

HOUSE BILL NO. 332

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE PRUITT

Introduced: 2/24/14

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Job Protection Board; relating to the attorney general's**
2 **appearance, or the employment of attorneys to assist or appear for the attorney general,**
3 **in an injunctive civil action relating to an industrial operation; relating to the**
4 **construction industry progress fund; and providing for an effective date."**

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

6 *** Section 1.** AS 37.05 is amended by adding a new section to article 6 to read:

7 **Sec. 37.05.610. Construction industry progress fund.** (a) The construction
8 industry progress fund is created as a separate fund in the general fund. The fund
9 consists of money appropriated to it by the legislature. Money appropriated to the fund
10 does not lapse. The Department of Revenue shall manage the fund. Interest received
11 on money in the fund shall be accounted for separately and may be appropriated into
12 the fund.

13 (b) The legislature may appropriate amounts from the construction industry
14 progress fund to the Department of Law for costs of the attorney general or attorneys

1 engaged by the attorney general to appear in injunctive proceedings under
2 AS 44.23.020.

3 (c) Nothing in this section creates a dedicated fund.

4 * **Sec. 2.** AS 44.23.020 is amended by adding a new subsection to read:

5 (i) The attorney general may enter an appearance in an existing federal or state
6 civil action to present evidence of the economic or social effect on the people of the
7 state as the result of the delay or cancellation of an industrial operation caused by the
8 initiation of the civil action seeking a restraining order, preliminary injunction, or
9 order vacating or staying that industrial operation. The attorney general may engage an
10 attorney to assist or otherwise appear for the attorney general to perform the functions
11 of the attorney general under this subsection.

12 * **Sec. 3.** AS 44.33 is amended by adding new sections to read:

13 **Article 17. Alaska Job Protection Board.**

14 **Sec. 44.33.995. Alaska Job Protection Board established.** (a) The Alaska
15 Job Protection Board is established in the Department of Commerce, Community, and
16 Economic Development to monitor and evaluate civil actions seeking a restraining
17 order, preliminary injunction, or order vacating or staying the operation of a federal or
18 state permit that affects an industrial operation.

19 (b) The board consists of seven members as follows:

20 (1) the commissioner of commerce, community, and economic
21 development or the commissioner's designee;

22 (2) the commissioner of natural resources or the commissioner's
23 designee;

24 (3) the commissioner of labor and workforce development or the
25 commissioner's designee;

26 (4) the attorney general or the attorney general's designee; and

27 (5) three public members, appointed by the governor, who are familiar
28 with industrial operations and are knowledgeable about the economic and social
29 effects caused by the delaying or stopping of an industrial operation.

30 (c) The members of the board shall select a chair from among the public
31 members.

1 (d) The public members of the board serve staggered three-year terms and
 2 may be reappointed. If a vacancy occurs in the seat of a member appointed under
 3 (b)(5) of this section, the governor shall appoint a member to serve the remainder of
 4 the unexpired term. Members of the board appointed under (b)(5) of this section serve
 5 at the pleasure of the governor.

6 (e) Members of the board appointed under (b)(5) of this section do not receive
 7 compensation but are entitled to per diem and travel expenses authorized for boards
 8 and commissions under AS 39.20.180.

9 (f) Members of the board shall disclose to the board in a timely manner any
 10 conflict of interest. A member may deliberate on an issue for which a conflict exists
 11 but may not vote on that issue.

12 **Sec. 44.33.996. Powers and duties of the board.** (a) The board shall

13 (1) monitor civil actions that seek a restraining order, preliminary
 14 injunction, or order vacating or staying the operation of a federal or state permit that
 15 affects an industrial operation;

16 (2) monitor the delay or cancellation, if any, of an industrial operation
 17 caused by the initiation of a civil action that seeks a restraining order, preliminary
 18 injunction, or order vacating or staying the operation of a federal or state permit that
 19 affects the industrial operation;

20 (3) evaluate the economic and social effect, if any, on the people of the
 21 state the delay or cancellation of an industrial operation caused by the initiation of a
 22 civil action that seeks a restraining order, preliminary injunction, or order vacating or
 23 staying the operation of a federal or state permit that affects the industrial operation.

24 (b) The board may recommend to the attorney general that an appearance be
 25 entered in an existing federal or state civil action to present evidence of the economic
 26 or social effect on the people of the state as a result of the delay or cancellation of an
 27 industrial operation caused by the initiation of the civil action seeking a restraining
 28 order, preliminary injunction, or order vacating or staying the operation of a federal or
 29 state permit that affects the industrial operation.

30 **Sec. 44.33.997. Intervention by attorney general.** The attorney general may
 31 enter an appearance in an existing federal or state civil action to present evidence of

1 the economic or social effect on the people of the state as a result of the delay or
2 cancellation of an industrial operation caused by the initiation of the civil action
3 seeking a restraining order, preliminary injunction, or order vacating or staying the
4 operation of a federal or state permit that affects the industrial operation. The attorney
5 general may engage an attorney to assist or otherwise appear for the attorney general
6 to perform the functions of the attorney general under this section.

7 **Sec. 44.33.998. Definition.** In AS 44.33.995 - 44.33.998, "industrial operation"
8 means a construction, energy, or timber activity and oil, gas, and mineral exploration,
9 development, and production.

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

12 TRANSITION: ALASKA JOB PROTECTION BOARD; STAGGERED TERMS. (a)
13 In making initial appointments to the Alaska Job Protection Board under AS 44.33.995,
14 enacted by sec. 3 of this Act, the governor shall appoint the initial public members of the
15 board to staggered terms as follows:

- 16 (1) one member shall be appointed to serve one year;
17 (2) one member shall be appointed to serve two years; and
18 (3) one member shall be appointed to serve three years.

19 * **Sec. 5.** This Act takes effect January 1, 2015.