

**SENATE BILL NO. 107**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATORS WIELECHOWSKI, Gray-Jackson

Introduced: 3/10/21

Referred: Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the oil and gas production tax; relating to credits against the oil and  
2 gas production tax; relating to payments of the oil and gas production tax; relating to  
3 lease expenditures and adjustments to lease expenditures; making public certain  
4 information related to the oil and gas production tax; relating to the Department of  
5 Revenue; and providing for an effective date."

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

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) - (m) [AS 43.05.230(i) - (l)] or for purposes of investigation and law  
13 enforcement. The information shall be kept confidential except when its production is

1 required in an official investigation, administrative adjudication under AS 43.05.405 -  
 2 43.05.499, or court proceeding. These restrictions do not prohibit the publication of  
 3 statistics presented in a manner that prevents the identification of particular reports  
 4 and items, prohibit the publication of tax lists showing the names of taxpayers who are  
 5 delinquent and relevant information that may assist in the collection of delinquent  
 6 taxes, or prohibit the publication of records, proceedings, and decisions under  
 7 AS 43.05.405 - 43.05.499.

8 \* **Sec. 2.** AS 43.05.230 is amended by adding a new subsection to read:

9 (m) The information provided by a producer to the department on a return for  
 10 the payment of oil production taxes assessed under AS 43.55.011(q) is public  
 11 information.

12 \* **Sec. 3.** AS 43.55.011(e) is amended to read:

13 (e) There is levied on the producer of oil or gas a tax for all oil and gas  
 14 produced each calendar year from each lease or property in the state, less any oil and  
 15 gas the ownership or right to which is exempt from taxation or constitutes a  
 16 landowner's royalty interest or for which a tax is levied by AS 43.55.014. Except as  
 17 otherwise provided under (f), (j), (k), (o), [AND] (p), (q), and (s) of this section, for  
 18 oil and gas produced

19 (1) before January 1, 2014, the tax is equal to the sum of

20 (A) the annual production tax value of the taxable oil and gas  
 21 as calculated under AS 43.55.160(a)(1) multiplied by 25 percent; and

22 (B) the sum, over all months of the calendar year, of the tax  
 23 amounts determined under (g) of this section;

24 (2) on and after January 1, 2014, and before January 1, 2022, the tax is  
 25 equal to the annual production tax value of the taxable oil and gas as calculated under  
 26 AS 43.55.160(a)(1) multiplied by 35 percent;

27 (3) on and after January 1, 2022, the tax for

28 (A) oil is equal to the annual production tax value of the  
 29 taxable oil as calculated under AS 43.55.160(h) multiplied by 35 percent;

30 (B) gas is equal to 13 percent of the gross value at the point of  
 31 production of the taxable gas; if the gross value at the point of production of

1 gas produced from a lease or property is less than zero, that gross value at the  
 2 point of production is considered zero for purposes of this subparagraph.

3 \* **Sec. 4.** AS 43.55.011(f) is amended to read:

4 (f) The levy of tax under (e) of this section for

5 (1) oil and gas produced before January 1, 2022, from leases or  
 6 properties that include land north of 68 degrees North latitude, other than gas subject  
 7 to (o) of this section **and oil subject to (q) of this section**, may not be less than

8 (A) four percent of the gross value at the point of production  
 9 when the average price per barrel for Alaska North Slope crude oil for sale on  
 10 the United States West Coast during the calendar year for which the tax is due  
 11 is more than \$25;

12 (B) three percent of the gross value at the point of production  
 13 when the average price per barrel for Alaska North Slope crude oil for sale on  
 14 the United States West Coast during the calendar year for which the tax is due  
 15 is over \$20 but not over \$25;

16 (C) two percent of the gross value at the point of production  
 17 when the average price per barrel for Alaska North Slope crude oil for sale on  
 18 the United States West Coast during the calendar year for which the tax is due  
 19 is over \$17.50 but not over \$20;

20 (D) one percent of the gross value at the point of production  
 21 when the average price per barrel for Alaska North Slope crude oil for sale on  
 22 the United States West Coast during the calendar year for which the tax is due  
 23 is over \$15 but not over \$17.50; or

24 (E) zero percent of the gross value at the point of production  
 25 when the average price per barrel for Alaska North Slope crude oil for sale on  
 26 the United States West Coast during the calendar year for which the tax is due  
 27 is \$15 or less; and

28 (2) oil produced on and after January 1, 2022, from leases or properties  
 29 that include land north of 68 degrees North latitude, **other than oil subject to (q) of**  
 30 **this section**, may not be less than

31 (A) four percent of the gross value at the point of production

1 when the average price per barrel for Alaska North Slope crude oil for sale on  
 2 the United States West Coast during the calendar year for which the tax is due  
 3 is more than \$25;

4 (B) three percent of the gross value at the point of production  
 5 when the average price per barrel for Alaska North Slope crude oil for sale on  
 6 the United States West Coast during the calendar year for which the tax is due  
 7 is over \$20 but not over \$25;

8 (C) two percent of the gross value at the point of production  
 9 when the average price per barrel for Alaska North Slope crude oil for sale on  
 10 the United States West Coast during the calendar year for which the tax is due  
 11 is over \$17.50 but not over \$20;

12 (D) one percent of the gross value at the point of production  
 13 when the average price per barrel for Alaska North Slope crude oil for sale on  
 14 the United States West Coast during the calendar year for which the tax is due  
 15 is over \$15 but not over \$17.50; or

16 (E) zero percent of the gross value at the point of production  
 17 when the average price per barrel for Alaska North Slope crude oil for sale on  
 18 the United States West Coast during the calendar year for which the tax is due  
 19 is \$15 or less.

20 \* **Sec. 5.** AS 43.55.011 is amended by adding new subsections to read:

21 (q) There is levied on the producer of oil or gas a tax for all oil produced from  
 22 each major oil field each month of the calendar year, less any oil and gas the  
 23 ownership or right to which is exempt from taxation or constitutes a landowner's  
 24 royalty interest. For oil produced from a major oil field on and after January 1, 2021,  
 25 the tax is equal to the sum of

26 (1) the annual production tax value of the taxable oil from the major  
 27 oil field as calculated under AS 43.55.160(h)(5) or (i)(8), as applicable, multiplied by  
 28 35 percent; and

29 (2) the sum, over all months of the calendar year, of the tax amounts  
 30 determined under (r) of this section.

31 (r) For each month of a calendar year for which the average monthly

1 production tax value under AS 43.55.160(j) of a barrel of taxable oil produced from  
2 each major oil field is more than \$50, the amount of additional tax for purposes of  
3 (q)(2) of this section is determined by multiplying

4 (1) the monthly production tax value of the taxable oil produced by the  
5 producer from the major oil field during the month, less \$50; and

6 (2) the tax rate of 15 percent.

7 (s) For each month of the calendar year, the levy of tax under (q) of this  
8 section for oil produced from each major oil field may not be less than

9 (1) 10 percent of the gross value at the point of production from the  
10 major oil field when the average price per barrel for Alaska North Slope crude oil for  
11 sale on the United States West Coast during the month for which the tax is due is less  
12 than \$50;

13 (2) 11 percent of the gross value at the point of production from the  
14 major oil field when the average price per barrel for Alaska North Slope crude oil for  
15 sale on the United States West Coast during the month for which the tax is due is \$50  
16 or more but less than \$55;

17 (3) 12 percent of the gross value at the point of production from the  
18 major oil field when the average price per barrel for Alaska North Slope crude oil for  
19 sale on the United States West Coast during the month for which the tax is due is \$55  
20 or more but less than \$60;

21 (4) 13 percent of the gross value at the point of production from the  
22 major oil field when the average price per barrel for Alaska North Slope crude oil for  
23 sale on the United States West Coast during the month for which the tax is due is \$60  
24 or more but less than \$65;

25 (5) 14 percent of the gross value at the point of production from the  
26 major oil field when the average price per barrel for Alaska North Slope crude oil for  
27 sale on the United States West Coast during the month for which the tax is due is \$65  
28 or more but less than \$70; or

29 (6) 15 percent of the gross value at the point of production from the  
30 major oil field when the average price per barrel for Alaska North Slope crude oil for  
31 sale on the United States West Coast during the month for which the tax is due is \$70

1 or more.

2 (t) A tax credit provided under this chapter may not be applied to reduce an  
3 amount due under (s) of this section.

4 \* **Sec. 6.** AS 43.55.019(a) is amended to read:

5 (a) A producer of oil or gas is allowed a credit against the tax levied by  
6 **AS 43.55.011** [AS 43.55.011(e)] for contributions of cash or equipment accepted for

7 (1) direct instruction, research, and educational support purposes,  
8 including library and museum acquisitions, and contributions to endowment, by an  
9 Alaska university foundation or by a nonprofit, public or private, Alaska two-year or  
10 four-year college accredited by a national or regional accreditation association;

11 (2) secondary school level vocational education courses, programs, and  
12 facilities by a school district in the state;

13 (3) vocational education courses, programs, equipment, and facilities  
14 by a state-operated vocational technical education and training school, a nonprofit  
15 regional training center recognized by the Department of Labor and Workforce  
16 Development, and an apprenticeship program in the state that is registered with the  
17 United States Department of Labor under 29 U.S.C. 50 - 50b (National Apprenticeship  
18 Act);

19 (4) a facility by a nonprofit, public or private, Alaska two-year or four-  
20 year college accredited by a national or regional accreditation association;

21 (5) Alaska Native cultural or heritage programs and educational  
22 support, including mentoring and tutoring, provided by a nonprofit agency for public  
23 school staff and for students who are in grades kindergarten through 12 in the state;

24 (6) education, research, rehabilitation, and facilities by an institution  
25 that is located in the state and that qualifies as a coastal ecosystem learning center  
26 under the Coastal America Partnership established by the federal government; and

27 (7) the Alaska higher education investment fund under AS 37.14.750.

28 \* **Sec. 7.** AS 43.55.019(e) is amended to read:

29 (e) The credit under this section may not reduce a person's tax liability under  
30 **AS 43.55.011** [AS 43.55.011(e)] to below zero for any tax year. An unused credit or  
31 portion of a credit not used under this section for a tax year may not be sold, traded,

1 transferred, or applied in a subsequent tax year.

2 \* **Sec. 8.** AS 43.55.020(a) is amended to read:

3 (a) For a calendar year, a producer subject to tax under AS 43.55.011 shall pay  
4 the tax as follows:

5 (1) for oil and gas produced before January 1, 2014, an installment  
6 payment of the estimated tax levied by AS 43.55.011(e), net of any tax credits applied  
7 as allowed by law, is due for each month of the calendar year on the last day of the  
8 following month; except as otherwise provided under (2) of this subsection, the  
9 amount of the installment payment is the sum of the following amounts, less 1/12 of  
10 the tax credits that are allowed by law to be applied against the tax levied by  
11 AS 43.55.011(e) for the calendar year, but the amount of the installment payment may  
12 not be less than zero:

13 (A) for oil and gas not subject to AS 43.55.011(o) or (p)  
14 produced from leases or properties in the state outside the Cook Inlet  
15 sedimentary basin, other than leases or properties subject to AS 43.55.011(f),  
16 the greater of

17 (i) zero; or

18 (ii) the sum of 25 percent and the tax rate calculated for  
19 the month under AS 43.55.011(g) multiplied by the remainder obtained  
20 by subtracting 1/12 of the producer's adjusted lease expenditures for the  
21 calendar year of production under AS 43.55.165 and 43.55.170 that are  
22 deductible for the oil and gas under AS 43.55.160 from the gross value  
23 at the point of production of the oil and gas produced from the leases or  
24 properties during the month for which the installment payment is  
25 calculated;

26 (B) for oil and gas produced from leases or properties subject  
27 to AS 43.55.011(f), the greatest of

28 (i) zero;

29 (ii) zero percent, one percent, two percent, three  
30 percent, or four percent, as applicable, of the gross value at the point of  
31 production of the oil and gas produced from the leases or properties

1 during the month for which the installment payment is calculated; or

2 (iii) the sum of 25 percent and the tax rate calculated for  
3 the month under AS 43.55.011(g) multiplied by the remainder obtained  
4 by subtracting 1/12 of the producer's adjusted lease expenditures for the  
5 calendar year of production under AS 43.55.165 and 43.55.170 that are  
6 deductible for the oil and gas under AS 43.55.160 from the gross value  
7 at the point of production of the oil and gas produced from those leases  
8 or properties during the month for which the installment payment is  
9 calculated;

10 (C) for oil or gas subject to AS 43.55.011(j), (k), or (o), for  
11 each lease or property, the greater of

12 (i) zero; or

13 (ii) the sum of 25 percent and the tax rate calculated for  
14 the month under AS 43.55.011(g) multiplied by the remainder obtained  
15 by subtracting 1/12 of the producer's adjusted lease expenditures for the  
16 calendar year of production under AS 43.55.165 and 43.55.170 that are  
17 deductible under AS 43.55.160 for the oil or gas, respectively,  
18 produced from the lease or property from the gross value at the point of  
19 production of the oil or gas, respectively, produced from the lease or  
20 property during the month for which the installment payment is  
21 calculated;

22 (D) for oil and gas subject to AS 43.55.011(p), the lesser of

23 (i) the sum of 25 percent and the tax rate calculated for  
24 the month under AS 43.55.011(g) multiplied by the remainder obtained  
25 by subtracting 1/12 of the producer's adjusted lease expenditures for the  
26 calendar year of production under AS 43.55.165 and 43.55.170 that are  
27 deductible for the oil and gas under AS 43.55.160 from the gross value  
28 at the point of production of the oil and gas produced from the leases or  
29 properties during the month for which the installment payment is  
30 calculated, but not less than zero; or

31 (ii) four percent of the gross value at the point of



1 production of the oil and gas produced from the leases or properties  
2 during the month, but not less than zero;

3 (2) an amount calculated under (1)(C) of this subsection for oil or gas  
4 subject to AS 43.55.011(j), (k), or (o) may not exceed the product obtained by  
5 carrying out the calculation set out in AS 43.55.011(j)(1) or (2) or 43.55.011(o), as  
6 applicable, for gas or set out in AS 43.55.011(k) for oil, but substituting in  
7 AS 43.55.011(j)(1)(A) or (2)(A) or 43.55.011(o), as applicable, the amount of taxable  
8 gas produced during the month for the amount of taxable gas produced during the  
9 calendar year and substituting in AS 43.55.011(k) the amount of taxable oil produced  
10 during the month for the amount of taxable oil produced during the calendar year;

11 (3) an installment payment of the estimated tax levied by  
12 AS 43.55.011(i) for each lease or property is due for each month of the calendar year  
13 on the last day of the following month; the amount of the installment payment is the  
14 sum of

15 (A) the applicable tax rate for oil provided under  
16 AS 43.55.011(i), multiplied by the gross value at the point of production of the  
17 oil taxable under AS 43.55.011(i) and produced from the lease or property  
18 during the month; and

19 (B) the applicable tax rate for gas provided under  
20 AS 43.55.011(i), multiplied by the gross value at the point of production of the  
21 gas taxable under AS 43.55.011(i) and produced from the lease or property  
22 during the month;

23 (4) any amount of tax levied by AS 43.55.011, net of any credits  
24 applied as allowed by law, that exceeds the total of the amounts due as installment  
25 payments of estimated tax is due on March 31 of the year following the calendar year  
26 of production;

27 (5) for oil and gas produced on and after January 1, 2014, and before  
28 **January 1, 2021** [JANUARY 1, 2022], an installment payment of the estimated tax  
29 levied by AS 43.55.011(e), net of any tax credits applied as allowed by law, is due for  
30 each month of the calendar year on the last day of the following month; except as  
31 otherwise provided under (6) of this subsection, the amount of the installment payment

1 is the sum of the following amounts, less 1/12 of the tax credits that are allowed by  
2 law to be applied against the tax levied by AS 43.55.011(e) for the calendar year, but  
3 the amount of the installment payment may not be less than zero:

4 (A) for oil and gas not subject to AS 43.55.011(o) or (p)  
5 produced from leases or properties in the state outside the Cook Inlet  
6 sedimentary basin, other than leases or properties subject to AS 43.55.011(f),  
7 the greater of

8 (i) zero; or

9 (ii) 35 percent multiplied by the remainder obtained by  
10 subtracting 1/12 of the producer's adjusted lease expenditures for the  
11 calendar year of production under AS 43.55.165 and 43.55.170 that are  
12 deductible for the oil and gas under AS 43.55.160 from the gross value  
13 at the point of production of the oil and gas produced from the leases or  
14 properties during the month for which the installment payment is  
15 calculated;

16 (B) for oil and gas produced from leases or properties subject  
17 to AS 43.55.011(f), the greatest of

18 (i) zero;

19 (ii) zero percent, one percent, two percent, three  
20 percent, or four percent, as applicable, of the gross value at the point of  
21 production of the oil and gas produced from the leases or properties  
22 during the month for which the installment payment is calculated; or

23 (iii) 35 percent multiplied by the remainder obtained by  
24 subtracting 1/12 of the producer's adjusted lease expenditures for the  
25 calendar year of production under AS 43.55.165 and 43.55.170 that are  
26 deductible for the oil and gas under AS 43.55.160 from the gross value  
27 at the point of production of the oil and gas produced from those leases  
28 or properties during the month for which the installment payment is  
29 calculated, except that, for the purposes of this calculation, a reduction  
30 from the gross value at the point of production may apply for oil and  
31 gas subject to AS 43.55.160(f) or (g);

1 (C) for oil or gas subject to AS 43.55.011(j), (k), or (o), for  
2 each lease or property, the greater of

3 (i) zero; or

4 (ii) 35 percent multiplied by the remainder obtained by  
5 subtracting 1/12 of the producer's adjusted lease expenditures for the  
6 calendar year of production under AS 43.55.165 and 43.55.170 that are  
7 deductible under AS 43.55.160 for the oil or gas, respectively,  
8 produced from the lease or property from the gross value at the point of  
9 production of the oil or gas, respectively, produced from the lease or  
10 property during the month for which the installment payment is  
11 calculated;

12 (D) for oil and gas subject to AS 43.55.011(p), the lesser of

13 (i) 35 percent multiplied by the remainder obtained by  
14 subtracting 1/12 of the producer's adjusted lease expenditures for the  
15 calendar year of production under AS 43.55.165 and 43.55.170 that are  
16 deductible for the oil and gas under AS 43.55.160 from the gross value  
17 at the point of production of the oil and gas produced from the leases or  
18 properties during the month for which the installment payment is  
19 calculated, but not less than zero; or

20 (ii) four percent of the gross value at the point of  
21 production of the oil and gas produced from the leases or properties  
22 during the month, but not less than zero;

23 (6) an amount calculated under (5)(C) of this subsection for oil or gas  
24 subject to AS 43.55.011(j), (k), or (o) may not exceed the product obtained by  
25 carrying out the calculation set out in AS 43.55.011(j)(1) or (2) or 43.55.011(o), as  
26 applicable, for gas or set out in AS 43.55.011(k) for oil, but substituting in  
27 AS 43.55.011(j)(1)(A) or (2)(A) or 43.55.011(o), as applicable, the amount of taxable  
28 gas produced during the month for the amount of taxable gas produced during the  
29 calendar year and substituting in AS 43.55.011(k) the amount of taxable oil produced  
30 during the month for the amount of taxable oil produced during the calendar year;

31 **(7) for oil and gas produced on and after January 1, 2021, and**

1 before January 1, 2022, an installment payment of the estimated tax levied by  
 2 AS 43.55.011, net of any tax credits applied as allowed by law, is due for each  
 3 month of the calendar year on the last day of the following month; except as  
 4 otherwise provided under (8) of this subsection, the amount of the installment  
 5 payment is the sum of the following amounts, less 1/12 of the tax credits that are  
 6 allowed by law to be applied against the tax levied by AS 43.55.011 for the  
 7 calendar year, but the amount of the installment payment may not be less than  
 8 zero:

9 (A) for oil and gas subject to AS 43.55.011(e) and not  
 10 subject to AS 43.55.011(o) or (p) produced from leases or properties in the  
 11 state outside the Cook Inlet sedimentary basin and outside a major oil  
 12 field, other than leases or properties subject to AS 43.55.011(f) or (s), the  
 13 greater of

14 (i) zero; or

15 (ii) 35 percent multiplied by the remainder obtained  
 16 by subtracting 1/12 of the producer's adjusted lease expenditures  
 17 for the calendar year of production under AS 43.55.165 and  
 18 43.55.170 that are deductible for the oil and gas under  
 19 AS 43.55.160 from the gross value at the point of production of the  
 20 oil and gas produced from the leases or properties during the  
 21 month for which the installment payment is calculated;

22 (B) for oil and gas produced from leases or properties  
 23 subject to AS 43.55.011(f), the greatest of

24 (i) zero;

25 (ii) the applicable percentage under AS 43.55.011(f)  
 26 of the gross value at the point of production of the oil and gas  
 27 produced from the leases or properties during the month for which  
 28 the installment payment is calculated; or

29 (iii) 35 percent multiplied by the remainder obtained  
 30 by subtracting 1/12 of the producer's adjusted lease expenditures  
 31 for the calendar year of production under AS 43.55.165 and

1 43.55.170 that are deductible for the oil and gas under  
2 AS 43.55.160 from the gross value at the point of production of the  
3 oil and gas produced from those leases or properties during the  
4 month for which the installment payment is calculated, except that,  
5 for the purposes of this calculation, a reduction from the gross  
6 value at the point of production may apply for oil and gas subject  
7 to AS 43.55.160(f) or (g);

8 (C) for oil or gas subject to AS 43.55.011(j), (k), or (o), for  
9 each lease or property, the greater of

10 (i) zero; or

11 (ii) 35 percent multiplied by the remainder obtained  
12 by subtracting 1/12 of the producer's adjusted lease expenditures  
13 for the calendar year of production under AS 43.55.165 and  
14 43.55.170 that are deductible under AS 43.55.160 for the oil or gas,  
15 respectively, produced from the lease or property from the gross  
16 value at the point of production of the oil or gas, respectively,  
17 produced from the lease or property during the month for which  
18 the installment payment is calculated;

19 (D) for oil and gas subject to AS 43.55.011(p), the lesser of

20 (i) 35 percent multiplied by the remainder obtained  
21 by subtracting 1/12 of the producer's adjusted lease expenditures  
22 for the calendar year of production under AS 43.55.165 and  
23 43.55.170 that are deductible for the oil and gas under  
24 AS 43.55.160 from the gross value at the point of production of the  
25 oil and gas produced from the leases or properties during the  
26 month for which the installment payment is calculated, but not less  
27 than zero; or

28 (ii) four percent of the gross value at the point of  
29 production of the oil and gas produced from the leases or  
30 properties during the month, but not less than zero;

31 (E) for oil produced from each major oil field subject to

1           AS 43.55.011(q), the greatest of

2                           (i) zero;

3                           (ii) the applicable percentage under AS 43.55.011(s)  
4                           of the gross value at the point of production of the oil produced  
5                           from the major oil field during the month for which the installment  
6                           payment is calculated; a tax credit may not be applied against the  
7                           tax levied by AS 43.55.011(s);

8                           (iii) if the average monthly production tax value of a  
9                           barrel of oil produced from the major oil field is \$50 or less, 35  
10                           percent of the average monthly production tax value of a barrel of  
11                           oil produced from the major oil field; for purposes of this sub-  
12                           subparagraph, the average monthly production tax value of a  
13                           barrel of oil produced from the major oil field is calculated under  
14                           AS 43.55.160(j); or

15                           (iv) if the average monthly production tax value of a  
16                           barrel of oil produced from the major oil field is more than \$50, the  
17                           sum of 35 percent of the average monthly production tax value of a  
18                           barrel of oil produced from the major oil field plus the difference  
19                           between the average monthly production tax value of a barrel of oil  
20                           produced from the major oil field and \$50, multiplied by 15  
21                           percent; for the purposes of this sub-subparagraph, the average  
22                           monthly production tax value of a barrel of oil produced from the  
23                           major oil field is calculated under AS 43.55.160(j);

24                           (8) an amount calculated under (7)(C) of this subsection for oil or  
25                           gas subject to AS 43.55.011(j), (k), or (o) may not exceed the product obtained by  
26                           carrying out the calculation set out in AS 43.55.011(j)(1) or (2) or 43.55.011(o), as  
27                           applicable, for gas or set out in AS 43.55.011(k) for oil, but substituting in  
28                           AS 43.55.011(j)(1)(A) or (2)(A) or 43.55.011(o), as applicable, the amount of  
29                           taxable gas produced during the month for the amount of taxable gas produced  
30                           during the calendar year and substituting in AS 43.55.011(k) the amount of  
31                           taxable oil produced during the month for the amount of taxable oil produced

1 **during the calendar year;**

2 **(9)** [(7)] for oil and gas produced on or after January 1, 2022, an  
 3 installment payment of the estimated tax levied by **AS 43.55.011** [AS 43.55.011(e)],  
 4 net of any tax credits applied as allowed by law, is due for each month of the calendar  
 5 year on the last day of the following month; except as otherwise provided under **(12)**  
 6 [(10)] of this subsection, the amount of the installment payment is the sum of the  
 7 following amounts, less 1/12 of the tax credits that are allowed by law to be applied  
 8 against the tax levied by **AS 43.55.011** [AS 43.55.011(e)] for the calendar year, but the  
 9 amount of the installment payment may not be less than zero:

10 (A) for oil produced from leases or properties subject to  
 11 AS 43.55.011(f), the greatest of

12 (i) zero;

13 (ii) **the applicable percentage under AS 43.55.011(f)**  
 14 [ZERO PERCENT, ONE PERCENT, TWO PERCENT, THREE  
 15 PERCENT, OR FOUR PERCENT, AS APPLICABLE,] of the gross  
 16 value at the point of production of the oil produced from the leases or  
 17 properties during the month for which the installment payment is  
 18 calculated; or

19 (iii) 35 percent multiplied by the remainder obtained by  
 20 subtracting 1/12 of the producer's adjusted lease expenditures for the  
 21 calendar year of production under AS 43.55.165 and 43.55.170 that are  
 22 deductible for the oil under AS 43.55.160(h)(1) from the gross value at  
 23 the point of production of the oil produced from those leases or  
 24 properties during the month for which the installment payment is  
 25 calculated, except that, for the purposes of this calculation, a reduction  
 26 from the gross value at the point of production may apply for oil  
 27 subject to AS 43.55.160(f) or 43.55.160(f) and (g);

28 (B) for oil produced before or during the last calendar year  
 29 under AS 43.55.024(b) for which the producer could take a tax credit under  
 30 AS 43.55.024(a), from leases or properties in the state outside the Cook Inlet  
 31 sedimentary basin, no part of which is north of 68 degrees North latitude, other

1 than leases or properties subject to AS 43.55.011(o) or (p), the greater of

2 (i) zero; or

3 (ii) 35 percent multiplied by the remainder obtained by  
4 subtracting 1/12 of the producer's adjusted lease expenditures for the  
5 calendar year of production under AS 43.55.165 and 43.55.170 that are  
6 deductible for the oil under AS 43.55.160(h)(2) from the gross value at  
7 the point of production of the oil produced from the leases or properties  
8 during the month for which the installment payment is calculated;

9 (C) for oil and gas produced from leases or properties subject  
10 to AS 43.55.011(p), except as otherwise provided under (10) [(8)] of this  
11 subsection, the sum of

12 (i) 35 percent multiplied by the remainder obtained by  
13 subtracting 1/12 of the producer's adjusted lease expenditures for the  
14 calendar year of production under AS 43.55.165 and 43.55.170 that are  
15 deductible for the oil under AS 43.55.160(h)(3) from the gross value at  
16 the point of production of the oil produced from the leases or properties  
17 during the month for which the installment payment is calculated, but  
18 not less than zero; and

19 (ii) 13 percent of the gross value at the point of  
20 production of the gas produced from the leases or properties during the  
21 month, but not less than zero;

22 (D) for oil produced from leases or properties in the state, no  
23 part of which is north of 68 degrees North latitude, other than leases or  
24 properties subject to (B), (C), or (F) of this paragraph, the greater of

25 (i) zero; or

26 (ii) 35 percent multiplied by the remainder obtained by  
27 subtracting 1/12 of the producer's adjusted lease expenditures for the  
28 calendar year of production under AS 43.55.165 and 43.55.170 that are  
29 deductible for the oil under AS 43.55.160(h)(4) from the gross value at  
30 the point of production of the oil produced from the leases or properties  
31 during the month for which the installment payment is calculated;



1 (E) for gas produced from each lease or property in the state  
 2 outside the Cook Inlet sedimentary basin, other than a lease or property subject  
 3 to AS 43.55.011(o) or (p), 13 percent of the gross value at the point of  
 4 production of the gas produced from the lease or property during the month for  
 5 which the installment payment is calculated, but not less than zero;

6 (F) for oil subject to AS 43.55.011(k), for each lease or  
 7 property, the greater of

8 (i) zero; or

9 (ii) 35 percent multiplied by the remainder obtained by  
 10 subtracting 1/12 of the producer's adjusted lease expenditures for the  
 11 calendar year of production under AS 43.55.165 and 43.55.170 that are  
 12 deductible under AS 43.55.160 for the oil produced from the lease or  
 13 property from the gross value at the point of production of the oil  
 14 produced from the lease or property during the month for which the  
 15 installment payment is calculated;

16 (G) for gas subject to AS 43.55.011(j) or (o), for each lease or  
 17 property, the greater of

18 (i) zero; or

19 (ii) 13 percent of the gross value at the point of  
 20 production of the gas produced from the lease or property during the  
 21 month for which the installment payment is calculated;

22 **(H) for oil produced from each major oil field subject to**  
 23 **AS 43.55.011(q), the greatest of**

24 **(i) zero;**

25 **(ii) the applicable percentage under AS 43.55.011(s)**  
 26 **of the gross value at the point of production of the oil produced**  
 27 **from the major oil field during the month for which the installment**  
 28 **payment is calculated; a tax credit may not be applied against the**  
 29 **tax levied by AS 43.55.011(s);**

30 **(iii) if the average monthly production tax value of a**  
 31 **barrel of oil produced from the major oil field is \$50 or less, 35**

1 percent of the average monthly production tax value of a barrel of  
 2 oil produced from the major oil field; for the purposes of this sub-  
 3 subparagraph, the average monthly production tax value of a  
 4 barrel of oil produced from the major oil field is calculated under  
 5 AS 43.55.160(j); or

6 (iv) if the average monthly production tax value of a  
 7 barrel of oil produced from the major oil field is more than \$50, the  
 8 sum of 35 percent of the average monthly production tax value of a  
 9 barrel of oil produced from the major oil field plus the difference  
 10 between the average monthly production tax value of a barrel of oil  
 11 produced from the major oil field and \$50, multiplied by 15  
 12 percent; for the purposes of this sub-subparagraph, the average  
 13 monthly production tax value of a barrel of oil produced from the  
 14 major oil field is calculated under AS 43.55.160(j);

15 (10) [(8)] an amount calculated under (9)(C) [(7)(C)] of this subsection  
 16 may not exceed four percent of the gross value at the point of production of the oil and  
 17 gas produced from leases or properties subject to AS 43.55.011(p) during the month  
 18 for which the installment payment is calculated;

19 (11) [(9)] for purposes of the calculation under (1)(B)(ii), (5)(B)(ii),  
 20 (7)(B)(ii), and (9)(A)(ii) [(7)(A)(ii)] of this subsection, the applicable percentage of  
 21 the gross value at the point of production is determined under AS 43.55.011(f)(1) or  
 22 (2) but substituting the phrase "month for which the installment payment is calculated"  
 23 in AS 43.55.011(f)(1) and (2) for the phrase "calendar year for which the tax is due";

24 (12) [(10)] an amount calculated under (9)(F) [(7)(F)] or (G) of this  
 25 subsection for oil or gas subject to AS 43.55.011(j), (k), or (o) may not exceed the  
 26 product obtained by carrying out the calculation set out in AS 43.55.011(j)(1) or (2) or  
 27 43.55.011(o), as applicable, for gas, or set out in AS 43.55.011(k) for oil, but  
 28 substituting in AS 43.55.011(j)(1)(A) or (2)(A) or 43.55.011(o), as applicable, the  
 29 amount of taxable gas produced during the month for the amount of taxable gas  
 30 produced during the calendar year and substituting in AS 43.55.011(k) the amount of  
 31 taxable oil produced during the month for the amount of taxable oil produced during

1 the calendar year.

2 \* **Sec. 9.** AS 43.55.020(g) is amended to read:

3 (g) Notwithstanding any contrary provision of AS 43.05.225,

4 (1) before January 1, 2014, an unpaid amount of an installment  
5 payment required under (a)(1) - (3) of this section that is not paid when due bears  
6 interest (A) at the rate provided for an underpayment under 26 U.S.C. 6621 (Internal  
7 Revenue Code), as amended, compounded daily, from the date the installment  
8 payment is due until March 31 following the calendar year of production, and (B) as  
9 provided for a delinquent tax under AS 43.05.225 after that March 31; interest accrued  
10 under (A) of this paragraph that remains unpaid after that March 31 is treated as an  
11 addition to tax that bears interest under (B) of this paragraph; an unpaid amount of tax  
12 due under (a)(4) of this section that is not paid when due bears interest as provided for  
13 a delinquent tax under AS 43.05.225;

14 (2) on and after January 1, 2014, an unpaid amount of an installment  
15 payment required under (a)(3), (5), (6), [OR] (7), (8), or (9) of this section that is not  
16 paid when due bears interest (A) at the rate provided for an underpayment under 26  
17 U.S.C. 6621 (Internal Revenue Code), as amended, compounded daily, from the date  
18 the installment payment is due until March 31 following the calendar year of  
19 production, and (B) as provided for a delinquent tax under AS 43.05.225 after that  
20 March 31; interest accrued under (A) of this paragraph that remains unpaid after that  
21 March 31 is treated as an addition to tax that bears interest under (B) of this paragraph;  
22 an unpaid amount of tax due under (a)(4) of this section that is not paid when due  
23 bears interest as provided for a delinquent tax under AS 43.05.225.

24 \* **Sec. 10.** AS 43.55.020(h) is amended to read:

25 (h) Notwithstanding any contrary provision of AS 43.05.280,

26 (1) an overpayment of an installment payment required under (a)(1),  
27 (2), (3), (5), (6), [OR] (7), (8), or (9) of this section bears interest at the rate provided  
28 for an overpayment under 26 U.S.C. 6621 (Internal Revenue Code), as amended,  
29 compounded daily, from the later of the date the installment payment is due or the date  
30 the overpayment is made, until the earlier of

31 (A) the date it is refunded or is applied to an underpayment; or

1 (B) March 31 following the calendar year of production;

2 (2) except as provided under (1) of this subsection, interest with  
3 respect to an overpayment is allowed only on any net overpayment of the payments  
4 required under (a) of this section that remains after the later of March 31 following the  
5 calendar year of production or the date that the statement required under  
6 AS 43.55.030(a) is filed;

7 (3) interest is allowed under (2) of this subsection only from a date that  
8 is 90 days after the later of March 31 following the calendar year of production or the  
9 date that the statement required under AS 43.55.030(a) is filed; interest is not allowed  
10 if the overpayment was refunded within the 90-day period;

11 (4) interest under (2) and (3) of this subsection is paid at the rate and in  
12 the manner provided in AS 43.05.225(1).

13 \* **Sec. 11.** AS 43.55.020(k) is amended to read:

14 (k) For oil and gas produced on and after

15 (1) January 1, 2014, and before January 1, **2021** [2022], in making  
16 settlement with the royalty owner for oil and gas that is taxable under AS 43.55.011,  
17 the producer may deduct the amount of the tax paid on taxable royalty oil and gas, or  
18 may deduct taxable royalty oil or gas equivalent in value at the time the tax becomes  
19 due to the amount of the tax paid; **if** [. IF] the total deductions of installment  
20 payments of estimated tax for a calendar year exceed the actual tax for that calendar  
21 year, the producer shall, before April 1 of the following year, refund the excess to the  
22 royalty owner; **unless** [. UNLESS] otherwise agreed between the producer and the  
23 royalty owner, the amount of the tax paid under AS 43.55.011(e) on taxable royalty oil  
24 and gas for a calendar year, other than oil and gas the ownership or right to which  
25 constitutes a landowner's royalty interest, is considered to be the gross value at the  
26 point of production of the taxable royalty oil and gas produced during the calendar  
27 year multiplied by a figure that is a quotient, in which

28 (A) [(1)] the numerator is the producer's total tax liability under  
29 AS 43.55.011(e)(2) for the calendar year of production; and

30 (B) [(2)] the denominator is the total gross value at the point of  
31 production of the oil and gas taxable under AS 43.55.011(e) produced by the

1 producer from all leases and properties in the state during the calendar year;

2 (2) January 1, 2021, and before January 1, 2022, in making  
 3 settlement with the royalty owner for oil and gas that is taxable under  
 4 AS 43.55.011, the producer may deduct the amount of the tax paid on taxable  
 5 royalty oil and gas, or may deduct taxable royalty oil or gas equivalent in value at  
 6 the time the tax becomes due to the amount of the tax paid; if the total deductions  
 7 of installment payments of estimated tax for a calendar year exceed the actual tax  
 8 for that calendar year, the producer shall, before April 1 of the following year,  
 9 refund the excess to the royalty owner; unless otherwise agreed between the  
 10 producer and the royalty owner, the amount of the tax paid under AS 43.55.011  
 11 on taxable royalty oil and gas for a calendar year, other than oil and gas the  
 12 ownership or right to which constitutes a landowner's royalty interest, is  
 13 considered to be the gross value at the point of production of the taxable royalty  
 14 oil and gas produced during the calendar year multiplied by a figure that is a  
 15 quotient, in which

16 (A) the numerator is the producer's total tax liability under  
 17 AS 43.55.011(e)(2) and (q) for the calendar year of production; and

18 (B) the denominator is the total gross value at the point of  
 19 production of the oil and gas taxable under AS 43.55.011(e) and (q)  
 20 produced by the producer from all leases and properties in the state  
 21 during the calendar year.

22 \* Sec. 12. AS 43.55.020(l) is amended to read:

23 (l) For oil and gas produced on and after January 1, 2022, in making  
 24 settlement with the royalty owner for oil and gas that is taxable under AS 43.55.011,  
 25 the producer may deduct the amount of the tax paid on taxable royalty oil and gas, or  
 26 may deduct taxable royalty oil or gas equivalent in value at the time the tax becomes  
 27 due to the amount of the tax paid. If the total deductions of installment payments of  
 28 estimated tax for a calendar year exceed the actual tax for that calendar year, the  
 29 producer shall, before April 1 of the following year, refund the excess to the royalty  
 30 owner. In making settlement with the royalty owner for gas that is taxable under  
 31 AS 43.55.014, the producer may deduct the amount of the gas paid as in-kind tax on

1 taxable royalty gas or may deduct the gross value at the point of production of the gas  
 2 paid as in-kind tax on taxable royalty gas. Unless otherwise agreed between the  
 3 producer and the royalty owner, the amount of the tax paid under **AS 43.55.011**  
 4 [AS 43.55.011(e)] on taxable royalty oil for a calendar year, other than oil the  
 5 ownership or right to which constitutes a landowner's royalty interest, is considered to  
 6 be the gross value at the point of production of the taxable royalty oil produced during  
 7 the calendar year multiplied by a figure that is a quotient, in which

8 (1) the numerator is the producer's total tax liability under  
 9 AS 43.55.011(e)(3)(A) **and (q)** for the calendar year of production; and

10 (2) the denominator is the total gross value at the point of production  
 11 of the oil taxable under AS 43.55.011(e) **and (q)** produced by the producer from all  
 12 leases and properties in the state during the calendar year.

13 \* **Sec. 13.** AS 43.55.023(a) is amended to read:

14 (a) A producer or explorer may take a tax credit for a qualified capital  
 15 expenditure as follows:

16 (1) notwithstanding that a qualified capital expenditure may be a  
 17 deductible lease expenditure for purposes of calculating the production tax value of oil  
 18 and gas under AS 43.55.160(a), unless a credit for that expenditure is taken under  
 19 former AS 43.20.043 or AS 43.55.025, a producer or explorer that incurs a qualified  
 20 capital expenditure may also elect to apply a tax credit against a tax levied by  
 21 **AS 43.55.011** [AS 43.55.011(e)] in the amount of 10 percent of that expenditure;

22 (2) a producer or explorer may take a credit for a qualified capital  
 23 expenditure incurred in connection with geological or geophysical exploration or in  
 24 connection with an exploration well only if the producer or explorer

25 (A) agrees, in writing, to the applicable provisions of  
 26 AS 43.55.025(f)(2); and

27 (B) submits to the Department of Natural Resources all data  
 28 that would be required to be submitted under AS 43.55.025(f)(2);

29 (3) a credit for a qualified capital expenditure incurred to explore for,  
 30 develop, or produce oil or gas deposits located

31 (A) north of 68 degrees North latitude may be taken only if the

1 expenditure is incurred before January 1, 2014;

2 (B) in the Cook Inlet sedimentary basin may be taken only if  
3 the expenditure is incurred before January 1, 2018.

4 \* **Sec. 14.** AS 43.55.023(c) is amended to read:

5 (c) A credit or portion of a credit under this section

6 (1) may not be

7 (A) used to reduce a person's tax liability under **AS 43.55.011**  
8 [AS 43.55.011(e)] for any calendar year below zero; **or**

9 **(B) applied against the tax imposed under AS 43.55.011(s);**

10 (2) may, if not used under this subsection, be applied in a later  
11 calendar year;

12 (3) may, regardless of when the credit was earned, be used to satisfy a  
13 tax, interest, penalty, fee, or other charge that

14 (A) is related to the tax due under this chapter for a prior year,  
15 except for a surcharge under AS 43.55.201 - 43.55.299 or 43.55.300 or the tax  
16 levied by AS 43.55.011(i) or 43.55.014; and

17 (B) has not, for the purpose of art. IX, sec. 17(a), Constitution  
18 of the State of Alaska, been subject to an administrative proceeding or  
19 litigation.

20 \* **Sec. 15.** AS 43.55.024(c) is amended to read:

21 (c) For a calendar year for which a producer's tax liability under **AS 43.55.011**  
22 [AS 43.55.011(e)] exceeds zero before application of any credits under this chapter,  
23 other than a credit under (a) of this section but after application of any credit under (a)  
24 of this section, a producer that is qualified under (e) of this section and whose average  
25 amount of oil and gas produced a day and taxable under **AS 43.55.011**  
26 [AS 43.55.011(e)] is less than 100,000 BTU equivalent barrels a day may apply a tax  
27 credit under this subsection against that liability. A producer whose average amount of  
28 oil and gas produced a day and taxable under **AS 43.55.011** [AS 43.55.011(e)] is

29 (1) not more than 50,000 BTU equivalent barrels may apply a tax  
30 credit of not more than \$12,000,000 for the calendar year;

31 (2) more than 50,000 and less than 100,000 BTU equivalent barrels

1 may apply a tax credit of not more than \$12,000,000 multiplied by the following  
2 fraction for the calendar year:

$$3 \quad 1 - [2 \times (AP - 50,000)] \div 100,000$$

4 where AP = the average amount of oil and gas taxable under **AS 43.55.011**  
5 [AS 43.55.011(e)], produced a day during the calendar year in BTU equivalent barrels.

6 \* **Sec. 16.** AS 43.55.024(e) is amended to read:

7 (e) On written application by a producer that includes any information the  
8 department may require, the department shall determine whether the producer  
9 qualifies for a calendar year under (a) and (c) of this section. To qualify under (a) and  
10 (c) of this section, a producer must demonstrate that its operation in the state or its  
11 ownership of an interest in a lease or property in the state as a distinct producer would  
12 not result in the division among multiple producer entities of any production tax  
13 liability under **AS 43.55.011** [AS 43.55.011(e)] that reasonably would be expected to  
14 be attributed to a single producer if the tax credit provisions of (a) or (c) of this section  
15 did not exist.

16 \* **Sec. 17.** AS 43.55.024(g) is amended to read:

17 (g) A tax credit authorized by (c) of this section may not be applied

18 **(1)** to reduce a producer's tax liability for any calendar year under  
19 **AS 43.55.011** [AS 43.55.011(e)] below zero; **or**

20 **(2) against the tax imposed under AS 43.55.011(s).**

21 \* **Sec. 18.** AS 43.55.024(i) is amended to read:

22 (i) A producer may apply against the producer's tax liability for the calendar  
23 year under AS 43.55.011(e) a tax credit of \$5 for each barrel of oil taxable under  
24 AS 43.55.011(e) that receives a reduction in the gross value at the point of production  
25 under AS 43.55.160(f) or (g) and that is produced during a calendar year after  
26 December 31, 2013. A tax credit authorized by this subsection

27 **(1)** may not reduce a producer's tax liability for a calendar year under  
28 AS 43.55.011(e) below zero; **and**

29 **(2) does not apply to oil produced from a major oil field.**

30 \* **Sec. 19.** AS 43.55.024(j) is amended to read:

31 (j) A producer may apply against the producer's tax liability for the calendar



1 year under AS 43.55.011(e) a tax credit in the amount specified in this subsection for  
2 each barrel of oil taxable under AS 43.55.011(e) that does not receive a reduction in  
3 the gross value at the point of production under AS 43.55.160(f) or (g) and that is  
4 produced during a calendar year after December 31, 2013, from leases or properties  
5 north of 68 degrees North latitude. A tax credit under this subsection may not reduce a  
6 producer's tax liability for a calendar year under AS 43.55.011(e) below the amount  
7 calculated under AS 43.55.011(f) **and does not apply to oil produced from a major**  
8 **oil field**. The amount of the tax credit for a barrel of taxable oil subject to this  
9 subsection produced during a month of the calendar year is

10 (1) \$8 for each barrel of taxable oil if the average gross value at the  
11 point of production for the month is less than \$80 a barrel;

12 (2) \$7 for each barrel of taxable oil if the average gross value at the  
13 point of production for the month is greater than or equal to \$80 a barrel, but less than  
14 \$90 a barrel;

15 (3) \$6 for each barrel of taxable oil if the average gross value at the  
16 point of production for the month is greater than or equal to \$90 a barrel, but less than  
17 \$100 a barrel;

18 (4) \$5 for each barrel of taxable oil if the average gross value at the  
19 point of production for the month is greater than or equal to \$100 a barrel, but less  
20 than \$110 a barrel;

21 (5) \$4 for each barrel of taxable oil if the average gross value at the  
22 point of production for the month is greater than or equal to \$110 a barrel, but less  
23 than \$120 a barrel;

24 (6) \$3 for each barrel of taxable oil if the average gross value at the  
25 point of production for the month is greater than or equal to \$120 a barrel, but less  
26 than \$130 a barrel;

27 (7) \$2 for each barrel of taxable oil if the average gross value at the  
28 point of production for the month is greater than or equal to \$130 a barrel, but less  
29 than \$140 a barrel;

30 (8) \$1 for each barrel of taxable oil if the average gross value at the  
31 point of production for the month is greater than or equal to \$140 a barrel, but less

1 than \$150 a barrel;

2 (9) zero if the average gross value at the point of production for the  
3 month is greater than or equal to \$150 a barrel.

4 \* **Sec. 20.** AS 43.55.025(a) is amended to read:

5 (a) Subject to the terms and conditions of this section, a credit against the tax  
6 levied by AS 43.55.011 [AS 43.55.011(e)] or, if the credit is for exploration  
7 expenditures incurred for work performed on or after July 1, 2016, against the tax  
8 levied by AS 43.20 is allowed for exploration expenditures that qualify under (b) of  
9 this section in an amount equal to one of the following:

10 (1) 30 percent of the total exploration expenditures that qualify only  
11 under (b) and (c) of this section;

12 (2) 30 percent of the total exploration expenditures that qualify only  
13 under (b) and (d) of this section;

14 (3) 40 percent of the total exploration expenditures that qualify under  
15 (b), (c), and (d) of this section;

16 (4) 40 percent of the total exploration expenditures that qualify only  
17 under (b) and (e) of this section;

18 (5) 80, 90, or 100 percent, or a lesser amount described in (l) of this  
19 section, of the total exploration expenditures described in (b)(2) and (3) of this section  
20 and not excluded by (b)(4) and (5) of this section that qualify only under (l) of this  
21 section;

22 (6) the lesser of \$25,000,000 or 80 percent of the total exploration  
23 drilling expenditures described in (m) of this section and that qualify under (b) and  
24 (c)(1), (c)(2)(A), and (c)(2)(C) of this section; or

25 (7) the lesser of \$7,500,000 or 75 percent of the total seismic  
26 exploration expenditures described in (n) of this section and that qualify under (b) of  
27 this section.

28 \* **Sec. 21.** AS 43.55.025(f) is amended to read:

29 (f) For a production tax credit under this section,

30 (1) an explorer shall, in a form prescribed by the department and,  
31 except for a credit under (k) of this section, within six months of the completion of the

1 exploration activity, claim the credit and submit information sufficient to demonstrate  
2 to the department's satisfaction that the claimed exploration expenditures qualify under  
3 this section; in addition, the explorer shall submit information necessary for the  
4 commissioner of natural resources to evaluate the validity of the explorer's compliance  
5 with the requirements of this section;

6 (2) an explorer shall agree, in writing,

7 (A) to notify the Department of Natural Resources, within 30  
8 days after completion of seismic or geophysical data processing, completion of  
9 well drilling, or filing of a claim for credit, whichever is the latest, for which  
10 exploration costs are claimed, of the date of completion and submit a report to  
11 that department describing the processing sequence and providing a list of data  
12 sets available;

13 (B) to provide to the Department of Natural Resources, within  
14 30 days after the date of a request, unless a longer period is provided by the  
15 Department of Natural Resources, specific data sets, ancillary data, and reports  
16 identified in (A) of this paragraph; in this subparagraph,

17 (i) a seismic or geophysical data set includes the data  
18 for an entire seismic survey, irrespective of whether the survey area  
19 covers nonstate land in addition to state land or land in a unit in  
20 addition to land outside a unit;

21 (ii) well data include all analyses conducted on physical  
22 material, and well logs collected from the well, results, and copies of  
23 data collected and data analyses for the well, including well logs;  
24 sample analyses; testing geophysical and velocity data including  
25 seismic profiles and check shot surveys; testing data and analyses; age  
26 data; geochemical analyses; and tangible material;

27 (C) that, notwithstanding any provision of AS 38, information  
28 provided under this paragraph will be held confidential by the Department of  
29 Natural Resources,

30 (i) in the case of well data, until the expiration of the  
31 24-month period of confidentiality described in AS 31.05.035(c), at

1 which time the Department of Natural Resources will release the  
2 information after 30 days' public notice unless, in the discretion of the  
3 commissioner of natural resources, it is necessary to protect  
4 information relating to the valuation of unleased acreage in the same  
5 vicinity, or unless the well is on private land and the owner, including  
6 the lessor but not the lessee, of the oil and gas resources has not given  
7 permission to release the well data;

8 (ii) in the case of seismic or other geophysical data,  
9 other than seismic data acquired by seismic exploration subject to (k) of  
10 this section, for 10 years following the completion date, at which time  
11 the Department of Natural Resources will release the information after  
12 30 days' public notice, except as to seismic or other geophysical data  
13 acquired from private land, unless the owner, including a lessor but not  
14 a lessee, of the oil and gas resources in the private land gives  
15 permission to release the seismic or other geophysical data associated  
16 with the private land;

17 (iii) in the case of seismic data obtained by seismic  
18 exploration subject to (k) of this section, only until the expiration of 30  
19 days' public notice issued on or after the date the production tax credit  
20 certificate is issued under (5) of this subsection;

21 (3) if more than one explorer holds an interest in a well or seismic  
22 exploration, each explorer may claim an amount of credit that is proportional to the  
23 explorer's cost incurred;

24 (4) the department may exercise the full extent of its powers as though  
25 the explorer were a taxpayer under this title, in order to verify that the claimed  
26 expenditures are qualified exploration expenditures under this section; and

27 (5) if the department is satisfied that the explorer's claimed  
28 expenditures are qualified under this section and that all data required to be submitted  
29 under this section have been submitted, the department shall issue to the explorer a  
30 production tax credit certificate for the amount of credit to be allowed against  
31 production taxes levied by AS 43.55.011 [AS 43.55.011(e)] and, if the credit is for

1 exploration expenditures incurred for work performed on or after July 1, 2016, against  
 2 taxes levied by AS 43.20; notwithstanding any contrary provision of AS 38,  
 3 AS 40.25.100, or AS 43.05.230, the following information is not confidential:

- 4 (A) the explorer's name;
- 5 (B) the date of the application;
- 6 (C) the location of the well or seismic exploration;
- 7 (D) the date of the department's issuance of the certificate; and
- 8 (E) the date on which the information required to be submitted

9 under this section will be released.

10 \* **Sec. 22.** AS 43.55.025(h) is amended to read:

11 (h) A producer that purchases a production tax credit certificate may apply the  
 12 credits against its production tax levied by AS 43.55.011 [AS 43.55.011(e)].  
 13 Regardless of the price the producer paid for the certificate, the producer may receive  
 14 a credit against its production tax liability for the full amount of the credit, but for not  
 15 more than the amount for which the certificate is issued. A production tax credit or a  
 16 portion of a production tax credit or a production tax credit certificate or a portion of a  
 17 production tax credit certificate allowed under this section

18 (1) may not be applied

19 (A) more than once;

20 (B) against the tax imposed under AS 43.55.011(s);

21 (2) may be applied in a later calendar year;

22 (3) may, regardless of when the credit was earned, be applied to satisfy  
 23 a tax, interest, penalty, fee, or other charge that

24 (A) is related to the tax due under this chapter for a prior year,  
 25 except for a surcharge under AS 43.55.201 - 43.55.299 or 43.55.300 or the tax  
 26 levied by AS 43.55.011(i) or 43.55.014; and

27 (B) has not, for the purpose of art. IX, sec. 17(a), Constitution  
 28 of the State of Alaska, been subject to an administrative proceeding or  
 29 litigation.

30 \* **Sec. 23.** AS 43.55.025(i) is amended to read:

31 (i) For a production tax credit under this section,

1 (1) a credit may not be applied to reduce a taxpayer's tax liability under  
2 AS 43.55.011 [AS 43.55.011(e)] below zero for a calendar year;

3 (2) if the production tax credit is for exploration expenditures incurred  
4 for work performed on or after July 1, 2016, the explorer may apply the credit to  
5 reduce the explorer's tax liability under AS 43.20, except that the credit may not be  
6 applied to reduce the explorer's tax liability under AS 43.20 below zero for a tax year;  
7 and

8 (3) an amount of the production tax credit in excess of the amount that  
9 may be applied for a calendar or tax year under this subsection may be carried forward  
10 and applied against the taxpayer's tax liability under AS 43.55.011 [AS 43.55.011(e)]  
11 in one or more later calendar years or under AS 43.20 in one or more later tax years.

12 \* **Sec. 24.** AS 43.55.028(e) is amended to read:

13 (e) The department, on the written application of a person to whom a  
14 transferable tax credit certificate has been issued under AS 43.55.023(d) or former  
15 AS 43.55.023(m) for an expenditure incurred before July 1, 2017, or to whom a  
16 production tax credit certificate has been issued under AS 43.55.025(f) for an  
17 expenditure incurred before July 1, 2017, may use either available money in the oil  
18 and gas tax credit fund or, subject to appropriation by the legislature, money disbursed  
19 to the commissioner, or both, to purchase, in whole or in part, the certificate. The  
20 department may not purchase with money from the oil and gas tax credit fund a total  
21 of more than \$70,000,000 in tax credit certificates from a person in a calendar year.  
22 The total amount of purchases made by the department with money from the oil and  
23 gas tax credit fund from a person in a year may not exceed the assumed payment  
24 amount for each year, as calculated under (l) of this section without the discount  
25 provided in (m) of this section. Before purchasing a certificate or part of a certificate,  
26 the department shall find that

27 (1) the calendar year of the purchase is not earlier than the first  
28 calendar year for which the credit shown on the certificate would otherwise be allowed  
29 to be applied against a tax;

30 (2) the application is not the result of the division of a single entity into  
31 multiple entities that would reasonably be expected to apply as a single entity if the

1 \$70,000,000 limitation in this subsection did not exist;

2 (3) the applicant's total tax liability under **AS 43.55.011**  
3 [AS 43.55.011(e)], after application of all available tax credits, for the calendar year in  
4 which the application is made is zero;

5 (4) the applicant's average daily production of oil and gas taxable  
6 under **AS 43.55.011** [AS 43.55.011(e)] during the calendar year preceding the  
7 calendar year in which the application is made was not more than 50,000 BTU  
8 equivalent barrels; and

9 (5) the purchase is consistent with this section and regulations adopted  
10 under this section.

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

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

17 (1) a description of each lease or property **and each major oil field**  
18 from which oil or gas was produced, by name, legal description, lease number, or  
19 accounting codes assigned by the department;

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

22 (3) the gross amount of oil and the gross amount of gas produced from  
23 each lease or property **and each major oil field**, separately identifying the gross  
24 amount of gas produced from each oil and gas lease to which an effective election  
25 under AS 43.55.014(a) applies, the amount of gas delivered to the state under  
26 AS 43.55.014(b), and the percentage of the gross amount of oil and gas owned by the  
27 producer;

28 (4) the gross value at the point of production of the oil and of the gas  
29 produced from each lease or property **and each major oil field** owned by the producer  
30 and the costs of transportation of the oil and gas;

31 (5) the name of the first purchaser and the price received for the oil and

1 for the gas, unless relieved from this requirement in whole or in part by the  
2 department;

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

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

8 (8) any claims for tax credits to be applied; and

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

11 \* **Sec. 26.** AS 43.55.075(b) is amended to read:

12 (b) A decision of a regulatory agency, court, or other body with authority to  
13 resolve disputes that results in a retroactive change to a lease expenditure, to an  
14 adjustment to a lease expenditure, to the allocation of a lease expenditure between  
15 oil and gas, to costs of transportation, to sale price, to prevailing value, or to  
16 consideration of quality differentials relating to the commingling of oils that has a  
17 corresponding effect, either an increase or decrease, as applicable, on the production  
18 tax value of oil or gas or the amount or availability of a tax credit as determined under  
19 this chapter. For purposes of this section, a change to a lease expenditure includes a  
20 change in the categorization of a lease expenditure as a qualified capital expenditure or  
21 as not a qualified capital expenditure. The producer shall

22 (1) within 60 days after the change, notify the department in writing;

23 and

24 (2) within 120 days after the change, file amended returns covering all  
25 periods affected by the change, unless the department agrees otherwise or a stay is in  
26 place that affects the filing or payment, regardless of the pendency of appeals of the  
27 decision.

28 \* **Sec. 27.** AS 43.55.150 is amended by adding new subsections to read:

29 (d) The department shall adopt regulations consistent with this section for  
30 determining the gross value at the point of production of

31 (1) oil;



1 (2) gas; and

2 (3) oil produced from a major oil field.

3 (e) The department shall adopt regulations consistent with this chapter for  
4 determining the monthly gross value at the point of production for oil produced from  
5 each major oil field.

6 \* **Sec. 28.** AS 43.55.160(a) is amended to read:

7 (a) For oil and gas produced before **January 1, 2021** [JANUARY 1, 2022],  
8 except as provided in (b), (f), and (g) of this section, for the purposes of

9 (1) AS 43.55.011(e)(1) and (2), the annual production tax value of  
10 taxable oil, gas, or oil and gas produced during a calendar year in a category for which  
11 a separate annual production tax value is required to be calculated under this  
12 paragraph is the gross value at the point of production of that oil, gas, or oil and gas  
13 taxable under AS 43.55.011(e), less the producer's lease expenditures under  
14 AS 43.55.165 for the calendar year applicable to the oil, gas, or oil and gas in that  
15 category produced by the producer during the calendar year, as adjusted under  
16 AS 43.55.170; a separate annual production tax value shall be calculated for

17 (A) oil and gas produced from leases or properties in the state  
18 that include land north of 68 degrees North latitude, other than gas produced  
19 before **2021** [2022] and used in the state;

20 (B) oil and gas produced from leases or properties in the state  
21 outside the Cook Inlet sedimentary basin, no part of which is north of 68  
22 degrees North latitude and that qualifies for a tax credit under AS 43.55.024(a)  
23 and (b); this subparagraph does not apply to

24 (i) gas produced before **2021** [2022] and used in the  
25 state; or

26 (ii) oil and gas subject to AS 43.55.011(p);

27 (C) oil produced before **2021** [2022] from each lease or  
28 property in the Cook Inlet sedimentary basin;

29 (D) gas produced before **2021** [2022] from each lease or  
30 property in the Cook Inlet sedimentary basin;

31 (E) gas produced before **2021** [2022] from each lease or

1 property in the state outside the Cook Inlet sedimentary basin and used in the  
2 state, other than gas subject to AS 43.55.011(p);

3 (F) oil and gas subject to AS 43.55.011(p) produced from  
4 leases or properties in the state;

5 (G) oil and gas produced from leases or properties in the state  
6 no part of which is north of 68 degrees North latitude, other than oil or gas  
7 described in (B), (C), (D), (E), or (F) of this paragraph;

8 (2) AS 43.55.011(g), for oil and gas produced before January 1, 2014,  
9 the monthly production tax value of the taxable

10 (A) oil and gas produced during a month from leases or  
11 properties in the state that include land north of 68 degrees North latitude is the  
12 gross value at the point of production of the oil and gas taxable under  
13 AS 43.55.011(e) and produced by the producer from those leases or properties,  
14 less 1/12 of the producer's lease expenditures under AS 43.55.165 for the  
15 calendar year applicable to the oil and gas produced by the producer from  
16 those leases or properties, as adjusted under AS 43.55.170; this subparagraph  
17 does not apply to gas subject to AS 43.55.011(o);

18 (B) oil and gas produced during a month from leases or  
19 properties in the state outside the Cook Inlet sedimentary basin, no part of  
20 which is north of 68 degrees North latitude, is the gross value at the point of  
21 production of the oil and gas taxable under AS 43.55.011(e) and produced by  
22 the producer from those leases or properties, less 1/12 of the producer's lease  
23 expenditures under AS 43.55.165 for the calendar year applicable to the oil and  
24 gas produced by the producer from those leases or properties, as adjusted under  
25 AS 43.55.170; this subparagraph does not apply to gas subject to  
26 AS 43.55.011(o);

27 (C) oil produced during a month from a lease or property in the  
28 Cook Inlet sedimentary basin is the gross value at the point of production of  
29 the oil taxable under AS 43.55.011(e) and produced by the producer from that  
30 lease or property, less 1/12 of the producer's lease expenditures under  
31 AS 43.55.165 for the calendar year applicable to the oil produced by the

1 producer from that lease or property, as adjusted under AS 43.55.170;

2 (D) gas produced during a month from a lease or property in  
3 the Cook Inlet sedimentary basin is the gross value at the point of production  
4 of the gas taxable under AS 43.55.011(e) and produced by the producer from  
5 that lease or property, less 1/12 of the producer's lease expenditures under  
6 AS 43.55.165 for the calendar year applicable to the gas produced by the  
7 producer from that lease or property, as adjusted under AS 43.55.170;

8 (E) gas produced during a month from a lease or property  
9 outside the Cook Inlet sedimentary basin and used in the state is the gross  
10 value at the point of production of that gas taxable under AS 43.55.011(e) and  
11 produced by the producer from that lease or property, less 1/12 of the  
12 producer's lease expenditures under AS 43.55.165 for the calendar year  
13 applicable to that gas produced by the producer from that lease or property, as  
14 adjusted under AS 43.55.170.

15 \* **Sec. 29.** AS 43.55.160(c) is amended to read:

16 (c) Notwithstanding any contrary provision of AS 43.55.150, for purposes of  
17 calculating a monthly production tax value under (a)(2) **or (i)** of this section, the gross  
18 value at the point of production of the **oil, gas, or** oil and gas, **as applicable,** is  
19 calculated under regulations adopted by the department that provide for using an  
20 appropriate monthly share of the producer's costs of transportation for the calendar  
21 year.

22 \* **Sec. 30.** AS 43.55.160(d) is amended to read:

23 (d) Irrespective of whether a producer produces taxable oil or gas during a  
24 calendar year or month, the producer is considered to have generated a positive  
25 production tax value if a calculation described in (a), **(h), (i), or (j)** of this section  
26 yields a positive number because the producer's adjusted lease expenditures for a  
27 calendar year under AS 43.55.165 and 43.55.170 are less than zero as a result of the  
28 producer's receiving a payment or credit under AS 43.55.170. An explorer that has  
29 obtained a transferable tax credit certificate under AS 43.55.023(d) for the amount of a  
30 tax credit under former AS 43.55.023(b) is considered a producer, subject to the tax  
31 levied by AS 43.55.011(e), to the extent that the explorer generates a positive

1 production tax value as the result of the explorer's receiving a payment or credit under  
2 AS 43.55.170.

3 \* **Sec. 31.** AS 43.55.160(e) is amended to read:

4 (e) Any adjusted lease expenditures under AS 43.55.165 and 43.55.170  
5 incurred to explore for, develop, or produce oil or gas from a lease, [OR] property, **or**  
6 **major oil field** outside the Cook Inlet sedimentary basin that would otherwise be  
7 deductible by a producer in a calendar year but whose deduction would cause an  
8 annual production tax value calculated under (a)(1), [OR] (h), **or (i)** of this section of  
9 taxable oil or gas produced during the calendar year to be less than zero may be used  
10 to establish a **carried-forward** [CARRIED- FORWARD] annual loss under  
11 AS 43.55.165(a)(3). A reduction under (f) or (g) of this section must be added back to  
12 the calculation of production tax values for that calendar year before the determination  
13 of a carried-forward annual loss under this subsection. However, the department shall  
14 provide by regulation a method to ensure that, for a period for which a producer's tax  
15 liability is limited by AS 43.55.011(o) or (p), any adjusted lease expenditures under  
16 AS 43.55.165 and 43.55.170 that would otherwise be deductible by a producer for that  
17 period but whose deduction would cause a production tax value calculated under  
18 (a)(1)(E) or (F), [OR] (h)(3), **or (i)(5) or (6)** of this section to be less than zero are  
19 accounted for as though the adjusted lease expenditures had first been used as  
20 deductions in calculating the production tax values of oil or gas subject to any of the  
21 limitations under AS 43.55.011(o) or (p) that have positive production tax values so as  
22 to reduce the tax liability calculated without regard to the limitation to the maximum  
23 amount provided for under the applicable provision of AS 43.55.011(o) or (p). Only  
24 the amount of those adjusted lease expenditures remaining after the accounting  
25 provided for under this subsection may be used to establish a carried-forward annual  
26 loss under AS 43.55.165(a)(3). In this subsection, "producer" includes "explorer."

27 \* **Sec. 32.** AS 43.55.160(f) is amended to read:

28 (f) On and after January 1, 2014, in the calculation of an annual production tax  
29 value of a producer under (a)(1)(A), [OR] (h)(1), **(i)(1) or (8), or (j)** of this section,  
30 the gross value at the point of production of oil or gas produced from a lease, [OR]  
31 property, **or major oil field** north of 68 degrees North latitude meeting one or more of

1 the following criteria is reduced by 20 percent: (1) the oil or gas is produced from a  
 2 lease, [OR] property, or major oil field that does not contain a lease that was within a  
 3 unit on January 1, 2003; (2) the oil or gas is produced from a participating area  
 4 established after December 31, 2011, that is within a unit formed under  
 5 AS 38.05.180(p) before January 1, 2003, if the participating area does not contain a  
 6 reservoir that had previously been in a participating area established before  
 7 December 31, 2011; (3) the oil or gas is produced from acreage that was added to an  
 8 existing participating area by the Department of Natural Resources on and after  
 9 January 1, 2014, and the producer demonstrates to the department that the volume of  
 10 oil or gas produced is from acreage added to an existing participating area. This  
 11 subsection does not apply to gas produced before 2022 that is used in the state or to  
 12 gas produced on and after January 1, 2022. For oil and gas first produced from a lease  
 13 or property after December 31, 2016, a reduction allowed under this subsection  
 14 applies from the date of commencement of regular production of oil and gas from that  
 15 lease or property and expires after three years, consecutive or nonconsecutive, in  
 16 which the average annual price per barrel for Alaska North Slope crude oil for sale on  
 17 the United States West Coast is more than \$70 or after seven years, whichever occurs  
 18 first. For oil and gas first produced from a lease or property before January 1, 2017, a  
 19 reduction allowed under this subsection expires on the earlier of January 1, 2023, or  
 20 January 1 following three years, consecutive or nonconsecutive, in which the average  
 21 annual price per barrel for Alaska North Slope crude oil for sale on the United States  
 22 West Coast is more than \$70. The Alaska Oil and Gas Conservation Commission shall  
 23 determine the commencement of regular production of oil and gas for purposes of this  
 24 subsection. A reduction under this subsection may not reduce the gross value at the  
 25 point of production below zero. In this subsection, "participating area" means a  
 26 reservoir or portion of a reservoir producing or contributing to production as approved  
 27 by the Department of Natural Resources.

28 \* **Sec. 33.** AS 43.55.160(g) is amended to read:

29 (g) On and after January 1, 2014, in addition to the reduction under (f) of this  
 30 section, in the calculation of an annual production tax value of a producer under  
 31 (a)(1)(A), [OR] (h)(1), (i)(1) or (8), or (j) of this section, the gross value at the point

1 of production of oil or gas produced from a lease, [OR] property, **or major oil field**  
 2 north of 68 degrees North latitude that does not contain a lease that was within a unit  
 3 on January 1, 2003, is reduced by 10 percent if the oil or gas is produced from a unit  
 4 made up solely of leases that have a royalty share of more than 12.5 percent in amount  
 5 or value of the production removed or sold from the lease as determined under  
 6 AS 38.05.180(f). This subsection does not apply if the royalty obligation for one or  
 7 more of the leases in the unit has been reduced to 12.5 percent or less under  
 8 AS 38.05.180(j) for all or part of the calendar year for which the annual production tax  
 9 value is calculated. This subsection does not apply to gas produced before 2022 that is  
 10 used in the state or to gas produced on and after January 1, 2022. For oil and gas first  
 11 produced from a lease or property after December 31, 2016, a reduction allowed under  
 12 this subsection applies from the date of commencement of regular production of oil  
 13 and gas from that lease or property and expires after three years, consecutive or  
 14 nonconsecutive, in which the average annual price per barrel for Alaska North Slope  
 15 crude oil for sale on the United States West Coast is more than \$70 or after seven  
 16 years, whichever occurs first. For oil and gas first produced from a lease or property  
 17 before January 1, 2017, a reduction allowed under this subsection expires on the  
 18 earlier of January 1, 2023, or January 1 following three years, consecutive or  
 19 nonconsecutive, in which the average annual price per barrel for Alaska North Slope  
 20 crude oil for sale on the United States West Coast is more than \$70. The Alaska Oil  
 21 and Gas Conservation Commission shall determine the commencement of regular  
 22 production for purposes of this subsection. A reduction under this subsection may not  
 23 reduce the gross value at the point of production below zero.

24 \* **Sec. 34.** AS 43.55.160(h) is amended to read:

25 (h) For oil produced on and after January 1, 2022, except as provided in (b),  
 26 (f), and (g) of this section, for the purposes of **AS 43.55.011** [AS 43.55.011(e)(3)], the  
 27 annual production tax value of oil taxable under **AS 43.55.011** [AS 43.55.011(e)]  
 28 produced by a producer during a calendar year

29 (1) from leases or properties in the state that include land north of 68  
 30 degrees North latitude, **other than major oil fields**, is the gross value at the point of  
 31 production of that oil, less the producer's lease expenditures under AS 43.55.165 for

1 the calendar year incurred to explore for, develop, or produce oil and gas deposits  
2 located in the state north of 68 degrees North latitude or located in leases or properties  
3 in the state that include land north of 68 degrees North latitude, as adjusted under  
4 AS 43.55.170;

5 (2) before or during the last calendar year under AS 43.55.024(b) for  
6 which the producer could take a tax credit under AS 43.55.024(a), from leases or  
7 properties in the state outside the Cook Inlet sedimentary basin, no part of which is  
8 north of 68 degrees North latitude, other than leases or properties subject to  
9 AS 43.55.011(p), is the gross value at the point of production of that oil, less the  
10 producer's lease expenditures under AS 43.55.165 for the calendar year incurred to  
11 explore for, develop, or produce oil and gas deposits located in the state outside the  
12 Cook Inlet sedimentary basin and south of 68 degrees North latitude, other than oil  
13 and gas deposits located in a lease or property that includes land north of 68 degrees  
14 North latitude or that is subject to AS 43.55.011(p) or, before January 1, 2027, from  
15 which commercial production has not begun, as adjusted under AS 43.55.170;

16 (3) from leases or properties subject to AS 43.55.011(p) is the gross  
17 value at the point of production of that oil, less the producer's lease expenditures under  
18 AS 43.55.165 for the calendar year incurred to explore for, develop, or produce oil and  
19 gas deposits located in leases or properties subject to AS 43.55.011(p) or, before  
20 January 1, 2027, located in leases or properties in the state outside the Cook Inlet  
21 sedimentary basin, no part of which is north of 68 degrees North latitude from which  
22 commercial production has not begun, as adjusted under AS 43.55.170;

23 (4) from leases or properties in the state no part of which is north of 68  
24 degrees North latitude, other than leases or properties subject to (2) or (3) of this  
25 subsection, is the gross value at the point of production of that oil less the producer's  
26 lease expenditures under AS 43.55.165 for the calendar year incurred to explore for,  
27 develop, or produce oil and gas deposits located in the state south of 68 degrees North  
28 latitude, other than oil and gas deposits located in a lease or property in the state that  
29 includes land north of 68 degrees North latitude, and excluding lease expenditures that  
30 are deductible under (2) or (3) of this subsection or would be deductible under (2) or  
31 (3) of this subsection if not prohibited by (b) of this section, as adjusted under

1 AS 43.55.170; a separate annual production tax value shall be calculated for

2 (A) oil produced from each lease or property in the Cook Inlet  
3 sedimentary basin;

4 (B) oil produced from each lease or property outside the Cook  
5 Inlet sedimentary basin, no part of which is north of 68 degrees North latitude,  
6 other than leases or properties subject to (3) of this subsection;

7 **(5) for each major oil field in the state is the gross value at the**  
8 **point of production of that oil, less the lease expenditures allocated to the major**  
9 **oil field under AS 43.55.165 for the calendar year incurred to explore for,**  
10 **develop, or produce oil and gas deposits located in the major oil field, as adjusted**  
11 **under AS 43.55.170.**

12 \* **Sec. 35.** AS 43.55.160 is amended by adding new subsections to read:

13 (i) For oil and gas produced on and after January 1, 2021, and before  
14 January 1, 2022, except as provided in (b), (f), and (g) of this section, for the purposes  
15 of AS 43.55.011, the annual production tax value of taxable oil or gas produced during  
16 a calendar year in a category for which a separate annual production tax value is  
17 required to be calculated under this subsection is the gross value at the point of  
18 production of that oil or gas taxable under AS 43.55.011, less the producer's lease  
19 expenditures under AS 43.55.165 for the calendar year applicable to the oil or gas in  
20 that category produced by the producer during the calendar year, as adjusted under  
21 AS 43.55.170. A separate annual production tax value shall be calculated for

22 (1) oil and gas produced from leases or properties in the state that  
23 include land north of 68 degrees North latitude, other than

24 (A) oil produced from a major oil field; and

25 (B) gas produced before 2022 and used in the state;

26 (2) oil and gas produced from leases or properties in the state outside  
27 the Cook Inlet sedimentary basin, no part of which is north of 68 degrees North  
28 latitude and that qualifies for a tax credit under AS 43.55.024(a) and (b); this  
29 paragraph does not apply to

30 (A) gas produced on and after January 1, 2021, and before  
31 2022 and used in the state; or



- 1 (B) oil and gas subject to AS 43.55.011(p);
- 2 (3) oil produced on and after January 1, 2021, and before 2022 from
- 3 each lease or property in the Cook Inlet sedimentary basin;
- 4 (4) gas produced on and after January 1, 2021, and before 2022 from
- 5 each lease or property in the Cook Inlet sedimentary basin;
- 6 (5) gas produced on and after January 1, 2021, and before 2022 from
- 7 each lease or property in the state outside the Cook Inlet sedimentary basin and used in
- 8 the state, other than gas subject to AS 43.55.011(p);
- 9 (6) oil and gas subject to AS 43.55.011(p) produced from leases or
- 10 properties in the state;
- 11 (7) oil and gas produced from leases or properties in the state no part
- 12 of which is north of 68 degrees North latitude, other than oil or gas described in (2),
- 13 (3), (4), (5), or (6) of this subsection;
- 14 (8) oil produced from a major oil field.

15 (j) Except as provided in (b), (f), and (g) of this section, for the purposes of

16 AS 43.55.011(q) and AS 43.55.020(a)(7)(E), the monthly production tax value of the

17 taxable oil produced during a month from a major oil field is the gross value at the

18 point of production of the oil produced by the producer from the major oil field and

19 taxable under AS 43.55.011, less 1/12 of the producer's lease expenditures under

20 AS 43.55.165 for the calendar year applicable to the oil produced by the producer

21 from that major oil field, as adjusted under AS 43.55.170. For the purposes of the

22 calculation under this subsection, a reduction in the gross value at the point of

23 production may apply for oil subject to AS 43.55.160(f) and (g).

24 \* **Sec. 36.** AS 43.55.165(a) is amended to read:

25 (a) For purposes of this chapter, a producer's lease expenditures for a calendar

26 year are

27 (1) costs, other than items listed in (e) of this section, that are

28 (A) incurred by the producer during the calendar year after

29 March 31, 2006, to explore for, develop, or produce oil or gas deposits located

30 within the producer's leases or properties in the state, **a major oil field in the**

31 **state**, or, in the case of land in which the producer does not own an operating

1 right, operating interest, or working interest, to explore for oil or gas deposits  
2 within other land in the state; and

3 (B) allowed by the department by regulation, based on the  
4 department's determination that the costs satisfy the following three  
5 requirements:

6 (i) the costs must be incurred upstream of the point of  
7 production of oil and gas;

8 (ii) the costs must be ordinary and necessary costs of  
9 exploring for, developing, or producing, as applicable, oil or gas  
10 deposits; and

11 (iii) the costs must be direct costs of exploring for,  
12 developing, or producing, as applicable, oil or gas deposits;

13 (2) a reasonable allowance for that calendar year, as determined under  
14 regulations adopted by the department, for overhead expenses that are directly related  
15 to exploring for, developing, or producing, as applicable, the oil or gas deposits; and

16 (3) lease expenditures incurred in a previous calendar year, subject to  
17 (l) - (r) of this section, that

18 (A) met the requirements of AS 43.55.160(e) in the year in  
19 which the lease expenditures were incurred;

20 (B) have not been deducted in the determination of the  
21 production tax value of oil and gas under AS 43.55.160(a), [OR] (h), **(i), or (i)**  
22 in a previous calendar year;

23 (C) were not the basis of a credit under this title; and

24 (D) were incurred to explore for, develop, or produce an oil or  
25 gas deposit located in the state outside the Cook Inlet sedimentary basin.

26 \* **Sec. 37.** AS 43.55.165(h) is amended to read:

27 (h) The department shall adopt regulations that provide for reasonable  
28 methods of allocating costs between oil and gas, between gas subject to  
29 AS 43.55.011(o) and other gas, [AND] between leases or properties, **between leases**  
30 **or properties and major oil fields, and between major oil fields** in those  
31 circumstances where an allocation of costs is required to determine lease expenditures

1 that are costs of exploring for, developing, or producing oil deposits or costs of  
 2 exploring for, developing, or producing gas deposits, or that are costs of exploring for,  
 3 developing, or producing oil or gas deposits located within a different lease, property,  
 4 or major oil field. A producer shall report to the department lease expenditures  
 5 separately for oil subject to taxation under either AS 43.55.011(q) or (s) [LEASES  
 6 OR PROPERTIES].

7 \* **Sec. 38.** AS 43.55.165(m) is amended to read:

8 (m) During a calendar year in which a taxpayer's liability under  
 9 AS 43.55.011(e) is determined under AS 43.55.011(f), the maximum amount of  
 10 carried-forward annual loss that a taxpayer may apply in that year is equal to the  
 11 amount, when combined with the lease expenditures of the current year and any  
 12 credits under this chapter, necessary to reduce the amount calculated under  
 13 AS 43.55.011(e) to the equivalent amount of tax due under AS 43.55.011(f) before the  
 14 application of any credits under this chapter. During a calendar year in which a  
 15 taxpayer's liability under AS 43.55.011(q) is determined under AS 43.55.011(s),  
 16 the maximum amount of carried-forward annual loss that a taxpayer may apply  
 17 in that year is equal to the amount, when combined with the lease expenditures of  
 18 the current year and any credits under this chapter, necessary to reduce the  
 19 amount calculated under AS 43.55.011(q) to the equivalent amount of tax due  
 20 under AS 43.55.011(s) before the application of any credits under this chapter.  
 21 An amount of carried-forward annual loss not applied under this subsection may  
 22 continue to be carried forward.

23 \* **Sec. 39.** AS 43.55.165(n) is amended to read:

24 (n) A carried-forward annual loss may only be applied  
 25 (1) to determine the production tax value of oil or gas for a category  
 26 for which a separate annual production tax value is required to be calculated under  
 27 AS 43.55.160(a), [OR] (h), (i), or (j) if the lease expenditure resulting in the carried-  
 28 forward annual loss was incurred in the same category;  
 29 (2) beginning in the calendar year in which regular production of oil or  
 30 gas from the lease or property where the lease expenditure resulting in the carried-  
 31 forward [CARRIED- FORWARD] annual loss was incurred commences.

1 \* **Sec. 40.** AS 43.55.165(o) is amended to read:

2 (o) A carried-forward annual loss for a lease expenditure incurred on a lease,  
3 [OR] property, or major oil field that

4 (1) did not commence regular production of oil or gas before or during  
5 the year the lease expenditure was incurred decreases in value each year by one-tenth  
6 of the value of the carried-forward annual loss in the preceding year, beginning  
7 January 1 of the 11th calendar year after the lease expenditure is carried forward under  
8 (a)(3) of this section; a decrease in value under this paragraph does not apply for a  
9 year in which the department determines that regular production of oil or gas did not  
10 commence because of a natural disaster, an injunction or other court order, or an  
11 administrative order;

12 (2) commenced regular production of oil or gas before or during the  
13 year the lease expenditure was incurred decreases in value each year by one-tenth of  
14 the value of the carried-forward annual loss in the preceding year, beginning January 1  
15 of the eighth calendar year after the lease expenditure is carried forward under (a)(3)  
16 of this section.

17 \* **Sec. 41.** AS 43.55.165(r) is amended to read:

18 (r) In adopting a regulation that defines the lease,  
19 or major oil field where a lease expenditure resulting in a carried-forward annual loss is incurred  
20 for purposes of (n) and (o) of this section, the department shall include an exploration  
21 lease expenditure that is reasonably related to the lease,  
22 or major oil field.

23 \* **Sec. 42.** AS 43.55.170 is amended by adding a new subsection to read:

24 (d) The department shall adopt regulations that provide for reasonable  
25 methods of allocating adjustments to lease expenditures for oil produced from a major  
26 oil field subject to taxation under AS 43.55.011(q). A producer shall report to the  
27 department adjustments to lease expenditures separately for oil subject to taxation  
28 under AS 43.55.011(q).

29 \* **Sec. 43.** AS 43.55.895(b) is amended to read:

30 (b) A municipal entity subject to taxation because of this section

31 (1) is eligible for tax credits proportionate to its production taxable

1 under AS 43.55.011 [AS 43.55.011(e)]; and

2 (2) shall allocate its lease expenditures in proportion to its production  
3 taxable under AS 43.55.011 [AS 43.55.011(e)].

4 \* **Sec. 44.** AS 43.55.900 is amended by adding a new paragraph to read:

5 (27) "major oil field" means a field all or part of which is north of 68  
6 degrees North latitude that

7 (A) produced an average of more than 40,000 barrels of oil a  
8 day in the previous calendar year; and

9 (B) has produced more than 400,000,000 barrels of oil in  
10 cumulative production.

11 \* **Sec. 45.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 MONTHLY PAYMENTS. Notwithstanding AS 43.55.020(g), as amended by sec. 9  
14 of this Act, an unpaid amount of an installment payment due under AS 43.55.020, as amended  
15 by sec. 9 of this Act, as a result of the retroactivity of this Act does not accrue interest until  
16 after December 31, 2021.

17 \* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 RETROACTIVITY. This Act is retroactive to January 1, 2021.

20 \* **Sec. 47.** This Act takes effect immediately under AS 01.10.070(c).