

HOUSE BILL NO. 176 am(fld H)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GREEN, Rokeberg, James

Amended: 5/7/99

Introduced: 3/31/99

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to attorney fees and costs and the granting of public interest
2 litigant status in proceedings related to administrative actions and inactions."

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

4 * **Section 1.** AS 09.60.010 is amended to read:

5 **Sec. 09.60.010. Costs and attorney fees allowed prevailing party.** The
6 supreme court shall determine by rule or order the costs, if any, that may be allowed
7 a prevailing party in a civil action. Unless specifically authorized by statute or by
8 agreement between the parties, attorney fees may not be awarded to a party in a civil
9 action for personal injury, death, or property damage related to or arising out of fault,
10 as defined in AS 09.17.900, unless the civil action is contested without trial, or fully
11 contested as determined by the court. **A party bringing a civil action that seeks**
12 **judicial review of an action or a failure to act by a department of the executive**
13 **branch of state government may not be awarded public interest litigant status,**
14 **and the prevailing party in the action is entitled to an award of attorney fees and**

1 **costs as in other civil actions.**

2 * **Sec. 2.** AS 44.62.300 is amended by adding a new subsection to read:

3 (b) An interested person bringing an action under this section may not be
4 granted public interest litigant status by a court, and the prevailing party in the action
5 is entitled to an award of attorney fees and costs as in other civil actions.

6 * **Sec. 3.** AS 44.62.560 is amended by adding a new subsection to read:

7 (f) A person bringing an appeal under this section may not be granted public
8 interest litigant status by a court, and the prevailing party in the appeal is entitled to
9 an award of attorney fees and costs as in other appeals.