

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

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/20/93
Referred: Finance

Sponsor(s): REPRESENTATIVES BRICE, Kott, James

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 in the resource extraction or removal
3 related activity authorized by the permits due to an order of the court in which the
4 litigation is pending;

5 (3) is the prevailing party in the litigation or, if an agency that issued
6 a permit to the holder is being sued, that the agency is the prevailing party in the
7 litigation; and

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

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

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

19 (d) In this section,

20 (1) "permit" means a permit, lease, authorization, license, or another
21 determination necessary for or related to resource extraction or removal;

22 (2) "prevailing party" means one who has successfully prosecuted or
23 defended against the action, who is successful on the main issue of the action and in
24 whose favor the decision or verdict is rendered and the judgment entered.

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

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