

**HOUSE CS FOR CS FOR SENATE BILL NO. 2002(JUD) am H**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FOURTH LEGISLATURE - SECOND SPECIAL SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Amended: 6/6/06**

**Offered: 6/6/06**

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act increasing the time period for legislative and public comment on a proposed**  
2 **contract and preliminary findings and determinations under the Alaska Stranded Gas**  
3 **Development Act, conferring original jurisdiction on the Alaska Supreme Court for the**  
4 **purpose of providing judicial review of a contract executed under the Alaska Stranded**  
5 **Gas Development Act, and setting the time in which a final agency decision of the**  
6 **commissioner of revenue made under that Act, the constitutionality of a law authorizing**  
7 **a contract enacted under that Act, or the enforceability of a contract executed under a**  
8 **law authorizing a contract enacted under that Act must be legally challenged and by**  
9 **whom; and providing for an effective date."**

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

11 **\* Section 1.** AS 43.82.410 is amended to read:

12 **Sec. 43.82.410. Notice and comment regarding the contract. The**

1 commissioner shall

2 (1) give reasonable public notice of the preliminary findings and  
3 determination made under AS 43.82.400;

4 (2) make copies of the proposed contract, the commissioner's  
5 preliminary findings and determination, and, to the extent the information is not  
6 required to be kept confidential under AS 43.82.310, the supporting financial,  
7 technical, and market data, including the work papers, analyses, and recommendations  
8 of any independent contractors used under AS 43.82.240 available to the public and to

9 (A) the presiding officer of each house of the legislature;

10 (B) the chairs of the finance and resources committees of the  
11 legislature; and

12 (C) the chairs of the special committees on oil and gas, if any,  
13 of the legislature;

14 (3) offer to appear before the Legislative Budget and Audit Committee  
15 to provide the committee a review of the commissioner's preliminary findings and  
16 determination, the proposed contract, and the supporting financial, technical, and  
17 market data; if the Legislative Budget and Audit Committee accepts the  
18 commissioner's offer, the committee shall give notice of the committee's meeting to  
19 the public and all members of the legislature; if the financial, technical, and market  
20 data that is to be provided must be kept confidential under AS 43.82.310, the  
21 commissioner may not release the confidential information during a public portion of  
22 a committee meeting; and

23 (4) establish a period of at least 90 [30] days for the public and  
24 members of the legislature to comment on the proposed contract and the preliminary  
25 findings and determination made under AS 43.82.400.

26 \* **Sec. 2.** AS 43.82.440 is repealed and reenacted to read:

27 **Sec. 43.82.440. Judicial review.** (a) The Alaska Supreme Court has original  
28 and exclusive jurisdiction of any judicial review of a contract developed under  
29 AS 43.82.020. Notwithstanding any other provision of law, an action may not be  
30 brought challenging a final agency decision of the commissioner of revenue made  
31 under AS 43.82.430(c), the constitutionality of a law authorizing a contract enacted

1 under AS 43.82.435, or the enforceability of a contract executed under a law  
2 authorizing a contract enacted under this chapter until that contract has been executed  
3 and unless the action is commenced within 90 days after the date that the contract was  
4 executed by all the parties to the contract.

5 (b) In this section, "contract" means a contract developed under AS 43.82.020.

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

8 **RETROACTIVITY.** Section 1 of this Act is retroactive to May 10, 2006.

9 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).