

CS FOR HOUSE BILL NO. 468(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/18/04

Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the amount of the bond required to stay execution of a judgment in**
2 **civil litigation involving a signatory, a successor of a signatory, or an affiliate of a**
3 **signatory to the tobacco product Master Settlement Agreement during an appeal;**
4 **amending Rules 204 and 205, Alaska Rules of Appellate Procedure; and providing for**
5 **an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 45.53 is amended by adding a new section to read:

8 **Sec. 45.53.050. Stays pending appeal in civil cases.** (a) Except as provided
9 in (b) of this section, in order to secure and protect the money to be received as a result
10 of the Master Settlement Agreement, in civil tobacco-related litigation under any legal
11 theory involving a signatory, a successor of a signatory, or an affiliate of a signatory to
12 the Master Settlement Agreement, the supersedeas bond to be furnished in order to
13 stay the execution of the judgment during the entire course of appellate review shall be

1 set in accordance with applicable laws or court rules, except that the total bond that is
2 required of all appellants collectively may not exceed \$100,000,000, regardless of the
3 value of the judgment.

4 (b) If an appellee proves by a preponderance of the evidence that an appellant
5 is dissipating assets to avoid the payment of a judgment, a court may require the
6 appellant to post a bond in an amount up to the full amount of the judgment.

7 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **INDIRECT COURT RULE AMENDMENT.** AS 45.53.050, added by sec. 1 of this
10 Act, has the effect of changing Rules 204 and 205, Alaska Rules of Appellate Procedure, by
11 limiting the court's discretion to determine the amount of a supersedeas bond in certain cases.

12 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **APPLICABILITY.** This Act applies to all cases pending on or filed on or after the
15 effective date of this Act.

16 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **CONDITIONAL EFFECT.** AS 45.53.050, added by sec. 1 of this Act, takes effect
19 only if sec. 2 of this Act receives the two-thirds majority vote of each house required by art.
20 IV, sec. 15, Constitution of the State of Alaska.

21 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).