

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8834 SENATE COMMUNITY & REGIONAL AFFAIRS

Chairman/Tribe

Agency

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**MOUNTAIN VILLAGE - SEE ASA'CARSARMIUT TRIBE OF MT. VILLAGE**

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Chairman/Tribe

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Chairman/Tribe

Agency

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RUSSIAN MISSION - SEE IQURMUIT TRIBE

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SAND POINT - SEE QAGUN TAYGUNGIN TRIBE OF SAND POINT

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**Chairman/Tribe**

**Agency**

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BETHEL  
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**ST. MARY'S VILLAGE - SEE ALGACIQ. NATIVE VILLAGE**

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**Chairman/Tribe**

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ANCHORAGE  
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UNALASKA - SEE QAWALANGIN TRIBE OF UNALASKA

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**PUBLIC LAW 93-638 ORGANIZATION CONTRACTORS**

(Includes Tribal Government Contractors)

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ARE:*

Cantwell  
Chistochina  
Copper Center  
Gakona  
Gulkana  
Mentasta  
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*ALASKA PENINSULA CORPORATION:*

Port Heiden  
Ugashik  
Newhalen  
South Naknek  
Kokhanok

\*\* *VILLAGES MERGED TO FORM*  
CHOGGIUNG:

Dillingham  
Ekuk  
Portage Creek

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Nightmute Umkumiut**

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KUSKOKWIM CORPORATION  
Aniak Crooked Creek  
Georgetown Upper Kalskag  
Lower Kalskag Napaimute  
Red Devil Chuathbaluk  
Sleetmute Stony River**

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**GALENA KALTAG**

**KOYUKUK NULATO**

**\*\* VILLAGES MERGED TO FORM**

**K'OYITL'OTS'INA, LIMITED:**

**HUGHES HUSLIA**

**ALLAKAKET ALATNA**

**\*\*\* VILLAGES MERGED TO FORM**

**MTNT LIMITED:**

MCGRATH TAKOINA  
NIKOLAI TELIDA

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AFOGNAK PORT LIONS

***ANCSA VILLAGE CORPORATIONS IN  
KONIAG REGION***

**\*\*VILLAGES MERGED TO FORM  
AHKIOK - KAGUYAK NATIVE CORP:**  
AHKIOK  
KAGUYAK

**\*\*\*VILLAGES MERGED TO FORM  
KONIAG, INC.:**  
KARLUK  
LARSEN BAY

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INTO THE NANA REGIONAL  
CORPORATION, ARE:***

- Ambler**
- Buckland**
- Deering**
- Kiana**
- Kivalina**
- Kobuk**
- Noatak**
- Noorvik**
- Selawik**
- Shungnak**

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**SB**

**2017**

02/05/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
13:37:50 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX  
TCN:60290 SCHEDULED FOR:02/05/96 13:30 TO 15:30 FOR:FBX  
PUBLIC HEARING SENATE COMMUNITY & REGIONAL AFFAIRS  
LOCATION:FAIRBANKS  
SB 207 MS. MARIE SANSONE ATTY GEN.OFFICE TESTIFY

02/14/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
14:25:25 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC  
TCN:60350 SCHEDULED FOR:02/14/96 13:30 TO 15:30 FOR:ANC  
PUBLIC HEARING SENATE COMMUNITY & REGIONAL AFFAIRS  
LOCATION:ANCHORAGE  
SB 207 MR. LEE SHARP DEC TESTIFY

02/14/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
14:18:05 PARTICIPANT LIST (TESTIFIERS ONLY) BY:COR  
TCN:60350 SCHEDULED FOR:02/14/96 13:30 TO 15:30 FOR:COR  
PUBLIC HEARING SENATE COMMUNITY & REGIONAL AFFAIRS  
LOCATION:CORDOVA  
SB 207 MR. GEORGE KEENEY CITY OF CORDOVA TESTIFY

**SENATE COMMITTEE REFERRAL**  
**First Committee of Referral**

DATE: 1/8/96

FURTHER: State Affairs  
 Judiciary, Finance

Date of 5-Day Notice: 2/1/96  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 INTO OFFICE: \_\_\_\_\_

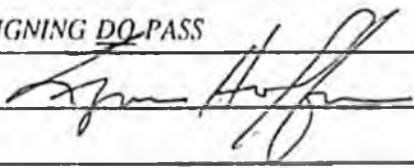

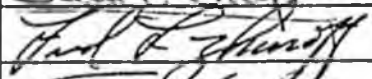
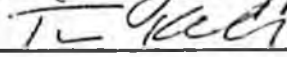
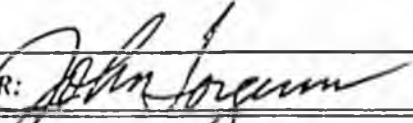
The Community & Regional Affairs Committee considered SENATE BILL NO. 207

"An Act relating to revenue bonds for water and wastewater projects."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 207 (CRA)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical title
- new: SCR# \_\_\_\_\_

SIGNING DO-PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
			✓		
			✓		
			—		
CHAIR: 	✓				

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
Revenue	1/2/96	✓	
Environment-Nonsensations	1/2/96	✓	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

CS FOR SENATE BILL NO. 207(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the issuance and sale of revenue bonds to fund public  
2 wastewater systems, nonpoint source water pollution control projects, including  
3 solid waste management systems, and estuary conservation and management  
4 projects; authorizing the use of the Alaska clean water fund to pay and secure  
5 the bonds and to pay costs related to issuance and administration of the bonds;  
6 authorizing certain measures to secure payment of the bonds; and amending  
7 Rule 3, Alaska Rules of Civil Procedure."

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

9 \* Section 1. POLICY AND PURPOSES. The legislature finds that the expenditures,  
10 transfers, and applications of money, and the use of the public credit through the issuance of  
11 revenue bonds, as authorized by this Act, will serve a public purpose by allowing the financing  
12 of needed public water quality improvements substantially sooner than would otherwise be  
13 possible.

1 \* Sec. 2. AS 37.15 is amended by adding new sections to read:

2 ARTICLE 3A. ALASKA CLEAN WATER FUND BONDS.

3 Sec. 37.15.560. BOND AUTHORIZATION. (a) For purposes of providing part  
4 of the money to be used to provide financial assistance to municipalities and other  
5 qualified entities for the purposes stated in AS 46.03.032(d), including the costs of bond  
6 issuance and administration, the issuance and sale of revenue bonds of the state is  
7 authorized, subject to (b) of this section. The bonds are to be issued by the state bond  
8 committee, as provided in AS 37.15.560 - 37.15.605, as part of the Alaska clean water  
9 fund revolving loan fund program (AS 46.03.032), a public enterprise of the state. The  
10 net proceeds of the sale of the bonds, remaining after any payment of costs of issuance  
11 and administration, shall be paid into the Alaska clean water fund. Accrued interest paid  
12 on the bonds shall be paid into the Alaska clean water fund for transfer to the Alaska  
13 clean water fund revenue bond redemption fund (AS 37.15.565).

14 (b) The state bond committee may not issue more than \$15,000,000 in revenue  
15 bonds during a fiscal year, excluding refunding bonds. The total amount of revenue  
16 bonds outstanding at any one time may not exceed \$150,000,000, including principal and  
17 interest owed on the bonds.

18 (c) The bonds do not constitute a general obligation of the state. Authorization  
19 by the voters of the state or the legislature is not required.

20 (d) The state bond committee may enter into agreements with other state  
21 agencies as necessary or convenient to implement AS 37.15.560 - 37.15.605.

22 (e) The state bond committee may contract for the services of underwriters,  
23 paying agents, trustees, bond printers, rating agencies, bond insurance, credit  
24 enhancement providers, accountants, financial advisors, and bond counsel, and other  
25 services as are necessary to accomplish the bond issuance and sale.

26 Sec. 37.15.565. BOND REDEMPTION FUND. (a) There is established a  
27 special fund of the state, known as the "Alaska clean water fund revenue bond  
28 redemption fund," which is a trust fund for paying and securing the payment of the  
29 principal of and interest and redemption premium, if any, on the bonds and which shall  
30 be at all times completely segregated and set apart from all other funds of the state. The  
31 committee, on behalf of the state, may obligate and bind the state to set aside and pay  
32 into the bond redemption fund, on a monthly or other periodic basis, any part or parts

1 of, or all of, or a fixed proportion of, or a fixed amount of the money in the Alaska clean  
2 water fund (AS 46.03.032) sufficient to pay the principal of and interest and redemption  
3 premium, if any, on the bonds and, if it considers it necessary, to set aside and maintain  
4 reserves for this purpose. The bond redemption fund shall be drawn upon only for the  
5 purpose of paying the principal of and interest and redemption premium, if any, on the  
6 bonds, together with related trustee fees, if any.

7 (b) Money in the bond redemption fund may be invested in the same manner and  
8 on the same conditions as permitted for investment of money belonging to the state or  
9 held in the treasury under AS 37.10.070; however, the committee may agree with the  
10 bondholders to further limit these investments. Earnings on investments must be retained  
11 in the bond redemption fund.

12 (c) Separate accounts may be created in the bond redemption fund for the  
13 purposes of paying and securing the bonds. The accounts may be combined for purposes  
14 of investment.

15 Sec. 37.15.570. BOND TERMS. (a) The bonds may be issued and sold at  
16 public or negotiated sale in the manner, in the amounts or series, and at the time or times  
17 that the committee determines. The bonds, or each series of them, shall be sold at the  
18 price and upon the terms, conditions, and covenants set by the committee after  
19 considering market conditions. Interest rates may be fixed or variable.

20 (b) The bonds mature at the time or times fixed by the committee. The bonds  
21 may be subject to redemption before their fixed maturities, as determined by the  
22 committee, with or without a premium or premiums. The bonds may be in  
23 denominations determined by the committee; may be issued in fully or partially  
24 registered form; must be payable as to principal and interest at the place or places  
25 determined by the committee; must be signed on behalf of the state in the manner  
26 provided by the committee; must be issued under and subject to the terms, conditions,  
27 covenants, and protective features safeguarding payment of the bonds and relating to the  
28 funding of projects as found necessary by the committee, including covenants requiring  
29 the setting aside and maintenance of certain reserves to secure the payment of principal  
30 and interest, all under regulations and conditions of the committee.

31 (c) The committee may pledge to the payment of the principal of and interest  
32 on bonds issued by the committee part or all of the legally available money or other

1 assets on hand in the Alaska clean water fund (AS 46.03.032); part or all of the revenue  
2 of the Alaska clean water fund, including federal capitalization grants, the proceeds of  
3 loan repayments, and interest on money in the fund; the proceeds of the sale of bonds;  
4 and money on hand in the bond redemption fund. Revenue of the Alaska clean water  
5 fund, if so pledged, must be paid into the Alaska clean water fund. The committee may  
6 provide for the issuance of additional bonds, secured by a pledge of money and revenue,  
7 ranking junior to, senior to, or on a parity with, outstanding bonds, upon conditions  
8 prescribed in the bond resolution. A pledge of loan repayments securing bonds may be  
9 made applicable to specific loans from the Alaska clean water fund or, on a pooled basis,  
10 to all loan repayments received.

11 (d) If the committee finds it reasonably necessary, the committee may select a  
12 trustee or trustees for the holders of the bonds, or any series of them, for the  
13 safeguarding and disbursement of any of the money in the bond redemption fund created  
14 by AS 37.15.565, or for duties with respect to the enforcement, authentication, delivery,  
15 payment, and registration of the bonds as the committee may determine. The committee  
16 shall fix the rights, duties, powers, and obligations of the trustee or trustees.

17 (e) In its determination of all matters and questions relating to the issuance and  
18 sale of the bonds and the fixing of their maturities, terms, conditions, and covenants as  
19 provided in (a) - (d) of this section, the decisions of the committee shall be those that  
20 are reasonably necessary for the best interests of the state and its inhabitants and that will  
21 accomplish the most advantageous sale of the bonds, with due regard, however, for the  
22 continued funding under AS 46.03.032 of the categories of projects identified in  
23 AS 46.03.032(d). Decisions of the committee, as expressed in a bond resolution, are  
24 final and are conclusively considered to comply with the requirements of AS 37.15.560 -  
25 37.15.605 and AS 46.03.032.

26 (f) A bond resolution may provide that the bonds issued must contain a recital  
27 that they are issued under AS 37.15.560 - 37.15.605 and AS 46.03.032, and a bond  
28 containing this recital is conclusively considered to be valid and to have been issued in  
29 conformity with AS 37.15.560 - 37.15.605 and AS 46.03.032.

30 Sec. 37.15.573. BOND RESOLUTION. The committee shall authorize the  
31 issuance of bonds by adopting a resolution and shall prepare all other documents and  
32 proceedings necessary for the issuance, sale, and delivery of the bonds or any part or

1 series of them. The bond resolution must fix the principal amount, denominations, date,  
2 maturities, manner of sale, place or places of payment, rights of redemption, if any,  
3 terms, form, conditions, and covenants of the bonds or each series of them. A bond  
4 resolution may state terms, conditions, amounts, and other limitations on loans to be  
5 made from the Alaska clean water fund (AS 46.03.032) from the relevant bond proceeds.

6 Sec. 37.15.575. STATE AID INTERCEPT. If a municipality is in default on  
7 the payment of principal or interest on a loan from the Alaska clean water fund  
8 (AS 46.03.032), the committee may provide written notice of default to the state agency  
9 that is the custodian of money that is payable to the municipality. If the committee  
10 determines to provide notice, a separate written notice shall be given in each instance of  
11 default. Notwithstanding any other provision of law, at any time after receipt of written  
12 notice of default, the agency head shall withhold payment of the money from the  
13 municipality. The agency head shall pay over the withheld money to the committee for  
14 deposit in the Alaska clean water fund for the purpose of paying or securing the principal  
15 and interest on the loan.

16 Sec. 37.15.580. PLEDGE OF THE STATE. The state pledges to and agrees  
17 with the holders of bonds issued by the committee under AS 37.15.560 - 37.15.605 and  
18 AS 46.03.032 that the state will not limit or alter the rights and powers vested in the  
19 committee by AS 37.15.560 - 37.15.605 and AS 46.03.032 to fulfill the terms of any  
20 contract made by the committee with the holders, or in any way impair the rights and  
21 remedies of the holders until the principal amount of the bonds, together with the interest  
22 on them with interest on unpaid installments of interest, are fully met and discharged.  
23 The committee may include this pledge and agreement of the state in a contract with the  
24 holders.

25 Sec. 37.15.583. ENFORCEMENT BY BONDOWNER. (a) The owner or  
26 owners of not less than 10 percent of the aggregate principal amount of any series or  
27 issue of bonds or the trustee for the owners of the bonds or any series of them may, by  
28 appropriate proceedings in state court, require and compel the transfer, setting aside, and  
29 payment of money and the enforcement of all of the terms, conditions, and covenants as  
30 required and provided in AS 37.15.560 - 37.15.605, AS 46.03.032, and the bond  
31 resolution.

32 (b) A proceeding under (a) of this section may be commenced and conducted

1 only in the Superior Court for the State of Alaska, First Judicial District at Juneau.

2 Sec. 37.15.585. AMOUNTS REQUIRED FOR PAYMENTS. The committee  
3 shall, before June 30 of each year or from time to time within the year, as appropriate,  
4 commencing with the year in which the bonds are issued, certify to the commissioners  
5 of revenue and environmental conservation the amounts required in the current fiscal  
6 year and the next ensuing fiscal year by the bond resolution or resolutions to be paid out  
7 of the Alaska clean water fund into the bond redemption fund and to be paid into and  
8 maintained in any reserve fund or account or other fund or account created by the bond  
9 resolution or resolutions, and shall also certify to the commissioners the last date or dates  
10 upon which payments may be made.

11 Sec. 37.15.587. PURPOSES AND SUFFICIENCY OF REVENUE. The  
12 proceeds of bonds may be used for the purposes described in AS 46.03.032(d). Bonds  
13 may not be issued unless the committee first finds that revenue to be derived from  
14 repayment of loans from the Alaska clean water fund will be sufficient, together with  
15 other available money, to comply with all the covenants of the bond resolutions.

16 Sec. 37.15.590. REFUNDING. (a) The committee may refund the bonds or any  
17 part of them at or before their maturities or redemption dates by the issuance of  
18 refunding revenue bonds of the state if, in the opinion of the committee, refunding is  
19 advantageous to and in the best interests of the state and its inhabitants.

20 (b) The issuance of refunding bonds need not be authorized by the voters of the  
21 state or by an act of the legislature. The committee shall adopt the resolution or  
22 resolutions and prepare all other documents and proceedings necessary for the issuance,  
23 exchange or sale, and delivery of the refunding. All provisions of AS 37.15.560 -  
24 37.15.605 and AS 46.03.032 applicable to revenue bonds are applicable to the refunding  
25 bonds and to the issuance, sale, or exchange of them, except as otherwise provided in  
26 this section.

27 (c) Refunding bonds may be issued in a principal amount sufficient to provide  
28 money for the advance or current refunding of all bonds to be refunded and interest on  
29 the refunded bonds and, in addition, for the payment of all costs of issuance and  
30 administration of the refunding bonds. These expenses also include the difference in  
31 amount between the par value of the refunding bonds and any amount less than par for  
32 which the refunding bonds are sold; the premium, if any, necessary to be paid in order

1 to call or retire the outstanding bonds and the interest accruing on them to date of the  
2 call or retirement; and other such costs. The committee is authorized to incur such  
3 expenses.

4 (d) The committee may contract with a refunding trustee to hold the proceeds  
5 of refunding bonds in trust until the proceeds, together with earnings on the proceeds,  
6 are applied to pay the principal of, premium, if any, and interest on the bonds to be  
7 refunded. Until the refunding bond proceeds are applied, the proceeds may be invested  
8 in direct obligations of, or obligations guaranteed by, the United States or an agency or  
9 corporation of the United States whose obligations constitute direct obligations of, or  
10 obligations guaranteed by, the United States.

11 Sec. 37.15.595. BONDS AS LEGAL INVESTMENTS. The bonds are legal  
12 investments for all banks, trust companies, savings banks, savings and loan associations,  
13 and other persons carrying on a banking business, all insurance companies and other  
14 persons carrying on an insurance business, and all executors, administrators, trustees, and  
15 other fiduciaries. The bonds may be accepted as security for deposits of all money of  
16 the state and its political subdivisions.

17 Sec. 37.15.603. REGULATIONS. The committee may adopt regulations  
18 necessary to implement the provisions of AS 37.15.560 - 37.15.605.

19 Sec. 37.15.605. DEFINITIONS. In AS 37.15.560 - 37.15.605,

20 (1) "bond redemption fund" means the Alaska clean water fund revenue  
21 bond redemption fund established in AS 37.15.565;

22 (2) "bond resolution" means the resolution or resolutions adopted by the  
23 committee under AS 37.15.573 authorizing the issuance of bonds;

24 (3) "bonds" means the Alaska clean water fund revenue bonds authorized  
25 in AS 37.15.560 - 37.15.605;

26 (4) "commissioner of revenue" means the principal executive officer of  
27 the Department of Revenue as provided in AS 44.25.010, or a successor;

28 (5) "commissioner of environmental conservation" means the principal  
29 executive officer of the Department of Environmental Conservation as provided in  
30 AS 44.46.010, or a successor;

31 (6) "committee" means the state bond committee created in AS 37.15.110  
32 or any other committee, body, department, or officer of the state that succeeds to the

1 rights, powers, duties, and obligations of the state bond committee by lawful act of the  
2 legislature;

3 (7) "costs of issuance and administration" means all costs associated with  
4 issuance and administration of Alaska clean water fund revenue bonds and refunding  
5 bonds, including costs of bond printing, official statements, financial advisors, travel  
6 costs, rating agencies, bond insurance, letters and lines of credit for credit enhancement,  
7 underwriters, legal services, paying agents, bond registrars, bond and esc ow trustees,  
8 arbitrage rebate, and all other costs, including administrative costs, both direct and  
9 indirect.

10 \* Sec. 3. AS 46.03.032(a) is amended to read:

11 (a) There is established as a separate fund the Alaska clean water fund, which  
12 is distinct from any other money or fund in the treasury, and which consists of money  
13 appropriated by the legislature to meet federal matching requirements, federal  
14 capitalization grants, loan repayments, interest received from loan repayments, [AND]  
15 interest received from investment of money in the Alaska clean water fund, and the  
16 proceeds and accrued interest received from the sale of revenue bonds issued under  
17 AS 37.15.560 - 37.15.605 and secured by the Alaska clean water fund. Separate  
18 accounts may be created in the Alaska clean water fund. The accounts may be  
19 combined for purposes of investment.

20 \* Sec. 4. AS 46.03.032(b) is amended to read:

21 (b) The department shall administer the Alaska clean water fund consistent with  
22 the requirements of this section and AS 37.15.560 - 37.15.605.

23 \* Sec. 5. AS 46.03.032(c) is amended to read:

24 (c) The department may accept and make use of all capitalization grants  
25 provided by the federal government under 33 U.S.C. 1251 - 1387 (the federal Clean  
26 Water Act), as amended [BY P.L. 100-4].

27 \* Sec. 6. AS 46.03.032(d) is repealed and reenacted to read:

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

30 (1) for the following categories of projects:

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

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

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

7 (2) to provide the following types of financial assistance for the  
8 categories of projects listed in (1) of this subsection:

9 (A) making loans to municipalities and other qualified entities;

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

12 (C) providing collateral security for or purchasing insurance for  
13 a municipal or other qualified entity debt obligation; and

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

18 \* Sec. 7. AS 46.03.032(f) is repealed and reenacted to read:

19 (f) The department

20 (1) may spend money from the Alaska clean water fund to pay the costs  
21 of

22 (A) administering the fund; and

23 (B) the department in conducting activities under this section and  
24 AS 37.15.560 - 37.15.605, including the costs of issuance and administration as  
25 defined in AS 37.15.605;

26 (2) shall spend money from the Alaska clean water fund to pay

27 (A) into the bond redemption fund (AS 37.15.565), and into any  
28 other bond redemption fund or account created by a relevant bond resolution, the  
29 amount certified by the state bond committee under AS 37.15.585; and

30 (B) the costs of the state bond committee in conducting activities  
31 under this section and AS 37.15.560 - 37.15.605, including the costs of issuance  
32 and administration as defined in AS 37.15.605.

1 \* Sec. 8. AS 46.03.032(g) is amended to read:

2 (g) A municipality or other qualified entity wishing to borrow money from the  
3 Alaska clean water fund shall demonstrate to the satisfaction of the department that it  
4 [THE MUNICIPALITY]

5 (1) has sufficient legal authority to incur the debt for which it is  
6 applying; and

7 (2) will establish and maintain a dedicated source of revenue or other  
8 acceptable revenue source for repayment of the loan and sufficient reserves for the  
9 loan as may be necessary.

10 \* Sec. 9. AS 46.03.032(j) is amended to read:

11 (j) Except as necessary to comply with the covenants of a bond resolution  
12 under AS 37.15.573, a [A] loan made by the department shall be made according to the  
13 standards, criteria, and procedures established by regulations under this section. A loan  
14 made from the Alaska clean water fund may be subject to the state aid intercept  
15 provisions of AS 37.15.575. Except as necessary to comply with the covenants of  
16 a bond resolution under AS 37.15.573, in [IN] making a loan from the Alaska clean  
17 water fund for a solid waste management system [FACILITY], the department shall give  
18 priority to a project that will alleviate severe health or environmental concerns in the  
19 community or region proposing the system [FACILITY]. In addition, the department  
20 may consider

21 (1) the extent of local or regional support for the proposed system  
22 [FACILITY]; and

23 (2) the extent to which the applicant can demonstrate that the full range  
24 of solid waste management options has been reasonably considered and that the proposed  
25 system [FACILITY] is consistent with the promotion of the solid and hazardous waste  
26 management practices established in AS 46.06.021 [IN THE FOLLOWING ORDER OF  
27 PRIORITY:

28 (A) WASTE SOURCE REDUCTION;

29 (B) RECYCLING OF WASTE;

30 (C) WASTE TREATMENT; AND

31 (D) WASTE DISPOSAL].

32 \* Sec. 10. AS 46.03.032(k) is amended to read:

1 (k) The department shall prepare reports required by the federal government in  
2 conjunction with federal capitalization grant award conditions. The department shall  
3 also prepare reports and notices, including notices of default, required by the state  
4 bond committee in conjunction with bonds issued under AS 37.15.560 - 37.15.605.

5 The department shall also prepare a biennial report on the Alaska clean water fund and  
6 notify the legislature that it is available on or before the first day of each first regular  
7 session of the legislature.

8 \* Sec. 11. AS 46.03.032(o) is amended to read:

9 (o) In this section,

10 (1) "other qualified entity" means an intermunicipal or interstate  
11 agency as those terms are used in 33 U.S.C. 1383, and may include an authority,  
12 corporation, instrumentality, enterprise, or other entity formed through an  
13 agreement between a municipality and one or more other governmental entities  
14 under AS 29.35.010(13) or under art. X, sec. 13, Constitution of the State of  
15 Alaska, or between a municipality and a regional housing authority under  
16 AS 18.55.996(b);

17 (2) "solid waste management system [FACILITY]" includes capital  
18 improvements and equipment used for the purpose of solid and hazardous waste source  
19 reduction, recycling, treatment, or disposal.

20 \* Sec. 12. AS 46.03.032 is amended by adding a new subsection to read:

21 (p) Regulations adopted by the department under this section that would affect  
22 issuance or repayment of revenue bonds under AS 37.15.560 - 37.15.605 may not be  
23 inconsistent with those statutes or with regulations adopted by the state bond  
24 committee under those statutes. To the extent that regulations adopted by the  
25 department are inconsistent with AS 37.15.560 - AS 37.15.605, with regulations  
26 adopted by the state bond committee under those statutes, or with the covenants of a  
27 bond resolution adopted under AS 37.15.573, the provisions of AS 37.15.560 -  
28 37.15.605, the regulations adopted under those statutes, and the covenants of the bond  
29 resolution govern.

30 \* Sec. 13. The provisions of AS 37.15.583(b), enacted by sec. 2 of this Act, have the effect  
31 of changing Rule 3, Alaska Rules of Civil Procedure, by limiting, to the Superior Court for  
32 the State of Alaska, First Judicial District at Juneau, the venue district in which a proceeding

1 under AS 37.15.583(a), enacted by sec. 2 of this Act, may be commenced and conducted.  
2 \* Sec. 14. The provisions of AS 37.15.583(b), enacted by sec. 2 of this Act, take effect  
3 only if sec. 13 of this Act receives the two-thirds majority vote of each house required by  
4 art. IV, sec. 15, Constitution of the State of Alaska.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR TORGERSON

TO: SB 207

- 1 Page 6, line 6, after "in":
- 2       Insert "the current fiscal year and"
  
- 3 Page 8, line 12, after "letters":
- 4       Insert "and lines"

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR TORGERSON

TO: SB 207

1 Page 2, line 7, after "authorized":

2       Insert ", subject to (b) of this section"

3 Page 2, after line 13:

4       Insert a new subsection to read:

5               "(b) The state bond committee may not issue more than \$15,000,000 in  
6       revenue bonds during a fiscal year, excluding refunding bonds. The total amount of  
7       revenue bonds outstanding at any one time may not exceed \$150,000,000, including  
8       principal and interest owed on the bonds."

9 Reletter the following subsections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE  
TO: SB 207

BY SENATOR TORGERSON

1 Page 7, lines 19 - 21:

2 Delete all material.

3 Page 8, lines 27 - 28:

4 Delete "The provisions of this section shall be liberally construed in order to  
5 carry out the purposes for which they were enacted."

A M E N D M E N T

OFFERED IN THE SENATE  
TO: SB 207

BY SENATOR TORGERSON

1 Page 2, line 5:

2 Delete "state agencies"

3 Insert "other qualified entities"

4 Page 9, line 18:

5 Delete "state agencies"

6 Insert "other qualified entities"

7 Page 9, line 20:

8 Delete "state agency"

9 Insert "other qualified entity"

10 Page 9, line 22:

11 Delete "state agency"

12 Insert "other qualified entity"

13 Page 10, line 11:

14 Delete "state agency"

15 Insert "other qualified entity"

16 Page 11, line 20, following "(1)":

17 Insert "other qualified entity" means an intermunicipal or interstate agency as  
18 those terms are used in 33 U.S.C. 1383, and may include an authority, corporation,  
19 instrumentality, enterprise, or other entity formed through an agreement between a  
20 municipality and one or more other governmental entities under AS 29.35.010(13) or

1 under art. X, sec. 13, Constitution of the State of Alaska, or between a municipality and  
2 a regional housing authority under AS 18.55.996(b);

3 (2)"

4 Page 11, lines 22 - 25:

5 Delete "i

6 (2) "state agency" means a department, authority, public  
7 corporation, instrumentality, or other administrative unit of the executive branch  
8 of state government"

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Clean Water Fund Bonds BRU: Revenue Operations  
 Component: Treasury Management  
 Sponsor: Rules Committee  
 Requestor: Governor COMPONENT SERIAL NO. 121

Expenditures/Revenue: (Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE FUND SOURCE: \_\_\_\_\_

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current (FY98) impact \$ 0.0

**ANALYSIS:** (Attach a separate page if necessary)

All costs of issuance, administration, and debt service on the bonds will be paid from the Alaska Clean Water Fund. The proceeds of the bond issue will be deposited in the Clean Water Fund, thereby increasing the money available for loans to municipalities. There is no estimated fiscal impact on other State funds.

Prepared by: Forrest R. Browne *J.R. Browne* Phone: 485 3750  
 Division: Treasury Management Date: 1/3/96  
 Approved by Commissioner: *[Signature]* Date: 1/7/96 13:36  
 Agency: Department of Revenue

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FISCAL NOTE

No. 2

Bill Version: SB 207

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. (S) Publish Date: 1/8/96

Revision Date: \_\_\_\_\_  
Title: Clean Water Fund Bonds  
Sponsor: Rules Committee  
Requestor: Governor

Department Affected: Environmental Conservation  
BRU: Facility Construction & Operation  
Component: Facility Construction & Operation

COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Alaska Clean Water Fund	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ \_\_\_\_\_

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

- Projected bond costs have not yet been determined. Please see attached explanations.

The department supports this bill that authorizes the sale of revenue bonds to be used by the Alaska Clean Water Fund to fund construction of public wastewater systems, nonpoint source water pollution control projects, including solid waste management systems, and estuary conservation and management projects.

Prepared by: Larry Jones  
Division: Director, Division of Administrative Services

Phone: 465-5010  
Date: 1/2/96

Approved by Commissioner: Larry Jones  
Agency: Department of Environmental Conservation

Date: 1/4/96

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Alaska Clean Water Fund - Bond Sales / Reasons why costs can not be determined:

The proceeds from the sale of bonds is to supplement available loan funds. Therefore, bonds will only be sold if the demand for construction loans exceeds the amount available in the Alaska Clean Water Fund (ACWF). However, the sale will have to be timed to allow a certain amount of the ACWF to be held as collateral for the bonds sold. Further considerations in the timing of the sale of bonds includes several financial issues such as rebate as it applies to selling bonds.

The department is working closely with the State Bond Committee, the Bond Committee's bond counsel and financial advisors to ensure all of these concerns are adequately addressed and that a bond sale only occurs when it is advantageous to the state. Consequently, the costs related to the sale of the bonds is unknown at this time. Finally, costs associated with the sale of bonds are usually paid from the proceeds of the bond sale.

AMENDMENT

OFFERED IN THE SENATE

TO: SB 207

Page 6, line 6:

Following "required in":

Insert "the current fiscal year and"

Page 8, line 12:

Following "letters":

Insert "and lines"

STATE OF ALASKA  
DEPARTMENT OF REVENUE  
TREASURY DIVISION  
P.O. BOX 110405  
JUNEAU, AK 99811-0405

FACSIMILE TRANSMISSION COVER SHEET

DATE: January 8, 1996  
FAX NUMBER: 6735 / 5177  
TO: Law / DEC  
ATTENTION: Marie Sansone / Mike Burns  
FROM: Forrest R. Browne

NUMBER OF PAGES FOLLOWING THIS TRANSMISSION: 2

*If this transmission is incomplete, please call this office at the following number:*

PHONE NUMBER: (907) 465-3750

FAX NUMBER: (907) 465-2394

COMMENTS: Chester & I have reviewed the January 4th, Clean Water legislation and have the following suggested changes: Page 6 still needs "the current fiscal year and" inserted. Interest (and perhaps principal) payments start six months after closing, which may be in the same fiscal year as the closing. On page 8, suggest adding "and lines" of credit. This is apparently a new and less costly method of credit enhancement which is sometimes being used to obtain a AAA rating on revenue bonds.

TONY KNOWLES  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

P.O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532

207

January 8, 1996

The Honorable Druc Pearce  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear President Pearce:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to authorize the state bond committee to issue and sell state revenue bonds to fund public wastewater treatment systems, solid waste management systems, nonpoint source water pollution control projects, and estuary conservation and management projects. This bill also authorizes the Department of Environmental Conservation to use the Alaska clean water fund, a revolving loan fund, as security for the payment of the principal and interest on the bonds, provided the bond proceeds are deposited in the fund. By using the fund as security for the bonds, the state will be able to leverage or increase the amount of money in the fund that is available to municipalities and state agencies for water pollution control projects.

Section 2 of the bill provides the legal framework for the bond issuance and sale. This section is patterned after the international airports revenue bonds statutes, and establishes a cooperative relationship between DEC, which administers the Alaska clean water fund, and the state bond committee, which will administer the bond program. The bill requires the state bond committee to conduct its activities in the best interests of the state and its inhabitants, in a manner that will accomplish the most advantageous sale of the bonds, with due regard for the continued funding of projects under the Alaska clean water fund program.



— Governor's Letter of Transmittal —

The Honorable Drue Pearce

January 8, 1996

Page 2

Sections 3-12 of the bill amend the clean water fund loan program to clarify the statute. It authorizes DEC to use the fund to secure state-issued bonds and to make other amendments necessary to acknowledge the bond-issuance and repayment process.

I urge your prompt consideration and passage of this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Knowles".

Tony Knowles  
Governor

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER  
410 Willoughby Avenue  
Juneau, Alaska 99801-1795

Phone: 465-5066  
Fax: 465-5070

January 25, 1996

The Honorable John Torgerson, Chairman  
Senate Committee on Community and Regional Affairs  
Alaska State Legislature  
Juneau, Alaska 99801

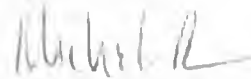
SUBJECT: Request for hearing on Senate Bill 207

Dear Senator Torgerson:

The Governor's Office and the Department of Environmental Conservation request that public hearings be scheduled for Senate Bill 207. This bill is important for Alaskans for many reasons. It affords a way for our communities to obtain low-cost financing for their water pollution projects far into the future. This proposal will accomplish this goal without any significant general funding required and in fact, at some point in the future, could eliminate the need for legislative appropriations. Alaskan communities are simultaneously faced with many federal regulatory burdens and diminishing financial resources. It is important that we provide them with financial tools to deal with the many problems that they encounter. This bill would provide one of these financial tools.

We have attached a short analysis of the bill for your convenience in understanding the intent of the Legislation. At this time, the Alaska Clean Water Fund has the required collateral to support the proposed revenue bond leveraging plan. If legislation is enacted this session, adequate collateral would remain to ensure a large enough bond issue to meet anticipated demand. Delay in enacting this legislation will reduce the program's effectiveness in meeting our water pollution capital project needs. For this reason, we ask that the hearings be scheduled as soon as possible. If you wish to discuss this legislation, please call Keith Kelton at 465-5135. Thank you for your consideration.

Sincerely,

  
Michele Brown  
Commissioner

MB/KK:lp (11/10/95) (10/10/95) (10/10/95) (10/10/95)

Enclosure: Bill Analysis

SENATE BILL 207  
HOUSE BILL 401

DEPARTMENT OF ENVIRONMENTAL CONSERVATION BILL SUMMARY

This bill will authorize the State Bond Committee to issue and sell State revenue bonds to provide funds for the Department of Environmental Conservation (DEC) to offer low-interest loans to municipalities. The municipalities would use these funds to finance the construction of public wastewater treatment systems, solid waste management systems, nonpoint source water pollution control projects and estuary conservation and management projects. DEC already operates the Alaska clean water fund, a revolving loan program that is funded by federal grants and State appropriations. The demand for these subsidized loans has been growing with the increase in federal requirements placed upon the local communities and the concurrent reduction in State revenues in the last few years. It is estimated that the demand for loans will exhaust the available supply of funds by the summer of 1998.

One solution to this problem is to leverage the Alaska clean water fund, that is, to increase the amount of money available to finance water pollution control projects by using the fund as collateral to secure State-issued revenue bonds. Programs similar to this proposal are currently in place in 21 states. Communities collect user fees for their sewerage and solid waste projects to provide the money to make their annual loan payments to the Department. Under this leveraging concept, the annual loan repayments would be used to pay back the bond investors. Nationwide, in the six years of operation of the clean water loan funds, there has never been a loan default. With such an excellent repayment history, the program risk is very small. A sizable corpus of money in the fund would provide extra security for the bonds and would also result in lower program costs which could be passed onto the municipalities. If this bill could be enacted this session, an adequate amount would be available in the corpus to accomplish this. Delays in passage will reduce the amount available to leverage and minimize the effectiveness of the legislation.

This type of bond sales program has been previously authorized to the State bond committee. In fact, this legislation is patterned after the statute created for the International Airport bond sales done by the committee for the Department of Transportation. The State bond committee has the expertise to properly conduct a bond sales issue. DEC has the expertise to properly run the clean water fund program. This legislation provides a simple, efficient method to assist the incorporated communities of the State by ensuring that low-cost loans for essential projects will be available well into the future, while reducing the demand for general-funded capital projects.

## STATE OF ALASKA

Department of Environmental Conservation  
Facility Construction and Operation  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801-1795  
Phone: 465-5180  
Fax: 465-5177

Keith Kelton, Director

Sending To: Deb Davidson

Fax Number: 4779

From: Butch White

Number of Pages (Including Cover Sheet): 1

Comments: Deb: After reviewing the proposed changes w/ Lee Sharp (State Bond Comm Bond Counsel) he recommended the change to the second sentence of #1. / This is also dependent on Lee's changes to the definitions being accepted regarding qualified entities. OK per our call.

Also, either a Comm report discussing intent, or a memo from the department should be done. This would clarify that the total amount loaned to a municipality is not limited by the language at sec 2, page 2, line 9. Only the amount of bond proceeds loaned is limited. Funds from the ACWF could also be loaned to a community.

We recommend the following sentences be placed in SB 207, Section 2, page 2, line 9 at the end of the sentence that finishes, "a public enterprise of the state."

Listed in order of preference. The amounts and percentages shown are suggested for discussion purposes only.

- 1) The state bond committee may not issue more than \$15,000,000 in revenue bonds in any one fiscal year, exclusive of refunding bonds. However, no more than \$7,500,000 of bond proceeds may be loaned to one municipality or other qualified entity in any one fiscal year. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.
- 2) The state bond committee may not issue more than \$30,000,000 in revenue bonds in any two consecutive fiscal years, exclusive of refunding bonds. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.
- 3) The state bond committee may not issue more than \$15,000,000 in revenue bonds in any one fiscal year, exclusive of refunding bonds. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.

We recommend the following sentences be placed in SB 207, Section 2, page 2, line 9 at the end of the sentence that finishes, "a public enterprise of the state."

Listed in order of preference. The amounts and percentages shown are suggested for discussion purposes only.

- 1) The state bond committee may not issue more than \$15,000,000 in revenue bonds in any one fiscal year, exclusive of refunding bonds. However, no municipality may borrow more than 50% of the total amount of bonds sold in any one fiscal year. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.
- 2) The state bond committee may not issue more than \$10,000,000 in revenue bonds in any two consecutive fiscal years, exclusive of refunding bonds. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.
- 3) The state bond committee may not issue more than \$15,000,000 in revenue bonds in any one fiscal year, exclusive of refunding bonds. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.

*revised list sent 2/16/96*

§ 44.85.100

STATE GOVERNMENT

§ 44.85.120

Revisor's notes. — Enacted as AS  
44.58.095. Renumbered in 1980.

**Sec. 44.85.100. Annual report and audit.** (a) Before October 1 of each year the bond bank authority shall make a report of its activities for the preceding fiscal year to the governor and to the legislature. The report shall set out a complete operating and financial statement covering its operations during the year. The bond bank authority must have an audit of its books and accounts made at least once in each year by certified public accountants and the cost of the audit shall be considered an expense of the bond bank authority and a copy of the audit shall be filed with the commissioner of revenue and the legislature.

(b) The bond bank authority shall include in the report required by (a) of this section an estimate of the amount of revenue bonds of the bond bank authority to be issued during the fiscal year following the fiscal year in which the report is submitted. The bond bank authority may not issue revenue bonds, other than refunding bonds, in excess of \$50,000,000 during any fiscal year beginning after June 30, 1981, unless the legislature, by law, approves the estimate required by this subsection for that fiscal year. (§ 1 ch 79 SLA 1975; am § 40 ch 106 SLA 1980; am § 2 ch 86 SLA 1983)

Revisor's notes. — Formerly AS  
44.58.100. Renumbered in 1980.

**Sec. 44.85.110. Annual budget.** The bond bank authority shall prepare and submit an annual budget under AS 37.07 (Executive Budget Act). (§ 1 ch 79 SLA 1975)

Revisor's notes. — Formerly AS  
44.58.110. Renumbered in 1980.

**Sec. 44.85.120. Care and custody of bonds.** The bond bank authority, in accordance with AS 36.80 (State Procurement Code), may enter into agreements or contracts with a bank, trust company, banking or financial institution inside or outside the state as may be necessary, desirable, or convenient, in the opinion of the bond bank authority, for rendering services in connection with the care, custody, or safekeeping of municipal bonds or other investments held or owned by the bond bank authority, for rendering services in connection with the payment or collection of amounts payable as to principal or interest, and for rendering services in connection with the delivery to the bond bank authority of municipal bonds or other investments purchased by it or sold by it, and to pay the cost of those services. The bond bank authority may also, in connection with any of the services to be rendered by a bank, trust company, or banking or financial institution as

# STATE OF ALASKA

Department of Environmental Conservation  
Facility Construction and Operation  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801-1795  
Phone: 465-5180  
Fax: 465-5177

Keith Kelton, Director

Sending To: Deb Davidson

Fax Number: 4779

From: Keith Kelton

Number of Pages (Including Cover Sheet): 3

Comments: Page 2 has proposed suggestions, Page 3  
has Bond Bank's current "cap" language, for  
your information.

We recommend the following sentences be placed in SB 207, Section 2, page 2, line 9 at the end of the sentence that finishes, "a public enterprise of the state."

Listed in order of preference. The amounts and percentages shown are suggested for discussion purposes only.

- 1) The state bond committee may not issue more than \$15,000,000 in revenue bonds in any one fiscal year, exclusive of refunding bonds. However, no municipality may borrow more than 50% of the total amount of bonds sold in any one fiscal year. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.
- 2) The state bond committee may not issue more than \$30,000,000 in revenue bonds in any two consecutive fiscal years, exclusive of refunding bonds. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.
- 3) The state bond committee may not issue more than \$15,000,000 in revenue bonds in any one fiscal year, exclusive of refunding bonds. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000; exclusive of refunding bonds.

§ 44.85.100

STATE GOVERNMENT

§ 44.85.120

Revisor's notes. — Enacted as AS  
44.89.096. Renumbered in 1980.

**Sec. 44.85.100. Annual report and audit.** (a) Before October 1 of each year the bond bank authority shall make a report of its activities for the preceding fiscal year to the governor and to the legislature. The report shall set out a complete operating and financial statement covering its operations during the year. The bond bank authority must have an audit of its books and accounts made at least once in each year by certified public accountants and the cost of the audit shall be considered an expense of the bond bank authority and a copy of the audit shall be filed with the commissioner of revenue and the legislature.

(b) The bond bank authority shall include in the report required by (a) of this section an estimate of the amount of revenue bonds of the bond bank authority to be issued during the fiscal year following the fiscal year in which the report is submitted. The bond bank authority may not issue revenue bonds, other than refunding bonds, in excess of \$50,000,000 during any fiscal year beginning after June 30, 1981, unless the legislature, by law, approves the estimate required by this subsection for that fiscal year. (§ 1 ch 79 SLA 1975; am § 40 ch 106 SLA 1980; am § 2 ch 86 SLA 1983)

Revisor's notes. — Formerly AS  
44.58.100. Renumbered in 1980.

**Sec. 44.85.110. Annual budget.** The bond bank authority shall prepare and submit an annual budget under AS 37.07 (Executive Budget Act). (§ 1 ch 79 SLA 1975)

Revisor's notes. — Formerly AS  
44.58.110. Renumbered in 1980.

**Sec. 44.85.120. Care and custody of bonds.** The bond bank authority, in accordance with AS 36.80 (State Procurement Code), may enter into agreements or contracts with a bank, trust company, banking or financial institution inside or outside the state as may be necessary, desirable, or convenient, in the opinion of the bond bank authority, for rendering services in connection with the care, custody, or safekeeping of municipal bonds or other investments held or owned by the bond bank authority, for rendering services in connection with the payment or collection of amounts payable as to principal or interest, and for rendering services in connection with the delivery to the bond bank authority of municipal bonds or other investments purchased by it or sold by it, and to pay the cost of those services. The bond bank authority may also, in connection with any of the services to be rendered by a bank, trust company, or banking or financial institution as

*Definition of "authority"*

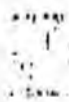
AMENDMENTS TO SENATE BILL NO. 207

1. At each place in the Bill where the phrase "state agency" appears,\* except page 5, lines 8 and 9, replace the term with "other qualified entity" and wherever in the Bill the phrase "state agencies" appears,\* except page 2, lines 16 and 17, replace the phrase with "other qualified entities"; put the substitute language in bold and underlined where replacing bold and underlined language in the Bill.

\*The phrase "state agency" or "state agencies" should be replaced in the following places in the Bill: Page 2, line 5; page 9, lines 18, 20, and 22; page 10, line 11; at page 11, line 23, the phrase would be deleted and replaced by the following amendment.

2. In Section 11 of the Bill, on page 11, delete all the material on lines 23 through 25 and replace with the following:

(2) "other qualified entity" means an intermunicipal or interstate agency as those terms are used in 33 U.S.C.A § 1383, and may include authorities, corporations, instrumentalities, enterprises, or other entities formed by a municipality or formed through an agreement between a municipality and one or more other governmental entities pursuant to AS 29.35.010(13) or Section 13 of Article X of Alaska Constitution, or between a municipality and a regional housing authority pursuant to AS 18.55.996(b).



PRESTON GAIRS & ELLIS  
ATTORNEYS

February 8, 1996

VIA FACSIMILE

Mr. Michael Burns, Chief  
Alaska Department of Environmental Conservation  
Division of Facility Construction & Operation  
Municipal Grants Section  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801

Re: Amendments to Senate Bill No. 207

Dear Mr. Burns:

In response to your request for amendatory language to SB207 to ensure that SRF loans could be made to joint municipal entities as well as joint entities consisting of a municipality and a regional housing authority, there is attached to this memo my suggestions for change.

As the Clean Water Act uses specific terms to describe the types of governmental agencies that may receive financial assistance under the Act, it seemed prudent to use those same descriptive terms in the state legislation. 33 U.S.C. § 1383 authorizes financial assistance from the fund to a "municipal, intermunicipal, interstate or State agency" for the construction of publicly owned treatment works. I recommend that where used with respect to borrowing from the fund, the phrases "state agency" and "state agencies" in the Bill be changed to "other qualified entity" or "other qualified entities" as appropriate. "Other qualified entity" would then be defined in Section 11 of the Bill as set out in the attached amendatory language and would not include State agencies. All references to state agencies as entities that could borrow from the fund would be removed from the Bill. The two references to state agencies that would remain relate to management of the fund and do not authorize state agencies to borrow from the fund. Intermunicipal entities would be added to the Bill as entities that could borrow from the fund.

For your information, AS 29.35.020 authorizes municipalities to provide "utility services" outside their boundaries, although there are some limitations when the utility is within the boundaries of another municipality.

Alaska Statute 29.35.010(13) authorizes municipalities to enter into agreements with other municipalities, with the state or with the United States for the cooperative or joint administration of any function or power. This specific statutory authorization parallels the provisions of Section 13 of Article X of the Alaska Constitution.

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

Mr. Michael Burns, Chief  
February 8, 1996  
Page 2

Alaska Statute 18.55.996 creates and authorizes the activation of regional housing authorities. Subsection (b) specifically provides that a regional housing authority may enter into agreements with local government units for the exercise of the function or power relating to construction, operation and maintenance of public utilities. During the period of the agreement, the regional housing authority is deemed to have the same powers and functions relating to the subject matter of the agreement as those of the local government with which the agreement is made. This grant of authority includes the authority separately, or together with the municipality, to issue notes and bonds to finance the project that is the subject of the agreement.

If you have any questions, please call me.

Sincerely,

PRESTON GATES & ELLIS

By:   
Gerald L. Sharp

GLS:shm  
Attachments  
c: Marie Sansons (via fax)

We recommend the following sentences be placed in SB 207, Section 2, page 2, line 9 at the end of the sentence that finishes, "a public enterprise of the state."

The state bond committee may not issue more than \$25,000,000 in revenue bonds in any one fiscal year, exclusive of refunding bonds. The total amount of revenue bonds outstanding at any one time may not exceed \$150,000,000, exclusive of refunding bonds.

Post-It™ brand fax transmittal memo 7671 # of pages 1

To	DEB Davidson	From	MIKE BURAS
Co	Senate CIRA	Co.	ADEC
Dept.		Phone #	465 5136
Fax #	465 4779	Fax #	



PRESTON GATES & ELLIS  
ATTORNEYS

FAX COVER SHEET

February 8, 1996  
(Date)

To: Michael Burns  
(Individual)

From: Gerald L. Sharp

Alaska Department of Environment &  
Conservation  
(Company)

No. of Pages: 4  
(Including Cover Page)

Re: # 15426-00001

907-465-5177  
(Teletype No.)

907-465-5136  
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Ext.:

COMMENTS:

NOLEFAX@URNAL.DOC

Post-It™ brand fax transmittal memo 7871		# of pages = 4
To: DPA Dawson	From: Mike Burns	
Co: State OFRA	Co: ADEL	
Dept:	Phone: 465 5136	
Fax: 465 4779	Fax:	

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PRESTON GATTS & ELLIS  
ATTORNEYS

February 8, 1996

VIA FACSIMILE

Mr. Michael Burns, Chief  
Alaska Department of Environmental Conservation  
Division of Facility Construction & Operation  
Municipal Grants Section  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801

Re: Amendments to Senate Bill No. 207

Dear Mr. Burns:

In response to your request for amendatory language to SB207 to ensure that SRF loans could be made to joint municipal entities as well as joint entities consisting of a municipality and a regional housing authority, there is attached to this memo my suggestions for change.

As the Clean Water Act uses specific terms to describe the types of governmental agencies that may receive financial assistance under the Act, it seemed prudent to use those same descriptive terms in the state legislation. 33 U.S.C. § 1383 authorizes financial assistance from the fund to a "municipal, intermunicipal, interstate or State agency" for the construction of publicly owned treatment works. I recommend that where used with respect to borrowing from the fund, the phrases "state agency" and "state agencies" in the Bill be changed to "other qualified entity" or "other qualified entities" as appropriate. "Other qualified entity" would then be defined in Section 11 of the Bill as set out in the attached amendatory language and would not include State agencies. All references to state agencies as entities that could borrow from the fund would be removed from the Bill. The two references to state agencies that would remain relate to management of the fund and do not authorize state agencies to borrow from the fund. Intermunicipal entities would be added to the Bill as entities that could borrow from the fund.

For your information, AS 29.35.020 authorizes municipalities to provide "utility services" outside their boundaries, although there are some limitations when the utility is within the boundaries of another municipality.

Alaska Statute 29.35.010(13) authorizes municipalities to enter into agreements with other municipalities, with the state or with the United States for the cooperative or joint administration of any function or power. This specific statutory authorization parallels the provisions of Section 13 of Article X of the Alaska Constitution.

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Mr. Michael Burns, Chief  
February 8, 1996  
Page 2

Alaska Statute 18.55.996 creates and authorizes the activation of regional housing authorities. Subsection (b) specifically provides that a regional housing authority may enter into agreements with local government units for the exercise of the function or power relating to construction, operation and maintenance of public utilities. During the period of the agreement, the regional housing authority is deemed to have the same powers and functions relating to the subject matter of the agreement as those of the local government with which the agreement is made. This grant of authority includes the authority separately, or together with the municipality, to issue notes and bonds to finance the project that is the subject of the agreement.

If you have any questions, please call me.

Sincerely,

PRESTON GATRS & ELLIS

By:   
Gerald L. Sharp

GLS:shm  
Attachments  
c: Marie Sansono (via fax)

### AMENDMENTS TO SENATE BILL NO. 207

1. At each place in the Bill where the phrase "state agency" appears,\* except page 5, lines 8 and 9, replace the term with "other qualified entity" and wherever in the Bill the phrase "state agencies" appears,\* except page 2, lines 16 and 17, replace the phrase with "other qualified entities"; put the substitute language in bold and underlined where replacing bold and underlined language in the Bill.

\*The phrase "state agency" or "state agencies" should be replaced in the following places in the Bill: Page 2, line 5; page 9, lines 18, 20, and 22; page 10, line 11; at page 11, line 23, the phrase would be deleted and replaced by the following amendment.

2. In Section 11 of the Bill, on page 11, delete all the material on lines 23 through 25 and replace with the following:

(2) "other qualified entity" means an intermunicipal or  
interstate agency as those terms are used in 33 U.S.C.A. §  
1383, and may include authorities, corporations,  
instrumentalities, enterprises, or other entities formed by a  
municipality or formed through an agreement between a  
municipality and one or more other governmental entities  
pursuant to AS 29.35.010(13) or Section 13 of Article X of  
Alaska Constitution, or between a municipality and a regional  
housing authority pursuant to AS 18.55.996(b).

# STATE OF ALASKA

Department of Environmental Conservation  
Facility Construction and Operation  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801-1795  
Phone: 465-5180  
Fax: 465-5177

Keith Kelton, Director

Sending To: Deb Davidson

Fax Number: 465

From: Mike Burns / Butch White

Number of Pages (Including Cover Sheet): 3

Comments: Various suggestions for a "CAP" or maximum  
for SB207; as requested in Monday's hearing.

Please call w questions / Butch White 465-5145

(Mike had an appointment so I'm covering for him)

The suggestions are from the state Bond Committee's  
Financial Advisor - Chester Johnson.

**Government Finance Associates, Inc.**

71 Broadway, Suite 1301  
New York, New York 10006  
(212) 809-6700  
FAX (212) 809-6317

2/7/96

TO: Mike Burns  
Butch White

FROM: Government Finance Associates, Inc.

SUBJECT: Proposed Maximum Amount of SRF Leveraged Debt Outstanding

---

You have requested that we compute the appropriate aggregate, maximum amount of SRF leveraged debt to be outstanding at any time. We have proposed a number of \$250 million for this purpose, based upon the following assumptions:

1. We have assumed that the SRF would issue approximately \$13 million per year over a twenty year period.
2. Because the debt would be repaid on a level debt service basis, approximately \$110 million of the \$260 million would be retired over the course of the first twenty years.
3. This would leave an amount of \$150 million outstanding on a continuing basis.
4. Other factors argue for a number higher than \$150 million, including the prospective impact of inflation, the possibility of longer term issues (resulting in slower principal retirements), and the flexibility to include large, single projects that may occur from time to time.

Therefore, we believe that the number of \$250 million will provide sufficient latitude, while it also limits appropriately the maximum amount of debt that the program can have outstanding at any time.

**Government Finance Associates, Inc.**

71 Broadway, Suite 1301  
New York, New York 10006  
(212) 809-5700  
FAX (212) 809-6317

February 7, 1996

**TO: MIKE BURNS  
BUTCH WHITE  
ROSS KINNEY**

**FROM: GOVERNMENT FINANCE ASSOCIATES, INC.**

**SUBJECT: OPTIONS: ESTABLISHMENT OF DEBT LIMIT  
FOR THE LEVERAGED SRF FINANCING PROGRAM**

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Based on yesterday's discussions with Mike and Butch, we have prepared a few suggestions for establishing debt limits that should not create particular burdens for the program in the absence of fairly severe credit problems. We based our suggestions on the assumption that if the program is running rather smoothly, which we believe should be case, then any of the following should not be a hindrance and otherwise an obstacle. Also, the \$50 million in option three was included because of the dollar precedent in the Alaska Bond Bank Authority legislation.

Give us a call when you have a moment to discuss these alternatives, plus any other options you believe could work effectively.

1. Bonds and other long-term debt obligations may not be issued at any time, excluding refunding bonds and notes, that five percent of the face amount of outstanding loans in the SRF leveraged loan portfolio are in delinquency. When DEC and the State Bond Committee make determination that such delinquency exists, a joint report will be prepared by DEC and the State Bond Committee within three months of such determination and delivered to the Governor and the State Legislature describing the conditions under which the delinquency(ies) occurred and the recommended course of action to be taken to cure the unpaid balance and to establish timely payment from the affected projects in the future.
2. Bonds and other long-term debt obligations may not be issued at any time, excluding refunding bonds and notes, that the earnings and other available monies, on a projected basis, from the corpus of the Alaska Clean Water Fund can not cover at least one-third of the projected interest costs on the bonds representing loans contained in the SRF leveraged loan portfolio.
3. Excluding refunding bonds and notes which may be sold without respect to this limitation, bonds and other long-term debt obligations may be sold annually in an amount equal to the greater of (i) \$50 million or (ii) that portion of the (three)five-year financing plan for which the State Bond Committee determines can be sold in that year, based upon its independent review of the credit worthiness and financing capacity of the leveraged SRF program, without adversely affecting the financial and credit integrity of the program.