



LAWS OF ALASKA

2010

Source
HCS SB 301(RLS)

Chapter No.

AN ACT

Relating to the power project fund; authorizing the Alaska Energy Authority to charge and collect fees relating to the power project fund; authorizing the Alaska Energy Authority to sell and authorizing the Alaska Industrial Development and Export Authority to purchase loans of the power project fund; providing legislative approval for the sale and purchase of loans of the power project fund under the memorandum of understanding dated February 17, 2010; providing legislative approval for a loan from the power project fund for the Reynolds Creek hydroelectric project; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the power project fund; authorizing the Alaska Energy Authority to charge and
2 collect fees relating to the power project fund; authorizing the Alaska Energy Authority to sell
3 and authorizing the Alaska Industrial Development and Export Authority to purchase loans of
4 the power project fund; providing legislative approval for the sale and purchase of loans of the
5 power project fund under the memorandum of understanding dated February 17, 2010;
6 providing legislative approval for a loan from the power project fund for the Reynolds Creek
7 hydroelectric project; and providing for an effective date.

8

9 * **Section 1.** AS 42.45.010(a) is amended to read:

10 (a) The power project fund is established as a separate fund. The fund shall be
11 distinct from any other money or funds of the authority and includes only money

1 appropriated by the legislature, **proceeds from the sale of loans appropriated by the**
2 **legislature**, and money deposited under (g) of this section.

3 * **Sec. 2.** AS 42.45.010(d) is repealed and reenacted to read:

4 (d) The authority may adopt regulations to establish the standards, criteria, and
5 procedures for making loans under this section, including regulations to establish
6 reasonable fees for applications and loan origination, and charges for reimbursement
7 of the costs of analyzing the feasibility of a project.

8 * **Sec. 3.** AS 42.45.010 is amended by adding new subsections to read:

9 (k) The authority may collect the fees and charges established under (d) of this
10 section and shall deposit the money in the general fund.

11 (l) The authority may sell loans of the power project fund with legislative
12 approval. The authority may use money in the power project fund to repurchase loans
13 sold under this subsection that default. Money received by the authority from the sale
14 of loans under this subsection shall be deposited into the power project fund under (a)
15 of this section.

16 * **Sec. 4.** AS 44.88.080 is amended by adding a new paragraph to read:

17 (30) with legislative approval and notwithstanding AS 44.88.060, to
18 purchase from the Alaska Energy Authority as an investment of the revolving fund,
19 loans of the power project fund established under AS 42.45.010.

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

22 LEGISLATIVE APPROVAL FOR THE SALE AND PURCHASE OF CERTAIN
23 POWER PROJECT FUND LOANS. (a) The Alaska Energy Authority may sell, and the
24 Alaska Industrial Development and Export Authority may purchase as an investment of the
25 revolving fund, loans of the power project fund, under the memorandum of understanding
26 dated February 17, 2010.

27 (b) Subsection (a) of this section is the legislative approval required by
28 AS 42.45.010(l), enacted by sec. 3 of this Act, for the Alaska Energy Authority to sell, and
29 required by AS 44.88.080(30), enacted by sec. 4 of this Act, for the Alaska Industrial
30 Development and Export Authority to purchase as an investment of the revolving fund, loans
31 of the power project fund.

1 (c) In this section, unless the context otherwise requires,

2 (1) "Alaska Energy Authority" means the authority created in AS 44.83.020;

3 (2) "Alaska Industrial Development and Export Authority" means the
4 authority created in AS 44.88.020;

5 (3) "loans of the power project fund" means loans made by the Alaska Energy
6 Authority under AS 42.45.010, as amended by secs. 1 - 3 of this Act;

7 (4) "memorandum of understanding dated February 17, 2010" means the
8 agreement between the Alaska Energy Authority and the Alaska Industrial Development and
9 Export Authority dated February 17, 2010, under which the Alaska Energy Authority agrees
10 to sell, and the Alaska Industrial Development and Export Authority agrees to purchase,
11 certain loans of the power project fund;

12 (5) "power project fund" means the fund established under AS 42.45.010;

13 (6) "revolving fund" means the fund of the Alaska Industrial Development and
14 Export Authority established under AS 44.88.060.

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

17 **LEGISLATIVE APPROVAL OF LOAN FROM THE POWER PROJECT FUND.**

18 Provided the Alaska Energy Authority approves a loan for the Reynolds Creek hydroelectric
19 project, the legislature authorizes the Alaska Energy Authority to loan \$9,000,000 from the
20 power project fund (AS 42.45.010) for the Reynolds Creek hydroelectric project. This section
21 constitutes legislative approval under AS 42.45.010(j) for a loan from the fund that exceeds
22 \$5,000,000.

23 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).