

**HOUSE BILL NO. 419**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE RYAN

Introduced: 2/16/98

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to security required when an injunction is issued; amending  
2 Rule 65, Alaska Rules of Civil Procedure; and providing for an effective date."

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

4 \* **Section 1.** AS 09.40.230 is amended to read:

5 **Sec. 09.40.230. Authorization for injunction.** When it appears that (1) the  
6 plaintiff is entitled to the relief demanded, and the relief or any part of it includes  
7 restraining the commission or continuance of some act, the commission or continuance  
8 of which during the litigation would produce injury to the plaintiff; or (2) the  
9 defendant is doing, or threatens or is about to do, or is procuring or suffering to be  
10 done some act in violation of the plaintiff's rights concerning the subject of the action  
11 and tending to render the judgment ineffectual; or (3) the defendant threatens or is  
12 about to remove or dispose of property or a part of it with intent to delay or defraud  
13 creditors, an injunction may be allowed to restrain such act, removal, or disposition.

14 **An injunction may not be issued to restrain the state, a subdivision of the state,**

1        **or a business unless the applicant provides a bond equal to the economic costs**  
2        **that may be incurred by the state, subdivision of the state, or business if the court**  
3        **determines the state, subdivision, or business was wrongfully restrained by the**  
4        **injunction. The requirement of a bond does not apply to an injunction requested**  
5        **by the state, a subdivision of the state, or in a domestic relations action except**  
6        **as otherwise ordered by the court. In this section, "business" has the meaning**  
7        **given in AS 43.70.110.**

8        \* **Sec. 2.** AS 09.40.230, as amended by sec. 2 of this Act, has the effect of amending Rule  
9        65, Alaska Rules of Civil Procedure, by requiring that a bond be provided before an injunction  
10       may be issued in certain civil actions.

11       \* **Sec. 3.** This Act applies to a civil action that accrues on or after the effective date of this  
12       Act.

13       \* **Sec. 4.** Section 1 of this Act takes effect only if sec. 2 receives the two-thirds majority  
14       vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

15       \* **Sec. 5.** This Act takes effect July 1, 1997.