

HOUSE BILL NO. 200

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SEATON

Introduced: 3/23/09

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska clean water fund."**

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

3 * **Section 1.** AS 46.03.032(d) is amended to read:

4 (d) Except as otherwise limited by federal law, the Alaska clean water fund
5 may be used

6 (1) for the following categories of projects:

7 (A) planning, designing, building, constructing, and
8 rehabilitating a public wastewater collection, treatment, or discharge system;

9 (B) implementing a management program for controlling water
10 pollution from nonpoint sources under 33 U.S.C. 1329, including planning,
11 designing, building, constructing, and rehabilitating a solid waste management
12 system; and

13 (C) developing and implementing an estuary conservation and
14 management program under 33 U.S.C. 1330;

15 (2) to provide the following types of financial assistance for the

1 categories of projects listed in (1) of this subsection:

2 (A) making loans to municipalities and other qualified entities
 3 **or facilitating loans to persons, municipalities, or other qualified entities**
 4 **through a linked deposit program as provided under (q) of this section;**

5 (B) buying or refinancing the debt obligations of a municipality
 6 or other qualified entity;

7 (C) providing collateral security for or purchasing insurance for
 8 a municipal, state agency, or other qualified entity debt obligation; and

9 (3) to pay and secure the payment of the principal of and interest on
 10 revenue bonds issued by the state and to pay the costs of issuance and administration
 11 of the bonds, so long as the proceeds of the bond sale are deposited in the Alaska clean
 12 water fund.

13 * **Sec. 2.** AS 46.03.032 is amended by adding a new subsection to read:

14 (q) The department shall establish a linked deposit loan program to provide a
 15 source of low-interest financing for certain nonpoint source pollution control programs
 16 or projects undertaken by a person, municipality, or other qualified entity. The
 17 department shall establish by regulation standards, criteria, and procedures for the
 18 linked deposit loan program under this subsection. The department may invest funds
 19 under this subsection in a participating financial institution that is authorized to do
 20 business in the state, the investments to be evidenced by certificates of deposit. The
 21 department may accept a rate of return on the investments from the financial
 22 institution that is lower than the rate that would otherwise apply to the investments
 23 under the current market conditions but not lower than the minimum rate of return
 24 authorized by the department for direct loans to municipalities and other qualified
 25 entities under (d)(2)(A) of this section. A participating financial institution shall
 26 evaluate the creditworthiness of a person, municipality, or other qualified entity that
 27 applies for financing. If the participating financial institution determines that an
 28 applicant's credit is acceptable, the financial institution may apply to the department
 29 for an investment from the department under this subsection that is equal to the
 30 amount and term of the loan that the institution proposes to make to the applicant
 31 borrower. The department's investment shall receive a below market rate of interest.

1 The difference between the below market rate of interest received by the department's
2 investment and the market rate for that investment shall be applied by the participating
3 financial institution to reduce the rate of interest charged on a loan to an applicant
4 borrower. Notwithstanding that a loan made by a participating financial institution
5 under this subsection is linked to the department's investment, a loan under this
6 subsection is between the participating financial institution and a borrower approved
7 by the department, and the participating financial institution shall assume all risk of
8 default and may charge origination and other reasonable fees associated with the loan.

9 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 TRANSITION: REGULATIONS. The Department of Environmental Conservation
12 may proceed to adopt or amend regulations as necessary to implement the changes made by
13 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
14 before the effective date of the law implemented by the regulation.