

Original sponsors: Gardiner, Dankworth,
Miller, et al

Offered: 5/28/77

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR CS FOR HOUSE BILL NO. 423

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the destruction of oil and gas
7 facilities."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 11.20 is amended by adding a new section to read:

10 Sec. 11.20.517. MALICIOUS DESTRUCTION OF OIL AND GAS FACILITIES OR
11 PROPERTY. (a) A person who wilfully or maliciously injures, destroys,
12 cuts, or exposes to injury any oil or gas pipeline or supporting faci-
13 lities not his own is guilty of malicious destruction of oil and gas
14 property and upon conviction is punishable by imprisonment for not more
15 than 10 years, or by a fine of not more than \$25,000, or by both.

16 (b) A person who wilfully tampers with any oil or gas pipeline or
17 supporting facilities not his own, with the purpose to harm the property
18 of another person or with reckless disregard for the risk of harm to or
19 loss of property, is guilty of malicious mischief to oil and gas property
20 and upon conviction is punishable by imprisonment for not more
21 than three years, or by a fine of not more than \$5,000, or by both.

22 (c) A person who wilfully or maliciously tears down, damages,
23 mutilates or destroys any sign, signboard or notice placed upon or af-
24 fixed to any posted oil or gas property is guilty of a misdemeanor and
25 upon conviction is punishable by imprisonment for not more than one year,
26 or by a fine of not more than \$3,000, or by both.

27 (d) For purposes of this section,

28 (1) "oil or gas pipeline or supporting facilities" means real
29 and tangible property used in the exploration for, production or

1 refining of, or pipeline transportation of gas or oil, except for pro-
2 perty used solely in the retail distribution of oil or gas;

3 (2) "oil and gas property" means the land and premises and
4 real and tangible property situated on it used in the exploration for,
5 production or refining of, or pipeline transportation of gas or oil;

6 (3) "posted oil and gas property" means that a printed or
7 written notice with the name of the owner or person in lawful occupation
8 of the land or premises has been attached in at least three conspicuous
9 places on the land or premises, and at all roads and entrances, notify-
10 ing an entrant upon the property not to trespass and to depart. If the
11 perimeter of the land exceeds 500 feet, notices shall be attached at
12 conspicuous places not more than 500 feet apart;

13 (4) "tampering with" means to interfere with or make un-
14 warranted alterations to the existing condition of an oil or gas pipe-
15 line or supporting facilities.

16 * Sec. 2. AS 11.20 is amended by adding a new section to read:

17 Sec. 11.20.635. TRESPASS TO OIL OR GAS PROPERTY. (a) It is un-
18 lawful for a person to wilfully commit a trespass by any of the fol-
19 lowing acts:

20 (1) enter upon posted oil and gas property for the purpose of
21 injuring it or tampering with or obstructing its utilization;

22 (2) knowingly enter posted oil or gas property without per-
23 mission of the property owner or lessee, his employee or agent unless
24 authorized to enter under (c) of this section;

25 (3) refuse or fail to leave posted oil or gas property upon
26 being requested by the property owner or lessee, his employee or agent,
27 or a law enforcement officer unless authorized under (c) of this section
28 to remain.

29 (b) A person who violates (a) of this section is guilty of a mis-

1 demeanor and upon conviction is punishable by imprisonment for not more
2 than 90 days, or by a fine of not more than \$500, or by both.

3 (c) A person may enter and remain on or cross a right-of-way
4 granted for pipeline purposes for the transportation of oil, products,
5 or natural gas

6 (1) for such time as is reasonably required to cross the
7 right-of-way for a purpose not otherwise prohibited in this section or
8 in sec. 517 of this chapter; or

9 (2) for any other purpose not otherwise prohibited by law.

10 (d) For the purposes of this section,

11 (1) "oil and gas property" means the land and premises and
12 real and tangible property situated on it used in the exploration for,
13 production or refining of, or pipeline transportation of gas or oil;

14 (2) "posted oil and gas property" means that a printed or
15 written notice with the name of the owner or person in lawful occupation
16 of the land or premises has been attached in at least three conspicuous
17 places on the land or premises, and at all roads and entrances, notify-
18 ing an entrant upon the property not to trespass and to depart. If the
19 perimeter of the land exceeds 500 feet, notices shall be attached at
20 conspicuous places not more than 500 feet apart;

21 (3) "tampering with" means to interfere with or make un-
22 warranted alterations to the existing condition of oil and gas property.