

# ALASKA STATE LEGISLATURE

House District 6  
Co-Chair House Resources Committee  
Transportation Committee  
Fisheries Committee  
Joint Armed Services Committee



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## **CSHB 47(JUD) Explanation of Changes**

Section 1, page 1, line 7 new language added **“Unless exempt under AS 09.68.040(a)”** added to make it clear that no such security shall be required of the state or a municipality or of an officer or agency thereof.

Section 1, page 1, lines 9 & 10 **inserts 2 commas – one after *security* and one after *proper***. These insertions match the way Alaska Civil Rule 65(c) reads.

Section 1, line 12 new language added **“Upon request of any party and when that party presents evidence, one relevant factor”** added to clarify that the court will need a request and evidence to support consideration of wages & benefits for employees and payment to contractors and subcontractors. Also emphasizes that this is not the only factor the court takes into consideration.

Section 1, page 2, lines 8 – 15 inserts new language **(d) A party is not required to give security under (b) of this section if the challenged permitting decision or authorization is made by (1) the Department of Environmental Conservation under AS 46.03 or AS 46.14 in a program approved or delegated by the United States Environmental Protection Agency; or (2) the Department of Natural Resources under AS 27.21 in a program approved or delegated by the Office of Surface Mining Reclamation and Enforcement in the United States Department of the Interior** – adds exception language to exclude permitting programs in which DEC or DNR issues permits under a state permitting program that was developed under federal law and approved by a federal agency.