

**CS FOR HOUSE BILL NO. 168(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/5/11

Referred: Rules

Sponsor(s): REPRESENTATIVES FEIGE, Chenault, Johnson, Thomas, Tammie Wilson, Fairclough, Keller, Thompson, Costello, Millett, Hawker, Lynn, Olson, Saddler, Dick, Peggy Wilson

SENATORS Giessel, Meyer

**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 the court considers proper for costs that may be incurred  
11 and 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.