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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Linda Mattson
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 24, 2018

RE: Filed Permanent Regulations: Alaska Industrial Development and Export Authority (AIDEA)

Non-APA Regulations re: AIDEA Conduit Revenue Bond and Loan Program (3 AAC 99, 101, 102, 103)

Attorney General File:	2018200528
Regulation Filed:	8/22/2018
Effective Date:	6/28/2018
Print:	227, October 2018


cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATIONS
OF THE ALASKA INDUSTRIAL DEVELOPMENT
AND EXPORT AUTHORITY BOARD

The attached 29 pages of the regulations, dealing with rates and fees AIDEA charges in its loan programs, are certified to be a correct copy of the regulation changes that the Alaska Industrial Development and Export Authority board adopted at its June 28, 2018 meeting under the authority of AS 44.88.085.

The attached regulation are exempt from the adoption procedures of the Administrative Procedure Act and took effect on June 28, 2018.

Date: July 25, 2018


John Springsteen, CEO / Executive Director

FILING CERTIFICATION

I, Byron Mallot, Lieutenant Governor for the State of Alaska, certify that on Sept 22, 2018, at 1145a m., I filed the attached regulation.


Lieutenant Governor

Effective: June 28, 2018

Register: 227, October 2018

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3 AAC 99.110(b) is amended to read:

(b) The application must contain information sufficient to allow the authority to determine whether the proposed project and the applicant appear to be eligible to participate in the conduit revenue bond program and whether interest on the authority's bonds issued for the proposed project would be excluded from gross income for federal income tax purposes under the code. The applicant must submit a nonrefundable **\$1,100** [\$1000] fee to the authority with the application. If the application is for a refunding of a bond previously issued by the authority for the project, the authority may waive all or part of the fee set out in this subsection.

(In effect before 1988; am 1/11/88, Register 106; am 11/30/90, Register 118; am 2/11/99, Register 150; am 11/1/99, Register 153; am 8/8/2003, Register 168; am 12/3/2010, Register 197; am 4/25/2013, Register 207; am 11/6/2014, Register 213; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.090 AS 44.88.095
AS 44.88.085

3 AAC 99.140(a)(1) is amended to read: ((Publisher: 3 AAC 99.140(a) introductory language unchanged.))

(1) if the bonds are subject to the volume cap provisions of 26 U.S.C. 147, the issuance fee is equal to **50 basis points applied to** [ONE HALF OF ONE PERCENT OF] the first \$10,000,000 of the principal amount of those bonds, **20 basis points applied to** [TWO-TENTHS OF ONE PERCENT OF] the next \$40,000,000 of the principal amount of those bonds, and **15 basis points applied to** [ONE AND ONE HALF TENTH OF ONE PERCENT OF] the principal amount of those bonds issued in excess of \$50,000,000.

3 AAC 99.140(a)(2) is amended to read:

(2) if the bonds are not subject to the volume cap provision of 26 U.S.C. 147, the issuance fee is equal to **40 basis points applied to** [FOUR-TENTHS OF ONE PERCENT OF] the first \$10,000,000 of the principal amount of those bonds, **10 basis points applied to** [ONE-TENTH OF ONE PERCENT OF] the next \$40,000,000 of the principal amount of those bonds, and **9 basis points applied to** [NINE ONE-HUNDREDTHS OF ONE PERCENT OF] the principal amount of those bonds issued in excess of \$50,000,000;

3 AAC 99.140(b) is amended to read:

(b) A person may apply to the authority to modify the terms of its pending application with the authority or to take an action relating to a bond previously issued by the authority. If the request is to modify the terms of a pending application and if the modification, in the sole determination of the authority, requires action by the board, the applicant shall pay to the authority a **nonrefundable \$550** fee [\$500]. If the request is for the authority to take an action relating to outstanding bonds and the authority, in its discretion, elects to take such action or, under the applicable documentation, is required to take such action, the applicant shall pay the reasonable costs of the authority, including costs for authority personnel, bond counsel costs, and other costs.

(In effect before 1988; am 1/11/88, Register 106; am 9/25/92, Register 124; am 11/1/99, Register 153; am 12/3/2010, Register 197; am 11/6/2014, Register 213; am 6/28/2018 Register 227)

Authority: AS 44.88.080 AS 44.88.090 AS 44.88.212

AS 44.88.085

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3 AAC 99.160(c) is amended to read:

(c) The issuance of bonds under (b) of this section is subject to the provisions of 3 AAC 99.100 - 3 AAC 99.140, except with regard to the **nonrefundable** financing fee. The financing fee for bonds issued under (b) of this section is **50 basis points applied to** [ONE-HALF OF ONE PERCENT FOR] the first \$1,000,000 of the principal amount of the bonds issued and **25 basis points applied to** [ONE-QUARTER PERCENT OF] the principal amount of the revenue bonds issued in excess of the first \$1,000,000. (In effect before 1988; am 1/11/88, Register 106; am 11/30/90, Register 118; am 12/3/2010, Register 197; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.090 AS 44.88.155
AS 44.88.085

3 AAC 99.210(b) is amended to read:

(b) The originator shall submit a preliminary application to the authority on a form provided by the authority. The preliminary application must contain sufficient information to allow the authority to determine that the proposed project or qualified energy development and the applicant appear to be eligible to receive a loan under AS 44.88 and that interest on the authority's bonds issued or that could be issued to provide money for the loan would be excluded from gross income for federal income tax purposes under the code. The originator shall submit a **\$250** nonrefundable [\$200] fee to the authority with the preliminary application.

(In effect before 1988; am 1/11/88, Register 106; am 11/30/90, Register 118; am 2/11/99, Register 150; am 11/1/99, Register 153; am 4/25/2013, Register 207; am 6/28/2018, Register 227)

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Authority: AS 44.88.080 AS 44.88.095 AS 44.88.150
AS 44.88.085

Editor's note: Even though the amendment of 3 AAC 99.210 was effective 4/25/2013, it was not published until Register 207, October 2013. *((Publisher: No change to editor's note.)))*

3 AAC 99.220(b) is amended to read:

(b) An application for authority participation must be submitted by the originator to the authority along with a nonrefundable **\$1,100** [\$1000] fee. If the authority issues a commitment to purchase a participation in the originator's loan, and the loan commitment issued by the authority is accepted and signed by the originator and borrower and returned to the authority, the nonrefundable **\$1,100** [\$1000] application fee shall be credited against the authority's commitment fee as required by 3 AAC 99.260(b). **The financial institution must reimburse all third-party expenses of the authority related to the issuance of the authority's loan**

participation. The authority may require the originator to include with the application any of the following:

- (((Publisher: No change to 3 AAC 99.220(b)(1)-(18).)))*
- (1) a letter of transmittal;
 - (2) a loan summary, including originator approval at the appropriate level of authority;
 - (3) a list of other unpaid loans to the applicant or, if the applicant is not a sole proprietorship, to any member of the applicant's business enterprise, from the state or other public corporation of the state along with applicant certification that each unpaid loan is current and no other loans exist;
 - (4) a current credit report of the applicant and the guarantors, if any;
 - (5) a signed current balance sheet and year-to-date profit and loss statement on the applicant, not more than 90 days old from the date of application, ~~fiscal year-end balance sheet and profit~~

and loss statement for the prior three years on the applicant; current balance sheet and federal income tax return for the prior two years on all guarantors and co-borrowers;

(6) copies of the applicant's federal income tax returns for the prior three years, if the balance sheet and profit and loss statement required from the applicant in (5) of this subsection are not audited by a certified public accountant;

(7) copies of the earnest money receipt and agreement, option to purchase, contract to purchase, or invoice for purchase of land, land and improvements, or tangible personal property related to the project or qualified energy development;

(8) a copy of a lease or easement for land and improvements related to the project or qualified energy development and, in the case of a hydropower project licensed or to be licensed by the Federal Energy Regulatory Commission, a copy of the documents designating a project boundary with a lease and or easement to be completed before closing giving the applicant control of the area within the project boundary;

(9) a detailed description of real or tangible personal property to be acquired for the project or qualified energy development;

(10) a detailed construction cost estimate;

(11) an estimate of the number of jobs to be created or retained by this project or qualified energy development;

(12) if the loan is to be secured by real property, a written appraisal report acceptable to the authority estimating the value of the real property:

(A) if the total loan amount is equal to or less than \$1,000,000, the appraisal may be a summary appraisal report;

(B) if the total loan amount is greater than \$1,000,000, the appraisal must be a self-contained appraisal report;

(13) if the loan is for the purchase of tangible personal property, an appraisal in a format acceptable to the authority prepared by an appraiser who is acceptable to the authority;

(14) copies of leases, or agreements to lease or to renew a lease between the applicant and tenants of the project or qualified energy development, including a list of tenants, lease rates, terms, and options;

(15) a financial feasibility analysis satisfactory to the authority;

(16) an environmental risk assessment satisfactory to the authority, followed by an environmental audit if required by the authority;

(17) if the loan is for improvements in energy efficiency, an analysis of the energy efficiencies that are expected to be achieved, including the units of energy expected to be saved over the life of the improvements and the dollar savings expected to be realized; and

(18) any other information considered necessary by the authority to evaluate the application.

(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 2/11/99, Register 150; am 11/1/99, Register 153; am 2/8/2001, Register 158; am 12/3/2010, Register 197; am 4/25/2013, Register 207; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.095 AS 44.88.155
AS 44.88.085 AS 44.88.150

Editor's note: Even though the amendment of 3 AAC 99.220 was effective 4/25/2013, it was not published until Register 207, October 2013.

((No change to editor's note.))

3 AAC 99.260(c) is amended to read:

(c) The authority may issue a loan commitment as described in (b) of this section for a term determined by the authority. Before expiration of the loan commitment term, the originator may request an extension of the loan commitment term for a subsequent period of 30 days if the

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authority does not fund the authority's participation in the loan. The authority will grant a loan commitment term extension effective upon receipt by the authority of **12.5 basis points applied to the committed loan amount as** a [ONE-EIGHTH PERCENT (0.125%)] nonrefundable fee.

The authority may grant subsequent loan commitment term extensions for additional 30-day periods effective upon receipt by the authority of an additional **12.5 basis points applied to the committed loan amount as** a [ONE-EIGHTH PERCENT (0.125%)] nonrefundable fee. (In effect before 1988; am 1/11/88, Register 106; am 7/19/91, Register 119; am 11/1/99, Register 153; am 2/8/2001, Register 158; am 10/12/2004, Register 173; am 4/25/2013, Register 207; am 6/28/2018, Register 227)

Authority: AS 44.88.070 AS 44.88.085 AS 44.88.212
AS 44.88.080

3 AAC 99.290(c) is amended to read:

(c) The authority may enter into a loan modification agreement with the originator and the borrower if the authority determines that the loan modification will assist in the economic survival of the borrower during a period of economic hardship while maximizing the ultimate return to the authority. The authority must receive a nonrefundable **\$500** [\$100] modification fee before entering a loan modification agreement.

(In effect before 1988; am 1/11/88, Register 106; am 11/22/88, Register 109; am 11/30/90, Register 118; am 7/19/91, Register 119; am 2/11/99, Register 150; am 2/8/2001, Register 158; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.085

3 AAC 99.290 is amended by adding a new subsection to read:

(e) The authority may approve the assumption of an outstanding loan in which the authority participates after evaluating the collateral securing the loan and the financial and credit history and ability to repay of the entity proposing to assume the loan. The authority must receive a nonrefundable assumption fee of one percent of the outstanding balance before entering a loan assumption agreement. (In effect before 1988; am 1/11/88, Register 106; am 11/22/88, Register 109; am 11/30/90, Register 118; am 7/19/91, Register 119; am 2/11/99, Register 150; am 2/8/2001, Register 158; am 6/28/2018 Register 227)

Authority: AS 44.88.080 AS 44.88.085

3 AAC 99.320(b) is amended to read:

(b) An application for authority participation must be submitted by the originator to the authority along with a nonrefundable \$1,100 [\$1,000] fee. If the authority issues a commitment to purchase a participation in the originator's loan, and the loan commitment issued by the authority is accepted and signed by the originator and borrower and returned to the authority, the nonrefundable \$1,100 [\$1,000] application fee will be credited against the authority's commitment fee as required by 3 AAC 99.360(b). The authority may require the originator to include with the application any of the following:

(1) a letter of transmittal;

(2) a loan summary, including originator approval at the appropriate level of

authority;

(3) a list of other unpaid loans to the applicant or, if the applicant is not a sole proprietorship, to any member of the applicant's business enterprise, from the state or other

*((Publisher: No charge to
3 AAC 99.320(b)(1) + 18.)))*

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((Publisher: No change to 3 AAC 99.320(b)(1)-(18).)))

public corporation of the state along with applicant certification that each unpaid loan is current and no other loans exist;

(4) a current credit report of the applicant and the guarantor, if any;

(5) a signed current balance sheet and year-to-date profit and loss statement on the applicant, not more than 90 days old from the date of application, fiscal yearend balance sheet and profit and loss statement for the prior three years on the applicant; current balance sheet and federal income tax return for the prior two years on all guarantors and co-borrowers;

(6) copies of the applicant's federal income tax returns for the prior three years, if the balance sheet and profit and loss statement required from the applicant in (5) of this subsection are not audited by a certified public accountant;

(7) copies of the earnest money receipt and agreement, option to purchase, contract to purchase, or invoice for purchase of land, land and improvements, or tangible personal property related to the project or qualified energy development;

(8) a copy of a lease or easement for land and improvements related to the project or qualified energy development and, in the case of a hydropower project licensed or to be licensed by the Federal Energy Regulatory Commission, a copy of the documents designating the project boundary with a lease or easement to be completed before closing giving the applicant control of the area within the project boundary;

(9) a detailed description of the project or qualified energy development and a detailed description of real or tangible property to be acquired for the project or qualified energy development;

~~(10) a detailed estimate of the cost of construction;~~

((Publistel: No change to 3 AAC 99.320(b)(1)-(18).)))

(11) an estimate of the number of jobs to be created or retained by this project or qualified energy development;

(12) if the loan is to be secured by real property, a written appraisal report acceptable to the authority estimating the value of the real property:

(A) if the total loan amount is equal to or less than \$1,000,000, the appraisal may be a summary appraisal report;

(B) if the total loan amount is greater than \$1,000,000, the appraisal must be a self-contained appraisal report.

(13) if the loan is for the purchase of tangible personal property, an appraisal in a format acceptable to the authority prepared by an appraiser who is acceptable to the authority;

(14) copies of leases or agreements to lease or renew a lease between the applicant and tenants of the project or qualified energy development, including a list of tenants, lease rates, terms, and options;

(15) a financial feasibility analysis satisfactory to the authority;

(16) an environmental risk assessment satisfactory to the authority, followed by an environmental audit if required by the authority;

(17) if the loan is to finance improvements in energy efficiency, an analysis of the energy efficiencies that are expected to be achieved, including the units of energy expected to be saved over the life of the improvements and the dollar savings expected to be realized; and

(18) any other information considered necessary by the authority to evaluate the application.

(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 2/11/99, Register 150; am 11/1/99, Register 153; am

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2/8/2001, Register 158; am 12/3/2010, Register 197; am 4/25/2013, Register 207; am 6/28/2018

Register 227)

Authority: AS 44.88.080 AS 44.88.085 AS 44.88.155

Editor's note: Effective Register 197, the regulations attorney relettered 3 AAC 99.320(e) to 3 AAC 99.320(c) to conform to technical printing standards.

Even though the amendment of 3 AAC 99.320 was effective 4/25/2013, it was not published until Register 207, October 2013. *((No change to editor's note.)))*

3 AAC 99.350(e)(1) is amended to read:

(1) "true interest cost rate" means

(A) if the authority issues bonds to fund a participation in a loan, the rate on the bonds of the authority; or

(B) if the authority uses authority assets to fund a participation in a loan, the rate identified on the daily Federal Home Loan Bank of Seattle's Fixed-Rate Advances Index which most closely matches the term of the loan, and whether the type of loan has a fixed or variable interest rate, as determined by the authority, with the following adjustments:

(i) for a fixed rate loan, the rate during any fiscal year may not be lower than the five year return on the investment funds of the authority, expressed as an annual interest rate, as determined in the authority's review of its investments at the end of the third quarter of the prior fiscal year and for a variable rate loan, the rate during any fiscal year will not be lower than 375 [475] basis points;

(ii) for a variable rate loan, 100 [200] basis points will be added to the rate;

(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 2/11/99, Register 150; am 11/1/99, Register 153; am 8/8/2003, Register 168; am 9/9/2010, Register 197 [not printed]; am 12/3/2010, Register 197; am 12/15/2010, Register 197; am 1/13/2011, Register 198; am 1/31/2011, Register 198; am 3/8/2011, Register 198; am 4/25/2013, Register 207; am 6/28/2018 Register 227)

Authority: AS 44.88.080 AS 44.88.150 AS 44.88.159

AS 44.88.085 AS 44.88.155

Editor's note: Even though 3 AAC 99.350 was amended effective as an emergency regulation on 9/9/2010 and amended effective as a permanent regulation on 12/3/2010, it was not published until Register 197, April 2011.

Even though the amendment of 3 AAC 99.350 was effective 4/25/2013, it was not published until Register 207, October 2013. *(((No change to editor's note.)))*

3 AAC 99.360(c) is amended to read:

(c) The authority will, in its discretion, issue a loan commitment as described in (b) of this section for a term determined by the authority. Before expiration of the loan commitment term, the originator may request an extension of the loan commitment term for a subsequent period of 30 days if the authority has not funded the authority's participation in the loan. The authority will grant a loan commitment term extension effective upon receipt by the authority of 12.5 basis points of the loan commitment as a [ONE-EIGHTH (.125%) PERCENT] nonrefundable fee. The authority will grant subsequent loan commitment term extensions for one

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or more additional 30-day periods effective upon receipt by the authority of an additional 12.5 basis points of the loan commitment as a [ONE-EIGHTH (.125%) PERCENT] nonrefundable fee. (In effect before 1988; am 1/11/88, Register 106; am 11/30/90, Register 118; am 11/1/99, Register 153; am 10/12/2004, Register 173; am 4/25/2013, Register 207; am 6/28/2018 Register 227)

Authority: AS 44.88.070 AS 44.88.085 AS 44.88.212
AS 44.88.080

Editor's note: ~~Even though the amendment of 3 AAC 99.360 was effective 4/25/2013, it was not published until Register 207, October 2013.~~ *((No change to editor's note.)))*

3 AAC 99.390(c) is amended to read:

(c) The authority may enter into a loan modification agreement with the originator and the borrower if the authority determines that such a modification will assist in the economic survival of the borrower during a period of economic hardship while maximizing the ultimate return to the authority. The authority must receive a nonrefundable \$500 [\$100] modification fee before entering a loan modification agreement.

3 AAC 99.390(e) is amended to read:

(e) The authority may approve the assumption of an outstanding loan in which the authority participates after evaluating the collateral securing the loan and the financial and credit history and ability to repay of the entity proposing to assume the loan. The authority must receive a nonrefundable [\$200] assumption fee of one percent of the outstanding loan balance before entering a loan assumption agreement. (In effect before 1988; am 1/11/88, Register 106; am

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11/22/88, Register 109; am 11/30/90, Register 118; am 7/19/91, Register 119; am 2/11/99,
Register 150; am 2/8/2001, Register 158; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.085

3 AAC 99.520(b) is amended to read:

(b) The authority will solicit the review and advice of either local government or the regional resource advisory council in the area within which a development project is located before

(1) entering into an agreement to finance or develop a development project for which the authority does not expect to issue bonds; or

(2) executing other contracts, agreements, resolutions, or other matters that directly concern the development, maintenance, and operation of a development project.

(In effect 1/11/88, Register 106; am 11/30/90, Register 118; am 12/5/2013, Register 209; am° 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.095 AS 44.88.177
AS 44.88.085 AS 44.88.174

3 AAC 99.575(a) is amended to read:

(a) If the authority provides development project financing for a development project that the authority will not own and operate, the initial interest rate on the financing will be set at the time the authority issues a development project financing commitment letter. The initial interest rate will be no less than 250 [FROM 250 TO 450] basis points above the interest rate paid on the securities of the United States Treasury that have a maturity date comparable to the

term of the authority's financing. In the event that no United States Treasury security is directly comparable in maturity to the authority's development project financing, the authority may use the United States Treasury security the authority in its discretion determines to be most directly comparable as possible. The authority will establish the initial interest rate for the financing within this range based on the authority's evaluation of the relative risk of the transaction. In evaluating the risk of the transaction, the authority may consider the nature of the project applicant and its creditworthiness; the nature of the development project and its financial strengths or weaknesses; the size, length, and other terms of the financing; the collateral for the financing; and any other factors the authority reasonably determines to bear on the risk in the transaction.

(Eff. 12/5/2013, Register 209; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.172 AS 44.88.212
AS 44.88.085

3 AAC 99.590(a) is amended to read:

(a) The **nonrefundable** application fee for development project financing is

(1) **\$5,500** [\$5,000] for financing of less than \$10,000,000;

(2) **\$11,000** [\$10,000] for financing **from** [OF BETWEEN] \$10,000,000 **to**
[AND] \$20,000,000;

(3) **\$22,000** [\$20,000] for financing in excess of \$20,000,000;

(Eff. 12/5/2013, Register 209; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.172 AS 44.88.212
AS 44.88.085

3 AAC 99.710(g) is amended to read:

(g) The authority will monitor the size of its guarantees to ensure compliance with AS 44.88.540 [ISSUANCE OF LOAN GUARANTEES IN AMOUNTS EXCEEDING \$500,000 PER LOAN WILL BE SUSPENDED WHEN THE TOTAL INITIAL PRINCIPAL AMOUNT OF ALL LOANS HAVING AN INITIAL GUARANTEE EXCEEDING \$500,000 REACHES \$25,000,000].

(Eff. 8/1/88, Register 107; am 11/30/90, Register 118; am 7/19/91, Register 119; am 9/25/92, Register 124; am 10/23/96, Register 141; am 2/11/99, Register 150; am 11/1/99, Register 153; am 2/8/2001, Register 158; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.505 AS 44.88.560

AS 44.88.085 AS 44.88.515 AS 44.88.570

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

3 AAC 99.750(a) is amended to read:

(a) The financial institution that submits an application under 3 AAC 99.720 must also submit a nonrefundable \$250 fee [OF \$200] with the application. In addition, the financial institution, or any substitute financial institution, or the borrower must pay a nonrefundable \$500 [100] fee for any modification of the terms of the guarantee.

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(Eff. 8/1/88, Register 107; am 11/22/88, Register 109; 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 10/23/96, Register 141; am 2/11/99, Register 150; am 11/1/99, Register 153; am 2/8/2001, Register 158; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.085 AS 44.88.535

3 AAC 99.810(b) is amended to read:

(b) A **nonrefundable \$250** [\$200] application fee is due from the applicant at the time that an application is filed with the department. This fee will be credited toward the origination fee if the loan is made.

3 AAC 99.810(c) is amended to read:

(c) An origination fee not to exceed **15 basis points applied to** [ONE AND ONE-HALF PERCENT OF] the loan balance is due from the borrower at the time that the loan is made.

3 AAC 99.810(d) is amended to read:

(d) A late fee not to exceed **five percent** [5%] of the payment amount may be charged to a borrower for each loan payment that is more than 15 days past due.

3 AAC 99.810(e) is amended to read:

(e) An extension fee not to exceed **\$50** [\$25] may be charged to a borrower to process a loan extension. (Eff. 1/12/89, Register 109; am 3/30/89, Register 110; am 7/19/91, Register 119; am 6/28/2018, Register 227)

Register 227, October, 2018 COMMERCE, COMMUNITY, AND EC. DEV.

Authority: AS 44.88.420

3 AAC 99.830(a)(2) is amended to read:

(2) copies of the applicants' federal income tax returns for the preceding three years, and for additional years if requested by the department; **and**

3 AAC 99.830(a)(3) is repealed.

(3) repealed 6/28/2018,

(Eff. 2/8/2001, Register 158; am 6/28/2018, Register 227)

Authority: AS 44.88.600 AS 44.88.610 AS 44.88.620

3 AAC 99.865 is amended to read:

3 AAC 99.865. Interest rate. The department shall set the interest rate on a quarterly basis for loans under this article. The interest rate set for a quarter remains in effect until the department changes the rate. The interest rate set by the department is based on the prime rate listed in the Wall Street Journal during the previous quarter minus one percentage point [, BUT NOT LESS THAN SIX PERCENT PER ANNUM.]. The interest rate will be established at the nearest one-half point. The interest rate on an individual loan will be set at the time the loan is approved by the loan committee. (In effect 2/8/2001, Register 158; am 6/28/2018, Register 227)

Authority: AS 44.88.600 AS 44.88.610 AS 44.88.620

3 AAC 99.880(b) is amended to read:

(b) A nonrefundable **\$150** application fee [OF \$100] is due **to** the department at the time an application for a loan under this article is submitted to the department.

3 AAC 99.880(f) is amended to read:

(f) A **nonrefundable \$150** modification fee [OF \$100] may be charged to a borrower to process a loan modification of an outstanding loan under this article.

(Eff. 2/8/2001, Register 158; am 6/28/2018, Register 227)

Authority: AS 44.88.600 AS 44.88.610 AS 44.88.620

3 AAC 99.930 is repealed and readopted to read: *(((Publisher: Endent paragraphs)))*

In this chapter

- (1) "authority" means the Alaska Industrial Development and Export Authority;
- (2) "basis points" means the common unit of measure for interest rates and other percentages in finance; one hundred basis points equals one percent;
- (3) "board" means the board of the Alaska Industrial Development and Export Authority;
- (4) "code" means the Internal Revenue Code of 1986, as amended;
- (5) "department" means the Department of Commerce, Community, and Economic Development;
- (6) "effective term" means the number of years the loan is outstanding when the originator amortizes its portion of the loan in accordance with 3 AAC 99.240(f) or 3 AAC 99.340(f) ;
- (7) "executive director" means the executive director of the Alaska Industrial Development and Export Authority;
- (8) "financial institution" means, for purposes of 3 AAC 99.700 - 3 AAC 99.785, a federally or state chartered institution authorized to perform banking functions within the state of Alaska;

(9) "guarantee authorization" means the document which authorizes the issuance of a loan guarantee by the authority to a financial institution on behalf of a borrower;

(10) "improvements in energy efficiency" means any technology, process, equipment, facility, building, structure, or improvement that is intended to and is reasonably likely to reduce energy consumption or the cost of energy, based on current engineering and technological standards;

(11) "liquidation" means the exercise of all remedies commercially reasonable, in the opinion of the authority, to collect all amounts available to pay the debt;

(12) "liquidation expenses" means, for purposes of 3 AAC 99.700 - 3 AAC 99.785, normal costs of the foreclosure action, including legal fees, title fees, and advertising costs, the costs and expenses of maintaining the collateral, and costs of sale;

(13) "loan(s)" means, for purposes of 3 AAC 99.700 - 3 AAC 99.785, a new loan or a loan to refinance existing debt;

(14) "loan guarantee agreement" means the document that sets out terms and conditions governing the guarantee of a loan;

(15) "loan portfolio of the authority" means all loans, loan participations, and loan guarantees approved and pending closing, owned or issued by the authority under the tax-exempt loan participation program (3 AAC 99.200 - 3 AAC 99.290), the taxable loan participation program (3 AAC 99.300 - 3 AAC 99.390), or the business and export assistance program (3 AAC 99.700 - 3 AAC 99.785), and all other loans appropriated to or purchased by the authority;

(16) "mortgage" means a mortgage deed, deed of trust, or other security instrument;

(17) "originator" means the Commercial Fishing and Agricultural Bank, and a commercial bank, savings and loan association, mutual savings bank, credit union, or other financial institution that

(A) is either insured by the Federal Deposit Insurance Corporation or the National Credit Union Association, or regulated by the Office of Thrift Supervision, The Office of the Comptroller of the Currency, The Federal Reserve, or state banking regulators under AS 6 or substantially similar banking regulations or statutes of another state;

(B) is approved by the authority;

(C) has entered into an agreement with the authority to act as a seller and servicer of loans under the loan participation program;

(18) "outstanding bonds" means, for purposes of 3 AAC 99.700 - 3 AAC 99.785, bonds that have not been paid in full or defeased;

(19) "project," for purposes of 3 AAC 99.700 - 3 AAC 99.785, has the meaning provided in AS 44.88.900 (13) and, with respect to a loan made to provide working capital to a business; means that business;

(20) "public offering" means a sale or proposed sale of bonds to a purchaser who intends to re-sell the bonds to members of the general public;

(21) "qualified energy development" has the meaning provided in AS 44.88.900;

(22) "real property loan" means a loan described in 3 AAC 99.230(a);

(23) "region" means one of the regions set out in 3 AAC 99.710(d) ;

(24) "related persons" means persons who are considered to be related for purposes of sections 144 - 150 of the code;

(25) "retained" means the holding of a note evidencing indebtedness, together with the right to receive payments under the note;

(26) "state resident" means an individual who has resided in the state for a minimum of 30 days and who intends to make the state a permanent place of abode; the determination of intent will

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include consideration of the individual's mailing address, where the individual owns property, where the individual's vehicles are registered, and location of the individual's immediate family;

(27) "tangible personal property" means, for the purposes of 3 AAC 99.700 -

3 AAC 99.785, equipment, chattels, mortgages, contracts, inventory, and accounts receivable;

(28) "total available guarantee dollars" means the maximum dollar amount of guarantees the authority will issue, which is the amount shown in 3 AAC 99.710(d). (In effect before 1988; am 1/11/88, Register 106; am 8/1/88, Register 107; am 1/12/89, Register 109; am 11/30/90, Register 118; am 9/25/92, Register 124; 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 10/12/2004, Register 173; am 4/25/2013, Register 207; am 6/28/2018, Register 227)

Authority: AS 44.88.080 AS 44.88.085 AS 44.88.900

CCI Publisher: No changes to editor's note.))

Editor's note: As of Register 171 (October 2004), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Community and Economic Development to the Department of Commerce, Community, and Economic Development made by ch. 47, SLA 2004 and the corresponding title change of the commissioner of community and economic development.

In 2012 the revisor of statutes, acting under AS 01.05.031 and codifying changes that appear in sec. 13, ch. 60, SLA 2012, realphabetized definitions in AS 44.88.900 , and renumbered former AS 44.88.900 (9) as AS 44.88.900 (10). As of Register 204 (January 2013), the regulations attorney made a conforming technical revision under AS 44.62.125 (b)(6), to 3 AAC 99.930, so that a cross-reference to former AS 44.88.900 (9) now refers to the renumbered paragraph, AS 44.88.900 (10).

(((Publisher: No change to editor's note.)))

Even though the amendment of 3 AAC 99.930 was effective 4/25/2013, it was not published until Register 207, October 2013.

In 2013 the revisor of statutes, acting under AS 01.05.031 and codifying changes that appear in sec. 10, ch. 26, SLA 2013, realphabetized definitions in AS 44.88.900 , and renumbered former AS 44.88.900 (10) as AS 44.88.900 (11). As of Register 209 (April 2014), the regulations attorney made a conforming technical revision under AS 44.62.125 (b)(6), to 3 AAC 99.930, so that a cross-reference to former AS 44.88.900 (10) now refers to the renumbered paragraph, AS 44.88.900 (11).

In 2014 the revisor of statutes, acting under AS 01.05.031 and codifying changes that appear in sec. 11, ch. 93, SLA 2014, realphabetized definitions in AS 44.88.900 , and renumbered former AS 44.88.900 (11) as AS 44.88.900 (13). As of Register 212 (January 2015), the regulations attorney made a conforming technical revision under AS 44.62.125 (b)(6), to 3 AAC 99.930, so that a cross-reference to former AS 44.88.900 (11) now refers to the renumbered paragraph, AS 44.88.900 (13).

3 AAC 101.140(a) is amended to read:

(a) Upon the issuance of written notification by the authority to the applicant that the application is complete, **a nonrefundable** [AN] application fee in the amount described in (b) of this section is due. No application will be given further consideration without payment of this fee. The application fee shall be nonrefundable but may be credited against the commitment fee if the requested financing is approved.

3 AAC 101.140(b) is amended to read:

(b) The application fee shall be

(1) \$5,500 for a loan or guarantee of less than \$10,000,000[- \$5,000 fee];

(2) \$11,000 for a loan or guarantee **from** [BETWEEN] \$10,000,000 **to** [AND]
\$20,000,000[- \$10,000 FEE];

(3) \$22,000 for a loan or guarantee in excess of \$20,000,000[- \$20,000 FEE].

(Eff. 4/25/2013, Register 207; am 6/28/2018, Register 227)

Authority: AS 44.88.085 AS 44.88.670 AS 44.88.680

Editor's note: Even though 3 AAC 101.140 was adopted and effective 4/25/2013, it was not published until Register 207, October 2013.

3 AAC 101.180(b) is amended to read

(b) An applicant seeking to enter into a lease-purchase, sale-leaseback, build-operate-transfer, operate-transfer, or similar financing arrangement shall submit a preliminary application under 3 AAC 101.060 and a full application under 3 AAC 101.070. The preliminary application and the final application should include a statement setting out the financing arrangement being sought with the authority. The authority will consider the application as provided for in 3Type equation here. AAC 101.090, 3 AAC 101.100, 3 AAC101.110, and 3 AAC 101.150. The applicant shall pay the authority a [AN] **nonrefundable** application fee of

(1) \$5,500 [\$5,000] for any financing arrangement up to \$10,000,000(;) [, AN APPLICATION FEE OF]

(2) \$11,000 [\$11,000] for any financing arrangement **from** [BETWEEN]
\$10,000,000 **to** [AND] \$20,000,000(;) [, AND AN APPLICATION FEE OF]

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(3) \$22,000 [\$20,000] for any financing arrangement over \$20,000,000. The application fee is nonrefundable [NON-REFUNDABLE] but the applicant may apply it against the commitment fee if the authority approves the financing.

(Eff. 4/25/2013, Register 207; am 6/28/2018, Register 227)

Authority: AS 36.30.095 AS 44.88.670 AS 44.88.690
AS 44.88.085 AS 44.88.680

Editor's note: ~~Even though 3 AAC 101.180 was adopted and effective 4/25/2013, it was not published until Register 207, October 2013.~~

(((Publisher: No changes to editor's note.)))

3 AAC 102.070(a) is amended to read:

(a) A nonrefundable \$1,250 [\$1,000] application fee is due from the applicant at the time that an application is filed with the authority. This fee will be credited toward the guarantee fee if a guarantee is issued or toward the origination fee if a loan is made.

(Eff. 3/29/2013, Register 207; am 6/28/2018, Register 227)

Authority: AS 44.88.085 AS 44.88.770

Editor's note: ~~Even though 3 AAC 102.070 was adopted and effective 3/29/2013, it was not published until Register 207, October 2013.~~

(((Publisher: No changes to editor's note.)))

3 AAC 102.080(g) is amended to read:

(g) A one-time guarantee fee of 150 basis points [ONE AND ONE-HALF PERCENT OF] the principal amount guaranteed is due when the authority issues its guarantee to the financial institution.

(Eff. 3/29/2013, Register 207; am 6/28/2018, Register 227)

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Authority: AS 44.88.085 AS 44.88.730 AS 44.88.770

Editor's note: ~~Even though 3 AAC 102.080 was adopted and effective 3/29/2013, it was not published until Register 207, October 2013.~~ *(((No changes to editor's note.)))*

3 AAC 102.110(c) is amended to read:

(c) An origination fee not to exceed **150 basis points applied to** [ONE AND ONE-HALF PERCENT OF] the loan balance is due from the borrower at the time that a loan is made.
(Eff. 3/29/2013, Register 207; am 6/28/20¹⁸, Register 227)

Authority: AS 44.88.085 AS 44.88.750 AS 44.88.770

Editor's note: ~~Even though 3 AAC 102.110 was adopted and effective 3/29/2013, it was not published until Register 207, October 2013.~~ *(((No changes to editor's note.)))*

3 AAC 102.120(b)(1) is amended to read:

(1) "true interest cost rate" means

(A) if the authority issues bonds to fund an NMTC leverage loan, the rate on the bonds of the authority; or

(B) if the authority uses authority assets to fund an NMTC leverage loan, 65 percent of the rate identified on the daily Federal Home Loan Bank of Seattle's Fixed-Rate Advances Index which most closely matches the term of the loan, and whether the type of loan has a fixed or variable interest rate, as determined by the authority, with the following adjustments:

(i) for a fixed-rate loan, the rate during any fiscal year may not be lower than the five-year return on the investment funds of the authority, expressed

as an annual interest rate, as determined in the authority's review of its investments at the end of the third quarter of the prior fiscal year and, for a variable rate loan, the rate during any fiscal year will not be lower than 375 [475] basis points;

(ii) for a variable rate loan, 100 [200] basis points will be added to the rate;

(Eff. 3/29/2013, Register 207; am 6/28/2018, Register 227)

Authority: AS 44.88.085 AS 44.88.770

Editor's note: Even though 3 AAC 102.120 was adopted and effective 3/29/2013, it was not published until Register 207, October 2013. *((Publisher: No changes to editor's note.))*

3 AAC 102.900 is repealed and readopted to read:

3 AAC 102.900. Definitions. *((no underline))* *((Tab paragraph.))*

In this chapter,

- (1) "authority" means the Alaska Industrial Development and Export Authority;
- (2) "basis points" means the common unit of measure for interest rates and other percentages in finance; one hundred basis points equals one percent;
- (3) "board" means the board of the authority;
- (4) "executive director" means the executive director of the authority;
- (5) "guarantee" means an agreement pledging assets of the authority to pay the regularly scheduled principal and interest due on a loan made for a qualified project, subject to conditions set out in the guarantee;

(6) "leveraged loan" mean a loan made into an investment entity, the proceeds of which, together with other funds, including tax credit equity, are invested as a qualified equity investment in a qualified community development entity that will use the funds to finance a project, business, or nonprofit activity for which the entity allocates new markets tax credits;

(7) "leverage loan product" means either a guarantee or a loan;

(8) "loan" means an extension of credit by the authority or a third-party lender to a borrower for an approved and eligible project, business, or nonprofit activity;

(9) "new markets tax credit" or "NMTC" means tax credits that arise out of 26 U.S.C. 45D (Internal Revenue Code) and related regulations;

(10) "NMTC financing" means a loan or guarantee provided under this chapter in connection with the federal new markets tax credit program administered by the Community Development Financial Institutions Fund that arises out of 26 U.S.C. 45D (Internal Revenue Code) and related regulations;

(11) "working day" does not include a Saturday, Sunday, or a state holiday. (Eff. 3/29/2013, Register 207; am 6/28/2018, Register 227)

Authority: AS 44.88.085 AS 44.88.770 AS 44.88.799

Editor's note: Even though 3 AAC 102.900 was adopted and effective 3/29/2013, it was not published until Register 207, October 2013. *((No change to editor's note.))*

3 AAC 103.140(b) is amended to read:

(b) The application fee shall be

(1) \$5,500 for a loan or guarantee of less than \$10,000,000[- \$5,000 FEE];

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(2) \$11,000 for a loan or guarantee **from** [OF BETWEEN] \$10,000,000 **to** [AND] \$20,000,000[- \$10,000 FEE];

(3) \$22,000 for a loan or a guarantee in excess of \$20,000,000[- \$20,000 FEE].

(Eff. 12/3/2015, Register 218; am 6/28/20¹⁸, Register 227)

Authority: AS 44.88.085 AS 44.88.820 AS 44.88.830

AS 44.88.800

~~**Editor's note:** Even though the adoption of 3 AAC 103.020 was effective 12/3/2015, it was not published until Register 218, July 2016.~~ ((No change to editor's note.))

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: August 20, 2018

File No.: 2018200528

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Non-APA Regulations re: AIDEA
Conduit Revenue Bond and Loan
Programs (3 AAC 99, 101, 102, 103)

We have reviewed the attached Alaska Industrial Development and Export Authority (authority) regulations against the statutory standards for adoption under AS 44.88.085. Based upon our review, we find no legal problems. The regulations concern an increase to the rates and fees charged for services provided for its conduit revenue bond program, commercial and development finance program, Sustainable Energy Transmission and Supply Development Fund program, and the Arctic Infrastructure Development Fund program.

The regulations were adopted on June 28, 2018 by the authority after the close of the public comment period. Under AS 44.88.085(f), regulations adopted by the authority are effective immediately upon adoption (unless the authority designates another effective date). *Therefore, these regulations are effective as of June 28, 2018.*

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125 as shown on the attached copy of the regulations.

SRP/ljm
cc w/enc: (via email)

Honorable Mike Navarre, Commissioner, Dept. of Commerce, Community, and Economic Development
John Springsteen, Executive Director, Alaska Industrial Development and Export Authority
Linda Mattson, Regulations Contact, Dept. of Commerce, Community, and Economic Development
Sherrie Siverson, Executive Assistant, Alaska Industrial Development and Export Authority
Jerome Juday, Assistant Attorney General, Labor and State Affairs Section, Dept. of Law

**NOTICE OF PROPOSED CHANGES TO LANGUAGE, RATES, AND FEES
CHARGED IN LOAN 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. The changes include an increase to the rates and fees it charges for services provided for its conduit revenue bond program, commercial and development finance program, Sustainable Energy Transmission and Supply Development Fund program, and the Arctic Infrastructure Development Fund program; to add the definition of basis points, and to change non-whole numbers to basis points.

The purpose of the fee increase is to reflect increases in costs to administer programs, and to clarify percentage used in calculations.

1. 3 AAC99.110(b) increase nonrefundable application fee from [\$1,000] to \$1,100
2. 3 AAC99.140(a)(1) change non-whole numbers: (one half of one percent) to 50 basis points; (two-tenths of one percent) to 20 basis points; (one and one half tenth of one percent) to 15 basis points
3. 3 AAC 99.140(a)(2) change non-whole numbers: (four-tenths of one percent) to 40 basis points; (one-tenth of one percent) to 10 basis points; (nine one-hundredths of one percent) to 15 basis points
4. 3 AAC 99.140(b) add text (nonrefundable) before amount of fee; increase modification fee from [\$500] to \$550; move \$550 to before the word fee
5. 3 AAC 99.160(c) add word (nonrefundable) before financing fee; change non-whole numbers (one-half of one percent) to 50 basis points; (one-quarter percent) to 25 basis points
6. 3 AAC 99.210(b) increase nonrefundable preliminary application fee from [\$200] to \$250
7. 3 AAC 99.220(b) increase nonrefundable application fee from [\$1,000] to \$1,100
8. 3 AAC 99.220(b) add a sentence, the financial institution must reimburse all third-party expenses of the authority related to the issuance of the authority's loan participation.
9. 3 AAC 99.260(c) loan commitment term extension, change non-whole number [from one-eighth (0.125%) percent] to 12.5 basis points
10. 3 AAC 99.260(c) subsequent loan commitment term extensions for additional 30-day periods, change non-whole number [from one-eighth (0.125%) percent] to 12.5 basis points
11. 3 AAC 99.290(c) servicing of loans, nonrefundable modification fee: increase from [\$100] to \$500
12. 3 AAC 99.290(e) add new subsection (e) The authority may approve the assumption of an outstanding loan in which the authority participates after evaluating the collateral securing the loan and the financial and credit history and ability to repay of the entity proposing to assume the loan. The authority must receive a nonrefundable assumption fee of one percent of the outstanding balance before entering a loan assumption agreement.
13. 3 AAC 99.320(b) increase nonrefundable application fee from [\$1,000] to \$1,100
14. 3 AAC 99.350(e)(1)(B)(i) language changed to read, rate during any fiscal year will not be lower than 375 basis points [from 475]
15. 3 AAC 99.350(e)(1)(B)(ii) language changed to read, rate during any fiscal year will not be lower than 100 basis points [from 200]
16. 3 AAC 99.360(c) change non-whole number [from one-eighth (0.125%) percent] to 12.5 basis points

17. 3 AAC 99.390(c) increase loan modification fee from [\$100] to \$500
18. 3 AAC 99.390(e) loan assumption nonrefundable fee increased from [\$200] to one percent of the outstanding loan balance
19. 3 AAC 99.520(b) to add language “or the regional resource advisory council”
20. 3 AAC 99.575(a) language changed [from 250 to 450] to will be no less than 250 basis points
21. 3 AAC 99.590(a) add word nonrefundable before application fee
22. 3 AAC 99.590(a)(1) increased from [\$5,000] to \$5,500 for financing of less than \$10,000,000
23. 3 AAC 99.590(a)(2) fee increased from [\$10,000] to \$11,000 fee increased from [\$20,000] to \$22,000 for financing in excess of \$20,000,000
24. 3 AAC 99.590(a)(3) fee increased from [\$20,000] to \$22,000 for financing in excess of \$20,000,000
25. 3 AAC 99.710(g) delete language [Issuance of loan guarantees in amounts exceeding \$500,000 per loan will be suspended when the total initial principal amount of all loans having an initial guarantee exceeding \$500,000 reaches \$25,000,000.]
26. 3 AAC 99.750(a) increase nonrefundable application fee from [\$200] to \$250
27. 3 AAC 99.750(a) increase nonrefundable modification fee from [\$100] to \$500
28. 3 AAC 99.810(b) increase nonrefundable application fee from [\$200] to \$250
29. 3 AAC 99.810(c) non-whole number changed from [one and one-half percent of] to 15 basis points
30. 3 AAC 99.810(d) language changed, from [5%] to five-percent
31. 3 AAC 99.810(e) increase extension fee from [\$25] to \$50
32. 3 AAC 99.830(a)(2) add the word and at the end of the sentence
33. 3 AAC 99.830(a)(3) delete sentence [(3) A \$100 nonrefundable application fee; and]
34. 3 AAC 99.830(a)(4) renumber [(4)] to 3
35. 3 AAC 99.865 delete language “but not less than six percent per annum”
36. 3 AAC 99.880(b) increase nonrefundable application fee from [\$100] to \$150
37. 3 AAC 99.880(f) increase nonrefundable modification fee from [\$100] to \$150
38. 3 AAC 99.930 add new definition (2) “basis points” means the common unit of measure for interest rates and other percentages in finance; one hundred basis points equals one percent;
39. 3 AAC 99.930(2-34) renumber all definitions following (2)
40. 3 AAC 101.140(a) language changed from (an application fee) to a nonrefundable application fee
41. 3 AAC 101.140(b)(1) fee increased from [\$5,000] to \$5,500 for financing of less than \$10,000,000
42. 3 AAC 101.140(b)(2) fee increased from [\$10,000] to \$11,000 for financing from \$10,000,000 to \$20,000,000
43. 3 AAC 101.140(b)(3) fee increase from [\$20,000] to \$22,000 for financing in excess of \$20,000,000
44. 3 AAC 101.180(b) change language from [AN application fee] to a nonrefundable application fee
45. 3 AAC 101.180(b)(1) increase fee from [\$5,000] to \$5,500 for any financing arrangement up to \$10,000,000
46. 3 AAC 101.180(b)(2) increase fee from [\$10,000] to \$11,000 for financing from \$10,000,000 to \$20,000,000

47. 3 AAC 101.180(b)(3) increase fee from [\$20,000] to \$22,000 for any financing arrangement over \$20,000,000
48. 3 AAC 102.70(a) increase nonrefundable application fee from [\$1,000] to \$1,250
49. 3 AAC 102.80(g) change non-whole number from [one and one-half percent of] to 150 basis points
50. 3 AAC 102.110(c) change non-whole number from [one and one-half percent of] to 150 basis points
51. 3 AAC 102.120(b)1(B)(i) change [475] basis points to 375
52. 3 AAC 102.120(b)1(B)(ii) change [200] basis points to 100
53. 3 AAC 102.900 add new definition (2) "basis points" means the common unit of measure for interest rates and other percentages in finance; one hundred basis points equals one percent;
54. 3 AAC 102.900 (2-11) renumber all definitions following (2)
55. 3 AAC 103.140(b)(1) increase fee from [\$5,000] to \$5,500 for a loan or guarantee of less than \$10,000,000
56. 3 AAC 103.140(b)(1) increase fee from [\$10,000] to \$11,000 for a loan or guarantee from \$10,000,000 to \$20,000,000
57. 3 AAC 103.140(b)(1) increase fee from [\$20,000] to \$22,000 for a loan or guarantee in excess of \$20,000,000

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, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. Comments must be received no later than Wed. June 27, 2018.

Oral or written comments may also be submitted at a hearing to be held on Monday, June 11, 2018 in the Board Room, AIDEA, 813 West Northern Lights Boulevard, Anchorage, Alaska, 99503. The hearing will be held from 10:30 a.m. to 11:30 a.m. and might be extended to accommodate those present before 11:30 a.m. who did not have an opportunity to comment. You may participate in the hearing via teleconference by dialing 1-888-585-9008 and when prompted enter code 464-135-244#.

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 Friday, June 8, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice system, on the AIDEA website at <http://www.aidea.org/About/Regulations.aspx>, or by contacting Sherrie M Siverson, tel. 907-771-3008, AIDEA 813 West Northern Lights Boulevard, Anchorage, Alaska, 99503.

After the public comment period ends, AIDEA 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 44.88.080 AS 44.88.085 AS 44.88.090 AS 44.88.095

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

DATE: May 25, 2018

John Springsteen, CEO/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: Fee increase to reflect increases in costs to administer programs; clarify percentage used in calculations; AIDEA Bond and Loan Programs.
3. Citation of regulation (may be grouped): 3 AAC 99, 3 AAC 101, 3 AAC 102, 3 AAC 103 (see the detailed list beginning on page two of this document)
4. Department of Law file number, if any: _____
5. Reason for the proposed action:
☐ Compliance with federal law or action (identify): _____
☐ Compliance with new or changed state statute
☐ Compliance with Federal or state court decision (identify) _____
☐ Development of program standards
☒ Other (identify): Fee increase to reflect increases in costs to administer programs; clarify percentage used in calculations; AIDEA Bond and Loan Programs.
6. Appropriation/Allocation: n/a
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 18	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>
1004 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>00</u>
Other	\$ <u>0</u>	\$ _____

9. The name of the contact person for the regulations:

Name: Sherrie M Siverson

Title: Executive Assistant

Address: 813 West Northern Lights Boulevard

Anchorage, Alaska 99503

Telephone: 907-771-3008

E-mail address ssiverson@aidea.org

10. The origin of the proposed action:

X Staff of state agency

 Federal government

 General public

 Petition for regulation change

 Other (identify) _____

11. Date: 5/25/2018

Prepared by: 
[signature]

Name: Sherrie M Siverson

Title: Executive Assistant

Address: 813 West Northern Lights Boulevard

Anchorage, Alaska 99503

1. 3 AAC99.110(b) increase nonrefundable application fee from [\$1,000] to \$1,100
2. 3 AAC99.140(a)(1) change non-whole numbers: (one half of one percent) to 50 basis points; (two-tenths of one percent) to 20 basis points; (one and one half tenth of one percent) to 15 basis points
3. 3 AAC 99.140(a)(2) change non-whole numbers: (four-tenths of one percent) to 40 basis points; (one-tenth of one percent) to 10 basis points; (nine one-hundredths of one percent) to 15 basis points
4. 3 AAC 99.140(b) add text (nonrefundable) before amount of fee; increase modification fee from [\$500] to \$550; move \$550 to before the word fee
5. 3 AAC 99.160(c) add word (nonrefundable) before financing fee; change non-whole numbers (one-half of one percent) to 50 basis points; (one-quarter percent) to 25 basis points
6. 3 AAC 99.210(b) increase nonrefundable preliminary application fee from [\$200] to \$250
7. 3 AAC 99.220(b) increase nonrefundable application fee from [\$1,000] to \$1,100
8. 3 AAC 99.220(b) add a sentence, the financial institution must reimburse all third-party expenses of the authority related to the issuance of the authority's loan participation.

**NOTICE OF PROPOSED CHANGES TO LANGUAGE, RATES, AND FEES
CHARGED IN LOAN PROGRAMS IN THE REGULATIONS OF THE
ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY**

BRIEF DESCRIPTION

The Alaska Industrial Development and Export Authority proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code. The changes include an increase to the rates and fees it charges for services provided for its conduit revenue bond program, commercial and development finance program, Sustainable Energy Transmission and Supply Development Fund program, and the Arctic Infrastructure Development Fund program; to add the definition of basis points, and to change non-whole numbers to basis points.

The purpose of the fee increase is to reflect increases in costs to administer programs, and to clarify percentages used in calculations.

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9. 3 AAC 99.260(c) loan commitment term extension, change non-whole number [from one-eighth (0.125%) percent] to 12.5 basis points
10. 3 AAC 99.260(c) subsequent loan commitment term extensions for additional 30-day periods, change non-whole number [from one-eighth (0.125%) percent] to 12.5 basis points
11. 3 AAC 99.290(c) servicing of loans, nonrefundable modification fee: increase from [\$100] to \$500
12. 3 AAC 99.290(e) add new subsection (e) The authority may approve the assumption of an outstanding loan in which the authority participates after evaluating the collateral securing the loan and the financial and credit history and ability to repay of the entity proposing to assume the loan. The authority must receive a nonrefundable assumption fee of one percent of the outstanding balance before entering a loan assumption agreement.
13. 3 AAC 99.320(b) increase nonrefundable application fee from [\$1,000] to \$1,100
14. 3 AAC 99.350(e)(1)(B)(i) language changed to read, rate during any fiscal year will not be lower than 375 basis points [from 475]

15. 3 AAC 99.350(e)(1)(B)(ii) language changed to read, rate during any fiscal year will not be lower than 100 basis points [from 200]
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19. 3 AAC 99.520(b) to add language “or the regional resource advisory council”
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24. 3 AAC 99.590(a)(3) fee increased from [\$20,000] to \$22,000 for financing in excess of \$20,000,000
25. 3 AAC 99.710(g) delete language [Issuance of loan guarantees in amounts exceeding \$500,000 per loan will be suspended when the total initial principal amount of all loans having an initial guarantee exceeding \$500,000 reaches \$25,000,000.]
26. 3 AAC 99.750(a) increase nonrefundable application fee from [\$200] to \$250
27. 3 AAC 99.750(a) increase nonrefundable modification fee from [\$100] to \$500
28. 3 AAC 99.810(b) increase nonrefundable application fee from [\$200] to \$250
29. 3 AAC 99.810(c) non-whole number changed from [one and one-half percent of] to 15 basis points
30. 3 AAC 99.810(d) language changed, from [5%] to five-percent
31. 3 AAC 99.810(e) increase extension fee from [\$25] to \$50
32. 3 AAC 99.830(a)(2) add the word and at the end of the sentence
33. 3 AAC 99.830(a)(3) delete sentence [(3) A \$100 nonrefundable application fee; and]
34. 3 AAC 99.830(a)(4) renumber [(4)] to 3
35. 3 AAC 99.865 delete language “but not less than six percent per annum”
36. 3 AAC 99.880(b) increase nonrefundable application fee from [\$100] to \$150
37. 3 AAC 99.880(f) increase nonrefundable modification fee from [\$100] to \$150
38. 3 AAC 99.930 add new definition (2) “basis points” means the common unit of measure for interest rates and other percentages in finance; one hundred basis points equals one percent;
39. 3 AAC 99.930(2-34) renumber all definitions following (2)
40. 3 AAC 101.140(a) language changed from (an application fee) to a nonrefundable application fee
41. 3 AAC 101.140(b)(1) fee increased from [\$5,000] to \$5,500 for financing of less than \$10,000,000
42. 3 AAC 101.140(b)(2) fee increased from [\$10,000] to \$11,000 for financing from \$10,000,000 to \$20,000,000
43. 3 AAC 101.140(b)(3) fee increase from [\$20,000] to \$22,000 for financing in excess of \$20,000,000
44. 3 AAC 101.180(b) change language from [AN application fee] to a nonrefundable application fee

45. 3 AAC 101.180(b)(1) increase fee from [\$5,000] to \$5,500 for any financing arrangement up to \$10,000,000
46. 3 AAC 101.180(b)(2) increase fee from [\$10,000] to \$11,000 for financing from \$10,000,000 to \$20,000,000
47. 3 AAC 101.180(b)(3) increase fee from [\$20,000] to \$22,000 for any financing arrangement over \$20,000,000
48. 3 AAC 102.70(a) increase nonrefundable application fee from [\$1,000] to \$1,250
49. 3 AAC 102.80(g) change non-whole number from [one and one-half percent of] to 150 basis points
50. 3 AAC 102.110(c) change non-whole number from [one and one-half percent of] to 150 basis points
51. 3 AAC 102.120(b)1(B)(i) change [475] basis points to 375
52. 3 AAC 102.120(b)1(B)(ii) change [200] basis points to 100
53. 3 AAC 102.900 add new definition (2) "basis points" means the common unit of measure for interest rates and other percentages in finance; one hundred basis points equals one percent;
54. 3 AAC 102.900 (2-11) renumber all definitions following (2)
55. 3 AAC 103.140(b)(1) increase fee from [\$5,000] to \$5,500 for a loan or guarantee of less than \$10,000,000
56. 3 AAC 103.140(b)(1) increase fee from [\$10,000] to \$11,000 for a loan or guarantee from \$10,000,000 to \$20,000,000
57. 3 AAC 103.140(b)(1) increase fee from [\$20,000] to \$22,000 for a loan or guarantee in excess of \$20,000,000

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, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. The comments must be received no later than Wed. June 27, 2018.

Oral or written comments may also be submitted at a hearing to be held on Monday, June 11, 2018 in the Board Room, AIDEA, 813 West Northern Lights Boulevard, Anchorage, Alaska, 99503. The hearing will be held from 10:30 a.m. to 11:30 a.m. and might be extended to accommodate those present before 11:30 a.m. who did not have an opportunity to comment. You may participate in the hearing via teleconference by dialing 1-888-585-9008 and when prompted enter code 464-135-244#.

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 Friday, June 8, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice system, on the AIDEA website at <http://www.aidea.org/About/Regulations.aspx>, or by contacting Sherrie M Siverson, tel. 907-771-3008, AIDEA 813 West Northern Lights Boulevard, Anchorage, Alaska, 99503.

After the public comment period ends, AIDEA 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 44.88.080 AS 44.88.085 AS 44.88.090 AS 44.88.095

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

DATE: May 25, 2018

John Springsteen, CEO/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."

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Sherrie M. Siverson, Executive Assistant, of the Alaska Industrial Development and Export Authority, being sworn, state the following:

As required by AS 44.88.085, notice of the proposed adoption of changes to rates and fees AIDEA charges in its conduit revenue bond and loan programs (AAC 99, 101, 102, 103: Non-APA) has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System;
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chairs of the Labor & Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

Additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

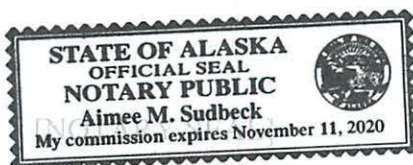
Date: July 26, 2018

Sherrie M Siverson

Sherrie M Siverson, Executive Assistant

Subscribed and sworn to before me at Anchorage Alaska on

July 26, 2018.



Aimee M. Sudbeck

Notary Public in and for the State of Alaska

Nov. 11 2020

Notary Expires

AFFIDAVIT OF ORAL HEARING

I, Sherrie M. Siverson, Executive Assistant, of the Alaska Industrial Development and Export Authority, being sworn, state the following:

On June 11, 2018 at 10:30 a.m. in the board room at the Alaska Industrial Development and Export Authority, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503, I presided over a public hearing held under AS 44.88.085 for the purpose of taking testimony in connection with the adoption of changes to regulations relating to the rates and fees the Alaska industrial Development and Export Authority charges in its conduit revenue bond and loan programs.

Date: July 30, 2018

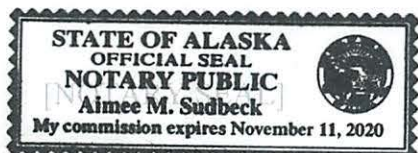


Sherrie M. Siverson, Executive Assistant

Subscribed and sworn to before me at Anchorage, Alaska on July 30, 2018.



Notary Public in and for the State of Alaska




Notary expires November 11, 2020

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, John Springsteen, CEO / Executive Director for the Alaska Industrial Development and Export Authority, being duly sworn, state the following:

The Alaska Industrial Development and Export Authority did not receive any factual or other substantive information that was submitted in writing, or orally, as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Industrial Development and Export Authority regulations on the rates and fees it charges in its conduit revenue bond and loan programs.


Date: July 25, 2018



John Springsteen, CEO / Executive Director

Subscribed and sworn to before me at Anchorage, Alaska on July 25, 2018.





Notary Public in and for the State of Alaska



Notary Expires

AFFIDAVIT OF PUBLICATION

Account #:	387252
ALASKA INDUSTRIAL DEVELOPMENT AND EXP	
813 W. NORTHERN LIGHTS BLVD	
ANCHORAGE, AK 99503	
Order#	0001422083
Cost	\$1,139.18
Placement	0300
Product	ANC-Anchorage Daily News
Position	0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and says
that he/she is a representative of the Anchorage
Daily News, a daily newspaper. That said
newspaper has been approved by the Third
Judicial Court, Anchorage, Alaska, and it now
continually as a daily newspaper in Anchorage,
Alaska, and it is now and during all said time
was printed in an office maintained at the
aforesaid place of publication of said newspaper.
That the annexed is a copy of an advertisement
as it was published in regular issues (and not in
supplemental form) of said newspaper on

May 27, 2018

and that such newspaper was regularly
distributed to its subscribers during all of said
period. That the full amount of the fee charged
for the foregoing publication is not in excess of
the rate charged private individuals.

Signed *Joleesa Stepetin*
Joleesa Stepetin

Subscribed and sworn to before me
this 29th day of May, 2018

Brittney Thompson
Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

Please reference RFP
#ANTHC 18-R-28770. The projected
due date for proposals is:
June 26, 2018.

Published: May 27 & 30, 2018

THE AVCP REGIONAL HOUSING
AUTHORITY, BETHEL OFFICE,
IS REQUESTING PROPOSALS FOR
AUDIT SERVICE

Proposals from qualified certified
public accountants are requested to
provide audit services pursuant to
the requirements of OMB A-133
Single Audit Act and Part 200 of
Title 2 USC for the year ending
September 30, 2018. The winner of
the bid will assume audit services
for the Housing Authority and
component unit for a period of one
year with a 2 year optional
extension. Proposals must be
received prior to 4:30 p.m. local
time, June 15, 2018 at 411
Ptarmigan Street, Bethel, Alaska
99559. Mailed proposals should be
addressed to: P.O. Box 767, Bethel,
Alaska 99559, ATTN: Comptroller,
and marked "Proposal for audit
services". Further information is
available by calling AVCPRHA at
(907)543-3121 or emailing
jeff@avcpousing.org.

Published: May 13-18, 20-25, 27-31
& June 1, 2018

The City of Bethel seeks proposals
from qualified companies for the
purchase of fuel services. See
Request for Proposals document on
City's website
(www.cityofbethel.org) >
Businesses > Request for Proposals
and Requests for Bids, by sending a
request via e-mail to Purchasing
Agent
(purchasingagent@cityofbethel.net),
or by faxing 907-543-4171.
Proposals are due June 15, 2018 at
4:00 pm.

Published: May 27, 2018

The Special Education Service
Agency (SESA) Board of Directors
will hold public Board meetings on
Friday, June 1, as follows:

1) Work Session: 9:00 AM - 11:

The purpose of the fee increase is to reflect increases in costs to administer programs, and to clarify percentage used in calculations.
The Alaska Industrial Development and Export Authority proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code. The
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NOTICE OF PROPOSED CHANGES TO LANGUAGE, RATES, AND FEES CHARGED IN LOAN PROGRAMS IN THE REGULATIONS OF THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY

INVITATION FOR BIDS
ANTHC 18-B-167771

ALASKA NATIVE TRIBAL HEALTH
CONSORTIUM (ANTHC)

Sewage Settling Tank

ANTHC is soliciting bids from
interested vendors to supply a
Sewage Settling Tank for use in
Angoon, Alaska.

Preference will be given to qualified
Alaska Native - American Indian
entities, as described in the
solicitation, which qualifies under
"Special Notice to Bidders" in the
Instructions and Information to
Bidders Section (#7) of the IFB.

Interested firms may download the
solicitation documents from the
ANTHC solicitation website:
www.anthc.org/bids.

Please register your intent to submit
a bid for this solicitation with the
contract officer listed below. Email
should include company name and
address, contact email and phone
number

Inquiries may be sent via email to:

Michelle Girard,
Senior Contracting Officer
Email: mgirard@anthc.org
Phone: 907.729.3699

Sealed bids must be submitted in
the format specified in the
solicitation and received at the
specified address no later than 2:00
PM Alaska time, June 14, 2018 to be
considered responsive.

Published: May 27, 2018

LEGAL ADVERTISING 257-4584

Requisition No.: 18E00420088
Published: May 20, 27 & June 3, 10,
2018

Automobiles
8025

2006 Ford Focus
2 door hatchback
Right fender damage
\$1300.00 OBO
907-947-0340

Autos/Classic & Specialty
8300

Mercedes Benz
1986 560 SEC
2 door coupe
BOGO, both run and drive well
\$5,000.00 OBO
Call 907-267-9591

Auto Parts/Service
8400

CASH FOR CARS
Must run & drive under \$1K
884-2407

Trucks & Vans
8600



2003 Ford Windstar LX. 4 door,
red color, 128k miles, new
transmission, good condition.
\$2,000- Call: 907-947-3787



2006 Ford Pick Up - \$11,500.
Excellent condition, sport wheels,
229-5593 or 688-3263



The Alaska Industrial Development and Export Authority proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code. The
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AFFP

NOTICE OF PROPOSED CHANGES

Affidavit of Publication

UNITED STATES OF AMERICA
STATE OF ALASKA
FOURTH DISTRICT } SS.


Before me, the undersigned, a notary public, this day personally appeared Tameka Ambersley, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

May 27, 2018

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.


Advertising Clerk

Subscribed to and sworn to me this 27th day of May 2018.


Samuel M. Crabtree, Notary Public in and for the State Alaska.

My commission expires: November 20, 2018

00005437 00046014 9077713919

LG ADV ACCT SHERRIE M. SIVERSON
ALASKA INDUSTRIAL DEVELOPMENT & EXPORT
813 W. NORTHERN LIGHTS BLVD
ANCHORAGE, AK 99503

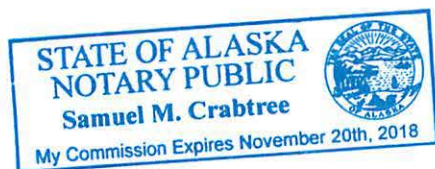
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NOTICE OF PROPOSED CHANGES TO
LANGUAGE, RATES, AND FEES CHARGED IN
LOAN PROGRAMS IN THE REGULATIONS OF
THE ALASKA INDUSTRIAL DEVELOPMENT
AND
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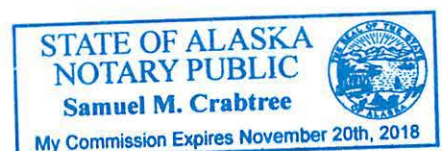
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35. 3 AAC 99.865 delete language "but not less than six percent per annum"

36. 3 AAC 99.880(b) increase nonrefundable application fee from [\$100] to \$150

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38. 3 AAC 99.930 add new definition (2) "basis points" means the common unit of measure for interest rates and other percentages in finance; one hundred basis points equals one percent;

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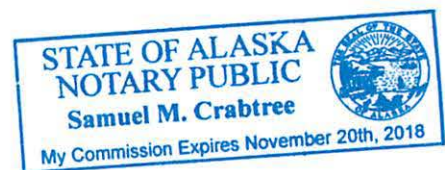
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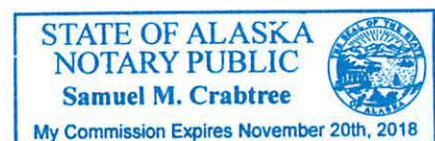


47. 3 AAC 101.180(b)(3) increase fee from [\$20,000] to \$22,000 for any financing arrangement over \$20,000,000
48. 3 AAC 102.70(a) increase nonrefundable application fee from [\$1,000] to \$1,250
49. 3 AAC 102.80(g) change non-whole number from [one and one-half percent of] to 150 basis points
50. 3 AAC 102.110(c) change non-whole number from [one and one-half percent of] to 150 basis points
51. 3 AAC 102.120(b)(1)(B)(i) change [475] basis points to 375
52. 3 AAC 102.120(b)(1)(B)(ii) change [200] basis points to 100
53. 3 AAC 102.900 add new definition (2) "basis points" means the common unit of measure for interest rates and other percentages in finance; one hundred basis points equals one percent;
54. 3 AAC 102.900 (2-11) renumber all definitions following (2)
55. 3 AAC 103.140(b)(1) increase fee from [\$5,000] to \$5,500 for a loan or guarantee of less than \$10,000,000
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57. 3 AAC 103.140(b)(1) increase fee from [\$20,000] to \$22,000 for a loan or guarantee in excess of \$20,000,000

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, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. Comments must be received no later than Wed. June 27, 2018.

Oral or written comments may also be submitted at a hearing to be held on Monday, June 11, 2018 in the Board Room, AIDEA, 813 West Northern Lights Boulevard, Anchorage, Alaska, 99503. The hearing will be held from 10:30 a.m. to 11:30 a.m. and might be extended to accommodate those present before 11:30 a.m. who did not have an opportunity to comment. You may participate in the hearing via teleconference by dialing 1-888-585-9008 and when prompted enter code 464-135-244#.

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 Friday, June 8, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice system, on the AIDEA website at <http://www.aidea.org/About/Regulations.aspx>, or by contacting Sherrie M Siverson, tel. 907-771-3008, AIDEA 813 West Northern Lights Boulevard, Anchorage, Alaska, 99503.

After the public comment period ends, AIDEA 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.

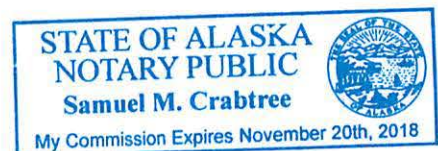
Statutory Authority: AS 44.88.080 AS 44.88.085
AS 44.88.090 AS 44.88.095

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

DATE: May 25, 2018
John Springsteen, CEO/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."

Publish: May 27, 2018



Affidavit of Publication

STATE OF ALASKA
FIRST JUDICIAL DISTRICT) ss.
AT SITKA, ALASKA

Travis Smith, being first sworn, says she or he
is the publisher, managing editor or business manager of the DAILY SITKA
SENTINEL, a newspaper printed and published in Sitka, Alaska, and le-
gally qualified as a medium of official and legal publications, and that the
Legal Notice a copy of
which is hereto annexed, was published in the Daily Sitka Sentinel on:

5/29/18, _____, _____,
_____, _____, _____,
_____, _____, _____,
_____, _____, _____,
_____, _____, _____,

Signature _____

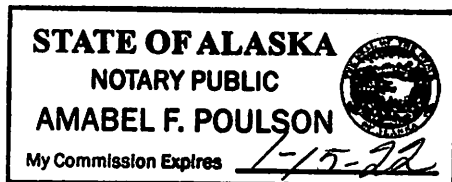
Sworn and subscribed to

before me this 1 day of June, 20 18

Notary Public for Alaska

Amabel F. Poulson

My commission expires _____, 20 _____



AFFIDAVIT OF BOARD ACTION

I, John Springsteen, CEO/Executive Director for the Alaska Industrial Development and Export Authority Board, being duly sworn, state the following:

The attached motion dealing with an increase to the rates and fees AIDEA charges for services provided for its conduit revenue bond program, commercial and development finance program, Sustainable Energy Transmission and Supply Development Fund program, and the Arctic Infrastructure Development Fund program; to add the definition of basis points, and to change non-whole numbers to basis points, was passed by the Alaska Industrial Development and Export Authority Board during its June 28, 2018 meeting.

Date: July 20, 2018



John Springsteen, CEO/Executive Director

Subscribed and sworn to before me at Anchorage, Alaska on July 20, 2018.



Notary Public in and for the State of Alaska
My Commission Expires with Office





Alaska Industrial Development and Export Authority
Board Meeting Minutes
Thursday, June 28, 2018
Anchorage, Alaska

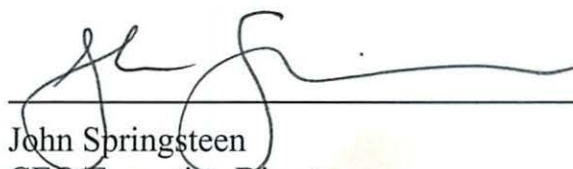
Adoption of Amendments to AIDEA Regulations
Resolution No. G18-07

7C. Resolution No. G18-07 Adoption of Amendments to AIDEA Regulations

MOTION: Mr. Dick moved to approve Resolution No. G18-07 Adoption of Amendments to AIDEA Regulations. Motion seconded by Deputy Commissioner Parady.

Deputy Commissioner Parady, Ms. Brown, Mr. Dick, and Mr. Pruhs voted yea. Deputy Commissioner Barnhill, Mr. Wilken, and Mr. Karl voted nay.

Motion carried and was adopted.



John Springsteen
CEO/Executive Director
Secretary





PUBLIC HEARING

10:30 a.m. Monday, June 11, 2018

Alaska Industrial Development and Export Authority
813 West Northern Lights Boulevard
Anchorage, Alaska 99503

MINUTES

1. CALL TO ORDER

The meeting was called to order at 10:30 a.m. by designated hearing officer Sherrie M. Siverson.

2. ATTENDANCE

AIDEA staff present, Sherrie M. Siverson, Executive Assistant.

3. PROPOSED AMENDMENTS TO AIDEA REGULATIONS

The Alaska Industrial Development and Export Authority proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code. The changes include an increase to the rates and fees it charges for services provided for its conduit revenue bond program, commercial and development finance program, Sustainable Energy Transmission and Supply Development Fund program, and the Arctic Infrastructure Development Fund program; to add the definition of basis points, and to change non-whole numbers to basis points.

The purpose of the fee increase is to reflect increases in costs to administer programs, and to clarify percentage used in calculations.

A copy of the proposed amendments will be furnished upon request, or can be found on AIDEA's website at <http://www.aidea.org/About/Regulations.aspx>

1. 3 AAC99.110(b) increase nonrefundable application fee from [\$1,000] to \$1,100
2. 3 AAC99.140(a)(1) change non-whole numbers: (one half of one percent) to 50 basis points; (two-tenths of one percent) to 20 basis points; (one and one half tenth of one percent) to 15 basis points
3. 3 AAC 99.140(a)(2) change non-whole numbers: (four-tenths of one percent) to 40 basis points; (one-tenth of one percent) to 10 basis points; (nine one-hundredths of one percent) to 15 basis points
4. 3 AAC 99.140(b) add text (nonrefundable) before amount of fee; increase modification fee from [\$500] to \$550; move \$550 to before the word fee
5. 3 AAC 99.160(c) add word (nonrefundable); change non-whole numbers (one-half of one percent) to 50 basis points; (one-quarter percent) to 25 basis points
6. 3 AAC 99.210(b) increase nonrefundable preliminary application fee from [\$200] to \$250
7. 3 AAC 99.220(b) increase nonrefundable application fee from [\$1,000] to \$1,100
8. 3 AAC 99.220(b) add a sentence, the financial institution must reimburse all third-party expenses of the authority related to the issuance of the authority's loan participation.
9. 3 AAC 99.260(c) loan commitment term extension, change non-whole number [from one-eighth (0.125%) percent] to 12.5 basis points
10. 3 AAC 99.260(c) subsequent loan commitment term extensions for additional 30-day periods, change non-whole number [from one-eighth (0.125%) percent] to 12.5 basis points

11. 3 AAC 99.290(c) nonrefundable modification fee increase from [\$100] to \$500
12. 3 AAC 99.290(e) add new subsection (e) The authority may approve the assumption of an outstanding loan in which the authority participates after evaluating the collateral securing the loan and the financial and credit history and ability to repay of the entity proposing to assume the loan. The authority must receive a nonrefundable assumption fee of one percent of the outstanding balance before entering a loan assumption agreement.
13. 3 AAC 99.320(b) increase nonrefundable application fee from [\$1,000] to \$1,100
14. 3 AAC 99.350(e)(1)(B)(i) language changed to read, rate during any fiscal year will not be lower than 375 basis points [from 475]
15. 3 AAC 99.350(e)(1)(B)(ii) language changed to read, rate during any fiscal year will not be lower than 100 basis points [from 200]
16. 3 AAC 99.360(c) change non-whole number [from one-eighth (0.125%) percent] to 12.5 basis points
17. 3 AAC 99.390(c) increase loan modification fee from [\$100] to \$500
18. 3 AAC 99.390(e) loan assumption nonrefundable fee increased from [\$200] to one percent of the outstanding loan balance
19. 3 AAC 99.520(b) to add language “or the regional resource advisory council”
20. 3 AAC 99.575(a) language changed [from 250 to 450] to will be no less than 250 basis points
21. 3 AAC 99.590(a) add word nonrefundable before application fee
22. 3 AAC 99.590(a)(1) increased from [\$5,000] to \$5,500 for financing of less than \$10,000,000
23. 3 AAC 99.590(a)(2) fee increased from [\$10,000] to \$11,000 fee for financing from \$10,000,000 to \$20,000,000
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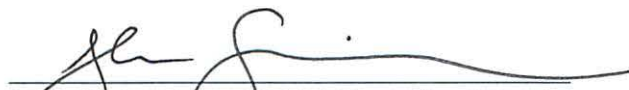
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4. PUBLIC COMMENTS

No public comments were received.

5. ADJOURNMENT

Hearing no objections, the hearing was adjourned at 11:30 a.m.


John Springsteen, CEO / Executive Director
Alaska Industrial Development and Export Authority

