

HOUSE BILL NO. 47

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FEIGE AND CHENAULT, Johnson, Keller, Hughes, Hawker, Peggy Wilson, Thompson, Olson, Saddler, Stoltze

Introduced: 1/16/13

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring a party seeking a restraining order, preliminary injunction, or order**
2 **vacating or staying the operation of a permit affecting an industrial operation to give**
3 **security in the amount the court considers proper for costs incurred and damages**
4 **suffered if the industrial operation is wrongfully enjoined or restrained."**

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

6 * **Section 1.** AS 09.40.230 is amended by adding new subsections to read:

7 (b) A party seeking a restraining order, preliminary injunction, or order
8 vacating or staying the operation of a permit that affects an industrial operation shall
9 give security in an amount the court considers proper for costs that may be incurred
10 and damages that may be suffered by the industrial operation if the industrial operation
11 is wrongfully enjoined or restrained, including an amount for the payment of wages
12 and benefits for employees and payment to contractors and subcontractors of the
13 industrial operation. In this subsection, "industrial operation" includes a construction,
14 energy, or timber activity and oil, gas, and mineral exploration, development, and

1 production.

2 (c) The existence of security under (b) of this section does not

3 (1) prohibit a person who is wrongfully enjoined or restrained from
4 obtaining relief that may be available to that person; or

5 (2) limit the amount that a party may recover in the action.