

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 86
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FATE, Wolf, Foster, Rokeberg, Holm, Kott, Lynn, Chenault, Dahlstrom, Wilson, Heinze

Introduced: 4/2/03

Referred: Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to permits issued by the state; and amending Rules 65, 79, and 82,**
2 **Alaska Rules of Civil Procedure."**

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

4 *** Section 1.** AS 09.55 is amended by adding a new section to read:

5 **Article 10. Damages for Disruption of a State Permitted Project.**

6 **Sec. 09.55.700. Damages for disrupting a state permitted project.** (a) A
7 person who improperly disrupts a state permitted project shall be liable for damages to
8 any person materially damaged by the improper disruption. A person "improperly
9 disrupts" a state permitted project if the person obtains an injunction in the course of a
10 bad faith legal challenge to a state permitted project and the person does not
11 substantially prevail in that challenge.

12 (b) For purposes of this section, "damages" means

13 (1) wages and salaries of employees working on the project during the
14 period of the disruption;

- 1 (2) material costs, including cost increases caused by the disruption;
- 2 (3) penalties and interest accrued during the period of the disruption on
- 3 contracts associated with the project;
- 4 (4) actual litigation costs related to the disruption, including full
- 5 attorney fees and court costs; and
- 6 (5) any other costs or damages that the person who is materially
- 7 damaged demonstrates were caused by the disruption.

8 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **INDIRECT COURT RULE AMENDMENT.** AS 09.55.700, added by sec. 1 of this
11 Act, has the effect of changing Rules 65, 79, and 82, Alaska Rules of Civil Procedure, by
12 providing for an award of damages against a bad faith litigant who obtains an injunction but
13 does not prevail in a lawsuit.