

**HB**

**124**

<TARGET><BILL>HB 124</BILL><SUBJECT>HB  
124</SUBJECT><COMM>HJUD27</COMM></TARGET>

Similar to  
HB 124

**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

**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.

**Alaska Legislature  
Representative Charisse Millett**

Session:  
State Capitol Building, Room 13  
Juneau, AK 99801  
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**MEMORANDUM**

To: Rep. Carl Gatto, House Judiciary Committee  
From: Rep. Charisse Millett *Charisse Millett*  
Subject: Scheduling request for HB 124  
Date: Saturday, February 26, 2011



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I respectfully request a hearing before the House Judiciary Committee on House Bill 124 at your earliest convenience.

Jeff Turner is the staffer assigned to this legislation and he can be reached at (907) 465-6588.

###

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Representative Charisse Millett**

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*District 30*

**Invited Testimony for HB 124**

**Steve Borell, Alaska Miners Association**

**Ethan Schutt, CIRI**

# Alaska Legislature

## Representative Charisse Millett

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Version: 27-LS0426\A

### Sponsor Statement - House Bill 124

**"An Act requiring a person who commences a cause of action seeking to delay a project on state or private land to provide security equal to 10 percent of the value of the project to protect a person who is wrongfully delayed."**

Natural resource development is the foundation that Alaska's economy rests on. For as long as Alaska has been a state, developers of all types have fought legal action seeking to wrongfully delay or stop an environmentally responsible and beneficial project from happening.

House Bill 124 makes a direct, simple and significant change to state statutes to protect project developers. If passed, anyone seeking to delay a project on state or private land, including land owned by a subdivision of the state, will be required to post a bond or letter of credit equal to ten percent of the value of the project. The bond or letter of credit must be issued by a financial institution based in the United States.

This will cover damages and reasonable attorney fees incurred by the individual; group or business financially harmed by the restraining order or preliminary injunction.

HB 124 has been referred to the House Judiciary Committee. I encourage all my colleagues to endorse this legislation.