

HOUSE BILL NO. 29

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MILLETT

Introduced: 1/7/13

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring a party seeking a restraining order, preliminary injunction, or order**
2 **vacating or staying the operation of a permit affecting an industrial operation to give**
3 **security in an amount the court considers proper and requiring a court that determines**
4 **the proper amount of the security to consider including an amount for the payment of**
5 **wages and benefits for employees and payments to contractors and subcontractors that**
6 **may be lost if the industrial operation is wrongfully enjoined."**

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

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

9 (b) A party seeking a restraining order, preliminary injunction, or order
10 vacating or staying the operation of a permit that affects an industrial operation shall
11 give security in an amount the court considers proper for costs that may be incurred
12 and damages that may be suffered by an industrial operation that has been wrongfully
13 enjoined or restrained. A court determining the proper amount of the security shall

1 consider an amount for the payment of wages and benefits for employees and payment
2 to contractors and subcontractors of the industrial operation. In this subsection,
3 "industrial operation" includes a construction, energy, or timber activity and oil, gas,
4 and mineral exploration, development, and production.

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

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

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