

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

BY THE SENATE RESOURCES COMMITTEE

**Offered: 3/21/94
Referred: Rules**

Sponsor(s): REPRESENTATIVES BRICE, Kott, James, Foster, MacLean

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the time period of permits issued by the Department of
2 Environmental Conservation, the Department of Fish and Game, and the
3 Department of Natural Resources relating to the extraction or removal of
4 resources if the permittee, or an agency issuing a permit to the permittee, is
5 involved in administrative or judicial proceedings concerning the issuance or
6 validity of a permit related to the extraction or removal of resources, and the
7 permittee is unwilling to engage in the resource extraction or removal activity due
8 to the proceedings."

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

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

11 **ARTICLE 2. EXTENSION OF RESOURCE EXTRACTION**
12 **OR REMOVAL RELATED PERMITS.**

1 Sec. 46.35.300. EXTENSION OF RESOURCE EXTRACTION OR
2 REMOVAL RELATED PERMITS. (a) The department that issued the permit shall
3 extend a resource removal or extraction permit when the permittee
4 (1) is unwilling to engage in the resource removal or extraction activity
5 allowed under the permit due to the actions of another person, other than the state,
6 seeking administrative or judicial review of the issuance or validity of the permit or
7 another permit, or a permit, lease, authorization, or license issued by the federal
8 government, relating to the same resource removal or extraction activity; and
9 (2) at the conclusion of the legal proceedings is allowed to proceed
10 with the resource removal or extraction activity.
11 (b) A department may not extend a permit under (a) of this section
12 (1) unless
13 (A) the permittee notifies the department that issued the permit
14 of the legal proceedings and provides a sworn statement that the permittee is
15 unwilling to engage in the permitted activity due to the proceedings; and
16 (B) upon the conclusion of the legal proceedings, the permittee
17 notifies the department of the conclusion of the proceedings and the outcome
18 of the proceedings;
19 (2) for any period that the permittee has engaged in the resource
20 removal or extraction activity authorized under the permit;
21 (3) if the extension is prohibited by or otherwise inconsistent with
22 federal law applicable to the permitted activity;
23 (4) if another provision of state law, or a regulation, or contractual
24 provision authorizes an extension, or otherwise stays the running, of the permit.
25 (c) A permittee receiving an extension of a permit under this section is subject
26 to the rights, conditions, and liabilities the permittee would have had under the original
27 permit if the permit had not been extended.
28 (d) An extension of a permit under this section may only be for the length of
29 time equivalent to the period from the date the department receives the notice and
30 sworn statement under (b) of this section until the conclusion of the legal proceedings
31 that allow the permittee to engage in the resource removal or extraction activity.

1 (e) The Department of Environmental Conservation, the Department of Fish
2 and Game, and the Department of Natural Resources shall adopt regulations to
3 implement this section.

4 (f) In this section,

5 (1) "legal proceedings" means, as appropriate, administrative
6 proceedings not followed by judicial proceedings, administrative proceedings followed
7 by judicial proceedings, or judicial proceedings not preceded by administrative
8 proceedings;

9 (2) "permit" means a permit, lease, authorization, license, or another
10 determination necessary for or related to resource extraction or removal that is issued
11 by the Department of Environmental Conservation, the Department of Fish and Game,
12 or the Department of Natural Resources.

13 * Sec. 2. APPLICABILITY. (a) Section 1 of this Act applies to permits relating to
14 resource extraction or removal that are issued after the effective date of this Act.

15 (b) In this section, "permit" has the meaning given in AS 46.35.300(f), added by
16 sec. 1 of this Act.