

NOTICE OF PROPOSED CHANGES IN BOND, LOAN, AND SUSTAINABLE ENERGY  
TRANSMISSION SUPPLY PROGRAMS IN THE REGULATIONS OF THE ALASKA  
INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY

The Alaska Industrial Development and Export Authority proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code, dealing with its bond, loan, and sustainable energy transmission and supply programs, including the following:

1. 3 AAC 99.230(c) is proposed to be changed as follows: increase the limit of a real property loan from \$20,000,000 to \$25,000,000
2. 3 AAC 99.330(c) is proposed to be changed as follows: increase the limit of a real property loan from \$20,000,000 to \$25,000,000
3. 3 AAC 99.550 is proposed to be changed as follows: increase the limit of bonds that may be issued from \$10,000,000 to \$25,000,000 to assist in the acquisition, financing, or operation of a development project without prior legislative approval
4. 3 AAC 101.030 is proposed to be changed as follows: adding language stating the authority will not finance or acquire a qualified energy development that is subject to the restrictions of AS 44.88.690(a)(3) unless the legislature has approved the authority doing so

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sherrie M. Siverson, AIDEA Executive Assistant at 813 West Northern Lights Boulevard, Anchorage, AK 99503. Additionally, the Alaska Industrial Development and Export Authority will accept comments by facsimile at 907-771-3044 and by electronic mail at [ssiverson@aidea.org](mailto:ssiverson@aidea.org). The comments must be received no later than Monday, September 14, 2015.

Oral or written comments also may be submitted at a hearing to be held on Wed. September 9, 2015 in the AIDEA Board Room, 813 West Northern Lights Boulevard, Anchorage, AK 99503. The hearing will be held from 10:00 a.m. to 11:00 a.m. and might be extended to accommodate those present before 11:00 a.m. who did not have an opportunity to comment.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Sherrie M. Siverson at 907-771-3008 no later than Tue. September 8, 2015 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes contact Sherrie M. Siverson, AIDEA Executive Assistant at 813 West Northern Lights Boulevard, Anchorage, AK 99503, 907-771-3008 or at [www.aidea.org/About/Regulations.aspx](http://www.aidea.org/About/Regulations.aspx).

After the public comment period ends, the Alaska Industrial Development and Export Authority will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 44.88.050; AS 44.88.080; AS 44.88.085;

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 44.88.080; AS 44.88.085; AS 44.88.090; AS 44.88.155; AS 44.88.172; AS 44.88.680; AS 44.88.690;

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: August 9, 2015

John C. Springsteen, Executive Director

AIDEA keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of AIDEA Notices of Proposed Regulation Changes. To be added to or removed from this list go to <http://list.state.ak.us/soalists/aidea-regulations-notices/jl.htm> enter your email address, choose join or leave and click “Submit Request.”

ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: **Alaska Industrial Development and Export Authority**
2. General subject of regulation: **Amending the commercial and development finance loan programs; bonds, procurement; and sustainable energy transmission and supply program regulations for the Alaska Industrial Development & Export Authority.**
3. Citation of regulation (may be grouped): **3 AAC 99.230(c); 3 AAC 99.330(c); 3 AAC 99.550; 3 AAC 360(a); 3 AAC 100.050(b)(4); 3 AAC 100.050(b)(5); 3 AAC 100.050(b)(9); 3 AAC 100.050(b)(10); 3 AAC 100.240(a); 3 AAC 100.360(a); 3 AAC 100.370(b); 3 AAC 100.460(b), (c) & (d); AAC 100.490; 3 AAC 100.580(a), (c) & (d); and 3 AAC 101.030;**
4. Department of Law file number, if any: \_\_\_\_\_
5. Reason for the proposed action:
  - ( ) Compliance with federal law
  - (X) Compliance with new or changed state statute
  - ( ) Compliance with court order
  - ( ) Development of program standards
  - ( ) Other (please list): \_\_\_\_\_
6. Appropriation/Allocation: \_\_\_\_\_
7. Estimated annual costs in the aggregate to comply with the proposed action to:
  - Private Persons:   0
  - Other State Agencies:   0
  - Municipalities:   0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2016	Subsequent Years
Operating Cost	\$ <u>  0  </u>	\$ <u>  0  </u>
Capital Cost	\$ <u>  0  </u>	\$ <u>  0  </u>
1002 Federal Receipts	\$ <u>  0  </u>	\$ <u>  0  </u>
1003 General fund match	\$ <u>  0  </u>	\$ <u>  0  </u>
1005 General fund	\$ <u>  0  </u>	\$ <u>  0  </u>
1005 General fund /program	\$ <u>  0  </u>	\$ <u>  0  </u>
1037 General fund /mental Health	\$ <u>  0  </u>	\$ <u>  0  </u>
Other	\$ <u>  0  </u>	\$ <u>  0  </u>

- 9.. Name:           Sherrie M. Siverson
- Title:           Executive Assistant, AIDEA
- Address:           813 West Northern Lights Boulevard            
          Anchorage, Alaska 99503

Telephone: 907-2771-3008  
E-mail address: ssiverson@aidea.org

10. The origin of the proposed action:  
 Staff of state agency  
 Federal government  
 General public  
 Petition for regulation change  
 Other (identify)

11. Date: August 4, 2015  
Anchorage, AK Prepared by: Sherrie M. Siverson, Executive Assistant  
Alaska Industrial Development & Export Authority  
Telephone: 907-771-3008

3 AAC 99.230(c) is amended to read:

(c) The amount of the authority's participation in a real property loan will not exceed **\$25,000,000** [\$20,000,000], except that the authority may participate in a real property loan in an amount greater than **\$25,000,000** [\$20,000,000], if the loan is for the financing of a qualified energy development and if the legislature has approved the authority's participation. The principal amount of a real property loan may not exceed 75 percent of the appraised value of the collateral offered as security for the loan unless the amount of the real property loan in excess of this limit is federally insured or guaranteed or is insured by a qualified mortgage insurance company, except that in no event may the real property loan to be purchased under this section exceed the total of loan proceeds used to refinance an existing debt plus the cost of new construction, expansion, or acquisition, unless the additional amounts of the loan to be purchased are restricted to uses approved by the authority to finance commercial activity in the state by a business enterprise. (In effect before 1988; am 1/11/88, Register 106; am 11/30/90, Register 118; am 7/19/91, Register 119; am 12/2/94, Register 134; am 2/11/99, Register 150; am 11/1/99, Register 153; am 2/8/2001, Register 158; am 8/8/2003, Register 168; am 4/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority:    AS 44.88.080      AS 44.88.085      AS 44.88.155

3 AAC 99.330(c) is amended to read:

(c) The amount of the authority's participation in a real property loan will not exceed **\$25,000,000** [\$20,000,000], except that the authority may participate in a real property loan in an amount greater than **\$25,000,000** [\$20,000,000], if the loan is for the financing of a qualified energy development and if the legislature has approved the authority's participation. The principal

amount of a real property loan may not exceed 75 percent of the appraised value of the collateral offered as security for the loan unless the amount of the real property loan in excess of this limit is federally insured or guaranteed or is insured by a qualified mortgage insurance company, except that in no event may the real property loan to be purchased under this section exceed the total of loan proceeds used to refinance an existing debt plus the cost of new construction, expansion, or acquisition, unless the additional amounts of the loan to be purchased are restricted to uses approved by the authority to finance commercial activity in the state by a business enterprise. (In effect before 1988; am 1/11/88, Register 106; am 11/30/90, Register 118; am 7/19/91, Register 119; am 9/25/92, Register 124; am 12/2/94, Register 134; am 2/11/99, Register 150; am 2/8/2001, Register 158; am 8/8/2003, Register 168; am 4/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority:    [AS 44.88.080](#)    [AS 44.88.085](#)    [AS 44.88.155](#)

3 AAC 99.550 is amended to read:

The authority will not issue bonds in an amount greater than **\$25,000,000** [\$10,000,000] to assist in the acquisition, financing, or operation of a development project without prior legislative approval. (Eff. 1/11/88, Register 106; am 11/30/90, Register 118; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority:    [AS 44.88.080](#)    [AS 44.88.085](#)    [AS 44.88.090](#)    [AS 44.88.172](#)

3 AAC 101.030 is amended to read:

The authority will not provide financing for a qualified energy development in excess of the capital costs limitation of [AS 44.88.690\(a\)\(1\)](#), or the dollar amount limitation of [AS](#)

44.88.690(a)(2), unless the legislature has approved exceeding the limitation. **The authority will not finance or acquire a qualified energy development that is subject to the restrictions of**

**AS 44.88.690(a)(3), unless the legislature has approved the authority doing so.** The authority

will not provide financing for a qualified energy development for a term longer than is authorized

under AS 44.88.690(b). (Eff. 4/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority:    AS 44.88.085    AS 44.88.680    AS 44.88.690