

SENATE BILL NO. 249

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/25/08

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Alaska capstone avionics revolving loan fund and relating to**
2 **the fund; and providing for an effective date."**

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

4 * **Section 1.** AS 44.33 is amended by adding new sections to read:

5 **Article 6A. Alaska Capstone Avionics Revolving Loan Fund.**

6 **Sec. 44.33.650. Declaration of policy.** It is the policy of the state, under
7 AS 44.33.650 - 44.33.690, to increase the safety of air carrier, air taxi, and general
8 aviation intrastate air transportation in the state by providing low interest loans to
9 qualified applicants for the purpose of purchasing and installing capstone avionics
10 equipment.

11 **Sec. 44.33.655. Alaska capstone avionics revolving loan fund.** (a) There is
12 created within the Department of Commerce, Community, and Economic
13 Development a revolving loan fund to be known as the Alaska capstone avionics
14 revolving loan fund to carry out the purposes of AS 44.33.650 - 44.33.690.

1 (b) The Alaska capstone avionics revolving loan fund consists of the
2 following:

3 (1) money appropriated to, transferred to, or received by gift, devise,
4 bequest, or donation to the fund;

5 (2) principal and interest payments or other income earned on loans
6 or investments of the fund;

7 (3) money chargeable to principal or interest that is collected through
8 liquidation by foreclosure or other process on loans made under AS 44.33.650 -
9 44.33.690.

10 (c) Money in the fund may be used by the legislature to make appropriations
11 for costs of administering AS 44.33.650 - 44.33.690.

12 **Sec. 44.33.660. Powers and duties of the department.** The department may

13 (1) make loans to eligible applicants under AS 44.33.665 for the
14 purchase and installation of capstone avionic equipment;

15 (2) receive, take, hold, and administer any appropriation, gift, grant,
16 bequest, devise, or donation of money for the fund;

17 (3) establish amortization plans for repayment of loans, including
18 extensions of the terms of loans;

19 (4) allow an assumption of a loan if the applicant meets the
20 requirements established under this section;

21 (5) establish the rate of interest for loans consistent with law;

22 (6) charge and collect fees for services provided under
23 AS 44.33.650 - 44.33.690;

24 (7) adopt regulations, under AS 44.62, necessary to carry out the
25 provisions of AS 44.33.650 - 44.33.690, including regulations to establish reasonable
26 fees for services provided; and

27 (8) designate agents and delegate powers as necessary to the agents.

28 **Sec. 44.33.665. Eligibility.** (a) For an applicant to be eligible for a loan under
29 AS 44.33.650 - 44.33.690, the applicant must be the owner of an aircraft that logs a
30 substantial percentage of flight hours in the state as determined by the department.
31 For purposes of this subsection, an applicant may be an individual, corporation,

1 partnership, limited liability corporation, limited liability partnership, limited liability
2 company, joint venture, or non-federal governmental entity.

3 (b) After consultation with the Department of Transportation and Public
4 Facilities, the Department of Commerce, Community, and Economic Development
5 shall establish by regulation the standards for capstone avionics equipment eligible
6 for loans.

7 **Sec. 44.33.670. Limitations on loans.** A loan established under
8 AS 44.33.650 - 44.33.690

9 (1) may not exceed a term of 10 years, except for extensions under
10 AS 44.33.660;

11 (2) may not bear interest less than four percent per year;

12 (3) must be secured by collateral acceptable to the department; and

13 (4) may not exceed 80 percent of the cost of the eligible capstone
14 avionics equipment purchased with proceeds of the loan.

15 **Sec. 44.33.675. Special account established.** (a) There is established as a
16 special account within the Alaska capstone avionics revolving loan fund the
17 foreclosure expense account.

18 (b) The department may expend money credited to the foreclosure expense
19 account when necessary to protect the state's security interest in collateral on loans
20 granted under AS 44.33.665 or to defray expenses incurred during foreclosure
21 proceedings after a default by an obligor.

22 **Sec. 44.33.680. Disposal of property acquired by default or foreclosure.**
23 The department shall dispose of property acquired through default or foreclosure of a
24 loan made under AS 44.33.650 - 44.33.690. Disposal must be made in a manner that
25 serves the best interest of the state, and may include the amortization of payments
26 over a term of years.

27 **Sec. 44.33.690. Definitions.** In AS 44.33.650 - 44.33.690

28 (1) "capstone avionics equipment"

29 (A) means aviation navigation performance and safety
30 technological equipment eligible for financing through the capstone program;

31 (B) includes global positioning system-based avionics

1 equipment and data link communications suites;

2 (2) "capstone program" means a technology-focused aviation
3 program administered by the Federal Aviation Administration in this state;

4 (3) "department" means the Department of Commerce, Community,
5 and Economic Development.

6 * **Sec. 2.** AS 44.33.650, 44.33.655, 44.33.660, 44.33.665, 44.33.670, 44.33.675,
7 44.33.680, and 44.33.690 are repealed.

8 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **TRANSITION: REGULATIONS.** The Department of Commerce, Community, and
11 Economic Development may immediately proceed to adopt regulations necessary to
12 implement the changes made in sec. 1 of this Act. The regulations take effect under
13 AS 44.62 (Administrative Procedure Act) but not before the effective date of the statutory
14 change.

15 * **Sec. 4.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).

16 * **Sec. 5.** Section 2 of this Act takes effect July 1, 2020.

17 * **Sec. 6.** Except as provided in secs. 4 and 5 of this Act, this Act takes effect July 1, 2008.