes of the facilities compared to the use made by others;

(B) if Cominco Alaska ceases to develop the Red Dog Mine after costs have been incurred by the Alaska Industrial Development Authority for the project, Cominco, Ltd. will pay the authority for those costs together with interest from the date the costs were incurred;

Chapter 68

1 (C) toll fees paid by Cominco Alaska for the use of facil-  
2 ities constructed as part of the project to the Alaska Industrial  
3 Development Authority may be periodically adjusted if the price of  
4 zinc rises above a level that yields a return on investment commen-  
5 surate with risk;

6 (2) the United States government makes available land in the  
7 Cape Krusenstern National Monument that is included in the proposed land  
8 exchange with NANA Regional Corporation to the corporation for construction  
9 of a transportation system;

10 (3) NANA Regional Corporation is required to agree in writing to  
11 sell, lease for a prepaid term of at least 99 years or grant a perpetual  
12 easement to the Alaska Industrial Development Authority, at no more than  
13 fair market value, land needed for the port and road constructed as part of  
14 the project and land needed for future expansion of the road and port,  
15 subject to no terms or conditions inconsistent with use as a public road  
16 and port;

17 (4) tax exempt financing for the project is used to the maximum  
18 extent possible;

19 (5) a toll schedule, that may be periodically adjusted, is  
20 established for use of facilities constructed as part of the project that

21 (A) ensures full repayment of and a reasonable return on  
22 the state's investment in the project; and

23 (B) guarantees equitable access to the facilities by all  
24 users and potential users, including access to private property and  
25 access for travel necessary and related to resource exploration and  
26 development for which valid permits have been obtained and travel in  
27 support of resource exploration and development;

28 (6) contracts for the construction of the port and road are  
29 subject to AS 36;

1 (7) reasonable access to the port and road is guaranteed to all  
2 users and potential users;

3 (8) the Alaska Industrial Development Authority will own and  
4 operate the facilities collectively referred to as the DeLong Mountain  
5 transportation project.

6 \* Sec. 3. Before bonds or notes authorized under sec. 1 of this Act may  
7 be issued, the Alaska Industrial Development Authority shall

8 (1) report in writing to the legislative budget and audit com-  
9 mittee that the conditions under sec. 2 of this Act have been met; and

10 (2) agree with the Department of Revenue in writing to deliver  
11 all money generated by the DeLong Mountain transportation project to the  
12 Department of Revenue for deposit in the general fund, other than money  
13 necessary for payment of the principal and interest on bonds or notes  
14 issued under sec. 1 of this Act and except as may otherwise be provided in  
15 the bond or note covenants.

16 \* Sec. 4. As used in this Act, "reasonable return" means a rate of  
17 return on the total investment of the state of at least five percent.

18 \* Sec. 5. This Act takes effect July 1, 1985.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30