

**CS FOR SENATE BILL NO. 99(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/21/14

Referred: Rules

Sponsor(s): SENATOR MCGUIRE

REPRESENTATIVES Muñoz, Kito III, Kreiss-Tomkins, Peggy Wilson, Isaacson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Alaska Industrial Development and Export Authority revolving  
2 fund; limiting the use of the Alaska Industrial Development and Export Authority  
3 sustainable energy transmission and supply development fund for certain loans and loan  
4 guarantees and allowing the development fund to be used as security for a bond  
5 guarantee; amending the definition of 'qualified energy development'; and authorizing  
6 the Alaska Industrial Development and Export Authority to issue bonds to finance the  
7 infrastructure and construction costs of the Bokan-Dotson Ridge rare earth element  
8 project and the Niblack project."

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

10 \* **Section 1.** AS 44.88.660 is amended to read:

11 **Sec. 44.88.660.** Alaska Industrial Development and Export Authority  
12 sustainable energy transmission and supply development fund. The Alaska

1 Industrial Development and Export Authority sustainable energy transmission and  
 2 supply development fund is established in the authority. The development fund  
 3 consists of appropriations made to the development fund by the legislature, money or  
 4 other assets transferred to the development fund by **a vote of the members of** the  
 5 authority **under AS 44.88.050 from any other fund controlled by the authority,**  
 6 and unrestricted loan repayments, interest, or other income earned on loans,  
 7 investments, or assets of the development fund. The development fund is not an  
 8 account in the revolving [LOAN] fund established in AS 44.88.060, and the authority  
 9 shall account for the development fund separately from the revolving fund. The  
 10 authority may create additional accounts in the development fund. Subject to  
 11 agreements made with the holders of the authority's bonds or with other persons, the  
 12 authority may transfer amounts in an account in the development fund to another  
 13 account in the development fund. Amounts deposited in the development fund may be  
 14 pledged to the payment of bonds of the authority or expended for the purposes of  
 15 AS 44.88.650 - 44.88.690. The authority has the powers and responsibilities  
 16 established in AS 37.10.071 with respect to the investment of amounts held in the  
 17 development fund.

18 \* **Sec. 2.** AS 44.88.690(a) is amended to read:

19 (a) Unless the authority has obtained legislative approval by law, the authority  
 20 may not **use the Alaska Industrial Development and Export Authority sustainable**  
 21 **energy transmission and supply development fund established in AS 44.88.660 to**  
 22 **make** [FINANCE OR PARTICIPATE IN FINANCING OF]

23 (1) **a loan for** more than one-third of the capital cost of qualified  
 24 energy development; or

25 (2) a loan guarantee **if the amount of the guarantee** [THAT] exceeds  
 26 \$20,000,000.

27 \* **Sec. 3.** AS 44.88.690 is amended by adding a new subsection to read:

28 (c) Notwithstanding (a) of this section, the authority may use the Alaska  
 29 Industrial Development and Export Authority sustainable energy transmission and  
 30 supply development fund established in AS 44.88.660 as security for a bond  
 31 guarantee.

1 \* **Sec. 4.** AS 44.88.900(14) is amended to read:

2 (14) "qualified energy development" means a **development**  
3 [PROJECT] in the state that involves

4 (A) transmission, generation, conservation, storage, or  
5 distribution of heat or electricity;

6 (B) liquefaction, regasification, distribution, storage, or use of  
7 natural gas except a natural gas pipeline project for transporting natural gas  
8 from the North Slope or Cook Inlet to market;

9 (C) distribution or storage of refined petroleum products;

10 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
11 read:

12 LEGISLATIVE APPROVAL; BOKAN-DOTSON RIDGE RARE EARTH  
13 ELEMENT PROJECT. (a) The Alaska Industrial Development and Export Authority may  
14 issue bonds to finance the infrastructure and construction costs of the Bokan-Dotson Ridge  
15 rare earth element project. The Bokan-Dotson Ridge rare earth element project's surface  
16 complex shall be owned and operated by the authority or financed under AS 44.88.172. The  
17 principal amount of the bonds provided by the authority for the Bokan-Dotson Ridge rare  
18 earth element project may not exceed \$145,000,000 and may include the costs of issuing  
19 bonds considered reasonable and appropriate by the Alaska Industrial Development and  
20 Export Authority.

21 (b) This section constitutes legislative approval required by AS 44.88.095(g).

22 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
23 read:

24 LEGISLATIVE APPROVAL; NIBLACK PROJECT. (a) The Alaska Industrial  
25 Development and Export Authority may issue bonds to finance the infrastructure and  
26 construction costs of the Niblack project. The Niblack project includes a mineral processing  
27 mill, associated dock, and loading and related infrastructure facilities at the Gravina Island  
28 Industrial Complex, as well as infrastructure at the project site on Prince of Wales Island. The  
29 mineral processing mill, associated dock, and loading and related infrastructure facilities at  
30 the Gravina Island Industrial Complex, as well as infrastructure at the project site on Prince of  
31 Wales Island, shall be owned and operated by the authority or financed under AS 44.88.172.

1 The principal amount of the bonds provided by the authority for the Niblack project may not  
2 exceed \$125,000,000 and may include the costs of issuing bonds considered reasonable and  
3 appropriate by the Alaska Industrial Development and Export Authority.

4 (b) This section constitutes legislative approval required by AS 44.88.095(g).