

Introduced: 2/12/86
Referred: House Special Committee on
Oil & Gas and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

HOUSE BILL NO. 572

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the Alaska Oil and Gas Conserva-
7 tion Commission; and providing for an effective
8 date."

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

10 * Section 1. AS 31.05.027 is amended to read:

11 Sec. 31.05.027. LAND SUBJECT TO COMMISSION'S AUTHORITY. The
12 authority of the commission applies to all land in the state lawfully
13 subject to its police powers, including [. IT APPLIES TO] land of the
14 United States and [OR TO] land subject to the jurisdiction of the
15 United States [ONLY TO THE EXTENT THAT CONTROL AND SUPERVISION OF
16 CONSERVATION OF OIL AND GAS AND PREVENTION OF WASTE BY THE UNITED
17 STATES ON ITS LAND FAILS TO CARRY OUT THE INTENT AND PURPOSES OF THIS
18 CHAPTER, AND OTHERWISE APPLIES TO FEDERAL LAND SO FAR AS AN OFFICER OF
19 THE UNITED STATES HAVING JURISDICTION, OR AN AUTHORIZED REPRESENTA-
20 TIVE, SHALL APPROVE ANY OF THE PROVISIONS OF THIS CHAPTER OR ORDERS OF
21 THE COMMISSION WHICH AFFECT LAND]. The authority of the commission
22 further applies to all land included in a voluntary cooperative or
23 unit plan of development or operation entered into in accordance with
24 AS 38.05.180(p).

25 * Sec. 2. AS 31.05.070(a) is amended to read:

26 (a) The commission may summon witnesses, administer oaths, and
27 require the production of records, books, and documents for exami-
28 nation at a hearing or investigation conducted by it. [A PERSON MAY
29 NOT BE EXCUSED FROM ATTENDING AND TESTIFYING, OR FROM PRODUCING BOOKS,

1 PAPERS AND RECORDS BEFORE THE COMMISSION OR A COURT, OR FROM OBEDIENCE
2 TO THE SUBPOENA OF THE COMMISSION OR A COURT, ON THE GROUND OR FOR THE
3 REASON THAT THE TESTIMONY OR EVIDENCE, DOCUMENTARY OR OTHERWISE,
4 REQUIRED OF THAT PERSON MAY TEND TO INCRIMINATE OR SUBJECT THAT PERSON
5 TO A PENALTY OR FORFEITURE.] This section does not require a person
6 to produce books, papers, or records, or to testify in response to an
7 inquiry not pertinent to some question lawfully before the commission
8 or court for determination. If a witness interposes a claim of privi-
9 lege against self-incrimination, the commission may request the attor-
10 ney general to apply for a grant of immunity under AS 12.50.101. [A
11 NATURAL PERSON IS NOT SUBJECT TO CRIMINAL PROSECUTION OR TO A PENALTY
12 OR FORFEITURE FOR OR ON ACCOUNT OF ANY TRANSACTION, MATTER OR THING
13 CONCERNING WHICH, IN SPITE OF OBJECTION, THAT PERSON MAY BE REQUIRED
14 TO TESTIFY OR PRODUCE EVIDENCE, DOCUMENTARY OR OTHERWISE, BEFORE THE
15 COMMISSION OR COURT, OR IN OBEDIENCE TO ITS SUBPOENA. HOWEVER, A
16 PERSON TESTIFYING IS NOT EXEMPT FROM PROSECUTION AND PUNISHMENT FOR
17 PERJURY COMMITTED IN SO TESTIFYING.]

18 * Sec. 3. AS 31.05 is amended by adding a new section to article 2A to
19 read:

20 ARTICLE 2A. MISCELLANEOUS PROVISIONS.

21 Sec. 31.05.141. AFFILIATION WITH THE INTERSTATE OIL COMPACT
22 COMMISSION. The governor, in the name of the state, may join with the
23 other states in the interstate compact to conserve oil and gas, exe-
24 cute agreements to extend the expiration date of the interstate com-
25 pact, and determine when it is in the best interests of the state to
26 withdraw from the compact and take the actions necessary to effect the
27 withdrawal. The governor, or the governor's designee, is the official
28 representative of the state in the interstate compact, and shall take
29 whatever action is considered appropriate in connection with that

1 position.

2 * Sec. 4. AS 31.05.150(a) is amended to read:

3 (a) A person who [WILFULLY] violates a provision of this chap-
4 ter, or a regulation or order of the commission adopted under this
5 chapter, is liable for [SUBJECT TO] a civil penalty of no [NOT] more
6 than \$5,000 per day [\$1,000] for each day [ACT] of violation [AND FOR
7 EACH DAY THAT THE VIOLATION CONTINUES], unless the penalty for vio-
8 lation is otherwise provided for and made exclusive in this chapter.

9 * Sec. 5. AS 31.05.150(b) is amended to read:

10 (b) If a person, for the purpose of evading this chapter, or any
11 regulation or order of the commission adopted under this chapter,
12 knowingly commits any of the acts specified in AS 11.46.630(a)(1)--
13 (4), that person is guilty of a class A misdemeanor [WILFULLY MAKES OR
14 HAS MADE A FALSE ENTRY IN A RECORD, ACCOUNT OR MEMORANDUM REQUIRED BY
15 THIS CHAPTER, OR BY A REGULATION OR ORDER, OR WILFULLY OMITTS, OR
16 CAUSES TO BE OMITTED, FROM A RECORD, ACCOUNT OR MEMORANDUM, FULL, TRUE
17 AND CORRECT ENTRIES AS REQUIRED BY THIS CHAPTER, OR BY A REGULATION OR
18 ORDER, OR REMOVES FROM THE STATE OR DESTROYS, MUTILATES, ALTERS OR
19 FALSIFIES SUCH RECORD, ACCOUNT OR MEMORANDUM, THE PERSON IS GUILTY OF
20 A MISDEMEANOR, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE
21 THAN \$5,000, OR BY IMPRISONMENT IN JAIL FOR NOT MORE THAN SIX MONTHS,
22 OR BY BOTH].

23 * Sec. 6. AS 31.05.150 is amended by adding a new subsection to read:

24 (f) A person who knowingly violates a regulation or order of the
25 commission is guilty of a misdemeanor punishable by a fine of no more
26 than \$5,000 per day for each day of violation.

27 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
28 10.070(c).

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