

AMENDMENT #4

OFFERED IN THE HOUSE

BY REPRESENTATIVE SAMUELS

TO: HB 3001

1 Page 1, line 3, following "Act;":

2 Insert **"requiring TransCanada Alaska Company, LLC and Foothills Pipe Lines**
3 **Ltd., jointly as licensee, to fully disclose and tender to the commissioner of natural**
4 **resources all documents and other information provided to, exchanged with, or received**
5 **from the state relating to contract negotiations with the state during 2004 regarding the**
6 **construction of a natural gas pipeline to transport natural gas from the North Slope**
7 **before the state reimburses qualified expenditures;"**

8

9 Page 1, following line 11:

10 Insert new bill sections to read:

11 **"* Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 DISCLOSURE OF INFORMATION RELATING TO 2004 CONTRACT
14 NEGOTIATIONS WITH THE STATE. (a) The commissioner of revenue and the
15 commissioner of natural resources may not reimburse TransCanada Alaska Company, LLC,
16 and Foothills Pipe Lines Ltd., jointly as licensee, for qualified expenditures under
17 AS 43.90.110(a)(1) before the licensee fully discloses and tenders all documents and other
18 information provided to, exchanged with, or received from the state during 2004 relating to
19 contract negotiations with the state regarding the construction of a natural gas pipeline to
20 transport natural gas from the North Slope. In this subsection, "licensee" includes the licensee
21 and a successor in interest to the licensee subject to AS 43.90.

22 (b) The chief executive officers of TransCanada Alaska Company, LLC, and Foothills
23 Pipe Lines Ltd., or other person authorized to act on behalf of each, shall certify by sworn

1 affidavit that all documents and other information provided to, exchanged with, or received
2 from the state during 2004 relating to contract negotiations with the state regarding the
3 construction of a natural gas pipeline to transport natural gas from the North Slope have been
4 fully disclosed and tendered to the commissioner of natural resources.

5 (c) The commissioner of natural resources shall receive and review the documents
6 and other information described in (a) of this section and the affidavit required by (b) of this
7 section. Following review, the commissioner of natural resources shall notify the chair or the
8 vice-chair of the Legislative Budget and Audit Committee after making a finding

9 (1) that all documents and other information have been received and that
10 TransCanada Alaska Company, LLC, and Foothills Pipe Lines Ltd., are entitled to receive the
11 reimbursement for qualified expenditures under AS 43.90.110(a)(1); or

12 (2) that TransCanada Alaska Company, LLC, and Foothills Pipe Lines Ltd.,
13 after having been given a reasonable period in which to disclose and tender the documents
14 and other information required by this section, have failed to make the required disclosures
15 and tender of documents and other information required under this section.

16 (d) After notifying the chair or the vice-chair of the Legislative Budget and Audit
17 Committee of a finding under (c)(1) of this section, the commissioner of natural resources
18 shall provide a copy of all documents and other information received to the Legislative
19 Budget and Audit Committee. The Legislative Budget and Audit Committee shall make all
20 documents and other information received from the commissioner of natural resources under
21 this subsection available to the public except documents and other information that are
22 identified and demonstrated to the committee by the licensee to be proprietary, privileged, or
23 a trade secret that are confidential and not subject to public disclosure under AS 40.25.

24 (e) A dispute between the commissioner of natural resources and the licensee over the
25 disclosure and submission of information required by this section shall be resolved under
26 AS 44.62.330 - 44.62.630 (Administrative Procedure Act) or other form of alternative dispute
27 resolution agreed to by the licensee and the commissioner of natural resources, in consultation
28 with the attorney general.

29 (f) In this section, "licensee" has the meaning given in AS 43.90.900.

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

- 1 PROVISIONS NOT SEVERABLE. Notwithstanding AS 01.10.030, secs. 1 and 2 of
- 2 this Act are not severable."
- 3
- 4 Renumber the following bill section accordingly.