

NOTICE OF PROPOSED CHANGES ON BANKING, MUTUAL SAVINGS  
BANKS, AND CREDIT UNIONS IN THE REGULATIONS OF THE  
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC  
DEVELOPMENT

BRIEF DESCRIPTION

The Department of Commerce, Community, and Economic Development proposes regulations to modernize banking regulations to implement amendments made in HB 85 through updates and to clarify various sections throughout 3 AAC 01, 3 AAC 02, 3 AAC 03, and 3 AAC 06 and to make conforming amendments.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES issued on November 29, 2022, concerning the proposed revisions below, contained in Department of Law File No. 202200490. The department has released this SUPPLEMENTAL NOTICE to advise the public that the department will take public comment for 30 days as described below.

The Department of Commerce, Community, and Economic Development proposes to adopt regulation changes in Title 3, Chapters 01, 02, 03, and 06, of the Alaska Administrative Code, dealing with banking regulations, including the following:

- (1) Repeal 3 AAC 01.020. Repeal publication requirements and fact-finding hearings.
- (2) Repeal 3 AAC 02.197. Repeal language no longer necessary. HB85 amended AS 06.05.260(a) to include the language in the proposed repeal.
- (3) Repeal 3 AAC 0.205(a)(9) and amend 3 AAC 02.205(a)(12). Allow state-chartered banks to make same type of investments as national banks are permitted to make under federal law.
- (4) Amend 3 AAC 209(c)(2). Amend language no longer necessary due to HB85 change in statute that requires FDIC insurance for a new bank application.
- (5) Amend 3 AAC 02.215. Amend requirements for an application for a branch bank, operating a mobile facility branch bank, and repeal branch bank application requirements to match what is required of a credit union chartered in Alaska.
- (6) Amend 3 AAC 02.215(b)(2). Amend the form of payment the Department will accept.
- (7) Repeal 3 AAC 02.215(b)(8), (12), (13) and Amend 3 AAC 02.25(b)(9) and (15). Repeal or amend items needed for an application for a branch office or change of location. Reduce burden on bank.
- (8) Amend 3 AAC 02.215 to add a new subsections (e – i). Add details for application process of a branch bank or change of location.
- (9) Amend 3 AAC 02.910. Add a definition of a mobile facility branch as required by HB85.
- (10) Amend 3 AAC 03.260. Amend to modernize fee requirements for a credit union to complete an application for a branch to have parity with state-chartered banks,

amend the form of payment the Department will accept, and add the term “mobile facility branch”.

- (11) Amend 3 AAC 03.910. Add a definition of a mobile facility branch.
- (12) Amend 3 AAC 06.005. Add a new section related to bank investments for a mutual savings bank to match the bank regulations.

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 Tracy Reno, Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7<sup>th</sup> Avenue, Suite 1850, Anchorage, AK 99501. Additionally, the Department of Commerce, Community, and Economic Development (“Department”) will accept comments by facsimile at (907) 269-8146 and by electronic mail at [dbsregs@alaska.gov](mailto:dbsregs@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. **The comments must be received not later than 5:00 p.m. March 31, 2023.**

You may submit written questions relevant to the proposed action to Tracy Reno by electronic mail at [dbsregs@alaska.gov](mailto:dbsregs@alaska.gov) or by mail at Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7<sup>th</sup> Avenue, Suite 1850, Anchorage, AK 99501. **The questions must be received at least 10 days before the end of the public comment period.** The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Banking and Securities’ website at <https://www.commerce.alaska.gov/web/dbs>. The Department 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 Tracy Reno at [dbsregs@alaska.gov](mailto:dbsregs@alaska.gov) or (907) 269-8812 not later than March 17, 2023, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Division of Banking and Securities’ website at <https://www.commerce.alaska.gov/web/dbs> and the Alaska Online Public Notice System. You may also request a copy by contacting Tracy Reno at [dbsregs@alaska.gov](mailto:dbsregs@alaska.gov) or (907) 269-8812.

After the public comment period ends, the Department 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 regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected. Written comments and questions received are public records and are subject to public inspection.**

**Statutory authority:** AS 44.33.020.

**Statutes being implemented, interpreted, or made specific:** AS 06.01.020; AS 06.01.030; AS 06.01.048; AS 06.05.005; AS 06.05.070; AS 06.05.270; AS 06.05.399; AS 06.05.555; AS 06.15.010; AS 06.15.180; AS 06.15.250; AS 06.15.360; AS 06.26.900; AS 06.45.010.

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

2/24/2023

/s/ Robert H. Schmidt

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Date

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Director

The Department of Commerce, Community, and Economic Development, Division of Banking and Securities keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all the Division's Notice of Proposed Regulation Changes. To be added to or removed from the list, send the request to the Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7<sup>th</sup> Avenue, Suite 1850, Anchorage, AK 99501 or to [dbsregs@alaska.gov](mailto:dbsregs@alaska.gov). Please include your name and either your electronic mail address or mailing address, as you prefer for receiving notices.