

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 55

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the Alaska Oil and Gas Conserva-
7 tion Commission; changing a court rule; and providing
8 for an effective 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 claims the privilege against
9 self-incrimination, the commission may request the attorney general to
10 apply to the superior court under AS 12.50.101 for an order compelling
11 testimony. [A NATURAL PERSON IS NOT SUBJECT TO CRIMINAL PROSECUTION
12 OR TO A PENALTY OR FORFEITURE FOR OR ON ACCOUNT OF ANY TRANSACTION,
13 MATTER OR THING CONCERNING WHICH, IN SPITE OF OBJECTION, THAT PERSON
14 MAY BE REQUIRED TO TESTIFY OR PRODUCE EVIDENCE, DOCUMENTARY OR OTHER-
15 WISE, BEFORE THE COMMISSION OR COURT, OR IN OBEDIENCE TO ITS SUBPOENA.
16 HOWEVER, A PERSON TESTIFYING IS NOT EXEMPT FROM PROSECUTION AND PUN-
17 ISHMENT FOR PERJURY COMMITTED IN SO TESTIFYING.]

18 * Sec. 3. AS 31.05.150(a) is amended to read:

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

25 * Sec. 4. AS 31.05.150(b) is amended to read:

26 (b) If a person, for the purpose of evading this chapter, or any
27 regulation or order of the commission adopted under this chapter,
28 knowingly commits any of the acts specified in AS 11.46.630(a)(1) --
29 (4), that person is guilty of a class A misdemeanor [WILFULLY MAKES OR

1 HAS MADE A FALSE ENTRY IN A RECORD, ACCOUNT OR MEMORANDUM REQUIRED BY
2 THIS CHAPTER, OR BY A REGULATION OR ORDER, OR WILFULLY OMITTS, OR
3 CAUSES TO BE OMITTED, FROM A RECORD, ACCOUNT OR MEMORANDUM, FULL, TRUE
4 AND CORRECT ENTRIES AS REQUIRED BY THIS CHAPTER, OR BY A REGULATION OR
5 ORDER, OR REMOVES FROM THE STATE OR DESTROYS, MUTILATES, ALTERS OR
6 FALSIFIES SUCH RECORD, ACCOUNT OR MEMORANDUM, THE PERSON IS GUILTY OF
7 A MISDEMEANOR, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE
8 THAN \$5,000, OR BY IMPRISONMENT IN JAIL FOR NOT MORE THAN SIX MONTHS,
9 OR BY BOTH].

10 * Sec. 5. AS 31.05.150 is amended by adding a new subsection to read:

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

14 * Sec. 6. Section 2 of this Act has the effect of changing Rule 732 of
15 the Uniform Rules of Criminal Procedure, adopted by the Alaska Supreme
16 Court in State v. Serdahely, 635 P.2d 1182 (Alaska 1981). It changes the
17 immunity granted a witness for compelled testimony from "transactional"
18 immunity to "use" immunity.

19 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).