

AMENDMENT ^{#1}

OFFERED IN THE HOUSE
TO: HB 331

BY REPRESENTATIVE SEATON

1 Page 9, following line 14:

2 Insert a new bill section to read:

3 **"* Sec. 6. AS 43.55.028(b) is amended to read:**

4 (b) The oil and gas tax credit fund consists of

5 (1) money appropriated to the fund, including any appropriation of the
6 percentage provided under (c) of this section of all revenue from taxes levied by
7 AS 43.55.011 that is not required to be deposited in the constitutional budget reserve
8 fund established in art. IX, sec. 17(a), Constitution of the State of Alaska, less the
9 amount described in (o) in this section; and

10 (2) earnings on the fund."

11

12 Renumber the following bill sections accordingly.

13

14 Page 14, following line 26:

15 Insert a new subsection to read:

16 "(o) The legislature may reduce an appropriation made under (b)(1) of this
17 section by an amount equal to the amount appropriated to the Alaska Tax Credit
18 Certificate Bond Corporation for maintenance of the required debt service reserve in
19 the Alaska Tax Credit Certificate Bond Corporation reserve fund, as calculated under
20 AS 37.18.040(g)."

AMENDMENT #2

By: Rep. Seaton

OFFERED IN THE HOUSE

TO: HB 331

1 Page 6, line 12, following "them.":

2 Insert "The corporation shall publish a notice of the adopted resolution."
3

4 Page 7, following line 29:

5 Insert a new section to read:

6 "Sec. 37.18.110. Limitation on judicial action. A person may not bring a
7 judicial action to contest the constitutionality or validity of this chapter or the
8 constitutionality or validity of a bond issued and sold under this chapter unless the
9 action is commenced in a court of the state of competent jurisdiction within 45 days
10 after the corporation adopts a resolution under AS 37.18.060 authorizing the issuance
11 of bonds. A person that fails to commence an action in the time provided under this
12 section is barred from commencing an action to contest the constitutionality or validity
13 of a bond issued and sold under this chapter."

AMENDMENT ^{#3}

By: Rep Seaton
By: Rep Pruitt.

OFFERED IN THE HOUSE

TO: HB 331

1 Page 1, line 2, following "certificates;":

2 Insert "relating to the oil and gas tax credit fund;"

3

4 Page 9, line 24, following "year.":

5 Insert "The total amount of purchases made by the department with money from
6 the oil and gas tax credit fund from a person in a year may not exceed the assumed
7 payment amount for each year, as calculated under (l) of this section without the
8 discount provided in (m) of this section."

9

10 Page 13, line 17, following the first occurrence of "in":

11 Insert "the"

12

13 Page 13, line 24:

14 Delete "a year applies"

15 Insert "applies each year after the first year"

16

17 Page 13, line 30, following "year":

18 Insert "after the first year"

19

20 Page 14, line 4, following "year":

21 Insert "after the first year"

22

23 Page 14, line 6:

1 Delete "was required to submit"

2 Insert "submitted"

3

4 Page 14, line 14, following "incur":

5 Insert "."

6

7 Page 14, line 15:

8 Delete "of"

9 Insert "."

10

11 Page 14, line 16:

12 Delete "provided"

13 Insert ", and"

14

15 Page 14, following line 26:

16 Insert a new subsection to read:

17 "(o) After bonds are first issued by the Alaska Tax Credit Certificate Bond
18 Corporation established under AS 37.18.010, the legislature may determine the
19 amount of an appropriation under (b)(1) of this section by multiplying the percentage
20 under (c) of this section by the net revenue from taxes levied by AS 43.55.011."

AMENDMENT #4

By: Rep. Guttenberg

OFFERED IN THE HOUSE

TO: HB 331

Page 14, lines 14 - 20:

Delete all material and insert:

"(3) that the applicant commits to incur, not later than 24 months after the purchase of the certificate, qualified capital expenditures in an amount greater than or equal to the purchase amount, and

(A) the applicant provides to the department evidence of the commitment and a plan to

(i) use the qualified capital expenditures for the purpose of increasing production of oil or gas from leases or properties in the state; and

(ii) maximize the hiring of state residents and use of state business related to qualified capital expenditures;

(B) the applicant agrees in writing to pay the department the difference between the rate paid and the rate the applicant would have paid had this subsection not applied, plus interest on the amount that is consistent with the interest rate provided for a delinquent tax under AS 43.05.225, if the applicant does not incur qualified capital expenditures in an amount greater than or equal to the purchase amount within 24 months after the purchase of the certificate; and

(C) after reviewing documents submitted under (A) and (B) of this paragraph, the commissioner approves the lower discount rate for the purchase."

AMENDMENT #5

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: HB 331

1 Page 16, lines 26 - 27:

2 Delete all material and insert:

3 "(h) The department shall separately account for the revenue collected from an
4 overriding royalty interest agreement that the department deposits in the general fund.
5 The legislature may appropriate the annual estimated balance in the account to the
6 Alaska tax credit certificate bond corporation reserve fund established under
7 AS 37.18.040."

AMENDMENT ^{#6}
KAWASAKI

OFFERED IN THE HOUSE

TO: HB 331

- 1 Page 2, line 12, following "administration.":
- 2 Insert "The corporation may issue bonds under this section only if it makes a finding
- 3 that, both before and after the issuance of the bonds, the state bond rating will be the
- 4 equivalent of AA- or better."
- 5
- 6 Page 6, line 31, following "inhabitants":
- 7 Insert "and the state bond rating, both before and after the issuance of refunding
- 8 bonds, will be the equivalent of AA- or better"

AMENDMENT #7

Kawasaki

OFFERED IN THE HOUSE
TO: HB 331

- 1 Page 5, line 12, following "variable":
- 2 Insert "A bond issued under this chapter must state on its face that
- 3 (1) the legislature is not required to appropriate money to the
- 4 corporation for any purpose;
- 5 (2) the state is not liable if the legislature does not appropriate to the
- 6 corporation the amount necessary to maintain the required debt service reserve; and
- 7 (3) an appropriation of money to the corporation for maintenance of
- 8 the required debt service reserve does not obligate the legislature to make a subsequent
- 9 appropriation to the corporation."

AMENDMENT

#8

Kawasaki

OFFERED IN THE HOUSE

TO: HB 331

- 1 Page 2, line 20, following "a":
- 2 Insert "pledge of the faith or credit of the state or a"
- 3
- 4 Page 2, line 22, following "required.":
- 5 Insert "This chapter does not create liability of the state or a political subdivision of
- 6 the state, other than the corporation, in the event of default."

AMENDMENT #9

OFFERED IN THE HOUSE
TO: HB 331

Kawasaki

- 1 Page 2, lines 19 - 22:
- 2 Delete "The bonds do not constitute a general obligation of the state and are not state
- 3 debt within the meaning of art. IX, sec. 8, Constitution of the State of Alaska. Authorization
- 4 by the voters of the state or the legislature is not required."
- 5 Insert "The bonds
- 6 (1) do not constitute a general obligation of the state and are not state
- 7 debt within the meaning of art. IX, sec. 8, Constitution of the State of Alaska;
- 8 authorization by the voters of the state or the legislature is not required; and
- 9 (2) are not revenue bonds of a public corporation within the meaning of
- 10 art. IX, sec. 11, Constitution of the State of Alaska."

AMENDMENT #10

OFFERED IN THE HOUSE
TO: HB 331

BY REPRESENTATIVE SEATON

1 Page 17, line 19:

2 Delete all material and insert:

3 "** Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 CONDITIONAL EFFECT. This Act takes effect only if

6 (1) a version of Senate Bill 104 and a version of Senate Bill 26 are passed by
7 the Thirtieth Alaska State Legislature and enacted into law; and

8 (2) the appropriations necessary to fund this Act for the fiscal year ending
9 June 30, 2019, as passed by the Thirtieth Alaska State Legislature, are enacted into law on or
10 before October 1, 2018.

11 * Sec. 15. If this Act takes effect under sec. 14 of this Act, it takes effect the day after the
12 latest date of enactment of an Act or appropriation described in sec. 14 of this Act."