

Offered: 4/17/89
Referred: Judiciary

go0679hE

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 55 (Resources)
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, Rule 732 of
8 the Uniform Rules of Criminal Procedure, adopted by
9 the Alaska Supreme Court under its constitutional
10 rule-making authority; and providing for an effective
11 date."

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

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

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

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

29 (a) The commission may summon witnesses, administer oaths, and

1 require the production of records, books, and documents for examina-
2 tion at a hearing or investigation conducted by it. [A PERSON MAY NOT
3 BE EXCUSED FROM ATTENDING AND TESTIFYING, OR FROM PRODUCING BOOKS,
4 PAPERS AND RECORDS BEFORE THE COMMISSION OR A COURT, OR FROM OBEDIENCE
5 TO THE SUBPOENA OF THE COMMISSION OR A COURT, ON THE GROUND OR FOR THE
6 REASON THAT THE TESTIMONY OR EVIDENCE, DOCUMENTARY OR OTHERWISE,
7 REQUIRED OF THAT PERSON MAY TEND TO INCRIMINATE OR SUBJECT THAT PERSON
8 TO A PENALTY OR FORFEITURE.] This section does not require a person
9 to produce books, papers, or records, or to testify in response to an
10 inquiry not pertinent to a [SOME] question lawfully before the commis-
11 sion or court for determination. If a witness claims the privilege
12 against self-incrimination, the commission may request the attorney
13 general to apply to the superior court under AS 12.50.101 for an order
14 compelling testimony [A NATURAL PERSON IS NOT SUBJECT TO CRIMINAL
15 PROSECUTION OR TO A PENALTY OR FORFEITURE FOR OR ON ACCOUNT OF ANY
16 TRANSACTION, MATTER OR THING CONCERNING WHICH, IN SPITE OF OBJECTION,
17 THAT PERSON MAY BE REQUIRED TO TESTIFY OR PRODUCE EVIDENCE, DOCUMEN-
18 TARY OR OTHERWISE, BEFORE THE COMMISSION OR COURT, OR IN OBEDIENCE TO
19 ITS SUBPOENA. HOWEVER, A PERSON TESTIFYING IS NOT EXEMPT FROM PROSE-
20 CUTION AND PUNISHMENT FOR PERJURY COMMITTED IN SO TESTIFYING].

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

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

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

29 (b) A [IF A] person who, for the purpose of evading this chapter

1 [.] or any regulation or order of the commission adopted under this
2 chapter, knowingly commits an act specified in AS 11.46.630(a) is
3 guilty of a class A misdemeanor [WILFULLY MAKES OR HAS MADE A FALSE
4 ENTRY IN A RECORD, ACCOUNT OR MEMORANDUM REQUIRED BY THIS CHAPTER, OR
5 BY A REGULATION OR ORDER, OR WILFULLY OMITTS, OR CAUSES TO BE OMITTED,
6 FROM A RECORD, ACCOUNT OR MEMORANDUM, FULL, TRUE AND CORRECT ENTRIES
7 AS REQUIRED BY THIS CHAPTER, OR BY A REGULATION OR ORDER, OR REMOVES
8 FROM THE STATE OR DESTROYS, MUTILATES, ALTERS OR FALSIFIES SUCH RE-
9 CORD, ACCOUNT OR MEMORANDUM, THE PERSON IS GUILTY OF A MISDEMEANOR,
10 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000,
11 OR BY IMPRISONMENT IN JAIL FOR NOT MORE THAN SIX MONTHS, OR BY BOTH].

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

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

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

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