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PRESS RELEASE

BOND REQUIREMENT FOR PUBLIC LITIGANT LAWSUITS PASSES HOUSE ***HB 168 levels legal playing field & strikes against frivolous lawsuits to delay projects***

Thursday, April 07, 2011, Juneau, Alaska – The Alaska State House of Representatives today passed a bill to curtail frivolous lawsuits against industrial projects by requiring public litigant filers to provide bonds against court-granted actions like stays or injunctions.

House Bill 168, sponsored by House Resources Co-Chair Eric Feige, R-Chickaloon, adds the bonding language to state law while allowing the presiding judge to deem the amount necessary. The bill would have the judge consider factors such as lost wages and benefits, and payments to contractors. "More often than not these suits are brought by people or groups for no other purpose than to just delay or block development; they're frivolous and most, in the end, fail," Feige said. "They *do* end up delaying projects for years, at a significant cost to working Alaskans, businesses and the state treasury. HB 168 says if a person or group wants to file suit against a legally permitted project they need to financially back their claims – leveling the playing field since they otherwise have no risk against filing these lawsuits."

Feige says that the instances HB 168 is envisioned to act against aren't regular occurrences in state court, and that Alaska Civil Rule 65 (C) already requires a court to take similar action in person-to-person cases. "We take an oath of office on day one of the session to protect all Alaskans, and that includes those who wish to do business here and responsibly explore for and develop our resources," Feige said. "By the same token, HB 168 does not prohibit a person who is wrongfully enjoined from relief. It strikes a balance for both parties."

The court has full discretion to decide the amount of the security to require before granting an injunction or order vacating or staying the operations of a permit that affects in industrial operation. The bill defines an industrial operation to include construction, energy, or timber activity and oil, gas and mineral exploration, development and production.

HB 168, which passed by a vote of 33 to six, now moves to the Alaska Senate for consideration.

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