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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Sherrie Siverson  
Alaska Industrial Development and Export Authority

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** April 6, 2020

**RE:** Filed Emergency Regulations: Alaska Industrial Development and Export Authority

Alaska Industrial Development and Export Authority Emergency Regulations re:  
waiving or modifying requirements of regulations governing AIDEA's loan, guarantee,  
and finance programs (3AAC 99.925)

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Attorney General File:	Emergency Regulations
Regulation Filed:	4/6/2020
Effective Date:	3/27/2020
Expiration Date:	July 24, 2020 unless made permanent by the adopting agency
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

## FINDING OF EMERGENCY

The Alaska Industrial Development and Export Authority finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

- On March 11, 2020, Governor Mike Dunleavy issued a proclamation that a statewide public health emergency disaster existed due to the COVID-19 pandemic.
- Governor Mike Dunleavy subsequently issued a series of mandates to protect public health and safety due to COVID-19 pandemic, the effect of which has been to limit business activity in the State, including travel and ordinary day-to-day commerce.
- The Alaska Industrial Development and Export Authority (the "Authority") can assist Alaska businesses during the emergency disaster through the use of the Authority's loan, guarantee, and financing programs.
- Adopting an emergency regulation to allow the Authority the flexibility to waive or modify requirements of the regulations governing its loan, guarantee, and financing programs will give the Authority needed flexibility to assist Alaska businesses and employers during the disaster.

## ORDER CERTIFYING ADOPTION

I certify that the Alaska Industrial Development and Export Authority, under the authority of AS 44.88.085(e), adopted at its March 27, 2020 special meeting the attached one page regulation change as an emergency regulation to take effect March 27, 2020, as provided in AS 44.88.085(f).

This action is not expected to require an increased appropriation.

Date: 4/3/20

  
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John Dana Pruhs  
AIDEA Board Chair

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## FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 6<sup>th</sup>, 2020, at 3:32 p.m., I filed the attached regulation according to the provisions of AS 44.62.

Effective: March 27, 2020

Register: 234. July 2020.

April Simpson  
for Lieutenant Governor Kevin Meyer

Expires July 24, 2020  
unless made "permanent"  
by the adopting agency

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

3 AAC 99 is amended to add a new section to read:

**3 AAC 99.925. Waiver or modification of regulations in declared disaster emergencies.** (a) If the governor has declared a statewide disaster emergency under AS 26.23.020, the Authority may waive or modify any requirement established in a regulation under this chapter, or under 3 AAC 101 or 3 AAC 102, for any of the Authority's loan, guarantee, or finance programs, to the extent that the waiver or modification is consistent with the statutes governing the loan, guarantee, or finance program. The Authority's power to waive or modify under this section applies with respect to application requirements, application processing, interest rates, costs and fees, loan or financing terms and conditions, collateral requirements, underwriting standards, and other requirements established in regulation.

(b) The Authority may approve a waiver or modification under subsection (a) for a specific loan, guarantee, or financing agreement, or the Authority may approve waivers or modifications for loan, guarantee, or finance programs or other designated categories of loans, guarantees, or financing agreements.

(c) Once the governor has determined a declared statewide disaster emergency has ended, the Authority shall comply with the requirements of the regulations of this chapter or 3 AAC 101 or 3 AAC 102 for any new or modified loans, guarantees, or financing agreements. The end of a declared statewide disaster emergency shall not affect waivers or modifications the Authority previously approved for a loan, guarantee, or financing agreement.

**ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY**

**RESOLUTION NO. G20-08**

**A RESOLUTION OF THE ALASKA INDUSTRIAL  
DEVELOPMENT AND EXPORT AUTHORITY ADOPTING  
AN EMERGENCY REGULATION ON WAIVING OR  
MODIFYING THE REQUIREMENTS OF THE REGULATIONS  
GOVERNING THE AUTHORITY'S LOAN, GUARANTEE,  
AND FINANCE PROGRAMS**

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**WHEREAS**, on March 11, 2020, Governor Mike Dunleavy issued a declaration that a public health disaster exists statewide in Alaska with respect to the COVID-19 pandemic;

**WHEREAS**, the Alaska Industrial Development and Export Authority (the "Authority") has loan, guarantee, and financing programs that could be deployed to assist in ameliorating the economic consequences of the COVID-19 statewide disaster and any other statewide disaster that may be declared;

**WHEREAS**, the regulations governing the Authority's loan, guarantee, and financing programs do not contain any provision for the Authority to waive or modify requirements that are established in regulation during a declared statewide disaster;

**WHEREAS**, waiving or modifying requirements established in regulation during a declared statewide disaster, to the extent that a waiver or modification can occur consistently with the Authority's governing statutes, will enable the Authority to extend loans, guarantees, and financing to meet the economic needs of Alaskans and Alaska businesses and to ensure the orderly operation of the Authority's programs during the disaster;

**WHEREAS**, the Authority has the ability to adopt emergency regulations under AS 44.88.085(e) on a temporary basis if the Authority finds that the adoption of emergency

regulation is necessary for the immediate preservation of the orderly operation of the Authority's programs; and

**WHEREAS**, it in the best interests of the Authority that the proposed emergency regulation provided to the Board (3 AAC 99.925) be adopted.

**NOW, THEREFORE, BE IT RESOLVED BY THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY AS FOLLOWS:**

Section 1. The Board finds that an emergency exists based on the Governor's declaration of March 11, 2020, the health mandates the State issued thereafter, and the severe economic consequences that have resulted from the COVID-19 pandemic, which economic consequences include businesses shutting down, significant numbers of employees being laid off, and travel and commerce being curtailed. The Board finds that the adoption of an emergency regulation allowing the Authority to waive or modify the requirements of its regulations for its loan, guarantee, and financing programs during a declared statewide disaster is needed for the immediate preservation of the orderly operation of the Authority's programs.


Section 2. In accordance with AS 44.88.085(e), the Authority hereby adopts 3 AAC 99.925, in the form presented to the Board, as an emergency regulation. 3 AAC 99.925 shall remain in effect for a period not to exceed 120 days unless the Authority, before the expiration of that time period, adopts the regulation as a permanent regulation in accordance with the governing procedures for permanent regulations.

Section 3. The Executive Director, within 10 days of the date of this Resolution, shall publish notice of the adoption of the emergency regulation to the public and give notice of the

adoption of the emergency regulation to any person who has requested notice of proposed regulations.

**Section 4.** This Resolution and the emergency regulation (3 AAC 99.925) shall be effective immediately.

DATED at Anchorage, Alaska on this 26<sup>th</sup> day of March, 2020.

  
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Chair

  
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Secretary

