

**CS FOR SENATE BILL NO. 352 (TRANSPORTATION)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE TRANSPORTATION COMMITTEE

**Offered: 3/18/92
Referred: CRA, Finance**

Sponsor(s): SENATORS PEARCE, Collins

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to the establishment of port authorities by municipalities; relating to
2 public corporations of a municipality; and providing for an effective date."**

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

4 * Section 1. LEGISLATIVE FINDINGS AND POLICY. (a) The legislature finds that

**5 (1) the development of ports for waterborne and other commerce is vital to attainment
6 of an efficient and effective transportation network in the state;**

**7 (2) the development of ports is vital to the economic well-being of the state and of the
8 future development of industry in the state;**

**9 (3) article X, sec. 13, Constitution of the State of Alaska, authorizes municipalities to
10 make agreements for cooperative or joint administration of functions or powers and, under that authority,
11 two or more municipalities may by agreement establish an authority;**

**12 (4) bond holders are not familiar with the state constitution and the authority granted to
13 municipalities under the state constitution;**

14 (5) it is in the interest of the state to provide port authorities with the power to issue

1 revenue bonds when permitted by a municipality in a port authority enabling ordinance.

2 (b) It is the policy of the state and, in the interest of promoting the health, security, and general
3 welfare of all of the people of the state, a public purpose to provide a means for establishing a more
4 efficient transportation system and to encourage economic growth in the state, including the development
5 of its natural resources, by making it clear that municipalities are authorized to create municipal port
6 authorities with the power to acquire, construct, and operate ports for waterborne and other commerce
7 and to borrow money for the same.

8 * Sec. 2. AS 29.35 is amended by adding new sections to read:

9 **ARTICLE 9. PORT AUTHORITIES.**

10 Sec. 29.35.600. PURPOSE OF AUTHORITIES. The purpose of a port authority is to
11 provide for the development of a port or ports for waterborne and other commerce within the
12 territory of the authority.

13 Sec. 29.35.605. ESTABLISHMENT OF PORT AUTHORITIES. (a) A port authority
14 may be created by one of the following means:

15 (1) the governing body of a municipality may create by ordinance a port authority
16 as a public corporation of the municipality;

17 (2) the governing bodies of two or more municipalities may create by parallel
18 ordinances adopted by each of the governing bodies a port authority as a public corporation of
19 the municipalities.

20 (b) One or more municipalities may join an authority established under (a)(1) or (2) of
21 this section upon the adoption of parallel ordinances by the governing bodies of each affected
22 municipality.

23 (c) A port authority created under this section is a body corporate and politic and an
24 instrumentality of the municipality or municipalities creating it but having a separate and
25 independent legal existence.

26 (d) Creation of a port authority under AS 29.35.600 - 29.35.730 is an exercise of a
27 municipality's transportation system powers.

28 (e) The enabling ordinance by which a port authority is established must specify the
29 powers, boundaries, and limitations of the port authority.

30 (f) An ordinance creating a port authority may require approval by the voters of the
31 municipality or municipalities participating in the authority in order for the authority to be

1 established.

2 Sec. 29.35.610. DISSOLUTION OF A PORT AUTHORITY. (a) The enabling
3 ordinance by which a port authority is created must provide for the manner by which a port
4 authority may be dissolved.

5 (b) If an authority ceases to exist, its assets shall be distributed to the municipalities that
6 participated in the authority in proportion to the difference between their contributions to the
7 authority and any outstanding debt or obligation of that municipality to the authority, provided
8 that any obligation to bondholders then outstanding shall first be satisfied in full.

9 Sec. 29.35.615. MUNICIPAL PROPERTY. (a) A municipality may transfer and
10 otherwise convey or lease real property, and any improvements to it, to an authority for use by
11 the authority for the purposes set out in the ordinance adopted under AS 29.35.605.

12 (b) A municipality may transfer and otherwise assign or lease personal property to an
13 authority for use by the authority for the purposes set out in the ordinance adopted under
14 AS 29.35.605.

15 Sec. 29.35.620. CONVEYANCE OF OTHER LAND TO PORT AUTHORITY. An
16 authority and a municipality participating in the authority may enter into an agreement with the
17 state, the federal government, or a person for the conveyance, transfer, or lease to the authority
18 of land that is necessary or useful for present or future purposes of the authority.

19 Sec. 29.35.625. POWERS. If provided in the enabling ordinance, an authority may

20 (1) sue and be sued;

21 (2) have a seal and alter it at pleasure;

22 (3) acquire an interest in a project as necessary or appropriate to provide financing
23 for the project, whether by purchase, gift, or lease;

24 (4) lease to others a project acquired by it and upon the terms and conditions the
25 authority may consider advisable, including, without limitation, provisions for purchase or
26 renewal;

27 (5) sell, by installment sale or otherwise, exchange, donate, convey, or encumber
28 in any manner by mortgage or by creation of another security interest, real or personal property
29 owned by it, or in which it has an interest, including a project, when, in the judgment of the
30 authority, the action is in furtherance of the authority's purposes;

31 (6) accept gifts, grants, or loans from, and enter into contracts or other

1 transactions regarding them, with a federal agency or an agency or instrumentality of the state,
2 a municipality, private organization, or other source;

3 (7) deposit or invest its funds, subject to agreements with bondholders;

4 (8) purchase or insure loans to finance the costs of projects;

5 (9) provide for security within the boundaries of the authority;

6 (10) enter into loan agreements with respect to one or more projects upon the
7 terms and conditions the authority considers advisable;

8 (11) acquire, manage, and operate projects as the authority considers necessary
9 or appropriate to serve the authority's purposes;

10 (12) assist private lenders to make loans to finance the costs of projects through
11 loan commitments, short-term financing, or otherwise;

12 (13) charge fees or other forms of remuneration for the use or possession of
13 projects in accordance with the agreements described in this section, other agreements relating
14 to the projects, covenants, or representations made in bond documents relating to the projects,
15 or regulations of the authority relating to the projects;

16 (14) exercise the power of eminent domain within its physical boundaries under
17 AS 29.35.030 to acquire land or materials for authority purposes;

18 (15) regulate land use within the boundaries of the authority;

19 (16) defend and indemnify a current or former member of the board, employee,
20 or agent of the authority against all costs, expenses, judgments, and liabilities, including attorney
21 fees, incurred by or imposed upon that person in connection with civil or criminal action in
22 which the person is involved as a result of the person's affiliation with the authority if the person
23 acted in good faith on behalf of the authority and within the scope of the person's official duties
24 and powers;

25 (17) purchase insurance to protect and hold harmless its employees, agents, and
26 board members from an action, claim, or proceeding arising out of the performance, purported
27 performance, or failure to perform in good faith, of duties for, or employment with the authority
28 and to hold them harmless from expenses connected with the defense, settlement, or monetary
29 judgments from that action, claim, or proceeding; the purchase of insurance is subject to the
30 discretion of the board; insurance purchased under this paragraph may not be considered
31 compensation to the insured person; and

1 (18) protect its assets, services, and employees by purchasing insurance or
2 providing for certain self-insurance retentions; an authority may also maintain casualty, property,
3 business interruption, marine, boiler and machinery, pollution liability, and other insurance in
4 amounts reasonably calculated to cover potential claims against the authority or a municipality
5 for bodily injury, death or disability, and property damage that may arise from or be related to
6 authority operations and activities.

7 Sec. 29.35.630. BONDS OF A PORT AUTHORITY; SUPERIOR COURT
8 JURISDICTION. (a) If authorized by the enabling ordinance, an authority may borrow money
9 and may issue bonds on which the principal and interest are payable

10 (1) exclusively from the income and receipts of, or other money derived from,
11 the project financed with the proceeds of the bonds;

12 (2) exclusively from the income and receipts of, or other money derived from,
13 designated projects or other sources whether or not they are financed, insured, or guaranteed in
14 whole or in part with the proceeds of the bonds; or

15 (3) from its income and receipts generally or a designated part or parts of them.

16 (b) All bonds may be sold at public or private sale in the manner, for the price or prices,
17 and at the time or times that the authority may determine.

18 (c) Before issuing bonds, an authority shall provide for consideration by lease or
19 agreement at least sufficient, in the judgment of the authority, to pay the principal and interest
20 on the bonds as they become due and to create and maintain the reserves for the payment that
21 the authority considers necessary or desirable and meet all obligations in connection with the
22 lease or agreement and all costs necessary to service the bonds, unless the lease or agreement
23 provides that the obligations are to be met or costs are to be paid by a party other than the
24 authority.

25 (d) Bonds shall be authorized by resolution of the authority, be dated, and shall mature
26 as the resolution may provide, except that a bond may not mature more than 40 years from the
27 date of its issue. Bonds shall bear interest at the rate or rates, be in the denominations, be in the
28 form, either coupon or registered, carry the registration privileges, be executed in the manner, be
29 payable in the medium of payment, at the place or places, and be subject to the terms of
30 redemption that the resolution or a subsequent resolution may provide.

31 (e) All bonds issued under this section, regardless of form or character, are negotiable

1 instruments for all of the purposes of AS 45.01 - AS 45.09 (Uniform Commercial Code).

2 (f) The superior court has jurisdiction to hear and determine suits, actions, or proceedings
3 relating to an authority, including suits, actions, or proceedings brought to foreclose or otherwise
4 enforce a mortgage, pledge, assignment, or security interest brought by or for the benefit or
5 security of a holder of the authority's bonds or by a trustee for or other representative of the
6 holders.

7 Sec. 29.35.635. BONDS ELIGIBLE FOR INVESTMENT. Bonds issued under
8 AS 29.35.630 are securities in which all public officers and public bodies of the state and its
9 political subdivisions, all insurance companies, trust companies, banks, investment companies,
10 executors, administrators, trustees, and other fiduciaries may properly and legally invest funds,
11 including capital in their control or belonging to them. The bonds may be deposited with a state
12 or municipal officer of an agency or political subdivision of the state for any purpose that the
13 deposit of bonds of the state is authorized by law.

14 Sec. 29.35.640. VALIDITY OF PLEDGE. The pledge of revenue of an authority to the
15 payment of the principal or interest on bonds or notes of the authority is valid and binding from
16 the time the pledge is made, and the revenue is immediately subject to the lien of the pledge
17 without physical delivery or further act. The lien of a pledge is valid and binding against all
18 parties having claims of any kind against the authority irrespective of whether those parties have
19 notice of the lien of the pledge.

20 Sec. 29.35.645. CREDIT OF STATE OR A MUNICIPALITY NOT PLEDGED. (a) The
21 state and municipalities participating in an authority are not liable for the debts of that authority.
22 Bonds issued under AS 29.35.630 are payable solely from the revenue of the authority and do
23 not constitute a

24 (1) debt, liability, or obligation of the state or a municipality; or

25 (2) pledge of the faith and credit of the state or a municipality.

26 (b) An authority may not pledge the credit or the taxing power of the state or its
27 municipalities. A bond issued under AS 29.35.630 must contain on its face a statement that

28 (1) the authority is not obligated to pay it or the interest on it except from the
29 revenue pledged for it; and

30 (2) the faith and credit of the taxing power of the state or of a political
31 subdivision of the state is not pledged to the payment of it.

1 **Sec. 29.35.650. PLEDGES OF THE STATE AND MUNICIPALITIES.** The state and
2 municipalities participating in the authority pledge to and agree with the holders of bonds issued
3 under AS 29.35.630 and with the federal agency, if any, that loans or contributes funds in respect
4 to a project of the authority, that the state and the municipalities participating in the authority will
5 not limit or alter the rights and powers vested in the authority by its enabling ordinance or other
6 law so that it is unable to fulfill the terms of a contract made by the authority with those holders
7 or that federal agency, or in any way impair the rights and remedies of those holders or that
8 federal agency until the bonds, together with the interest on them and interest on unpaid
9 installments of interest, and all costs and expenses in connection with an action or proceeding
10 by or on behalf of those holders or that federal agency, are fully met and discharged. An
11 authority is authorized to include this pledge and agreement of the state and the municipalities
12 participating in the authority, insofar as it refers to holders of bonds of the authority, in a contract
13 with those holders, and insofar as it relates to a federal agency, in a contract with that federal
14 agency.

15 **Sec. 29.35.655. LIMITATION OF LIABILITY.** A liability incurred by an authority shall
16 be satisfied exclusively from the assets or revenue of the authority. A creditor or other person
17 does not have a right of action against the state or a municipality participating in an authority
18 because of a debt, obligation, or liability of an authority.

19 **Sec. 29.35.660. FIDELITY BOND.** An authority shall obtain a fidelity bond in an
20 amount determined by the board for board members and each executive officer responsible for
21 accounts and finances of that authority. A fidelity bond must be in effect during the entire tenure
22 in office of the bonded person.

23 **Sec. 29.35.665. NO TAXING AUTHORITY.** An authority may not levy an income or
24 other tax.

25 **Sec. 29.35.670. EXEMPTION FROM TAXATION.** (a) An authority exercising the
26 powers granted by the enabling ordinance under AS 29.35.600 - 29.35.730 is in all respects for
27 the benefit of the people of the municipalities participating in the authority and the people of the
28 state in general, for their well-being and prosperity, and for the improvement of their social and
29 economic condition. The real and personal property of an authority and its assets, income, and
30 receipts are exempt from all taxes of the state or a political subdivision of the state.

31 (b) Bonds issued by the authority under AS 29.35.630 are issued for an essential public

1 and governmental purpose; therefore, the bonds, interest and income from them, and all fees,
2 charges, funds, revenue, income, and other money pledged or available to pay or secure the
3 payment of the bonds or interest on them are exempt from taxation except for inheritance,
4 transfer, and estate taxes.

5 (c) Notwithstanding the provisions of (a) of this section, an authority and the
6 municipalities participating in the authority may enter into agreements under which the authority
7 agrees to pay the participating municipalities payments in lieu of taxes on real and personal
8 property of the authority that is within the taxing jurisdiction of the municipality.

9 (d) Nothing in this section creates a tax exemption with respect to the interests of a
10 business enterprise or other person, other than the authority, in property, assets, income, or
11 receipts, whether or not financed under AS 29.35.600 - 29.35.730.

12 Sec. 29.35.675. DEVELOPMENT PLAN. In the enabling ordinance establishing the
13 authority under AS 29.35.605 the authority may be

14 (1) required to submit a development plan to the governing body of the
15 municipality or municipalities participating in the authority; or

16 (2) prohibited from undertaking the construction or acquisition of a project unless
17 the project appears in a development plan submitted to and approved by the governing body of
18 the municipality or municipalities participating in the authority.

19 Sec. 29.35.680. ADMINISTRATION OF PORT AUTHORITIES; BOARD. (a) An
20 authority shall be governed by a board of directors, which shall exercise the powers of the
21 authority. The enabling ordinance establishing the authority under AS 29.35.605 must specify
22 the number, qualifications, manner of appointment or election, and terms of members of the
23 board.

24 (b) The board shall appoint a chief executive officer of the authority who serves at the
25 pleasure of the board. The board shall fix the compensation of the chief executive officer.

26 Sec. 29.35.685. CONTINUATION OF COLLECTIVE BARGAINING AGREEMENTS;
27 APPLICATION OF AS 23.40.070 - 23.40.260. (a) A collective bargaining agreement for
28 employees of the state or its political subdivisions who are transferred to an authority under
29 AS 29.35.600 - 29.35.730 shall remain in effect for the term of the agreement or for a period of
30 one year, whichever is longer, and shall be binding on the authority unless the parties agree to
31 the contrary before the expiration of the agreement. A labor-management negotiation impasse

1 declared after a transfer of employees under this subsection but before the negotiation of a new
2 collective bargaining agreement shall be resolved as provided in the collective bargaining
3 agreement, except that if the collective bargaining agreement does not provide for a resolution,
4 then as provided in AS 23.40.070 - 23.40.260.

5 (b) Employees of the state or a political subdivision of the state transferred to an
6 authority shall retain, for a period of one year following the date of transfer or for the duration
7 of a collective bargaining agreement transferred under (a) of this section, whichever is greater,
8 all rights of participation in fringe benefit programs available to the employees on the day before
9 the transfer, or in programs substantially equivalent.

10 (c) AS 23.40.070 - 23.40.260 apply to employees of an authority established under
11 AS 29.35.600 - 29.35.730 unless all municipalities participating in the authority are exempt under
12 sec. 4, ch. 113, SLA 1972.

13 Sec. 29.35.690. BYLAWS AND REGULATIONS. (a) A board shall adopt bylaws and
14 appropriate regulations to carry out its functions and the purposes of AS 29.35.600 - 29.35.730,
15 including regulations to safeguard property owned, managed, or transported by the authority and
16 to protect employees and persons using the authority's property or services.

17 (b) A board shall adopt bylaws as soon after the establishment of the authority as
18 possible and may from time to time, amend those bylaws. The bylaws may contain any
19 provision not in conflict with law for the management of the business of the authority and for
20 the conduct of the affairs of the authority, including

21 (1) the time, place, and manner of calling, conducting, and giving notice of
22 meetings of the board and committees of the board, if any;

23 (2) the compensation of directors, if any;

24 (3) the appointment and authority of committees of the board, if any;

25 (4) the appointment, duties, compensation, and tenure of officers, directors, chief
26 executive officer, and other employees, if any;

27 (5) procedures for adopting regulations;

28 (6) procedures for adopting bylaws;

29 (7) procedures for making annual reports and financial statements; and

30 (8) other matters for the conduct of business by the board.

31 Sec. 29.35.695. PUBLIC DISCLOSURE OF INFORMATION. (a) Except as provided

1 under (b) of this section, information in the possession of an authority is public and is open to
2 public inspection at reasonable times.

3 (b) Notwithstanding AS 09.25.100 - 09.25.220, an authority may through its bylaws or
4 by regulation designate and withhold public disclosure of matters of a privileged or proprietary
5 nature. Those matters include personnel records, communications with and work product of legal
6 counsel, and other information including proprietary information associated with specific shippers
7 and contract rate agreements.

8 Sec. 29.35.700. ANNUAL REPORT. Within 90 days following the end of the fiscal year
9 of an authority, the board shall distribute to the mayor and governing body of each municipality
10 participating in the authority a report describing the operations and financial condition of the
11 authority during the preceding fiscal year. The report may include suggestions for legislation
12 relating to the structure, powers, or duties of the authority or operation of facilities of the
13 authority. Subject to AS 29.35.695, the report must itemize the cost of providing each category
14 of service offered by the authority and the income generated by each category.

15 Sec. 29.35.705. AUDITS. (a) The board shall have the financial records of an authority
16 audited annually by an independent certified public accountant.

17 (b) An authority shall make all of its financial records available to an auditor appointed
18 by a municipality participating in the authority for examination.

19 Sec. 29.35.710. REMEDIES. A holder of bonds or notes or coupons attached to the
20 bonds issued by an authority under AS 29.35.630, and a trustee under a trust agreement or
21 resolution authorizing the issuance of the bonds, except as restricted by a trust agreement or
22 resolution, either at law or in equity, may

23 (1) enforce all rights granted under AS 29.35.600 - 29.35.730, the trust agreement
24 or resolution, or another contract executed by the authority; and

25 (2) compel the performance of all duties of the authority required by
26 AS 29.35.600 - 29.35.730 or the trust agreement or resolution.

27 Sec. 29.35.715. CLAIMS. For the purpose of actionable claims, undertakings, payments
28 of judgments, execution, interest, punitive damages, statutes of limitations, bonds, costs, and
29 similar matters related to the presentation and prosecution of claims by and against an authority,
30 an authority and its board members and employees enjoy the same rights, privileges, and
31 immunities as a municipality and municipal officers.

1 Sec. 29.35.720. **CONFLICTING LAWS INAPPLICABLE.** If provisions of
2 AS 29.35.600 - 29.35.730 conflict with other provisions of this title, the provisions of
3 AS 29.35.600 - 29.35.730 prevail.

4 Sec. 29.35.725. **DEFINITIONS.** In AS 29.35.600 - 29.35.730, unless the context
5 otherwise requires,

6 (1) "authority" means a port authority established under AS 29.35.605;

7 (2) "board" means the board of directors of an authority;

8 (3) "bonds" includes bonds, bond anticipation notes, notes, refunding bonds, or
9 other forms of indebtedness of the authority;

10 (4) "bylaws" or "bylaws of the authority" means the guidelines adopted by and
11 amended by the board from time to time in accordance with AS 29.35.600 - 29.35.730;

12 (5) "port" means a facility of commerce located within the state;

13 (6) "project" means a port, dock, and administrative facilities, including property
14 necessary in connection with the operation of a port;

15 (7) "project cost" or "cost of a project" means all or any part of the aggregate
16 costs determined by an authority to be necessary to finance the construction or acquisition of a
17 project, including without limitation to the cost of acquiring real property, the cost of constructing
18 buildings and improvements, the cost of financing the project, including, without limitation,
19 interest charges before, during, or after construction or acquisition of the project, costs related
20 to the determination of the feasibility, planning, design, or engineering of the project and, to the
21 extent determined necessary by the authority, administrative expenses, the cost of machinery or
22 equipment to be used in the operation or rehabilitation of a port, and all other costs, charges,
23 fees, and expenses that may be determined by the authority to be necessary to finance the
24 construction or acquisition;

25 (8) "real property" or "land" means any interest in real property, including tidal
26 and submerged land, and any right appurtenant to the interest, and without limitation, interests
27 less than full title such as easements, uses, leases, and licenses;

28 (9) "regulation" means a standard of general application or the amendment,
29 supplement, revision, or repeal of a standard adopted by an authority to implement, interpret, or
30 made specific the law enforced or administered by it or to govern its procedure.

31 Sec. 29.35.730. **SHORT TITLE.** AS 29.35.600 - 29.35.730 may be referred to as the

1 **Municipal Port Authority Act.**

2 * **Sec. 3.** AS 21.76.010(a) is amended to read:

3 (a) **Municipalities and their public corporations, city and borough school districts, and**
4 **regional educational attendance areas may enter into cooperative agreements with each other for**
5 **the purpose of establishing, operating, or participating in joint insurance arrangements through**
6 **which the participating members agree to pool contributions in order to either assume risks from**
7 **losses to the participants on a group basis or purchase coverage for the participants on a group**
8 **basis.**

9 * **Sec. 4.** AS 29.45.030(a) is amended to read:

10 (a) **The following property is exempt from general taxation:**

11 (1) **municipal property, including property held by a public corporation of a**
12 **municipality, or state property, except that**

13 (A) **a private leasehold, contract, or other interest in the property is taxable**
14 **to the extent of the interest;**

15 (B) **notwithstanding any other provision of law, property acquired by an**
16 **agency, corporation, or other entity of the state through foreclosure or deed in lieu of**
17 **foreclosure and retained as an investment of a state entity is taxable; this subparagraph**
18 **does not apply to federal land granted to the University of Alaska under AS 14.40.380**
19 **or 14.40.390, or to other land granted to the university by the state to replace land that**
20 **had been granted under AS 14.40.380 or 14.40.390;**

21 (C) **an ownership interest of a municipality in real property located outside**
22 **the municipality acquired after December 31, 1990, is taxable by another municipality;**
23 **however, a borough may not tax an interest in real property located in the borough and**
24 **owned by a city in that borough;**

25 (2) **household furniture and personal effects of members of a household;**

26 (3) **property used exclusively for nonprofit religious, charitable, cemetery,**
27 **hospital, or educational purposes;**

28 (4) **property of a nonbusiness organization composed entirely of persons with 90**
29 **days or more of active service in the armed forces of the United States whose conditions of**
30 **service and separation were other than dishonorable, or the property of an auxiliary of that**
31 **organization;**

- 1 (5) money on deposit;
- 2 (6) the real property of certain residents of the state to the extent and subject to
- 3 the conditions provided in (e) of this section;
- 4 (7) real property or an interest in real property that is exempt from taxation under
- 5 43 U.S.C. 1620(d), as amended;
- 6 (8) property of a political subdivision, agency, corporation, or other entity of the
- 7 United States to the extent required by federal law; except that a private leasehold, contract, or
- 8 other interest in the property is taxable to the extent of that interest.

9 * Sec. 5. AS 38.05.810 is amended by adding a new subsection to read:

10 (i) Subject to AS 38.05.820, the commissioner shall lease state land, including tideland,

11 to a port authority established under AS 29.35.600 - 29.35.730, if the state land is within the

12 physical boundaries of the authority and is needed by the authority for purposes provided in

13 AS 29.35.600 - 29.35.730. A lease of state land under this section may be for less than the

14 appraised market value.

15 * Sec. 6. AS 44.85.410(3) is amended to read:

16 (3) "municipal bond" means a bond or note or evidence of debt that constitutes

17 (A) a general obligation bond that is a direct and general obligation of a

18 political subdivision of the state, all the taxable property within which is subject to

19 taxation to pay the bond, note or evidence of debt, and the interest without limitation, as

20 to rate or amount generally to the extent permitted by law or to avoid a default as

21 provided for second class cities under AS 29.45.590;

22 (B) a revenue bond, except a revenue bond for electrical generation

23 purposes other than diesel-powered generation, issued by a municipality or a port

24 authority that [WHICH] pledges the revenue of a revenue-producing capital

25 improvement and that [WHICH] is payable solely from the revenue of the

26 revenue-producing capital improvement;

27 (C) a general obligation bond or revenue bond combined or additionally

28 secured;

29 (D) a bond of a borough issued as a general obligation of a service area

30 under AS 29.47.440 or former AS 29.58.340; or

31 (E) an obligation of a municipality secured only by

- 1 (i) special assessments on benefited property;
2 (ii) tax increments and a letter of credit or equal security; or
3 (iii) a lease for equipment or building improvements if the state is
4 not a lessee;
5 * Sec. 7. This act takes effect immediately under AS 01.10.070(c).