

March 4, 2009

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1496

Page 1, line 1, after "study" insert "; to require a bond"

Page 1, after line 23, insert:

"SECTION 2. Initiation of legal action - Bond - Liability for fees and costs.

1.
 - a. If a person files an action seeking to stop or otherwise delay the construction of an equine processing facility, the court shall require the person filing the action to post a surety bond in an amount at least equal to twenty percent of the estimated cost of constructing the facility.
 - b. If the person bringing the action does not ultimately prevail, that person is liable for all financial losses incurred by the facility during the time the action was pending and all attorney's fees and costs incurred by the facility in defending the action.
 - c. For purposes of this subsection, construction includes the purchase and remodeling of an existing structure to serve as an equine processing facility.
2.
 - a. If a person files an action seeking to estop the operation of an equine processing facility, the court shall require the person filing the action to post a surety bond in an amount at least equal to twenty percent of the estimated cost of operating the facility during the time the action is pending.
 - b. If the court issues an injunction that estops the operation of the facility while the action is pending and if the person bringing the action does not ultimately prevail, the person bringing the action is liable for all financial losses incurred by the facility during the time the action was pending and all attorney's fees and costs incurred by the facility in defending the action.
3. If a person required to post a bond under this section does not do so within thirty days of filing the action, the court shall dismiss the action."

Renumber accordingly