

HOUSE BILL NO. 168

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FEIGE, Chenault, Johnson, Thomas, Tammie Wilson, Fairclough, Keller, Thompson

Introduced: 2/23/11

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring the amount of the security given by a party seeking an injunction or**
2 **order vacating or staying the operation of a permit affecting an industrial operation to**
3 **include an amount for the payment of wages and benefits for employees and payments**
4 **to contractors and subcontractors that may be lost if the industrial operation is**
5 **wrongfully enjoined."**

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

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

8 (b) A party seeking a restraining order, preliminary injunction, or order
9 vacating or staying the operation of a permit that affects an industrial operation shall
10 give security in an amount determined by the court for costs that may be incurred and
11 damages that may be suffered by an industrial operation that has been wrongfully
12 enjoined or restrained, including an amount for the payment of wages and benefits for
13 employees and payment to contractors and subcontractors of the industrial operation.

1 In this subsection, "industrial operation" includes a construction, energy, or timber
2 activity and oil, gas, and mineral exploration, development, and production.

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

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

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