

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
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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:** August 21, 2020

**RE:** Filed Permanent Regulations: Alaska Industrial Development and Export Authority  
  
Alaska Industrial Development and Export Authority Regulation re: Emergency  
Regulations made permanent: Waiver of Regulation (3 AAC 99.925)

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Attorney General File:	2020200316
Regulation Filed:	8/21/2020
Effective Date:	3/27/2020
Print:	235, October 2020

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

### CERTIFICATION OF COMPLIANCE

I, Sherrie M Siverson, certify that, as required by AS 44.62.260 in order to make the attached 1 page of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulation:

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.

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.

This regulation originally was filed as an emergency regulation on April 6, 2020. It was adopted as a permanent regulation on June 24, 2020.

In considering the public comments, the Alaska Industrial Development and Export Authority paid special attention to the cost to private persons of the regulatory action being taken.

Date: July 16, 2020



Sherrie M Siverson, Executive Assistant  
Alaska Industrial Development and Export Authority

### FILING CERTIFICATION

*April Simpson for*

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on August 21, 2020, at 2:30 p.m., I filed the attached regulation according to the provisions of AS 44.62.

*April Simpson*  
for Lieutenant Governor *Kevin Meyer*

Register: 235, October 2020.

**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**

The emergency adoption of 3 AAC 99 is ~~amended to add a new section to read:~~ made permanent 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 <sup>a</sup>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 <sup>a</sup>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 <sup>a</sup>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 <sup>a</sup>Authority may approve a waiver or modification under <sup>of this section</sup> subsection (a) for a specific loan, guarantee, or financing agreement, or the <sup>a</sup>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 <sup>a</sup>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 <sup>a</sup>Authority previously approved for a loan, guarantee, or financing agreement. (EFF. 3/27/2020, Register 234)

Authority: AS 44.88.080 AS 44.88.650 AS 44.88.760

Editor's note: Adoption of 3 AAC 99.925 took effect on March 27, 2020, as an emergency regulation, and was first published in Register 234 (July 2020). In reviewing the permanent regulations, the regulations attorney made technical changes to 3 AAC 99.925. The technical changes appeared in the permanent regulations as published in Register 235 (October 2020). The history note does not reflect the technical changes made by the regulations attorney to the emergency regulations of March 27, 2020.

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** August 14, 2020

**File No.:** 2020200316

**Tel. No.:** 465-3600

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

**Re:** Alaska Industrial Development and  
Export Authority Regulation re: 3  
AAC 99.925 Emergency Regulations:  
Waiver of Regulation

The Department of Law submits the attached regulations of the Alaska Industrial Development and Export Authority for publication in the AAC. The authority adopts regulations under AS 44.88.085; that statute provides that the regulations are effective immediately upon adoption. The attached regulation, 3 AAC 99.925, was first adopted as an emergency regulation effective March 27, 2020 and was adopted by the board without changes as a permanent regulation on June 24, 2020. AS 44.88.085(d). The regulation provides additional regulatory flexibility for the authority to waive or modify restrictions contained in the 3 AAC 99 (commercial and industrial financing), 3 AAC 101 (sustainable energy transmission and supply development program) and 3 AAC 102 (new markets tax credit assistance guarantee and loan program) during a statewide disaster emergency declared by a governor under AS 26.23.020.

The May 28, 2020 public notice and the July 16, 2020 certification of adoption both state that this action is not expected to require an increased appropriation.

We have made some technical corrections to conform the regulations to existing 3 AAC 99 as shown on the attached copy of the regulations.

SRP:srp

Dana J. Pruhs, Chair  
Alaska Industrial Development and Export Authority  
(through Sherrie Siverson)

Sherrie M. Siverson, Regulations Contact and Executive Assistant  
Alaska Industrial Development and Export Authority

Stefan Saldanha, Assistant Attorney General  
Department of Law, Labor and State Affairs Section

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS ON WAIVING  
OR MODIFYING THE REQUIREMENTS OF THE REGULATIONS  
GOVERNING THE AUTHORITY'S LOAN, GUARANTEE, AND FINANCE  
PROGRAMS OF THE ALASKA INDUSTRIAL DEVELOPMENT AND  
EXPORT AUTHORITY

**BRIEF DESCRIPTION:** The Alaska Industrial Development and Export Authority proposes to make permanent regulation changes made by emergency regulation on Waiving or Modifying the Requirements off the Regulations Governing the Authority's Loan, Guarantee, and Finance Programs.

On March 27, 2020, the Alaska Industrial Development and Export Authority adopted, as an emergency regulation, changes in 3 AAC 99 of the Alaska Administrative Code dealing with regulations governing the authority's loan, guarantee and finance programs including the following:

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.

The emergency regulation took effect on March 27, 2020, and will expire July 24, 2020. The Alaska Industrial Development and Export Authority intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Sherrie M Siverson, Alaska Industrial Development and Export Authority, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. Additionally, the Alaska Industrial Development and Export Authority will accept comments by electronic mail at [ssiverson@aidea.org](mailto:ssiverson@aidea.org). The comments must be received no later than Friday, May 29, 2020.

Oral or written comments also may be submitted at a hearing to be held on Tue. May 26, 2020 at 813 West Northern Lights Boulevard, Anchorage, Alaska 99503, in the Authority's Denali Room. The hearing will be held from 9:00 a.m. to 10:00 a.m. and might be extended to accommodate those present before 10:00 a.m. who do not have an opportunity to comment.

You may submit written questions relevant to the proposed action Sherrie M Siverson, Alaska Industrial Development and Export Authority, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. The questions must be received at least 10 days before the end of the public comment period. The Alaska Industrial Development and Export Authority will aggregate its response to substantially similar questions and make the questions and response available on the Alaska Online Public Notice System and the Alaska Industrial Development and Authority website. The Alaska Industrial Development and Authority may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

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 not later than Friday, May 22, 2020 to ensure that any necessary accommodations can be provided.

A copy of the emergency regulation is available on the Alaska Online Public Notice System and on the Alaska Industrial Development and Export Authority website [www.aidea.org](http://www.aidea.org), or by contacting Sherrie M Siverson, 907-771-3008, [ssiverson@aidea.org](mailto:ssiverson@aidea.org).

The language of the permanent regulations may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

The Alaska Industrial Development and Export Authority keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all AIDEA notices of proposed regulation changes. To be added to or removed from the list, go to <http://list.state.ak.us/mailman/listinfo/aidea-regulations-notices> enter your email address and click subscribe.

**Statutory authority:** AS 44.88.070; AS 44.88.080; AS 44.88.085

**Fiscal information:** The regulations are not expected to require an increased appropriation

Date: April 6, 2020

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Tomas H. Boutin, Executive Director



**STATUS: Active**

## **The Alaska Industrial Development and Export Authority proposes to make permanent regulation changes made by emergency regulation**

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS ON WAIVING OR MODIFYING THE REQUIREMENTS OF THE REGULATIONS GOVERNING THE AUTHORITY'S LOAN, GUARANTEE, AND FINANCE PROGRAMS OF THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY

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(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.

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**Statutory authority:** AS 44.88.070; AS 44.88.080; AS 44.88.085

**Fiscal information:** The regulations are not expected to require an increased appropriation

Date: April 6, 2020

Tomas H. Boutin, Executive Director

#### Attachments, History, Details

##### Attachments

[G20-08 EmergencyRegulations 3 AAC 99.925 draft text.pdf](#)

##### Revision History

Created 4/6/2020 10:31:38 AM by smsiverson

Modified 4/6/2020 10:33:20 AM by smsiverson

Modified 4/14/2020 12:52:04 PM by smsiverson

[\[Details\]](#)

[\[Details\]](#)

##### Details

Department: Commerce, Community and Economic Development  
Category: Regulations  
Sub-Category: Emergency  
Location(s): Statewide  
Project/Regulation #:

Publish Date: 4/6/2020  
Archive Date: 5/8/2020

Events/Deadlines:

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(g))

1. Adopting agency: Alaska Industrial Development & Export Authority
2. General subject of regulation: Waiver of Regulation requirements in declared emergencies, 3 AAC 99.925 for the Alaska Industrial Development and Export Authority
3. Citation of regulation (may be grouped): 3 AAC 99.925
4. Department of Law file number, if any: \_\_\_\_\_
5. Reason for the proposed action:

- ( ) Compliance with federal law  
( ) Compliance with new or changed state statute  
( ) Compliance with court order  
( ) Development of program standards  
(X) Other (identify): Governor Mike Dunleavy issued a declaration that a public health disaster exists statewide in Alaska with respect to the COVID-19 pandemic and the decline in the price oil has serious economic harm to the businesses and employers in Alaska. Additional information is outlined in the board resolution.

6. Appropriation/Allocation: n/a
7. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY _____	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>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

8. The name of the contact person for the regulation:

Name: Sherrie M Siverson  
Title: Executive Assistant, AIDEA  
Address: 813 West Northern Lights Boulevard  
Telephone: 907-771-3008  
E-mail address: ssiverson@aidea.org

9. The origin of the proposed action:

  X   Staff of state agency

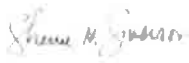
       Federal government

       General public

       Petition for regulation change

       Other (identify) \_\_\_\_\_

10. Date: April 6, 2020

Prepared by: 

Sherrie M. Siverson, Executive Assistant

Alaska Industrial Development & Export Authority

Phone No. 907-771-3008

# Affidavit of Publication

UNITED STATES OF AMERICA  
STATE OF ALASKA  
FOURTH DISTRICT

} SS.

Before me, the undersigned, a notary public, this day personally appeared, Richard Harris who, being first duly sworn, according to law, says that he is the Publisher 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, (iv) holding, a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, (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):

04/07/2020

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



Publisher

Subscribed to and sworn to me this 05th day of May, 2020



Alan Hoover, Notary Public in and for the State of Alaska.  
My commission expires: April 23, 2022  
AP100326-604406-9077713020  
ALASKA INDUSTRIAL DEVELOPMENT  
813 W. NORTHERN LIGHTS BLVD  
ANCHORAGE, AK 99503

ALAN H. HOOVER  
Notary Public  
State of Alaska  
My Commission Expires Apr 23, 2022

604406

NOTICE OF ADOPTION OF  
EMERGENCY REGULA-  
TIONS ON WAIVING OR  
MODIFYING THE RE-  
QUIREMENTS OF THE  
REGULATIONS GOVERN-  
ING THE AUTHORITY'S  
LOAN, GUARANTEE, AND  
FINANCE PROGRAMS OF  
THE ALASKA INDUSTRIAL  
DEVELOPMENT AND EX-  
PORT AUTHORITY

BRIEF DESCRIPTION: The  
Alaska Industrial Develop-  
ment and Export Authority  
proposes to make perman-  
ent regulation changes  
made by emergency regula-  
tion on Waiving or Modifying  
the Requirements of the  
Regulations Governing the  
Authority's Loan, Guarantee,  
and Finance Programs.

On March 27, 2020, the  
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3 AAC 99 is amended to add  
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Statutory authority: AS 44.88.070; AS 44.88.080; AS 44.88.085

Fiscal information: The regulations are not expected to require an increased appropriation.

Date: April 6, 2020  
Tomas H. Boutin, Executive Director  
PUB: 04-07-2020

## Public Notices

REQUIREMENTS OF THE REGULATIONS GOVERNING THE AUTHORITY'S LOAN, GUARANTEE, AND FINANCE PROGRAMS OF THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY

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## Public Notices

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## Public Notices

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## Public Notices

[regulations-notices](http://list.state.ak.us/mailman/listinfo/aidea-regulations-notices) with your email address and subscribe.

Statutory authority: 44.88.070; AS 44.88 AS 44.88.085

Fiscal information: The regulations are not expected to require an increased appropriation  
Date: April 6, 2020  
Tomas H. Boutin, Executive Director  
PUB: 04-07-2020

## Public Notices

604406

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS ON WAIVING OR MODIFYING THE RE-



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 268424  
813 W NORTHERN LIGHTS, ANCHORAGE, AK 99503

Order #: W0014352

Cost: \$562.78

### STATE OF ALASKA THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 and has been published in the English language 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 afore-said 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

04/08/2020

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 \_\_\_\_\_

Subscribed and sworn to before me  
this 13th day of April 2020.

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

MY COMMISSION EXPIRES

7/14/2020

**NOTICE OF ADOPTION OF EMERGENCY REGULATIONS ON WAIVING OR MODIFYING THE REQUIREMENTS OF THE REGULATIONS GOVERNING THE AUTHORITY'S LOAN, GUARANTEE, AND FINANCE PROGRAMS OF THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY**

**BRIEF DESCRIPTION:** The Alaska Industrial Development and Export Authority proposes to make permanent regulation changes made by emergency regulation on Waiving or Modifying the Requirements of the Regulations Governing the Authority's Loan, Guarantee, and Finance Programs.

On March 27, 2020, the Alaska Industrial Development and Export Authority adopted, as an emergency regulation, changes in 3 AAC 99 of the Alaska Administrative Code dealing with regulations governing the authority's loan, guarantee and finance programs including the following:

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.

The emergency regulation took effect on March 27, 2020, and will expire July 24, 2020. The Alaska Industrial Development and Export Authority intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Sherrie M Siverson, Alaska Industrial Development and Export Authority, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. Additionally, the Alaska Industrial Development and Export Authority will accept comments by electronic mail at [ssiverson@aidea.org](mailto:ssiverson@aidea.org). The comments must be received no later than Friday, May 29, 2020.

Oral or written comments also may be submitted at a hearing to be held on Tue. May 26, 2020 at 813 West Northern Lights Boulevard, Anchorage, Alaska 99503, in the Authority's Denial Room. The hearing will be held from 9:00 a.m. to 10:00 a.m. and might be extended to accommodate those present before 10:00 a.m. who do not have an opportunity to comment.

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**Statutory authority:** AS 44.88.070; AS 44.88.080; AS 44.88.085

**Fiscal Information:** The regulations are not expected to require an increased appropriation

Date: April 6, 2020  
Published: April 8, 2020

Tomas H. Boutin, Executive Director

STATE OF ALASKA  
NOTARY PUBLIC  
THIRD JUDICIAL DISTRICT

APR 16 2020


AIDEA  
AEA

# Affidavit of Publication

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

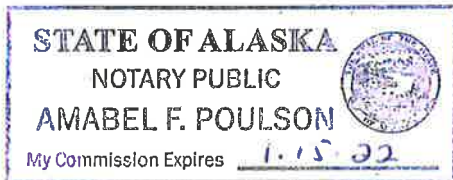
Katharine Erickson, being first sworn, says she or he  
is the publisher, managing editor or business manager of the DAILY SITKA  
SENTINEL, a newspaper printed and published in Sitka, Alaska, and le-  
gally qualified as a medium of official and legal publications, and that the  
legal notice - Emer. reg. 4.8 a copy of  
which is hereto annexed, was published in the Daily Sitka Sentinel on:

4.8.20, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

Signature 

Sworn and subscribed to  
before me this 24th day of April, 20 20

Notary Public for Alaska   
My commission expires \_\_\_\_\_, 20 \_\_\_\_\_





**NOTICE OF ADOPTION OF  
EMERGENCY REGULATIONS ON  
WAIVING OR MODIFYING THE  
REQUIREMENTS OF THE  
REGULATIONS GOVERNING THE  
AUTHORITY'S LOAN, GUARANTEE,  
AND FINANCE PROGRAMS OF THE  
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**Statutory authority:** AS 44.88.070; AS 44.88.080; AS 44.88.085

**Fiscal information:** The regulations are not expected to require an increased appropriation

Date: April 6, 2020

**Tomas H. Boutin, Executive Director**

**PUBLISH: April 8, 2020**



# Affidavit of Publication

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

Kathy Hope Erickson, 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  
Notice - waive loan, guar., fin. progs. a copy of  
which is hereto annexed, was published in the Daily Sitka Sentinel on:

5.28.20, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

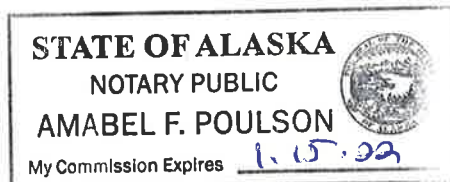
Signature [Signature]

Sworn and subscribed to

before me this 2nd day of June, 20 20

Notary Public for Alaska [Signature]

My commission expires \_\_\_\_\_, 20 \_\_\_\_\_



**SUPPLEMENTAL NOTICE OF  
ADOPTION OF EMERGENCY  
REGULATIONS ON WAIVING OR  
MODIFYING THE REQUIREMENTS  
OF THE REGULATIONS  
GOVERNING THE AUTHORITY'S  
LOAN, GUARANTEE, AND FINANCE  
PROGRAMS OF THE ALASKA  
INDUSTRIAL DEVELOPMENT AND  
EXPORT AUTHORITY**

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This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF ADOPTION OF EMERGENCY REGULATIONS that was issued on April 8, 2020, concerning the emergency regulations contained in the Department of Law file number 2020200316. This supplemental notice is being issued by the Alaska Industrial Development and Export Authority to schedule two oral public hearings. The emergency regulation took effect on March 27, 2020, and will expire July 24, 2020. The Alaska Industrial Development and Export Authority intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Sherrie M Siverson, Alaska Industrial Development and Export Authority, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. Additionally, the Alaska Industrial Development and Export Authority will accept comments by electronic mail at [ssiverson@aidea.org](mailto:ssiverson@aidea.org). The comments must be received no later than Friday, June 19, 2020.

Oral or written comments also may be submitted at hearings to be held on Fri. May 29, 2020, and on Fri. June 5, 2020 at 813 West Northern Lights Boulevard, Anchorage, Alaska 99503, in the Authority's Denali Room. The hearings will be held from 9:00 a.m. to 10:00 a.m. and might be extended to accommodate those present before 10:00 a.m. who do not have an opportunity to comment.

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Fiscal information: The regulations are not expected to require an increased appropriation

Date: May 28, 2020

**Alan Weltzner,**  
Interim Executive Director  
**PUBLISH: May 28, 2020**

RECEIVED  
APR 10 2020  
AIDEA  
AEA

## AFFIDAVIT OF PUBLICATION

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

Before me, the undersigned, a notary public, this day personally appeared Thomas Gilligan, who, being first duly sworn, according to law, says that she/he is the Advertising Director 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):

04/07/2020

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



Advertising Clerk

Subscribed and sworn to me this 07th day of April, 2020.

Alan H. Hoover, Notary Public in and for the State of Alaska.  
My commission expires April 23, 2022

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AIDEA  
813 W NORTHERN LIGHTS BLVD  
ANCHORAGE, AK 99503

---

Reference: PUBLIC NOTICE  
Ad #: 604406  
Acct #: 335

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SUPPLEMENTAL NOTICE OF ADOPTION OF EMERGENCY REGULATIONS ON  
WAIVING OR MODIFYING THE REQUIREMENTS OF THE REGULATIONS  
GOVERNING THE AUTHORITY'S LOAN, GUARANTEE, AND FINANCE  
PROGRAMS OF THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT  
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**Statutory authority:** AS 44.88.070; AS 44.88.080; AS 44.88.085

**Fiscal information:** The regulations are not expected to require an increased appropriation

Date: May 28, 2020

Alan Weitzner, Interim Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(g))

1. Adopting agency: Alaska Industrial Development & Export Authority
2. General subject of regulation: Waiver of Regulation requirements in declared emergencies, 3 AAC 99.925 for the Alaska Industrial Development and Export Authority
3. Citation of regulation (may be grouped): 3 AAC 99.925
4. Department of Law file number, if any: 20200316

5. Reason for the proposed action:

- ( ) Compliance with federal law  
( ) Compliance with new or changed state statute  
( ) Compliance with court order  
( ) Development of program standards  
(X) Other (identify): Governor Mike Dunleavy issued a declaration that a public health disaster exists statewide in Alaska with respect to the COVID-19 pandemic and the decline in the price oil has serious economic harm to the businesses and employers in Alaska. Additional information is outlined in the board resolution.

6. Appropriation/Allocation: n/a
7. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY _____	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>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

8. The name of the contact person for the regulation:

Name: Sherrie M Siverson  
Title: Executive Assistant, AIDEA  
Address: 813 West Northern Lights Boulevard  
Telephone: 907-771-3008  
E-mail address: ssiverson@aidea.org

9. The origin of the proposed action:

- ☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify) \_\_\_\_\_

10. Date: May 28, 2020

Prepared by:



Sherrie M. Siverson, Executive Assistant

Alaska Industrial Development & Export Authority

Phone No.

907-771-3008

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 387252  
813 West Northern Lights Blvd., ANCHORAGE, AK 99503

Order #: W0015633

Cost: \$597.64

### STATE OF ALASKA THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 and has been published in the English language 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 afore-said 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

05/27/2020

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 \_\_\_\_\_

Subscribed and sworn to before me  
this 28th day of May 2020.

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

MY COMMISSION EXPIRES

7/14/2020

#### SUPPLEMENTAL NOTICE OF ADOPTION OF EMERGENCY REGULATIONS ON WAIVING OR MODIFYING THE REQUIREMENTS OF THE REGULATIONS GOVERNING THE AUTHORITY'S LOAN, GUARANTEE, AND FINANCE PROGRAMS OF THE ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT AUTHORITY

**BRIEF DESCRIPTION:** The Alaska Industrial Development and Export Authority proposes to make permanent regulation changes made by emergency regulation on Waiving or Modifying the Requirements of the Regulations Governing the Authority's Loan, Guarantee, and Finance Programs.

On March 27, 2020, the Alaska Industrial Development and Export Authority adopted, as an emergency regulation, changes in 3 AAC 99 of the Alaska Administrative Code dealing with regulations governing the authority's loan, guarantee and finance programs including the following:

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.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF ADOPTION OF EMERGENCY REGULATIONS that was issued on April 8, 2020, concerning the emergency regulations contained in the Department of Law file number 2020200316. This supplemental notice is being issued by the Alaska Industrial Development and Export Authority to schedule two oral public hearings. The emergency regulation took effect on March 27, 2020, and will expire July 24, 2020. The Alaska Industrial Development and Export Authority intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Sherrie M. Siverson, Alaska Industrial Development and Export Authority, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. Additionally, the Alaska Industrial Development and Export Authority will accept comments by electronic mail at [ssiverson@alidea.org](mailto:ssiverson@alidea.org). The comments must be received no later than Friday, June 19, 2020.

Oral or written comments also may be submitted at hearings to be held on Fri. May 29, 2020, and on Fri. June 5, 2020 at 813 West Northern Lights Boulevard, Anchorage, Alaska 99503, in the Authority's Denali Room. The hearings will be held from 9:00 a.m. to 10:00 a.m. and might be extended to accommodate those present before 10:00 a.m. who do not have an opportunity to comment.

You may submit written questions relevant to the proposed action Sherrie M. Siverson, Alaska Industrial Development and Export Authority, 813 West Northern Lights Boulevard, Anchorage, Alaska 99503. The questions must be received at least 10 days before the end of the public comment period. The Alaska Industrial Development and Export Authority will aggregate its response to substantially similar questions and make the questions and response available on the Alaska Online Public Notice System and the Alaska Industrial Development and Export Authority website. The Alaska Industrial Development and Export Authority may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

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, May 29, 2020 to ensure that any necessary accommodations can be provided.

A copy of the emergency regulation is available on the Alaska Online Public Notice System and on the Alaska Industrial Development and Export Authority website [www.alidea.org](http://www.alidea.org), or by contacting Sherrie M. Siverson, 907-771-3008, [ssiverson@alidea.org](mailto:ssiverson@alidea.org).

The language of the permanent regulations may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

The Alaska Industrial Development and Export Authority keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all AIDEA notices of proposed regulation changes. To be added to or removed from the list, go to <http://list.state.ak.us/mailman/listinfo/alidea-regulations>. Notices enter your email address and click subscribe.

Statutory authority: AS 44.88.070; AS 44.88.080; AS 44.88.085

Fiscal Information: The regulations are not expected to require an increased appropriation

Date: May 28, 2020  
Alan Weltzner, Interim Executive Director

Published: May 27, 2020

# Affidavit of Publication

UNITED STATES OF AMERICA  
STATE OF ALASKA  
FOURTH DISTRICT

} SS.

Before me, the undersigned, a notary public, this day personally appeared, Richard Harris who, being first duly sworn, according to law, says that he is the Publisher 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, (iv) holding, a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, (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):

05/28/2020

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

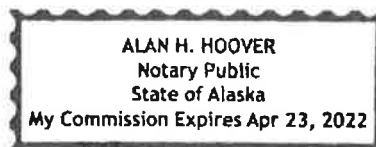


Publisher

Subscribed to and sworn to me this 03rd day of June, 2020



Alan Hoover, Notary Public in and for the State Alaska.  
My commission expires: April 23, 2022  
AP100326-605200-9077713020  
ALASKA INDUSTRIAL DEVELOPMENT  
813 W. NORTHERN LIGHTS BLVD  
ANCHORAGE, AK 99503



605200  
SUPPLEMENTAL NOTICE  
OF ADOPTION OF EMER-  
GENCY REGULATIONS  
ON WAIVING OR MODIFY-  
ING THE REQUIREMENTS  
OF THE REGULATIONS  
GOVERNING THE AU-  
THORITY'S LOAN, GUAR-  
ANTEE, AND FINANCE  
PROGRAMS OF THE  
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nated categories of loans, guarantees, or financing agreements.

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**Statutory authority:** AS  
44.88.070; AS 44.88.080;  
AS 44.88.085

**Fiscal information:** The  
regulations are not expected  
to require an increased ap-  
propriation

**Date:** May 28, 2020 **Alan**  
**Weitzner**, Interim Executive  
Director

AFFIDAVIT OF NOTICE OF ADOPTION  
OF EMERGENCY REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

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

As required by AS 44.62.250, notice of the May 27, 2020 emergency changes to the Alaska Industrial Development and Export Authority 3 AAC 99.925 Waiver or Modification of Regulations in Declared Disaster Emergencies has been given under AS 44.62.190(a) by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons; Labor & Commerce
- (5) furnished to the Department of Law, along with a copy of the regulation;
- (6) electronically transmitted to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System: as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1)

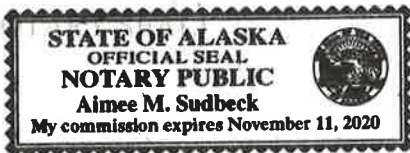
As required by AS 44.62.190, additional regulation notice information regarding the May 27, 2020 emergency changes to the regulation described above has been furnished to interested persons and furnished to those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: July 16, 2020



Sherrie M. Siverson, Executive Assistant  
Alaska Industrial Development and Export Authority

Subscribed and sworn to before me at Anchorage, Alaska on July 16, 2020



Aimee Sudbeck  
Notary Public in and for the State of Alaska



**Alaska Industrial Development and Export Authority  
Board Meeting  
June 24, 2020  
Excerpt from Unapproved Minutes**

Board Member Bill Kendig moved to adopt 3 AAC 99.925 as written in the emergency regulations adopted at the March 27, 2020 AIDEA board meeting. Motion seconded by board member Julie Sande.

The motion carried unanimously.

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Sherrie M. Siverson

AFFIDAVIT OF THE ALASKA INDUSTRIAL DEVELOPMENT  
AND EXPORT AUTHORITY BOARD

I, Sherrie M Siverson, for the Alaska Industrial Development & Export Authority Board, being duly sworn, state the following:

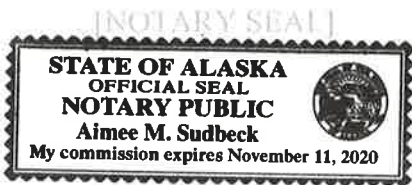
The attached motion dealing with Waiving or Modifying the requirements of regulations governing the Authority's Loan, Guarantee, and Finance Programs was passed by the Alaska Industrial Development & Export Authority Board during its June 24, 2020 meeting.

Date: July 16, 2020



Sherrie M Siverson, Executive Assistant  
Alaska Industrial Development & Export Authority

Subscribed and sworn to before me at Anchorage, Alaska on July 16 2020.



Aimee Sudbeck  
Notary Public in and for the State of Alaska

AFFIDAVIT OF ORAL HEARING

I, Sherrie M. Siverson, Executive Assistant, Alaska Industrial Development and Export Authority, under penalty of perjury, state the following:

On Friday, May 29 at 10:00 a.m. in the office of the Alaska Industrial Development and Export Authority Executive Director, 813 West Northern Lights Boulevard, at 9:00 a.m., I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of emergency regulations 3 AAC 99.925 Waiver or Modification of regulations in declared disaster emergencies.

and

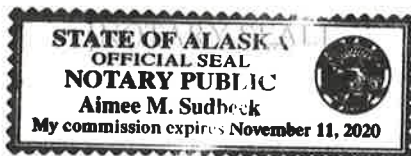
on Friday, June 5, at 9:00 a.m. in the office of the Alaska Industrial Development and Export Authority Executive Director, 813 West Northern Lights Boulevard, at 9:00 a.m., I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of emergency regulations 3 AAC 99.925 Waiver or Modification of regulations in declared disaster emergencies.

Date: July 16, 2020



Sherrie M Siverson, Executive Assistant  
Alaska Industrial Development and Export Authority

Subscribed and sworn to before me at Anchorage, Alaska on July 16, 2020.



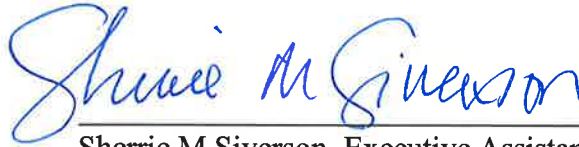
Aimee Sudbeck  
Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Sherrie M Siverson, Executive Assistant, Alaska Industrial Development and Export Authority, under penalty of perjury, state the following:

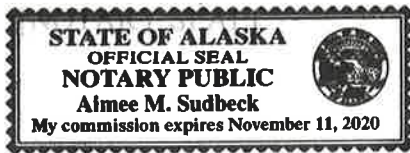
In compliance with AS 44.62.215, the Alaska Industrial Development and Export Authority has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Industrial Development and Export Authority's regulation on Waiver or Modification of Regulations in Declared Disaster Emergencies 3 AAC 99.925.

Date: July 16, 2020



Sherrie M Siverson, Executive Assistant  
Alaska Industrial Development and Export Authority

Subscribed and sworn to before me at Anchorage, Alaska on July 16, 2020.



Aimee Sudbeck  
Notary Public in and for the State of Alaska

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**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

  
John Dana Pruhs  
AIDEA Board Chair

6

### 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.**



*K. Meyer*  
.....

**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.

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