

CS FOR HOUSE BILL NO. 132(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/30/93
Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES BRICE, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the time period of all permits issued by the state relating to
2 the extraction or removal of resources if the holder of the permits, or any of
3 the agencies issuing a permit to the holder, is involved in litigation concerning
4 the issuance or validity of any permit related to the extraction or removal."

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

6 * Section 1. AS 46.35 is amended by adding a new section to read:

7 **ARTICLE 2. EXTENSION OF RESOURCE EXTRACTION**
8 **OR REMOVAL RELATED PERMITS.**

9 **Sec. 46.35.300. EXTENSION OF RESOURCE EXTRACTION OR**
10 **REMOVAL RELATED PERMITS. (a) The time period of all permits relating to**
11 **resource extraction or removal in the state that are issued by any agency of the state**
12 **shall be extended by the agencies issuing the permits if the holder of the permits**

13 **(1) or any of the agencies issuing a permit to the holder, is sued by a**
14 **person other than the state concerning the issuance or validity of any state or federal**

1 permit that is related to the resource extraction or removal;

2 (2) is prevented from engaging to a substantial extent in the resource
3 extraction or removal related activity authorized by the permits due to an order of the
4 court in which the litigation is pending;

5 (3) is successful in the litigation and the suit is dismissed with
6 prejudice or judgment is granted to the holder of the permits or, if an agency that
7 issued a permit to the holder is being sued, that the agency is successful in the
8 litigation and the suit is dismissed with prejudice or judgment is granted to the agency;
9 and

10 (4) notifies the department of the litigation, the order preventing the
11 resource extraction or removal related activity authorized by the permits, and the
12 successful decision of the suit in favor of the holder of the permits.

13 (b) The length of an extension under (a) of this section shall be equal to the
14 period of time the holder of the permits was prevented from engaging in the activity
15 authorized by the permits due to the order of the court.

16 (c) An extension of time under (a) of this section shall be considered to be part
17 of the time period of the original permits and when extending the permits a department
18 may not impose a fee or a charge for the extension or for the right to engage in the
19 activity authorized by the permits during the term of the extension except as provided
20 in the original permits.

21 (d) In this section, "permit" means a permit, lease, authorization, license, or
22 another determination necessary for or related to resource extraction or removal.

23 * Sec. 2. APPLICABILITY. (a) Section 1 of this Act applies to all permits relating to
24 resource extraction or removal as defined by AS 46.35.200(4) that are affected by litigation
25 relating to the issuance or validity of a permit related to the extraction or removal if the suit
26 is filed after the effective date of this Act.

27 (b) In this section, "permit" has the meaning given in AS 46.35.300(d), added by
28 sec. 1 of this Act.