



# LAWS OF ALASKA

1990

**Source**

HCS CSSB 427(Fin) am H

**Chapter No.**

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**AN ACT**

Relating to program and administration requirements of certain state corporations; expanding the number of directors of the Alaska Housing Finance Corporation; exempting the Alaska Housing Finance Corporation from the State Procurement Code; amending the corporation's special mortgage loan purchase program and progressively reducing the maximum level of loan amounts eligible for a reduction under a mortgage loan subsidy; amending the corporation's mortgage loan subsidy program for persons of lower and moderate income; and relating to procurement practices of certain state corporations; and providing for an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1, LINE 20

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 4, 1990  
Actual Effective Date: Sections 2 and 4 take effect July 1, 1992; remainder of Act takes effect July 1, 1990

## AN ACT

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7 Relating to program and administration requirements of  
8 certain state corporations; expanding the number of  
9 directors of the Alaska Housing Finance Corporation;  
10 exempting the Alaska Housing Finance Corporation from  
11 the State Procurement Code; amending the corporation's  
12 special mortgage loan purchase program and progressively  
13 reducing the maximum level of loan amounts eligible for  
14 a reduction under a mortgage loan subsidy; amending the  
15 corporation's mortgage loan subsidy program for persons  
16 of lower and moderate income; and relating to procurement  
17 practices of certain state corporations; and providing  
18 for an effective date.

19  
20 \* Section 1. AS 18.56.030(a) is amended to read:

21 (a) The corporation shall be governed by a board of directors  
22 consisting of

23 (1) the commissioner of revenue and the commissioner of  
24 commerce and economic development;

25 (2) one other member who is the head of a [THE] principal  
26 department of the executive branch of state government appointed by  
27 the governor; and

28 (3) four [TWO] public members appointed by the governor,  
29 one of whom shall be a representative of the financial community and

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1 one of whom shall be a person licensed as a real estate broker under  
2 AS 08.88.171(a).

3 \* Sec. 2. AS 18.56.091 is amended by adding a new subsection to read:

4 (b) Notwithstanding (a) of this section, the loan amount eligi-  
5 ble for assistance under the subsidy authorized by (a) of this section  
6 is the amount determined under AS 18.56.098(f).

7 \* Sec. 3. AS 18.56.098(f) is amended to read:

8 (f) In this section and in AS 18.56.099

9 (1) "graduated payment mortgage loan" means a mortgage loan  
10 the terms of which provide for monthly principal and interest payments  
11 that

12 (A) during the first year of the mortgage loan are  
13 lower than the monthly principal and interest payments that would  
14 be required under the terms of a level payment mortgage loan made  
15 at the same interest rate; and

16 (B) during subsequent years of the mortgage loan are  
17 graduated to provide for the same return over the term of the  
18 loan that would have been provided by a level payment mortgage  
19 loan made at the same interest rate;

20 (2) "loan amount eligible for assistance" means the amount  
21 of a mortgage loan that does not exceed the amount of the loan estab-  
22 lished by law; if an amount has not been established by law, the  
23 amount is zero;

24 (3) "mortgage loan" includes a beneficial interest or  
25 participation in a mortgage loan; [(3) REPEALED]

26 (4) "residence" means

27 (A) an owner-occupied, single-family residence, in-  
28 cluding a mobile home; [,] or

29 (B) an owner-occupied duplex, triplex, or fourplex.  
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1 \* Sec. 4. AS 18.56.098(f) is repealed and reenacted to read:

2 (f) In this section and in AS 18.56.091 and 18.56.099

3 (1) "graduated payment mortgage loan" means a mortgage loan  
4 the terms of which provide for monthly principal and interest payments  
5 that

6 (A) during the first year of the mortgage loan are  
7 lower than the monthly principal and interest payments that would  
8 be required under the terms of a level payment mortgage loan made  
9 at the same interest rate; and

10 (B) during subsequent years of the mortgage loan are  
11 graduated to provide for the same return over the term of the  
12 loan that would have been provided by a level payment mortgage  
13 loan made at the same interest rate;

14 (2) "loan amount eligible for assistance" means

15 (A) the first \$50,000 of a mortgage loan for persons  
16 of lower or moderate income whose purchase of a home is assisted  
17 under AS 18.56.091; or

18 (B) except as to persons whose purchase of a home is  
19 assisted under AS 18.56.091, the amount of a mortgage loan that  
20 does not exceed the amount of the loan established by law; if an  
21 amount has not been established by law, the amount is zero;

22 (3) "mortgage loan" includes a beneficial interest or  
23 participation in a mortgage loan;

24 (4) "residence" means

25 (A) an owner-occupied, single-family residence, in-  
26 cluding a mobile home; or

27 (B) an owner-occupied duplex, triplex, or fourplex.

28 \* Sec. 5. AS 18.56.098(g) is amended to read:

29 (g) The corporation shall establish the interest rate on a first  
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1 mortgage loan purchased under (a) of this section in accordance with  
2 the following:

3 (1) The interest rate on the loan amount eligible for  
4 assistance [FIRST \$90,000] of a mortgage loan purchased with the  
5 proceeds of an issue of taxable bonds of the corporation is three  
6 percent less than the cost of funds of that issue, except that

7 (A) if the cost of funds of that issue is less than 10  
8 percent, the interest rate is equal to the cost of funds; and

9 (B) if the cost of funds of that issue is more than 10  
10 percent, the interest rate may not be less than 10 percent.

11 (2) An interest rate determined under this subsection on  
12 the loan amount eligible for assistance [FIRST \$90,000] of a mortgage  
13 loan that is not purchased from the proceeds of bonds that are qual-  
14 ified veterans' mortgage bonds under the applicable provisions of 26  
15 U.S.C. (Internal Revenue Code) [26 U.S.C. 103A (MORTGAGE SUBSIDY BOND  
16 TAX ACT OF 1980), AS AMENDED,] shall be reduced by one percentage  
17 point if the loan is made to an eligible veteran under AS 18.56.101.

18 (3) The interest rate for the amount of a mortgage loan  
19 purchased under (a) of this section that exceeds the loan amount  
20 eligible for assistance [\$90,000] is equal to the cost of funds to the  
21 corporation attributable to that part of the loan.

22 (4) The interest rate on the loan amount eligible for  
23 assistance [FIRST \$90,000] of a mortgage loan purchased with money  
24 that is not the proceeds of either taxable or tax-exempt bonds is the  
25 rate the corporation determines is appropriate by application of the  
26 provision of (1) of this subsection.

27 (5) The interest rate on the loan amount eligible for  
28 assistance [FIRST \$90,000] of a mortgage loan purchased from the  
29 proceeds of bonds that are exempt from taxation other than bonds that  
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1 constitute qualified veterans' bonds under (i) of this section, is  
2 equal to the interest rate determined under (1) and (2) of this sub-  
3 section on a loan purchased under (a) of this section from the pro-  
4 ceeds of the most recent applicable issue of taxable bonds sold by the  
5 corporation. A higher or lower interest rate shall be established on  
6 the entire loan amount if required to ensure the tax-exempt status of  
7 the bonds.

8 (6) The corporation shall determine the interest rate on a  
9 mortgage loan that is an adjustable rate mortgage loan as provided in  
10 this subsection. The corporation shall recalculate the interest rate  
11 from time to time based on changes in the cost to the corporation of  
12 the funds used to purchase the adjustable rate mortgage loan. How-  
13 ever, the corporation may establish a minimum interest rate applicable  
14 to an adjustable rate mortgage loan, and the interest rate on the  
15 adjustable rate mortgage loan may not be less than the minimum inter-  
16 est rate so established regardless of the cost of funds to the corpo-  
17 ration.

18 (7) For loans made under this section, the corporation  
19 shall give effect to interest rate changes applicable to the loans  
20 based on time of loan application, time of issuance of the corpora-  
21 tion's bonds issued to purchase loans, or other factors as the corpor-  
22 ation determines.

23 (8) [(7)] In this subsection

24 (A) "cost of funds" means the true interest cost  
25 expressed as a rate on bonds of the corporation plus an addi-  
26 tional percentage as determined by the corporation to represent  
27 the allocable expenses of operation, costs of issuance, and  
28 mortgage servicing;

29 (B) "taxable bonds" means bonds bearing interest that  
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1 is taxable under applicable provisions of 26 U.S.C. (Internal  
2 Revenue Code) and which were [26 U.S.C. 103A (MORTGAGE SUBSIDY  
3 BOND TAX ACT OF 1980)] issued to finance the purchase of first  
4 mortgage loans.

5 \* Sec. 6. AS 18.56.098(h) is amended to read:

6 (h) The corporation shall establish the interest rate on a  
7 second mortgage loan purchased under (a) of this section in the manner  
8 established for computing the interest rates on a first mortgage loan  
9 under (g) of this section except that, in the case of a second mort-  
10 gage loan, if the first mortgage loan made to the same borrower is  
11 held by the corporation and was purchased under the special mortgage  
12 loan purchase program, the outstanding principal balance of the exist-  
13 ing first mortgage loan is subtracted from the loan amount eligible  
14 for assistance [\$90,000] to determine the amount of the loan that is  
15 eligible for an interest rate on a second mortgage loan determined by  
16 reference to (g) of this section.

17 \* Sec. 7. AS 18.56.098(i) is amended to read:

18 (i) The interest rate on the loan amount eligible for assistance  
19 [FIRST \$90,000] of a mortgage loan purchased from the proceeds of  
20 bonds that constitute qualified veterans' mortgage bonds under appli-  
21 cable provisions of 26 U.S.C. (Internal Revenue Code) is [26 U.S.C.  
22 103A (MORTGAGE SUBSIDY BOND TAX ACT OF 1980) AS AMENDED, IS THE GREAT-  
23 ER OF (1) FOUR PERCENT LESS THAN THE COST OF FUNDS OR (2)] the rate  
24 for other loans to veterans under (g)(2) of this section [AS 18.56.-  
25 098(g)(3)]. A higher or lower interest rate shall be established on  
26 the entire loan amount if required by applicable provisions of 26  
27 U.S.C. (Internal Revenue Code) [UNDER 26 U.S.C. 103A].

28 \* Sec. 8. AS 36.30.015(e) is amended to read:

29 (e) The board [BOARDS] of directors of the Alaska Railroad  
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1 Corporation [AND THE ALASKA STATE HOUSING AUTHORITY] shall adopt  
2 procedures to govern the procurement of supplies, services, profes-  
3 sional services, and construction by the corporation. The procedures  
4 must be substantially equivalent to the procedures prescribed in this  
5 chapter and in regulations adopted under this chapter.

6 \* Sec. 9. AS 36.30.015 is amended by adding a new subsection to read:

7 (f) The board of directors of the Alaska Housing Finance Corpo-  
8 ration, notwithstanding AS 18.56.088, and the board of directors of  
9 the Alaska State Housing Authority shall adopt regulations under the  
10 Administrative Procedure Act (AS 44.62) to govern the procurement of  
11 supplies, services, professional services, and construction for the  
12 respective public corporations. The regulations must

13 (1) reflect competitive bidding principles and provide  
14 vendors reasonable and equitable opportunities to participate in the  
15 procurement process; and

16 (2) include procurement methods to meet emergency and  
17 extraordinary circumstances.

18 \* Sec. 10. AS 36.30.990(1) is amended to read:

19 (1) "agency"

20 (A) means a department, institution, board, commis-  
21 sion, division, authority, public corporation, the Alaska Pio-  
22 neers' Home, or other administrative unit of the executive branch  
23 of state government;

24 (B) does not include

25 (i) [, EXCEPT FOR] the University of Alaska;

26 (ii) [,] the Alaska State Housing Authority;

27 (iii) the [AND] Alaska Railroad Corporation;

28 (iv) the Alaska Housing Finance Corporation;

29 (v) [IT DOES NOT INCLUDE] a regional Native  
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housing authority created under AS 18.55.996, or a regional electrical authority created under AS 18.57.020;

\* Sec. 11. LOAN AMOUNTS ELIGIBLE FOR ASSISTANCE FOR LOANS ISSUED UNDER AS 18.56.098 DURING STATE FISCAL YEARS 1991 - 1993. For first and second mortgage loans purchased by the Alaska Housing Finance Corporation from the special mortgage loan purchase program and from qualified veterans' mortgage bonds

(1) after June 30, 1990, and before July 1, 1991, the loan amount eligible for assistance under AS 18.56.098 is \$70,000;

(2) after June 30, 1991, and before July 1, 1992, the loan amount eligible for assistance under AS 18.56.098 is \$50,000;

(3) after June 30, 1992, and before July 1, 1993, the loan amount eligible for assistance under AS 18.56.098 is \$30,000.

\* Sec. 12. Of the two additional public members appointed by the governor under AS 18.56.030(a), amended by sec. 1 of this Act, one member shall serve a term of two years and one shall serve a term of one year. When making the appointments, the governor shall specify the length of the term of each person appointed.

\* Sec. 13. Sections 2 and 4 of this Act take effect July 1, 1992.

\* Sec. 14. Except for secs. 2 and 4 of this Act, this Act takes effect July 1, 1990.