



LAWS OF ALASKA

2003

Source
CSHB 16(FIN) am

Chapter No.
4

AN ACT

Amending, for purposes of the Alaska Stranded Gas Development Act, the standards applicable to determining whether a proposed new investment constitutes a qualified project, the standards used to determine whether a person or group qualifies as a project sponsor or project sponsor group, and the deadline for applications relating to the development of contracts for payments in lieu of taxes and for royalty adjustments that may be submitted for consideration, and modifying the conditions bearing on the use of independent contractors to evaluate applications or to develop contract terms; providing statements of intent for the Act relating to use of project labor agreements and to reopening of contracts; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Amending, for purposes of the Alaska Stranded Gas Development Act, the standards
2 applicable to determining whether a proposed new investment constitutes a qualified project,
3 the standards used to determine whether a person or group qualifies as a project sponsor or
4 project sponsor group, and the deadline for applications relating to the development of
5 contracts for payments in lieu of taxes and for royalty adjustments that may be submitted for
6 consideration, and modifying the conditions bearing on the use of independent contractors to
7 evaluate applications or to develop contract terms; providing statements of intent for the Act
8 relating to use of project labor agreements and to reopening of contracts; and providing for an
9 effective date.

10

11 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
12 to read:

1 LEGISLATIVE INTENT. It is the intent of the legislature that

2 (1) in awarding contracts under the Alaska Stranded Gas Development Act, a
3 qualified sponsor or qualified sponsor group and contractors of the qualified sponsor or
4 qualified sponsor group may develop and enter into project labor agreements with appropriate
5 collective bargaining organizations for each project for which a contract is entered into; and

6 (2) each contract for payments in lieu of taxes and for royalty adjustments
7 entered into under the Alaska Stranded Gas Development Act contain a provision by which
8 the contract may be reopened by any party to the contract; the subject matter of the reopening
9 may be dealt with through the use of arbitration proceedings agreed on by the parties.

10 * **Sec. 2.** AS 43.82.100 is amended to read:

11 **Sec. 43.82.100. Qualified project.** Based on information available to the
12 commissioner, the commissioner may determine that a proposal for new investment is
13 a qualified project under this chapter [ONLY] if the project

14 (1) **principally involves**

15 **(A) the transportation of natural gas by pipeline to one or**
16 **more markets, together with any associated processing or treatment;**

17 **(B) [IS A PROJECT FOR] the export of liquefied natural gas**
18 **from the state to one or more other states or countries; or**

19 **(C) any other technology that commercializes the shipment**
20 **of natural gas within the state or from the state to one or more other states**
21 **or countries;**

22 (2) would produce at least 500,000,000,000 cubic feet of stranded gas
23 within 20 years from the commencement of commercial operations; and

24 (3) is capable, subject to applicable commercial regulation and
25 technical and economic considerations, of making gas available to meet the reasonably
26 foreseeable demand in this state for gas within the economic proximity of the project.

27 * **Sec. 3.** AS 43.82.110 is amended to read:

28 **Sec. 43.82.110. Qualified sponsor or qualified sponsor group.** The
29 commissioner may determine that a person or group is a qualified sponsor or qualified
30 sponsor group if the person or a member of the group

31 (1) intends to own an equity interest in a qualified project, intends to

1 commit gas that it owns to a qualified project, or holds the permits that the department
2 determines are essential to construct and operate a qualified project; and

3 (2) meets one or more of the following criteria:

4 (A) owns a working interest in at least 10 percent of the
5 stranded gas proposed to be developed by a qualified project;

6 (B) has the right to purchase at least 10 percent of the stranded
7 gas proposed to be developed by a qualified project;

8 (C) has the right to acquire, control, or market at least 10
9 percent of the stranded gas proposed to be developed by a qualified project;

10 (D) has a net worth equal to at least **10** [33] percent of the
11 estimated cost of constructing a qualified project;

12 (E) has an unused line of credit equal to at least **15** [25] percent
13 of the estimated cost of constructing a qualified project.

14 * **Sec. 4.** AS 43.82.170 is amended to read:

15 **Sec. 43.82.170. Application deadline.** The commissioner of revenue or the
16 commissioner of natural resources may not act on an application for a contract
17 submitted under AS 43.82.120 unless the application is received by the Department of
18 Revenue no later than **March 31, 2005** [JUNE 30, 2001].

19 * **Sec. 5.** AS 43.82.240(a) is amended to read:

20 (a) The commissioner may use **independent contractors** [AN
21 INDEPENDENT CONTRACTOR] to assist in the evaluation of an application or in
22 the development of contract terms under AS 43.82.200. The commissioner may
23 condition the development of a contract under AS 43.82.020 on an agreement by the
24 applicant to reimburse the state for the **reasonable** expenses of **independent**
25 **contractors** [AN INDEPENDENT CONTRACTOR] under this section. **A**
26 **reimbursement of expenses that is required in an agreement authorized by this**
27 **subsection may not exceed \$1,500,000 for each application.**

28 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).