

AMENDMENT #3

OFFERED IN THE HOUSE  
TO: CSHB 307(FIN)

BY REPRESENTATIVE GROH

1 Page 1, line 1, following "Act" (*title amendment*):

2 Insert "relating to feasibility licenses for and leases of state land for renewable  
3 energy projects;"

4  
5 Page 1, following line 7:

6 Insert new bill sections to read:

7 **\*\* Section 1.** AS 38.05.035(a) is amended to read:

8 (a) The director shall

9 (1) have general charge and supervision of the division and may  
10 exercise the powers specifically delegated to the director; the director may employ and  
11 fix the compensation of assistants and employees necessary for the operations of the  
12 division; the director is the certifying officer of the division, with the consent of the  
13 commissioner, and may approve vouchers for disbursements of money appropriated to  
14 the division;

15 (2) manage, inspect, and control state land and improvements on it  
16 belonging to the state and under the jurisdiction of the division;

17 (3) execute laws, rules, regulations, and orders adopted by the  
18 commissioner;

19 (4) prescribe application procedures and practices for the sale, lease, or  
20 other disposition of available land, resources, property, or interest in them;

21 (5) prescribe fees or service charges, with the consent of the  
22 commissioner, for any public service rendered;

23 (6) under the conditions and limitations imposed by law and the

1 commissioner, issue deeds, leases, or other conveyances disposing of available land,  
2 resources, property, or any interests in them;

3 (7) have jurisdiction over state land, except that land acquired by the  
4 Alaska World War II Veterans Board and the Agricultural Loan Board or the  
5 departments or agencies succeeding to their respective functions through foreclosure  
6 or default; to this end, the director possesses the powers and, with the approval of the  
7 commissioner, shall perform the duties necessary to protect the state's rights and  
8 interest in state land, including the taking of all necessary action to protect and enforce  
9 the state's contractual or other property rights;

10 (8) maintain the records the commissioner considers necessary,  
11 administer oaths, and do all things incidental to the authority imposed; the following  
12 records and files shall be kept confidential upon request of the person supplying the  
13 information:

14 (A) the name of the person nominating or applying for the sale,  
15 lease, or other disposal of land by competitive bidding;

16 (B) before the announced time of opening, the names of the  
17 bidders and the amounts of the bids;

18 (C) all geological, geophysical, hydrological, meteorological,  
19 and engineering data supplied, whether or not concerned with the extraction or  
20 development of natural resources;

21 (D) except as provided in AS 38.05.036, cost data and financial  
22 information submitted in support of applications, bonds, leases, and similar  
23 items;

24 (E) applications for rights-of-way or easements;

25 (F) requests for information or applications by public agencies  
26 for land that is being considered for use for a public purpose;

27 (G) the name of the person submitting a proposal, and  
28 information in the proposal submitted under AS 38.05.093;

29 (9) account for the fees, licenses, taxes, or other money received in the  
30 administration of this chapter, including the sale or leasing of land, identify their  
31 source, and promptly transmit them to the proper fiscal department after crediting

1 them to the proper fund; receipts from land application filing fees and charges for  
2 copies of maps and records shall be deposited immediately in the general fund of the  
3 state by the director;

4 (10) select and employ or obtain at reasonable compensation cadastral,  
5 appraisal, or other professional personnel the director considers necessary for the  
6 proper operation of the division;

7 (11) be the certifying agent of the state to select, accept, and secure by  
8 whatever action is necessary in the name of the state, by deed, sale, gift, devise,  
9 judgment, operation of law, or other means, any land, of whatever nature or interest,  
10 available to the state; and be the certifying agent of the state [,] to select, accept, or  
11 secure by whatever action is necessary in the name of the state any land, or title or  
12 interest to land, available, granted, or subject to being transferred to the state for any  
13 purpose;

14 (12) on request, furnish records, files, and other information related to  
15 the administration of AS 38.05.180 to the Department of Revenue for use in  
16 forecasting state revenue under or administering AS 43.55, whether or not those  
17 records, files, and other information are required to be kept confidential under (8) of  
18 this subsection; in the case of records, files, or other information required to be kept  
19 confidential under (8) of this subsection, the Department of Revenue shall maintain  
20 the confidentiality that the Department of Natural Resources is required to extend to  
21 records, files, and other information under (8) of this subsection;

22 (13) when reasonably possible, give priority to and expedite the  
23 processing of an application for a lease or assignment of a lease of state land for  
24 development and operation of a gas storage facility, for a right-of-way to a gas storage  
25 facility, for a change to the allocation of production within a unit, and for a permit  
26 necessary for the operation of a gas storage facility; in this paragraph, "gas storage  
27 facility" has the meaning given in AS 31.05.032;

28 (14) prepare and submit to the senate secretary and chief clerk of the  
29 house of representatives, on or before the first day of each regular session of the  
30 legislature, an annual report in electronic form concerning site lease applications  
31 submitted under AS 38.05.083; in preparing and submitting the report, the director

1 shall

2 (A) include in the report

3 (i) a list of all applications pending with the department,  
4 including applications for a new lease and applications for renewal,  
5 amendment, and assignment of a lease, and the length of time each  
6 application has been pending with the department;

7 (ii) for an application that has not been granted, the  
8 reason the application has not been granted; and

9 (iii) the number of leases that the director elected not to  
10 renew under AS 38.05.070;

11 (B) notify the legislature that the report is available.

12 \* **Sec. 2.** AS 38.05.070(e) is amended to read:

13 (e) The director may renew a lease issued under this section, AS 38.05.075,  
14 38.05.083, 38.05.094, or 38.05.810 upon its expiration if the lease is in good standing  
15 and the lease renewal is determined to be in the best interests of the state. A renewal  
16 issued under this subsection is not subject to AS 38.05.035(e). A lease under this  
17 section, AS 38.05.075, 38.05.083, or 38.05.810 may be renewed only once for a term  
18 not longer than the initial term of the lease. The director shall provide notice of the  
19 lease renewal decision.

20 \* **Sec. 3.** AS 38.05.075(a) is amended to read:

21 (a) Except as provided in AS 38.05.035, 38.05.070, 38.05.073, 38.05.081,  
22 38.05.082, 38.05.083, 38.05.087, 38.05.094, 38.05.102, 38.05.565, 38.05.600,  
23 38.05.810, and this section, when competitive interest has been demonstrated or the  
24 commissioner determines that it is in the state's best interests, leasing shall be made at  
25 public auction or by sealed bid, at the discretion of the director, to the highest qualified  
26 bidder as determined by the commissioner. A bidder may be represented by an  
27 attorney or agent at a public auction. In the public notice of a lease to be offered at  
28 public auction or by sealed bid, the commissioner shall specify a minimum acceptable  
29 bid and the lease compensation method. The lease compensation method shall be  
30 designed to maximize the return on the lease to the state and shall be a form of  
31 compensation set out in AS 38.05.073(m). An aggrieved bidder may appeal to the

1 commissioner within five days for a review of the determination. The leasing shall be  
2 conducted by the commissioner, and the successful bidder shall deposit at the public  
3 auction or with the sealed bid the first year's rental or other lease compensation as  
4 specified by the commissioner, or that portion of it that the commissioner requires in  
5 accordance with the bid. The commissioner shall require, under AS 38.05.860,  
6 qualified bidders to deposit a sum equal to any survey or appraisal costs reasonably  
7 incurred by another qualified bidder acting in accordance with the regulations of the  
8 commissioner or incurred by the department under AS 38.04.045 and AS 38.05.840. If  
9 a bidder making a deposit of survey or appraisal costs is determined by the  
10 commissioner to be the highest qualified bidder under this subsection, the deposit shall  
11 be paid to the unsuccessful bidder who incurred those costs or to the department if the  
12 department incurred the costs. All costs for survey and appraisal shall be approved in  
13 advance in writing by the commissioner. The commissioner shall immediately issue a  
14 receipt containing a description of the land or interest leased, the price bid, and the  
15 terms of the lease to the successful qualified bidder. If the receipt is not accepted in  
16 writing by the bidder under this subsection, the commissioner may offer the land for  
17 lease again under this subsection. A lease, on a form approved by the attorney general,  
18 shall be signed by the successful bidder and by the commissioner.

19 \* **Sec. 4.** AS 38.05 is amended by adding new sections to read:

20 **Sec. 38.05.091. Applicability; determination; regulations.** (a) Unless  
21 specifically provided otherwise in AS 38.05.091 - 38.05.094, the provisions of  
22 AS 38.05.005 - 38.05.037 and 38.05.920 - 38.05.990 apply to the issuance of  
23 feasibility licenses for renewable energy projects under AS 38.05.091 - 38.05.094.

24 (b) The commissioner shall make preliminary written determinations of the  
25 state land that may be subject to the provisions of AS 38.05.092. The determinations  
26 shall be given public notice using the methods described in AS 38.05.945(b). After  
27 completion of the comment period and evaluation of the comments received, the  
28 commissioner shall issue a written determination of the state land that is subject to the  
29 provisions of AS 38.05.092.

30 (c) The commissioner may adopt regulations necessary to implement  
31 AS 38.05.091 - 38.05.094.

1 (d) The commissioner may not issue feasibility licenses to a licensee so that, at  
2 any one time, the licensee holds feasibility licenses on more than 2,000,000 acres.

3 **Sec. 38.05.092. Feasibility licenses for renewable energy projects.** (a) To  
4 encourage energy production on state land, the commissioner may issue feasibility  
5 licenses.

6 (b) A feasibility license issued under this section gives the licensee

7 (1) the exclusive right to explore, for a term not to exceed 10 years, the  
8 surface estate on state land described in the feasibility license to evaluate the land's  
9 potential for a renewable energy project, unless the feasibility license is terminated  
10 under (d)(1) of this section or the land is earlier relinquished, removed, or deleted  
11 under (d)(2) of this section; and

12 (2) unless the feasibility license is terminated under (d)(1) of this  
13 section, the option to convert the feasibility license for all or part of the state land,  
14 except the land that is deleted or removed from the land described in the feasibility  
15 license under (d)(2) of this section, into a lease of state land for a renewable energy  
16 project, upon fulfillment of the work commitments contained in the feasibility license.

17 (c) A feasibility license issued under this section

18 (1) may cover, subject to the maximum acreage limitation on  
19 feasibility licenses by one licensee under AS 38.05.091(d), an area of not more than  
20 500,000 acres that must be reasonably compact and contiguous;

21 (2) must be conditioned on an obligation to perform a specified work  
22 commitment, in total for the term of the license, expressed in dollars of direct  
23 expenditures; the specified work commitment

24 (A) may include a provision that adjusts the total amount of  
25 work commitment, expressed in dollars of direct expenditures, to account for  
26 inflation;

27 (B) must include a requirement that the licensee complete at  
28 least 25 percent of the licensee's total specified work commitment by the fourth  
29 anniversary of the effective date of the issuance of the feasibility license;

30 (3) must be conditioned on the posting of a bond or other security  
31 acceptable to the commissioner, in favor of the state and subject to the following

1 requirements:

2 (A) the bond or other security must be renewed annually;

3 (B) the annual bond or other security shall be calculated as the  
4 estimated work commitment for the upcoming year, expressed in dollars,  
5 commencing the year the feasibility license is issued and recalculated each  
6 year for the duration of the feasibility license;

7 (C) the bond or other security must provide sufficient financial  
8 assurances to cover costs for the demolition and removal of project  
9 infrastructure and restoration of land affected by the feasibility licensee,  
10 including, as applicable, the possible costs of remediating oil or other minerals,  
11 fiberglass, microplastics, or other contamination;

12 (4) is subject to an annual review and revocation if the commissioner  
13 determines that the licensee has failed to provide or maintain in effect the bond or  
14 other security required by (3) of this subsection; and

15 (5) must be conditioned on an agreement that direct expenditures are  
16 subject to audit by the commissioner.

17 (d) If, on the fourth anniversary of the effective date of the issuance of the  
18 feasibility license issued under this section,

19 (1) the licensee has not completed at least 25 percent of the licensee's  
20 total specified work commitment, as measured by the licensee's direct expenditures,  
21 the feasibility license terminates;

22 (2) the licensee has completed at least 25 percent but has not  
23 completed at least 50 percent of the licensee's total specified work commitment, as  
24 measured by the licensee's direct expenditures, the commissioner shall remove or  
25 delete, or shall require the licensee to relinquish, a portion of the area within the  
26 feasibility license; relinquishment, removal, or deletion of an area from the state land  
27 described in the feasibility license terminates the licensee's rights under AS 38.05.091  
28 - 38.05.094 in the area that is relinquished, removed, or deleted; a relinquishment,  
29 removal, or deletion of a portion of the area described in the feasibility license must be  
30 in areas that are reasonably compact and contiguous; the areas relinquished from the  
31 state land described in the feasibility license must be areas identified by the licensee

1 but, if the licensee fails to identify sufficient area, the commissioner may identify any  
2 additional acreage required to be removed or deleted from the area under license to  
3 meet the requirements of this subsection; within the area described in the feasibility  
4 license issued under (a) - (c) of this section,

5 (A) 25 percent must be relinquished, removed, or deleted not  
6 later than the fourth anniversary of the effective date of the issuance of the  
7 feasibility license;

8 (B) an additional 10 percent of the acreage remaining after  
9 relinquishment, removal, or deletion of acreage required by (A) of this  
10 paragraph and by previous relinquishments, removals, or deletions under this  
11 paragraph must be removed or deleted on each of the succeeding anniversaries  
12 of the effective date of the issuance of the feasibility license;

13 (C) the cumulative total of the acreage relinquished, removed,  
14 or deleted under (A) and (B) of this paragraph may not be required to exceed  
15 50 percent of the area described in the original feasibility license area.

16 (e) If, immediately before the beginning of the period for annual renewal of  
17 the bond or other security under (c)(3)(A) of this section, the licensee fails to provide  
18 or maintain in effect the bond or other security required by (c) of this section for the  
19 period covered by the annual renewal and the commissioner revokes the feasibility  
20 license, the bond or other security then in effect for the licensee's obligations under the  
21 feasibility license is forfeited to the state.

22 (f) Land and water included within an area subject to a feasibility license  
23 under this section must, to the extent practicable, remain open to

24 (1) the public for access, hunting, fishing, and other generally allowed  
25 uses as determined by the department; and

26 (2) other resource development, including mining.

27 (g) Notwithstanding AS 38.05.300, state land subject to a feasibility license  
28 must remain open to mineral exploration and development, so long as the mineral  
29 exploration and development does not interfere with the licensee's feasibility  
30 evaluation. Issuance of a license under AS 38.05.091 - 38.05.094 does not constitute  
31 an exception to the requirements of AS 38.05.300(a).

1 (h) In this section,

2 (1) "direct expenditure"

3 (A) means cash expenses undertaken in the performance of a  
4 specified work commitment under the provisions of AS 38.05.091 - 38.05.094  
5 and necessarily incurred by the licensee in the permitting, mobilization,  
6 conducting, demobilization, and evaluation of geological, hydrological,  
7 meteorological, or other surveys, in determining the feasibility of a renewable  
8 energy project;

9 (B) does not include noncash expenses, including depreciation  
10 and reserves, interest or other costs of borrowed funds, return on investment,  
11 overhead, insurance or bond premiums, or any other expense that is  
12 unreasonable or that the licensee has not incurred to satisfy the licensee's work  
13 commitment;

14 (2) "work commitment" includes the gathering of data from activities  
15 described in (1) of this subsection.

16 **Sec. 38.05.093. License procedures.** (a) The procedures in this section apply  
17 to the issuance of a feasibility license under AS 38.05.092.

18 (b) The licensing process is initiated by a prospective licensee submitting a  
19 proposal to the commissioner that identifies a specific area to be subject to the  
20 feasibility license, proposes specific minimum work commitments, and states the  
21 minimum qualifications for a licensee as established by regulations adopted by the  
22 commissioner. The proposal must include

23 (1) the specific location, description, and amount of land the  
24 prospective licensee wants included in a feasibility license;

25 (2) a detailed summary of the proposed purpose the land will be used  
26 for;

27 (3) all outputs, products, and byproducts likely to be generated or  
28 otherwise result from the proposed renewable energy project, whether beneficial or  
29 not; and

30 (4) additional information and requirements established by the  
31 department in regulation, including any application fees.

1 (c) Within 180 days after receiving a proposal from a prospective licensee  
2 under (b) of this section, the commissioner shall either reject the proposal in a written  
3 decision or give public notice of the intent to evaluate the acceptability of the  
4 proposal. The commissioner shall solicit comments on a proposal for which public  
5 notice is given under this subsection and shall request competing proposals.

6 (d) The commissioner may make a written request to a prospective licensee  
7 for additional information on the prospective licensee's proposal. The commissioner  
8 shall keep confidential information described in AS 38.05.035(a)(8) that is voluntarily  
9 provided if the prospective licensee has made a written request that the information  
10 remain confidential.

11 (e) After considering proposals not rejected under (c) of this section and  
12 public comment on those proposals, the commissioner shall issue a written finding  
13 addressing the qualifications of a prospective licensee, including whether the  
14 prospective licensee has previous experience with renewable energy projects, how the  
15 proposed project would accommodate concurrent use of the land, consistency with  
16 existing state area or management plans, and all matters set out in AS 38.05.035(e). If  
17 the finding concludes that the state's best interests would be served by issuing a  
18 feasibility license, the finding must describe the limitations, stipulations, conditions, or  
19 changes from the initiating proposal or competing proposals that are required to make  
20 the issuance of the feasibility license conform to the best interests of the state and, if  
21 only one proposal was submitted, identify the prospective licensee who the  
22 commissioner finds should be issued the feasibility license. The commissioner shall  
23 attach to the finding a copy of the feasibility license to be issued and the form of lease  
24 that will be used for any portion of the feasibility license area subsequently converted  
25 to a lease under AS 38.05.094. The commissioner may not issue a feasibility license  
26 under this section unless the written findings under AS 38.05.035(e) include

27 (1) reasonably foreseeable effects that a renewable energy project may  
28 have on the state or local economy, including potential effects on mining, timber, and  
29 other resource development sectors;

30 (2) anticipated annual revenue that the renewable energy project may  
31 yield to the state;

1 (3) an assessment and consideration of the known mineral potential,  
2 including current claim status, within the feasibility license area;

3 (4) the renewable energy project's value, accounting for all outputs,  
4 products, and byproducts likely to be generated or otherwise result from the project, to  
5 the state and potential revenue to the state; and

6 (5) a summary of public comments received in response to the  
7 solicitation under (c) of this section and the department's response to those comments.

8 (f) If only one prospective licensee submits a proposal and the commissioner's  
9 finding under (e) of this section concludes that a feasibility license should be issued to  
10 that prospective licensee, the prospective licensee has 120 days after issuance of the  
11 finding within which to accept or reject the issuance of the feasibility license, as  
12 limited or conditioned by the terms contained in the finding. The feasibility license to  
13 be issued and the form of lease that will be used must be attached to that finding. The  
14 prospective licensee must accept or reject the issuance of the feasibility license in  
15 writing.

16 (g) If competing proposals are submitted and the commissioner's finding  
17 under (e) of this section concludes that a feasibility license should be issued, the  
18 commissioner shall issue a request for competitive sealed bids, under procedures  
19 adopted by the commissioner by regulation, to determine which prospective licensee  
20 should be issued the feasibility license. The finding provided to the prospective  
21 licensees and to the public under (e) of this section must contain notice that (1) the  
22 commissioner intends to request competitive sealed bids; (2) a prospective licensee  
23 who intends to participate in the bidding must notify the commissioner in writing by  
24 the date specified in the notice; and (3) a prospective licensee's notice of intent to  
25 participate in the bidding constitutes acceptance of issuance of the feasibility license,  
26 as limited or conditioned by the terms contained in the finding and by the feasibility  
27 license to be issued and the form of lease to be used that have been attached to that  
28 finding, if the prospective licensee is the successful bidder. The successful bidder is  
29 the prospective licensee who submits the highest bid in terms of the minimum work  
30 commitment dollar amount.

31 (h) In this section, "work commitment" has the meaning given in

1 AS 38.05.092(h).

2 **Sec. 38.05.094. Conversion to lease.** (a) If the licensee requests and the  
3 commissioner determines that the work commitment obligation set out in a feasibility  
4 license issued under AS 38.05.092 has been met, the commissioner shall convert to  
5 one or more leases all or part, as the licensee may indicate, of the area described in the  
6 feasibility license that remains after the relinquishments, removals, or deletions  
7 required by AS 38.05.092(d)(2). A lease agreement must include

8 (1) land use restrictions and authorizations consistent with the  
9 requirements of AS 38.05.092(f) relating to multiple use and mineral exploration, the  
10 purpose of the lease, and other conditions and obligations that are specified in the  
11 lease; and

12 (2) bonding requirements the commissioner determines are sufficient  
13 to cover the costs to the department of the demolition and removal of project  
14 infrastructure and restoration of land affected by the lessee, including, as applicable,  
15 the possible costs of remediating oil or other minerals, fiberglass, microplastics, or  
16 other contamination.

17 (b) Compensation for a lease under this section

18 (1) shall be designed to maximize the return to the state and be a form  
19 of compensation provided under AS 38.05.073(m);

20 (2) shall account for the costs of, or value added by, all outputs,  
21 products, and byproducts likely to be generated or otherwise result from renewable  
22 energy projects for which the lease is issued;

23 (3) shall be separately accounted for under AS 37.05.142; and

24 (4) may be used by the legislature to make appropriations to the  
25 department to carry out the purposes of AS 38.05.091 - 38.05.094.

26 (c) The provisions of AS 38.05.070 and 38.05.095 concerning subleasing,  
27 assignment, lease renewals, and lease extensions apply to leasing under this section.

28 (d) By February 1 of each year, the commissioner shall prepare a report on the  
29 lease agreements entered into under this section, transmit the report to the senate  
30 secretary and the chief clerk of the house of representatives, and notify the legislature  
31 that the report is available. The report must contain the following information:

- 1 (1) the number of total leases entered into each fiscal year;
- 2 (2) a complete list of lease information for each ongoing lease that
- 3 includes
- 4 (A) a general description of the location of the lease;
- 5 (B) the date the lease was executed;
- 6 (C) the identity of each person on the lease;
- 7 (D) a summary of the underlying renewable energy project;
- 8 (E) the current status of the renewable energy project;
- 9 (F) a summary of the compensation agreed on for the lease and
- 10 an explanation of how the amount was determined; and
- 11 (G) the identity of each individual having an ownership interest
- 12 in an entity on the lease;
- 13 (3) a complete list of leases that expired or were terminated during the
- 14 preceding or current fiscal year and the reason the lease expired or was terminated;
- 15 and
- 16 (4) a description of the cumulative revenue received by the state from
- 17 leases, the revenue received by the state from leases during the preceding fiscal year,
- 18 and the anticipated revenue the state will receive from leases in the current fiscal year.
- 19 (e) In this section, "work commitment" has the meaning given in
- 20 AS 38.05.092(h).

21 \* **Sec. 5.** AS 38.05.102 is amended to read:

22 **Sec. 38.05.102. Lessee preference.** Except for a lease under AS 38.05.081 or

23 38.05.094, if land within a leasehold created under AS 38.05.070 - 38.05.105 is

24 offered for sale or long-term lease at the termination of the existing leasehold, the

25 director may, upon a finding that it is in the best interest of the state, allow a holder in

26 good standing of the existing leasehold to purchase or lease the land for its appraised

27 fair market value at the time of the sale or long-term lease.

28 \* **Sec. 6.** AS 38.05.945(a) is amended to read:

29 (a) This section establishes the requirements for notice given by the

30 department for the following actions:

- 31 (1) classification or reclassification of state land under AS 38.05.300

1 and the closing of land to mineral leasing or entry under AS 38.05.185;

2 (2) zoning of land under applicable law;

3 (3) issuance of a

4 (A) preliminary written finding under AS 38.05.035(e)(5)(A)  
5 regarding the sale, lease, or disposal of an interest in state land or resources for  
6 oil and gas, or for gas only, subject to AS 38.05.180(b);

7 (B) written finding for the sale, lease, or disposal of an interest  
8 in state land or resources under AS 38.05.035(e)(6), except a lease sale  
9 described in AS 38.05.035(e)(6)(F) for which the director must provide  
10 opportunity for public comment under the provisions of that subparagraph;

11 (4) a competitive disposal of an interest in state land or resources after  
12 final decision under AS 38.05.035(e);

13 (5) a preliminary finding under AS 38.05.035(e) concerning sites for  
14 aquatic farms and related hatcheries;

15 (6) a decision under AS 38.05.091 - 38.05.094 or 38.05.131 -  
16 38.05.134 [AS 38.05.132 - 38.05.134] regarding the sale, lease, or disposal of an  
17 interest in state land or resources;

18 (7) an exchange of state land under AS 38.50;

19 (8) solicitation of competitive interest under AS 38.05.081(c).

20 \* **Sec. 7.** AS 38.05.945(e) is amended to read:

21 (e) Except for a feasibility license issued under AS 38.05.091 - 38.05.094,  
22 notice [NOTICE] is not required under this section for a permit or other authorization  
23 revocable by the department.

24 \* **Sec. 8.** AS 38.05.965 is amended by adding a new paragraph to read:

25 (29) "renewable energy project" means an indoor or outdoor facility

26 that

27 (A) requires industrial infrastructure and maintenance; and

28 (B) produces energy that

29 (i) is from a resource that naturally replenishes within a  
30 100-year period;

31 (ii) is derived from solar, water, or wind power; and

1 (iii) minimizes the output of toxic material in the  
2 conversion of the energy."

3

4 Page 1, line 8:

5 Delete "Section 1"

6 Insert "Sec. 9"

7

8 Renumber the following bill sections accordingly.

9

10 Page 12, line 22:

11 Delete "sec. 14"

12 Insert "sec. 22"

13

14 Page 12, line 28:

15 Delete "sec. 19"

16 Insert "sec. 27"

17

18 Page 12, line 29:

19 Delete "sec. 19"

20 Insert "sec. 27"

21

22 Page 12, line 31:

23 Delete "Section 4"

24 Insert "Section 12"

25

26 Page 13, line 1:

27 Delete "sec. 22"

28 Insert "sec. 30"