

SENATE CS FOR CS FOR HOUSE BILL NO. 46 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/14/91
Referred: Finance

Sponsor(s): REPRESENTATIVES MOYER, Koponen, M.A.Miller

A BILL

FOR AN ACT ENTITLED

1 "An Act creating the Alaska Aerospace Development Corporation; providing for the lease
2 of state land to the corporation; providing an exemption from municipal sales and use
3 taxes for space-related activities; and providing for an effective date."

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

5 * Section 1. SHORT TITLE. This Act may be known as the Alaska Aerospace Development
6 Corporation Act.

7 * Sec. 2. AS 14.40 is amended by adding new sections to read:

8 ARTICLE 7. ALASKA AEROSPACE DEVELOPMENT CORPORATION.

9 Sec. 14.40.821. CREATION AND TERMINATION OF CORPORATION. (a) The
10 Alaska Aerospace Development Corporation is created as a public corporation of the state. The
11 corporation is a body corporate and politic located for administrative purposes within the
12 Department of Commerce and Economic Development and affiliated with the University of
13 Alaska but with a separate and independent legal existence.

14 (b) The corporation may not be terminated as long as it has bonds, notes, or other

1 obligations outstanding. If the corporation is terminated, it shall be terminated in a manner that
2 permits the University of Alaska and Poker Flat Research Range to continue their research and
3 educational missions uninterrupted.

4 Sec. 14.40.826. BOARD OF DIRECTORS. (a) The board of directors of the corporation
5 consists of nine members appointed by the governor as follows:

6 (1) one member of the Board of Regents of the University of Alaska;

7 (2) the president or the designee of the president of the University of Alaska;

8 (3) the director of the Geophysical Institute of the University of Alaska;

9 (4) the executive director of the Alaska Science and Technology Foundation;

10 (5) the commissioner of commerce and economic development or the
11 commissioner's designee;

12 (6) two members who have experience and understanding of the aerospace or
13 commercial space industry, one of whom shall have a special emphasis in federal regulatory
14 procedures and policy involving space;

15 (7) one faculty member of the University of Alaska with research interests
16 involving rockets or satellites;

17 (8) a public member.

18 (b) The members of the board of directors of the corporation described in (a)(6) of this
19 section may be nonresidents of the state. The term of the members described in (a)(1), (6), (7),
20 and (8) of this section is four years and those terms shall be staggered.

21 (c) Members of the board of directors of the corporation described in (a)(6) and (8) of
22 this section receive \$100 compensation for each day spent on official business of the corporation.

23 (d) Members of the board of directors of the corporation are entitled to per diem and
24 travel expenses authorized under AS 39.20.180.

25 Sec. 14.40.831. CHAIR AND VICE-CHAIR. The president of the University of Alaska
26 or the designee of the president shall be the chair of the board of directors of the corporation.
27 The commissioner of commerce and economic development or the designee of the commissioner
28 shall be vice-chair of the board of directors of the corporation. The vice-chair presides over all
29 meetings in the absence of the chair and has other duties the board of directors of the corporation
30 may direct.

31 Sec. 14.40.836. MEETINGS; STAFF. (a) A majority of the members of the corporation

1 constitutes a quorum for the transaction of business or the exercise of a power or function at a
2 meeting of the corporation. The corporation shall meet at least every three months. The
3 corporation may meet and transact business by electronic media if (1) public notice of the time
4 and locations where the meeting will be held by electronic media has been given in the same
5 manner as if the meeting were held in a single location; (2) participants and members of the
6 public in attendance can hear and have the same right to participate in the meeting as if the
7 meeting were conducted in person; and (3) copies of pertinent reference materials, statutes,
8 regulations, and audio-visual materials are reasonably available to participants and the public.
9 A meeting by electronic media as provided in this subsection has the same legal effect as a
10 meeting in person.

11 (b) The corporation may employ persons as staff it considers advisable, including an
12 executive director, and may employ professional advisors, technical experts, agents, and other
13 employees it considers advisable. The executive director and employees of the corporation are
14 in the exempt service under AS 39.25.

15 (c) The corporation may hire legal counsel to represent the corporation.

16 (d) The corporation shall keep minutes of each meeting and send a certified copy of the
17 minutes to the governor and to the Legislative Budget and Audit Committee.

18 Sec. 14.40.841. ALASKA AEROSPACE DEVELOPMENT CORPORATION
19 REVOLVING FUND. The Alaska Aerospace Development Corporation revolving fund is
20 established in the corporation. The revolving fund consists of appropriations made to the
21 revolving fund by the legislature, and rents, fees, or other money or assets transferred to the
22 revolving fund by the corporation. Amounts deposited in the revolving fund may be pledged to
23 the payment of bonds of the corporation or expended for the purposes of the corporation under
24 this chapter.

25 Sec. 14.40.846. INSURANCE COVERAGE; SAFETY PROGRAM. (a) The corporation
26 may engage actuarial experts and shall develop probability models to indicate the degree of
27 potential harm to the public and private enterprise from the corporation's activities.

28 (b) The corporation shall, to the extent available and consistent with federal requirements,
29 secure insurance coverage within reasonable limits for liability that may arise as a consequence
30 of its activities and the activities of its officers and employees and to insure its buildings,
31 structures, and other facilities against loss.

- 1 (c) The corporation shall establish a safety program that includes
- 2 (1) the development and implementation of a loss prevention program consisting
- 3 of a comprehensive corporation wide safety program, including a statement by the board, of
- 4 safety policy and responsibility and regulations implementing it;
- 5 (2) provision for regular and periodic facility and equipment inspections;
- 6 (3) investigation of job-related accidents and other accidents occurring on the
- 7 premises of the corporation or within areas of its jurisdiction;
- 8 (4) the establishment of a program to promote increased safety awareness among
- 9 employees, agents, and subcontractors of the corporation;
- 10 (5) the study of safety operations at other space-related facilities in the United
- 11 States;
- 12 (6) all federal and state safety and emergency facility requirements for commercial
- 13 space facilities.

14 Sec. 14.40.851. SPACE ACTIVITIES LOCATION. To the extent that the University of

15 Alaska agrees to lease the Poker Flat Research Range to the corporation, the Poker Flat Research

16 Range constitutes the location and launch site for the corporation. The corporation may not

17 pledge or encumber the Poker Flat Research Range, nor is it an asset of the corporation. Other

18 sites may be developed and utilized if determined by the board to be necessary.

19 Sec. 14.40.856. LICENSES AND PERMITS. The corporation shall obtain all federal and

20 state licenses and permits necessary to fulfill the purposes, to perform the duties, and exercise

21 the powers of the corporation.

22 Sec. 14.40.861. PURPOSE OF THE CORPORATION. The purpose of the corporation

23 is to allow the state to take a lead role in the exploration and development of space, to enhance

24 human and economic development, and to provide a unified direction

25 (1) for space-related economic growth thereby ensuring a stable and dynamic

26 research and business climate by attracting space-related businesses to locate within and utilize

27 the opportunities provided in the state;

28 (2) for space-related educational and research development by encouraging and

29 assisting the University of Alaska in developing space-related programs, research, and courses

30 of instruction and to assist the University of Alaska as a member of the Space Grant State

31 Consortia under 42 U.S.C. 2486 (National Space Grant College and Fellowship Program);

1 (3) to promote the continued utilization of the Poker Flat Research Range as a
2 launch site for launch vehicles and for scientific research both from ground based and rocket or
3 balloon based instrumentation;

4 (4) to recognize the importance and benefits of and to promote and encourage the
5 continued utilization of Poker Flat Research Range for the University of Alaska's polar research
6 efforts;

7 (5) for promotion of space-related tourism activities at Poker Flat Research Range
8 and other space-related facilities or centers that may be utilized or established by the corporation;
9 and

10 (6) for development of a state strategy for and to implement the acceleration of
11 space-related economic growth and educational and research development in the state by the use
12 of innovative development methods designed to stimulate space-related business and educational
13 and research development and improve the entrepreneurial atmosphere in the state.

14 Sec. 14.40.866. POWERS AND DUTIES OF THE CORPORATION. (a) In furtherance
15 of its corporate purposes, in addition to its other powers the corporation may

16 (1) sue and be sued;

17 (2) adopt a seal;

18 (3) have perpetual succession;

19 (4) adopt, amend, and repeal bylaws and regulations;

20 (5) make and execute contracts and other instruments;

21 (6) in its own name acquire property, lease, rent, convey, or acquire real and
22 personal property, except that a project site or part of a project site may not be acquired by
23 eminent domain;

24 (7) issue bonds and otherwise incur indebtedness, in accordance with
25 AS 14.40.891, in order to pay the cost of a project or projects to construct or improve launch
26 facilities or other space and aerospace projects or in order to provide money for the corporation's
27 purposes under this chapter; the corporation may also secure payment of the bonds or other
28 indebtedness as provided in this chapter;

29 (8) accept gifts, grants, or loans from, and enter into contracts or other
30 transactions regarding them with, a federal agency or an agency or instrumentality of the state,
31 a municipality, private organization, or other source;

- 1 (9) enter into contracts or agreements with a federal agency, agency or
2 instrumentality of the state, municipality, or public or private individual or entity, with respect
3 to the exercise of its powers, and do all things necessary or convenient to carry out its corporate
4 purposes and exercise the powers granted in this chapter;
- 5 (10) own, acquire, construct, develop, create, reconstruct, equip, operate, maintain,
6 extend, and improve launch sites, launch pads, landing areas, ranges, payload facilities,
7 laboratories, space business incubators, facilities for the construction of rockets and other launch
8 vehicles, and other space facilities and space-related systems, including educational, cultural,
9 tourism, and parking facilities, and space-related initiatives;
- 10 (11) undertake a program of advertising to the public and space-related businesses
11 promoting the space-related projects of the corporation and space-related businesses;
- 12 (12) construct, improve, and operate by itself or in cooperation with the
13 University of Alaska or the Department of Transportation and Public Facilities transportation
14 facilities appropriate to meet the transportation requirements of a facility operated by the
15 corporation;
- 16 (13) construct, improve, and operate water, sewage, and utility service to a facility
17 operated by the corporation;
- 18 (14) construct, provide, or improve public safety facilities for a facility operated
19 by the corporation;
- 20 (15) charge fees, rents, or other charges for the use of a facility, structure, or
21 service developed, operated, or provided by the corporation including fees, rents, and other
22 charges in excess of the actual operating cost of the use of the facility, structure, or service;
- 23 (16) pledge rents, fees, charges, or other revenue from the use of its services or
24 facilities as security for bonds of the corporation;
- 25 (17) undertake to finance or develop a space-related project with any agency or
26 authority of the state, its political subdivisions, agencies or authorities of other states, the federal
27 government, foreign governments, or private entities;
- 28 (18) apply to the federal government for a grant allowing the designation of
29 corporation territory as a foreign trade zone under AS 45.77.010;
- 30 (19) negotiate agreements for the overflight or recovery of a space vehicle, rocket,
31 missile, payload, booster, scientific experiments or other space-related material, debris, or parts

1 with any person or entity, including but not limited to adjacent landowners;
2 (20) lease the Poker Flat Research Range or portions of it from the University of
3 Alaska and to lease to the University space-related facilities that the corporation may construct
4 or acquire;
5 (21) apply for and hold in the name of the corporation patents, copyrights, and
6 other intellectual property.
7 (b) The corporation shall
8 (1) prepare an annual report of its operations to include a balance sheet, an
9 income statement, a statement of changes in financial position, a reconciliation of changes in
10 equity accounts, a summary of significant accounting principles, an auditor's report, comments
11 regarding the year's business, and prospects from the next year; the report shall be provided by
12 the third day of each regular session of the legislature to the governor, the presiding officers of
13 each house of the legislature, the University of Alaska, and the Legislative Budget and Audit
14 Committee;
15 (2) submit its annual budget to the legislature through the governor as provided
16 for state agencies by AS 37.07;
17 (3) establish a personnel management system for hiring employees and setting
18 employee-benefit packages;
19 (4) establish procedures, rules, and rates governing per diem and travel expenses
20 of the employees of the corporation in substantial conformity to statutes, procedures, rules, and
21 rates governing state employees;
22 (5) fulfill its purposes, perform its duties, and exercise its power in a manner that
23 does not interfere or restrict the educational and research functions of Poker Flat Research Range
24 and the University of Alaska.
25 Sec. 14.40.871. REGULATIONS. (a) The corporation shall adopt regulations to carry
26 out the purposes of this chapter.
27 (b) Except for AS 44.62.310 and 44.62.312 regarding public meetings, the provisions of
28 AS 44.62 (Administrative Procedure Act) regarding the adoption of regulations do not apply to
29 the corporation. The corporation shall make available to members of the public copies of the
30 regulations adopted under this section. Within 45 days after adoption of a regulation under this
31 section, the chair of the corporation shall submit the regulation adopted to the chair of the

1 Administrative Regulation Review Committee under AS 24.20.400 - 24.20.460.

2 (c) The corporation may adopt regulations by motion or by resolution or in another
3 manner permitted by its bylaws.

4 (d) Except as provided in (e) of this section, at least 15 days before the adoption of a
5 regulation, the corporation shall give public notice of the proposed action by publishing the notice
6 in at least three newspapers of general circulation in the state and by mailing a copy of the notice
7 to every person who has filed a request for notice of proposed regulations with the corporation.
8 The public notice must include a statement of the time, place, and nature of the proceedings for
9 the adoption of the regulation and must include an informative summary of the subject of the
10 proposed action. On the date and at the time and place designated in the notice, the corporation
11 shall give each interested person or an authorized representative of the person, or both, the
12 opportunity to present statements, arguments, or contentions orally or in writing and shall give
13 members of the public an opportunity to present oral statements, arguments, or contentions for
14 a total period of at least one hour. The corporation shall consider all relevant matter presented
15 to it before taking the proposed action on the regulation. At a hearing under this subsection, the
16 corporation may continue or postpone the hearing to a time and place determined by the
17 corporation and announced at the hearing before taking the action to continue or postpone the
18 hearing. A regulation adopted by the corporation may vary from the informative summary
19 specified in this subsection if the subject matter of the action taken on the regulation remains the
20 same and if the original notice of the proposed action was written so as to assure that members
21 of the public are reasonably notified of the subject matter of the proposed action in order for
22 them to determine whether their interests could be affected by the corporation's proposed action
23 on that subject.

24 (e) The adoption of a regulation may be made as an emergency regulation if, in the order
25 of adoption, the corporation states the facts constituting the emergency and makes a finding that
26 the adoption of the regulation is necessary for the immediate preservation of the orderly operation
27 of the corporation's programs. The requirements of (d) of this section do not apply to the initial
28 adoption of an emergency regulation; however, upon adoption of an emergency regulation under
29 this subsection, the corporation shall, within 10 days after that adoption, publish notice of the
30 adoption in accordance with the notice procedures specified in (d) of this section. An emergency
31 regulation adopted under this subsection may not remain in effect for more than 120 days unless,

1 with any person or entity, including but not limited to adjacent landowners;
2 (20) lease the Poker Flat Research Range or portions of it from the University of
3 Alaska and to lease to the University space-related facilities that the corporation may construct
4 or acquire;
5 (21) apply for and hold in the name of the corporation patents, copyrights, and
6 other intellectual property.
7 (b) The corporation shall
8 (1) prepare an annual report of its operations to include a balance sheet, an
9 income statement, a statement of changes in financial position, a reconciliation of changes in
10 equity accounts, a summary of significant accounting principles, an auditor's report, comments
11 regarding the year's business, and prospects from the next year; the report shall be provided by
12 the third day of each regular session of the legislature to the governor, the presiding officers of
13 each house of the legislature, the University of Alaska, and the Legislative Budget and Audit
14 Committee;
15 (2) submit its annual budget to the legislature through the governor as provided
16 for state agencies by AS 37.07;
17 (3) establish a personnel management system for hiring employees and setting
18 employee-benefit packages;
19 (4) establish procedures, rules, and rates governing per diem and travel expenses
20 of the employees of the corporation in substantial conformity to statutes, procedures, rules, and
21 rates governing state employees;
22 (5) fulfill its purposes, perform its duties, and exercise its power in a manner that
23 does not interfere or restrict the educational and research functions of Poker Flat Research Range
24 and the University of Alaska.
25 Sec. 14.40.871. REGULATIONS. (a) The corporation shall adopt regulations to carry
26 out the purposes of this chapter.
27 (b) Except for AS 44.62.310 and 44.62.312 regarding public meetings, the provisions of
28 AS 44.62 (Administrative Procedure Act) regarding the adoption of regulations do not apply to
29 the corporation. The corporation shall make available to members of the public copies of the
30 regulations adopted under this section. Within 45 days after adoption of a regulation under this
31 section, the chair of the corporation shall submit the regulation adopted to the chair of the

1 before the expiration of that period, the corporation adopts that regulation as a permanent
2 regulation in accordance with the procedures specified in (d) of this section.

3 (f) A regulation adopted under this section takes effect immediately upon its adoption
4 by the corporation or at another time specified by the corporation in its order of adoption.

5 Sec. 14.40.876. EXERCISE BY CORPORATION OF POWERS WITHIN
6 MUNICIPALITIES. The corporation may exercise any of its powers in all portions of a space-
7 related facility or territory lying within the boundaries of a municipality to the same extent and
8 in the same manner as in areas of the space-related facility or territory not within the boundaries
9 of a municipality.

10 Sec. 14.40.881. TRADE SECRETS CONFIDENTIAL. The corporation shall maintain
11 the confidentiality of a trade secret, or other proprietary technical information, supplied for
12 purposes related to this chapter unless the owner of the trade secret authorizes its release or a
13 court orders its release. Information covered by this section is not a public record for purposes
14 of AS 09.25.110 - 09.25.140. The corporation shall adopt regulations implementing this section.

15 Sec. 14.40.886. APPROVAL OF PROJECTS BY LEGISLATURE. Notwithstanding any
16 other provision of this chapter, a proposed construction project of \$1,000,000 or more shall be
17 submitted by the corporation to the legislature for approval at a regular session of the legislature.

18 Sec. 14.40.891. ISSUANCE OF BONDS, NOTES, AND REFUNDING BONDS. (a)
19 Except as provided in (b) of this section, the corporation may issue bonds in its discretion for
20 any of its corporate purposes and may issue refunding bonds for the purpose of paying or retiring
21 bonds previously issued by it.

22 (b) The corporation may not, without prior legislative approval, issue bonds, other than
23 refunding bonds,

24 (1) in a total amount in excess of \$1,000,000 each calendar year; or

25 (2) if the annual debt service on all outstanding bonds issued and proposed to be
26 issued exceeds \$1,000,000 in a fiscal year.

27 Sec. 14.40.896. SECURITY FOR BONDS. The corporation may issue bonds including
28 but not limited to bonds on which the principal and interest are payable (1) exclusively from the
29 income and revenue of the space-related project financed with the proceeds of the bonds, (2)
30 exclusively from the income and revenue of designated space-related projects whether or not they
31 are financed in whole or in part with the proceeds of the bonds, (3) from its revenue or other

1 assets generally, or (4) exclusively from rents, fees, charges, or other revenue collected or
2 received by the corporation. Bonds may be additionally secured by a pledge of a grant or
3 contribution from the federal government or from another source, or by a pledge of income or
4 revenue of the corporation, or by a mortgage of a space-related project or other property of the
5 corporation.

6 Sec. 14.40.899. LIMITATION OF LIABILITY ON BONDS. The members of the
7 corporation and a person executing the bonds are not liable personally on the bonds by reason
8 of their issuance. The bonds of the corporation are not a debt of the state or a political or
9 municipal corporation or other subdivision of the state, including the University of Alaska, and
10 each bond must so state on its face. Neither the state nor a political or municipal corporation
11 or other subdivision of the state, including the University of Alaska, other than the corporation
12 is liable on the bonds, nor are the bonds payable out of funds or properties other than those of
13 the corporation. The corporation may not pledge the faith of the people of the state for a loan
14 or obligation. Bonds of the corporation are not a debt, indebtedness, or the borrowing of money
15 within the meaning of a limitation or restriction on the issuance of bonds contained in the
16 constitution or laws of the state.

17 Sec. 14.40.902. ISSUANCE AND SALE OF BONDS AND NOTES. Bonds and notes
18 of the corporation are authorized by adoption of a resolution prescribing the date of issuance and
19 maturity, interest rate, denomination, form, conversion privilege, rank or priority, execution, terms
20 of redemption, medium, and place of payment. Bonds and notes may be sold in the manner, on
21 the terms, and at the price the corporation determines. Each bond and note is negotiable. The
22 signature of a member or an officer upon a bond or note or coupon is not invalidated by that
23 person's ceasing to hold office before the delivery of the bond or note. The recitation of a bond
24 or note that it has been issued in the financing of a space-related project or purpose under this
25 chapter is conclusive as to the issuance of the bond or note and the character of the project in
26 a challenge of the validity of the bond or note or the security for it.

27 Sec. 14.40.906. BONDS EXEMPT FROM TAXES. Bonds and other obligations of the
28 corporation are issued for an essential public and governmental purpose and are public
29 instrumentalities and, together with interest on them and income from them, are exempt from
30 taxes.

31 Sec. 14.40.908. INDEPENDENT FINANCIAL ADVISOR. In negotiating the private

1 sale of bonds or bond anticipation notes to an underwriter, the corporation shall retain a financial
2 advisor who is independent from the underwriter. The financial advisor may not bid on the
3 bonds or notes if offered at public sale or negotiate for their purchase if sold at private sale.

4 Sec. 14.40.912. ADDITIONAL POWERS TO SECURE BONDS OR OBLIGATIONS
5 UNDER LEASES. In connection with the issuance of bonds or the incurring of obligations
6 under leases and in order to secure the payment of bonds or lease obligations, the corporation,
7 in addition to its other powers, may

8 (1) pledge all or a part of its gross or net rents, fees, or revenues to which its
9 right exists or may exist;

10 (2) mortgage or encumber all or a part of its real or personal property, owned or
11 later acquired;

12 (3) covenant against pledging all or a part of its rents, fees, and revenue, or
13 against mortgaging all or a part of its real or personal property, to which its right or title exists
14 or may come into existence or against permitting or suffering any lien on the revenues or
15 property;

16 (4) covenant with respect to limitations on its right to sell, lease, or otherwise
17 dispose of a space-related project or a part of a space-related project;

18 (5) covenant as to what other, or additional debts or obligations may be incurred
19 by it;

20 (6) covenant as to the bonds to be issued and as to the issuance of the bonds in
21 escrow or otherwise, and as to the use and disposition of the proceeds of bonds;

22 (7) provide for the replacement of lost, destroyed, or mutilated bonds;

23 (8) covenant against extending the time for the payment of its bonds or interest
24 on the bonds;

25 (9) redeem the bonds, and covenant for their redemption and to provide the terms
26 and conditions of redemption;

27 (10) covenant as to the rents and fees to be charged in the operation of a space-
28 related project, the amount to be raised each year or other period of time by rents, fees, and other
29 revenue, and as to the use and disposition of this revenue;

30 (11) create or authorize the creation of special funds for money held for
31 construction or operating costs, debt service, reserves, or other purposes, and covenant as to the

1 use and disposition of this money;

2 (12) prescribe the procedure by which the terms of a contract with bondholders
3 may be amended or abrogated, the amount of bonds the holders of which must consent thereto
4 and the manner in which the consent may be given;

5 (13) covenant as to the rights, liabilities, powers, and duties arising upon the
6 breach by it of a covenant, condition, or obligation, and covenant and prescribe as to events of
7 default and terms and conditions upon which any or all of its bonds or obligations shall become
8 or may be declared due before maturity, and covenant as to the terms and conditions upon which
9 this declaration and its consequences may be waived;

10 (14) vest in a trustee or trustees or the holders of bonds or a specified proportion
11 of them, the right to enforce the payment of the bonds or covenants securing or relating to the
12 bonds;

13 (15) vest in one or more trustees the right, in the event of a default by the
14 corporation, to take possession of a space related project or a part of the project, and so long as
15 the corporation continues in default to retain possession and to use, operate, and manage the
16 project, and to collect the rent and revenue from the project, and to dispose of the money
17 according to the agreement between the corporation and the trustees;

18 (16) provide for the powers and duties of the trustees, and limit the liability of
19 the trustees; and

20 (17) provide the terms and conditions upon which the trustee or trustees or the
21 holders of bonds, or portions of bonds, may enforce a covenant or right securing or relating to
22 the bonds.

23 Sec. 14.40.916. RIGHT OF OBLIGEE OF CORPORATION TO BRING INJUNCTION.
24 An obligee of the corporation may, in addition to all other rights that may be conferred and
25 subject only to contractual restriction binding upon the obligee, seek an injunction or an action
26 in nature of an action for mandamus against the members, the corporation, its officers, agents,
27 or employees.

28 Sec. 14.40.921. POWER OF CORPORATION TO CONFER UPON OBLIGEE RIGHT
29 TO BRING ACTION OR PROCEEDING. The corporation may by resolution, trust indenture,
30 mortgage, lease, or other contract confer upon an obligee holding or representing a specified
31 amount in bonds, or holding a lease, the right upon a default as defined in the resolution or

1 instrument by suit, action or proceeding

2 (1) to have possession of a space-related project or part of one surrendered to the
3 obligee, with possession retained by the obligee as long as the corporation continues in default;

4 (2) to obtain the appointment of a receiver of a space-related project or part of
5 one and its rents and profits, who may enter, take possession, and for the duration of the default
6 operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter
7 arising, and keep the money in a separate account or accounts to be applied in accordance with
8 the obligations of the corporation as the court directs;

9 (3) to require the corporation and its members to account as if they were the
10 trustees of an express trust.

11 Sec. 14.40.926. EXEMPTION OF REAL PROPERTY OF CORPORATION FROM
12 EXECUTION OR OTHER PROCESS. All real property of the corporation is exempt from levy
13 and sale by execution, and an execution or other judicial process may not issue against it. A
14 judgment against the corporation may not be a charge or lien upon its real property. However,
15 this section does not limit the right of an obligee to foreclose or otherwise enforce a mortgage
16 of the corporation or to pursue any remedy for the enforcement of a pledge or lien given by the
17 corporation on its rents, fees, or revenues.

18 Sec. 14.40.931. POWER OF CORPORATION TO OBTAIN FEDERAL AID AND
19 COOPERATION. The corporation may borrow, accept contributions, grants, or other financial
20 assistance from the federal government in aid of a space-related project and for this purpose may
21 comply with conditions and enter into the mortgages, trust indentures, leases, or agreements that
22 are necessary, convenient, or desirable in order to obtain financial aid or cooperation from the
23 federal government in the undertaking, construction, maintenance, or operation of a space-related
24 project.

25 Sec. 14.40.936. EXEMPTION FROM TAXES AND ASSESSMENTS. The property of
26 the corporation is public property used for essential public and governmental purposes and this
27 property and the corporation are exempt from all taxes and special assessments of a municipality,
28 the state, or a political subdivision of the state. However, instead of taxes, the corporation may
29 make payments to the municipality or political subdivision for improvements, services, and
30 facilities furnished by it for the benefit of a space-related project.

31 Sec. 14.40.941. DISPOSAL OF SURPLUS PROPERTY. (a) The corporation may

1 convey real or personal property that it determines is in excess of its needs. Except as provided
2 in (b) of this section, the sale shall be by public auction or by sealed bids. Public notice shall
3 be given by publishing notice of the sale at least once a week for two consecutive weeks in a
4 newspaper of general circulation within the area in which the property to be sold is located and
5 by posting notice of sale in at least two public places in the area. In no event may the auction
6 be held less than 30 days after the last day of publication. If an acceptable bid is not received,
7 the corporation may sell the property at negotiated sale within six months after the date of the
8 auction. A negotiated sale may not be made on an appraisal made more than nine months before
9 the date of sale. The price at a negotiated sale may not be less than the appraised value.

10 (b) Real or personal property of the corporation may be conveyed to a state or federal
11 agency or political subdivision or the University of Alaska for less than the appraised value
12 without competitive bidding, upon a determination by the board that the terms are fair and proper
13 and in the best interests of the state. The board shall consider both the nature of the agency's
14 or political subdivision's public services or functions and the terms under which the property was
15 acquired by the corporation.

16 Sec. 14.40.946. PUBLIC LOANS OR DONATIONS TO OR COOPERATION WITH
17 CORPORATION. (a) A public body or agency of the state may

- 18 (1) lend or donate money or property to the corporation;
19 (2) cooperate with it in the planning, construction, or operation of a project;
20 (3) transfer to it an interest in property, grant an easement, undertake otherwise
21 authorized construction of facilities adjacent to a project;
22 (4) furnish or improve otherwise authorized roads, streets, alleys, and sidewalks;
23 (5) purchase bonds of the corporation;
24 (6) incur the entire expense of improvements made under this chapter;
25 (7) agree with the corporation that a certain sum or that no sum shall be paid by
26 the corporation to it instead of taxes;
27 (8) enter into agreements respecting exercise of the powers granted in this chapter
28 that shall be approved and executed by the public body or municipality in or adjacent to the
29 project before the project may be constructed; and
30 (9) in general do all things necessary or convenient to cooperate in the planning,
31 construction, or operation of a project.

1 (b) Except as required under AS 44.62.310 and 44.62.312, a sale, conveyance, lease, or
2 agreement under this section may be made without appraisal, public notice or advertisement, or
3 bidding. A public body may exercise the powers granted in this section by resolution or
4 ordinance by a majority of the members of the governing body present at the meeting at which
5 it is introduced, and the resolution or ordinance takes effect immediately without publishing or
6 posting.

7 Sec. 14.40.951. RESERVE FUND. (a) The corporation shall establish and maintain a
8 special fund called the Alaska Aerospace Development Corporation reserve fund in which there
9 shall be deposited or transferred

10 (1) all money appropriated by the legislature for the purpose of the fund in
11 accordance with the provisions of (g) of this section;

12 (2) all proceeds of bonds required to be deposited in the fund by terms of a
13 contract between the corporation and its bondholders or a resolution of the corporation with
14 respect to the proceeds of bonds;

15 (3) all other money appropriated by the legislature to the reserve fund; and

16 (4) any other money or funds of the corporation that it decides to deposit in the
17 fund.

18 (b) Subject to the provisions of (h) of this section, money in the reserve fund shall be
19 held and applied solely to the payment of the interest on and principal of bonds of the
20 corporation as the interest and principal become due and payable and for the retirement of bonds;
21 and the money may not be withdrawn if a withdrawal would reduce the amount in the reserve
22 fund to an amount less than the required debt service reserve except for payment of interest then
23 due and payable on bonds and the principal of bonds then maturing and payable and for the
24 retirement of bonds in accordance with the terms of a contract between the corporation and its
25 bondholders and for which payments of other money of the corporation is not then available. In
26 this subsection, "required debt service reserve" means, as of the date of computation, the amount
27 required to be on deposit in the reserve fund as provided by resolution of the corporation.

28 (c) Money in the reserve fund in excess of the required debt service reserve as defined
29 in (b) of this section, whether by reason of investment or otherwise, may be withdrawn at any
30 time by the corporation and transferred to another fund or account of the corporation subject to
31 the provision of (h) of this section.

1 (d) Money in the reserve fund may be invested in the same manner and on the same
2 conditions as permitted for investment of funds belonging to the state or held in the treasury
3 under AS 37.10.070; however, the corporation may agree with the bondholders to further limit
4 these investments.

5 (e) For purposes of valuation, investments in the reserve fund shall be valued at par or
6 if purchased at less than par, at cost unless otherwise provided by resolution of the corporation.
7 Valuation on a particular date shall include the amount of interest then earned or accrued to that
8 date on the money or investments in the reserve fund.

9 (f) Notwithstanding any other provision of this chapter, bonds may not be issued by the
10 corporation unless there is in the reserve fund the required debt service reserve for all bonds then
11 issued and outstanding and for the bonds to be issued; however, the corporation may satisfy this
12 requirement by depositing as much of the proceeds of the bonds to be issued, upon their issuance,
13 as is needed to meet the required debt service reserve. The corporation may at any time issue
14 its bonds or notes for the purpose of increasing the amount in the reserve fund to the required
15 debt service reserve, or to meet whatever higher or additional reserve that may be fixed by the
16 corporation with respect to the fund.

17 (g) In order to assure the maintenance of the required debt service reserve in the reserve
18 fund, the legislature may appropriate annually to the corporation for deposit in the fund the sum,
19 certified by the chair of the corporation to the governor and to the legislature, that is necessary
20 to restore the fund to an amount equal to the required debt service reserve. The chair annually,
21 before January 30, shall make and deliver to the governor and to the legislature a certificate
22 stating the sum required to restore the fund to that amount, and the certified sum may be
23 appropriated and paid to the corporation during the then current state fiscal year. Nothing in this
24 subsection creates a debt or liability of the state.

25 (h) All amounts received on account of money appropriated to the reserve fund referred
26 to in (a)(3) of this section shall be held and applied in accordance with (b) of this section;
27 however, at the end of each fiscal year, if the amount in the reserve fund is in excess of the
28 required debt service reserve, any amount representing earnings or income received on account
29 of money appropriated to the reserve fund that exceeds the operating expenses of the corporation
30 for that fiscal year shall be transferred to the general fund of the state.

31 (i) All references to the reserve fund in this section include special accounts within the

1 reserve fund that may be created by the corporation to secure the payment of particular bonds.
2 The commissioner of revenue may lend surplus money in the general fund to the corporation for
3 deposit to any account in the reserve fund in an amount equal to the required debt service
4 reserve. The loans shall be made on the terms and conditions that may be agreed upon by the
5 commissioner of revenue and the corporation, including, without limitation, terms and conditions
6 providing that the loans need not be repaid until the obligations of the corporation secured and
7 to be secured by the account in the reserve fund are no longer outstanding.

8 Sec. 14.40.956. COOPERATION WITH OTHER AUTHORITIES. In issuing a bond,
9 the corporation may request the assistance of and work with the Alaska Industrial Development
10 and Export Authority and the Alaska Municipal Bond Bank Authority. The Alaska Industrial
11 Development and Export Authority may invest in and issue bonds for space-related projects of
12 the Alaska Aerospace Development Corporation. The Alaska Industrial Development and Export
13 Authority and the Alaska Municipal Bond Bank Authority may purchase and market bonds of
14 the Alaska Aerospace Development Corporation.

15 Sec. 14.40.961. INVESTMENT OF REVENUE. The revenue and receipts of the
16 corporation, to the extent they are not needed to pay bonds or other obligations of the corporation
17 shall be invested by the commissioner of revenue in cooperation with the corporation.

18 Sec. 14.40.966. LEGALITY OF CORPORATION BONDS AS INVESTMENTS. Bonds
19 of the corporation are legal and proper investments and security for public and private banking,
20 insurance, and trust funds.

21 Sec. 14.40.990. DEFINITIONS. In AS 14.40.821 - 14.40.990,

22 (1) "board" means the board of directors of the Alaska Aerospace Development
23 Corporation;

24 (2) "corporation" means the Alaska Aerospace Development Corporation;

25 (3) "landing site" means a site or facility designed, intended, or used for the
26 landing or recovery of space vehicles, aircraft, or balloons;

27 (4) "launch site" means a site or facility designed, intended, or used for the
28 launching of space vehicles, sounding rockets, aircraft, or balloons;

29 (5) "payload" means property or cargo, including people or animals, to be
30 transported aboard a vehicle launched by the corporation;

31 (6) "recovery" means the retrieval and recovery of space vehicles, payloads, and

1 parts that have been launched from the corporation's facilities;

2 (7) "space vehicle" means a rocket, missile, booster, or other vehicle designed,
3 intended, or used to reach high altitude.

4 * Sec. 3. AS 24.20.201(a) is amended to read:

5 (a) The Legislative Budget and Audit Committee has the power to:

6 (1) organize, adopt rules for the conduct of its business, and prescribe procedures
7 for the comprehensive fiscal analysis, budget review, and post-audit functions;

8 (2) hold public hearings, administer oaths, issue subpoenas, compel the attendance
9 of witnesses and production of papers, books, accounts, documents, and testimony, and have the
10 deposition of witnesses taken in a manner prescribed by court rule or law for taking depositions
11 in civil actions;

12 (3) require all state officials and agencies of state government to give full
13 cooperation to the committee or its staff in assembling and furnishing requested information;

14 (4) review revenue projections, state agency appropriation requests, the
15 expenditure of state funds, including the relationship between state agency program
16 accomplishments and legislative intent, and the fiscal policies and procedures of state
17 government;

18 (5) review and approve proposed changes to agency authorized budgets as
19 provided in the Executive Budget Act (AS 37.07);

20 (6) make recommendations concerning appropriations, their expenditure and the
21 fiscal policies and procedures of state government to the governor when appropriate, and to the
22 legislature;

23 (7) prepare and distribute reports, memoranda, or other necessary materials;

24 (8) sue in the name of the legislature during the interim between sessions if
25 authorized by majority vote of the full membership of the committee;

26 (9) hold public hearings on the confirmation of the members of the Board of
27 Trustees of the Alaska Permanent Fund Corporation;

28 (10) make recommendations to the legislature and to agencies of the state that
29 [WHICH] perform lending or investment functions concerning the structure and operating
30 practices of the agencies;

31 (11) enter into and enforce all contracts necessary or desirable for the functions

1 of the committee;

2 (12) provide for annual post audits of the Alaska Housing Finance Corporation,
3 the Alaska Aerospace Development Corporation, and the Alaska Industrial Development and
4 Export Authority.

5 * Sec. 4. AS 29.45.650(a) is amended to read:

6 (a) Except as provided in AS 04.21.010(c) and in (f) and (h) of this section, a borough
7 may levy and collect a sales tax on sales, rents, and on services provided in the borough. The
8 sales tax may apply to any or all of these sources. Exemptions may be granted by ordinance.

9 * Sec. 5. AS 29.45.650 is amended by adding a new subsection to read:

10 (h) A borough may not levy or collect a sales tax on sales, rents, and services, or a use
11 tax on the storage, use, or consumption of personal property on the following activities:

12 (1) the sale, lease, rental, storage, consumption, or distribution in this state of or
13 the provision of services relating to an orbital space facility, space propulsion system, or space
14 vehicle, satellite, or station of any kind possessing space flight capacity, including the
15 components of them;

16 (2) the sale, lease, rental, storage, consumption, or use of tangible personal
17 property placed on or used aboard an orbital space facility, space propulsion system, or space
18 vehicle, satellite, or station of any kind, regardless of whether the tangible personal property is
19 returned to this state for subsequent use, storage, or consumption; an exemption under this
20 paragraph is not affected by the failure of a launch to occur, or the destruction of a launch
21 vehicle or a component of a launch vehicle.

22 * Sec. 6. AS 36.30.015(e) is amended to read:

23 (e) The board of directors of the Alaska Railroad Corporation and the board of
24 directors of the Alaska Aerospace Development Corporation shall adopt procedures to govern
25 the procurement of supplies, services, professional services, and construction. The procedures
26 must be substantially equivalent to the procedures prescribed in this chapter and in regulations
27 adopted under this chapter.

28 * Sec. 7. AS 36.30.990(1) is amended to read:

29 (1) "agency"

30 (A) means a department, institution, board, commission, division, authority,
31 public corporation, the Alaska Pioneers' Home, or other administrative unit of the

- 1 executive branch of state government;
- 2 (B) does not include
- 3 (i) the University of Alaska;
- 4 (ii) the Alaska State Housing Authority;
- 5 (iii) the Alaska Railroad Corporation;
- 6 (iv) the Alaska Housing Finance Corporation;
- 7 (v) a regional Native housing authority created under
- 8 AS 18.55.996, or a regional electrical authority created under AS 18.57.020;
- 9 **(vi) the Alaska Aerospace Development Corporation;**
- 10 * Sec. 8. AS 37.05.146 is amended to read:
- 11 Sec. 37.05.146. DEFINITION OF PROGRAM RECEIPTS. In AS 37.05.142 - 37.05.146
- 12 and AS 37.07.080 "program receipts" means fees, charges, income earned on assets, and other
- 13 state money received by a state agency in connection with the performance of its functions; all
- 14 program receipts except the following are general fund program receipts:
- 15 (1) federal receipts;
- 16 (2) University of Alaska receipts (AS 14.40.491);
- 17 (3) individual, foundation, or corporation gifts, grants, or bequests that by their
- 18 terms are restricted to a specific purpose;
- 19 (4) receipts of the following funds:
- 20 (A) highway working capital fund (AS 44.68.210);
- 21 (B) correctional industries fund (AS 33.32.020);
- 22 (C) loan funds;
- 23 (D) international airport revenue fund (AS 37.15.430);
- 24 (E) funds managed by the Alaska State Housing Authority (AS 18.55.020),
- 25 the Alaska Housing Finance Corporation (AS 18.56.020), the Medical Indemnity
- 26 Corporation of Alaska (AS 21.88.020), the Alaska Railroad Corporation (AS 42.40.010),
- 27 the Municipal Bond Bank Authority (AS 44.85.020), **the Alaska Aerospace Development**
- 28 **Corporation (AS 14.40.821)**, or the Alaska Industrial Development and Export Authority
- 29 (AS 44.88.020);
- 30 (F) fish and game fund (AS 16.05.100);
- 31 (G) school fund (AS 43.50.140);

1 (H) training and building fund (AS 23.20.130);
2 (I) retirement funds (AS 14.25, AS 22.25, AS 26.05.222, AS 39.35, and
3 former AS 39.37);
4 (J) permanent fund (art. IX, sec. 15, Alaska Constitution);
5 (K) public school fund (AS 37.14.110);
6 (L) second injury fund (AS 23.30.040);
7 (M) fishermen's fund (AS 23.35.060);
8 (N) FICA administration fund (AS 39.30.050).

9 * Sec. 9. AS 38.05.810 is amended by adding a new subsection to read:
10 (h) The commissioner may issue permits to the Alaska Aerospace Development
11 Corporation for purposes of down range space vehicle or payload overflight, booster retrieval,
12 and recovery. The commissioner may, if it is in the best interests of the state, lease land to the
13 Alaska Aerospace Development Corporation for other space-related purposes for, or at less than
14 the appraised market value.

15 * Sec. 10. AS 39.25.110(11) is amended to read:
16 (11) the officers and employees of the following boards, commissions, and
17 authorities:
18 (A) Alaska Gas Pipeline Financing Authority;
19 (B) Alaska Permanent Fund Corporation;
20 (C) [REPEALED,
21 (D)] Alaska Industrial Development and Export Authority;
22 (D) [(E)] Alaska Commercial Fisheries Entry Commission;
23 (E) [(F)] Alaska Commission on Postsecondary Education;
24 (F) Alaska Aerospace Development Corporation;

25 * Sec. 11. AS 39.50.200(b) is amended by adding a new paragraph to read:
26 (52) the board of directors and the executive director of the Alaska Aerospace
27 Development Corporation (AS 14.40.821).

28 * Sec. 12. AS 44.99.200(b) is amended to read:
29 (b) The determination under (a) of this section shall be made by the
30 (1) commissioner of administration for a state agency in the executive branch,
31 except as provided in (4) - (6) of this subsection;

- 1 (2) administrative director of the judicial branch for an agency in the judicial
2 branch;
3 (3) Alaska Legislative Council for an agency in the legislative branch;
4 (4) Board of Regents or president of the University of Alaska for the university;
5 (5) board of directors of the Alaska State Housing Authority for the authority;
6 [AND]
7 (6) board of directors of the Alaska Railroad Corporation for the corporation; and
8 (7) board of directors of the Alaska Aerospace Development Corporation for
9 the corporation.
- 10 * Sec. 13. AS 44.99.400 is amended to read:
11 Sec. 44.99.400. COPYRIGHTS. A state agency may hold the copyright for software
12 created by the agency or developed by a private contractor for an agency, and may enforce its
13 rights to protect the copyright. In this section, "state agency" means a department, institution,
14 board, commission, division, authority, public corporation, committee, or other administrative unit
15 of the executive, judicial, or legislative branch of state government, including the University of
16 Alaska, the Alaska State Housing Authority, the Alaska Aerospace Development Corporation,
17 and the Alaska Railroad Corporation.
- 18 * Sec. 14. INITIAL APPOINTMENTS. The initial appointments of the members of the board under
19 AS 14.40.826(a)(1), (6), (7), and (8) shall be staggered under AS 39.05.055(3).
- 20 * Sec. 15. This Act takes effect July 1, 1991.