

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 385(JUD)
 (H) Publish Date: 4/8/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to the attorney fees and costs BRU Civil Division
awarded in certain court actions relating to unfair trade . . ." Component Fair Business Practices
 Sponsor Representative Croft
 Requester House Judiciary Committee Component No. 2206

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	*****	*****	*****	*****	*****	*****
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 385 prohibits a prevailing defendant in a consumer protection case brought by a private person from being awarded attorney fees and costs unless the action is found to be frivolous by the court. The bill further allows the state to recover full attorney fees and costs when it prevails in cases that it brings. Under current law, only private counsel can recover full fees and costs.

Section 1 of the bill affects only cases brought by private persons, and will have no impact on the Department of Law. We are uncertain what impact section 2, concerning actions brought by the attorney general, will have on potential revenues. These cases are usually settled, and while the threat of full fees and costs will certainly be useful in negotiations, we have no experience to estimate how much additional revenue might result.

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 Division Attorney General's Office Date/Time 3/7/02 4:26 PM
 Approved by: Kathryn Daughetee for Bruce M. Botelho, Attorney General Date 3/7/2002
 Agency Department of Law