

26-LS0209\S  
Chenoweth  
3/10/09

**CS FOR SENATE BILL NO. 54( )**

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

**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATORS WIELECHOWSKI, ELLIS AND FRENCH, Thomas**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making sales of and offers to sell certain energy resources by a refiner at prices**  
2 **that are exorbitant or excessive an unlawful act or practice under the Alaska Unfair**  
3 **Trade Practices and Consumer Protection Act."**

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

5 **\* Section 1.** AS 45.50.471(b) is amended by adding a new paragraph to read:  
6 (56) violating AS 45.50.483 (sales of certain energy resources by  
7 refiners).

8 **\* Sec. 2.** AS 45.50 is amended by adding a new section to read:  
9 **Sec. 45.50.483. Sales of certain energy resources by Alaska refiners.** (a) A  
10 refiner may not sell or offer to sell an energy resource at a price that is exorbitant or  
11 excessive.

12 (b) The provisions of this section apply only to sales of  
13 (1) motor fuel used in an engine for the propulsion of a motor vehicle,  
14 as that term is defined in AS 28.90.990, or an aircraft;

- 1 (2) fuel for space heating; and
- 2 (3) diesel fuel.

3 (c) If the attorney general believes that a refiner has engaged in or is engaging  
 4 in a violation of (a) of this section, the attorney general shall initiate an investigation  
 5 under AS 45.50.495.

6 (d) Notwithstanding the penalties authorized by AS 45.50.551, the attorney  
 7 general may recover, on behalf of the state, a civil penalty of not less than the greater  
 8 of

9 (1) 10 times the economic benefit obtained by the refiner through the  
 10 refiner's conduct that violated or violates this section; or

11 (2) \$50,000,000.

12 (e) In this section, "refiner" means a company, corporation, or individual who  
 13 owns or controls, or controls through a substantially owned subsidiary, partnership, or  
 14 joint venture, a refinery used for the production of an energy resource described in (b)  
 15 of this section having total annual sales that exceed 1,000,000 gallons of all of those  
 16 energy resources.