

AMENDMENT #9

OFFERED IN THE SENATE
TO: SCS CSHB 111(FIN)

BY SENATOR WIELECHOWSKI

1 Page 1, line 4, following "certificates;":

2 Insert "**relating to information concerning tax credits, lease expenditures, and oil**
3 **and gas taxes and relating to the disclosure of that information to the public;**"
4

5 Page 1, following line 7:

6 Insert a new bill section to read:

7 **"* Section 1.** AS 40.25.100(a) is amended to read:

8 (a) Information in the possession of the Department of Revenue that discloses
9 the particulars of the business or affairs of a taxpayer or other person, including
10 information under AS 38.05.020(b)(11) that is subject to a confidentiality agreement
11 under AS 38.05.020(b)(12), is not a matter of public record, except as provided in
12 AS 43.05.230(i) - (n) [AS 43.05.230(i) - (j)] or for purposes of investigation and law
13 enforcement. The information shall be kept confidential except when its production is
14 required in an official investigation, administrative adjudication under AS 43.05.405 -
15 43.05.499, or court proceeding. These restrictions do not prohibit the publication of
16 statistics presented in a manner that prevents the identification of particular reports
17 and items, prohibit the publication of tax lists showing the names of taxpayers who are
18 delinquent and relevant information that may assist in the collection of delinquent
19 taxes, or prohibit the publication of records, proceedings, and decisions under
20 AS 43.05.405 - 43.05.499."
21

22 Page 1, line 8:

23 Delete "**Section 1**"

1 Insert "Sec. 2"

2
3 Renumber the following bill sections accordingly.

4
5 Page 2, following line 21:

6 Insert new bill sections to read:

7 **** Sec. 3.** AS 43.05.230(l) is amended to read:

8 (l) **The** [FOR TAX CREDIT CERTIFICATES PURCHASED BY THE
9 DEPARTMENT IN THE PRECEDING CALENDAR YEAR UNDER AS 43.55.028,
10 THE] department shall make the following information public by April 30 of each
11 year:

12 (1) for tax credit certificates issued or purchased by the
13 department in the preceding calendar year under AS 43.55.028:

14 (A) the name of each person to which a transferable tax
15 certificate was issued or from which the department purchased a transferable
16 tax credit certificate; and

17 (B) [(2)] the aggregate amount of the tax credit certificates
18 purchased from the person in the preceding calendar year;

19 (C) the aggregate amount of the tax credit certificates
20 issued to the person in the preceding calendar year; and

21 (2) unless otherwise prohibited by law, information submitted
22 during the previous calendar year under AS 43.55.030(a)(10) and (e)(3).

23 *** Sec. 4.** AS 43.05.230 is amended by adding new subsections to read:

24 (m) The department may disclose information otherwise publicly available

25 (1) on a return filed for a tax due under AS 43.55; or

26 (2) related to a credit received under AS 43.20.046, 43.20.047,
27 43.20.049, 43.20.052, or 43.20.053.

28 (n) The name of each person claiming a credit, the amount of credit received
29 for each oil refinery, and a description of the expenditures for which each credit is
30 claimed under AS 43.20.053 is public information. The department shall make the
31 following information public by April 30 of each year:

1 (1) the name of each person who claimed a tax credit under
2 AS 43.20.053 in the preceding calendar year;

3 (2) for each refinery for which a tax credit was claimed under
4 AS 43.20.053 in the preceding calendar year,

5 (A) the aggregate amount of tax credits claimed for that
6 refinery;

7 (B) a description of any potential benefits to the state or
8 residents of the state, including the estimated monetary value;

9 (3) a brief description of the qualified infrastructure expenditures for
10 which each tax credit claimed under AS 43.20.053 in the preceding calendar year was
11 claimed; and

12 (4) for each refinery for which an expenditure is the basis of a credit
13 under AS 43.20.053, the aggregate amount of unused tax credits or portions of tax
14 credits."
15

16 Renumber the following bill sections accordingly.

17
18 Page 4, line 20:

19 Delete "sec. 5"

20 Insert "sec. 8"

21
22 Page 7, line 8:

23 Delete "sec. 9"

24 Insert "sec. 12"

25
26 Page 14, line 26:

27 Delete "sec. 19"

28 Insert "sec. 22"

29
30 Page 16, following line 3:

31 Insert new bill sections to read:

1 ** Sec. 25. AS 43.55.030(a) is amended to read:

2 (a) A producer that produces oil or gas from a lease or property in the state
3 during a calendar year, whether or not any tax payment is due under AS 43.55.020(a)
4 for that oil or gas, shall file with the department on March 31 of the following year a
5 statement, under oath, in a form prescribed by the department, giving, with other
6 information required under a regulation adopted by the department, the following:

7 (1) a description of each lease or property from which oil or gas was
8 produced, by name, legal description, lease number, or accounting codes assigned by
9 the department;

10 (2) the names of the producer and, if different, the person paying the
11 tax, if any;

12 (3) the gross amount of oil and the gross amount of gas produced from
13 each lease or property, separately identifying the gross amount of gas produced from
14 each oil and gas lease to which an effective election under AS 43.55.014(a) applies,
15 the amount of gas delivered to the state under AS 43.55.014(b), and the percentage of
16 the gross amount of oil and gas owned by the producer;

17 (4) the gross value at the point of production of the oil and of the gas
18 produced from each lease or property owned by the producer and the costs of
19 transportation of the oil and gas;

20 (5) the name of the first purchaser and the price received for the oil and
21 for the gas, unless relieved from this requirement in whole or in part by the
22 department;

23 (6) the producer's qualified capital expenditures, as defined in
24 AS 43.55.023, other lease expenditures under AS 43.55.165, and adjustments or other
25 payments or credits under AS 43.55.170;

26 (7) the production tax values of the oil and gas under AS 43.55.160(a)
27 or of the oil under AS 43.55.160(h), as applicable;

28 (8) any claims for tax credits to be applied; [AND]

29 (9) calculations showing the amounts, if any, that were or are due
30 under AS 43.55.020(a) and interest on any underpayment or overpayment; and

31 (10) for each expenditure that is the basis of a lease expenditure

1 carried forward under AS 43.55.165(a)(3) or a credit claimed under AS 43.55.023
 2 or 43.55.025, a description of the expenditure and a description of the lease or
 3 property for which the expenditure was incurred.

4 * Sec. 26. AS 43.55.030(e) is amended to read:

5 (e) An explorer or producer that incurs a lease expenditure under
 6 AS 43.55.165 or receives a payment or credit under AS 43.55.170 during a calendar
 7 year but does not produce oil or gas from a lease or property in the state during the
 8 calendar year shall file with the department, on March 31 of the following year, a
 9 statement, under oath, in a form prescribed by the department, giving, with other
 10 information required under a regulation adopted by the department, the following:

11 (1) the explorer's or producer's qualified capital expenditures, as
 12 defined in AS 43.55.023, other lease expenditures under AS 43.55.165, and
 13 adjustments or other payments or credits under AS 43.55.170; [AND]

14 (2) if the explorer or producer receives a payment or credit under
 15 AS 43.55.170, calculations showing whether the explorer or producer is liable for a
 16 tax under AS 43.55.160(d) or 43.55.170(b) and, if so, the amount; and

17 (3) for each expenditure that is the basis of a lease expenditure
 18 carried forward under AS 43.55.165(a)(3) or a credit claimed under this chapter,
 19 a description of the expenditure and a description of the lease or property for
 20 which the expenditure was incurred."

21
 22 Renumber the following bill sections accordingly.

23
 24 Page 19, line 17:

25 Delete "sec. 2"

26 Insert "sec. 5"

27
 28 Page 19, line 18:

29 Delete "secs. 9, 12, and 15"

30 Insert "secs. 12, 15, and 18"

1 Page 19, line 23:

2 Delete "sec. 4"

3 Insert "sec. 7"

4 Delete "sec. 7"

5 Insert "sec. 10"

6

7 Page 19, line 24:

8 Delete "sec. 14"

9 Insert "sec. 17"

10

11 Page 19, line 31:

12 Delete "secs. 24 and 27"

13 Insert "secs. 29 and 32"

14

15 Page 20, line 1:

16 Delete "secs. 24 and 27"

17 Insert "secs. 29 and 32"

18

19 Page 20, line 5:

20 Delete "sec. 1"

21 Insert "sec. 2"

22

23 Page 20, line 7:

24 Delete "sec. 1"

25 Insert "sec. 2"

26

27 Page 20, line 11:

28 Delete "sec. 30"

29 Insert "sec. 35"

30

31 Page 20, line 12:

1 Delete "sec. 30"

2 Insert "sec. 35"

3

4 Page 20, line 14:

5 Delete "sec. 30"

6 Insert "sec. 35"

7

8 Page 20, line 18:

9 Delete "sec. 29"

10 Insert "sec. 34"

11

12 Page 20, line 19:

13 Delete "secs. 22, 23, 25, and 28"

14 Insert "secs. 27, 28, 30, and 33"

15

16 Page 20, line 20:

17 Delete "sec. 29"

18 Insert "sec. 34"

19

20 Page 20, line 24:

21 Delete "sec. 29"

22 Insert "sec. 34"

23

24 Page 20, line 26:

25 Delete "sec. 29"

26 Insert "sec. 34"

27

28 Page 20, line 27:

29 Delete "sec. 29"

30 Insert "sec. 34"

31

1 Page 21, lines 1 - 2:

2 Delete "sec. 30"

3 Insert "sec. 35"

4

5 Page 21, line 12:

6 Delete "Sections 3, 6, 8, 30, 35, and 37"

7 Insert "Sections 6, 9, 11, 35, 40, and 42"

8

9 Page 21, line 27:

10 Delete "Sections 2, 4, 7, 9, 12 - 15, 17, 19, 31, 32, 38, and 39"

11 Insert "Sections 5, 7, 10, 12, 15 - 18, 20, 22, 36, 37, 43, and 44"

12

13 Page 21, line 29:

14 Delete "Section 24"

15 Insert "Section 29"

16

17 Page 21, line 31:

18 Delete "sec. 39"

19 Insert "sec. 44"

20 Delete "secs. 3, 6, 8, 30, 35, and 37"

21 Insert "secs. 6, 9, 11, 35, 40, and 42"

22

23 Page 22, line 3:

24 Delete "sec. 39"

25 Insert "sec. 44"

26

27 Page 22, line 5:

28 Delete "secs. 40 - 42"

29 Insert "secs. 45 - 47"