

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 21, 2014

SUBJECT: Sectional Summary CSHB 47(JUD)
(Work Order No. 28-LS0072\Y)

TO: Representative Eric Feige
Attn: Linda Hay

FROM: Megan A. Wallace 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill -- the bill itself is the best statement of its contents.

Section 1. Amends AS 09.40.230 by adding new subsections (b) - (d).

(b) Requires a party seeking a restraining order, preliminary injunction, or order vacating or staying the operation of a permit affecting an industrial operation in a court action to give security, unless the party is exempt under AS 09.68.040(a) (parties exempt from giving bond); requires the court to consider, upon request of a party, the amount of wages and benefits for employees, and payment to contractors and subcontractors of the industrial operation when determining the amount of security; and defines "industrial operation."

(c) Provides that the existence of security does not prevent a person wrongfully enjoined or restrained from obtaining other relief and does not limit the amount of recovery.

(d) Provides that a party is not required to give security when challenging a permitting decision or authorization made by the Division of Environmental Conservation and the Department of Natural Resources in certain circumstances.

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