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AMENDMENT #1

By Rep. Gara

OFFERED IN THE HOUSE

TO: CSHB 145(FIN)

1 Page 1, line 6, through page 3, line 23:

2 Delete all material and insert:

3 **“\*Section 1.** AS 09.60.010. is amended to read:

4 **Sec. 09.60.010. Costs and attorney fees allowed prevailing**  
5 **party.** The supreme court shall determine by rule or order the costs, if  
6 any, that may be allowed a prevailing party in a civil action. Unless  
7 specifically authorized by statute or by agreement between the parties,  
8 attorney fees may not be awarded to a party in a civil action for personal  
9 injury, death, or property damage related to or arising out of fault, as  
10 defined in AS 09.17.900, unless the civil action is contested without trial,  
11 or fully contested as determined by the court. **In a civil action by a**  
12 **public interest litigant against the state or state agency, the prevailing**  
13 **plaintiff shall be entitled to 65% of their full reasonable attorney**  
14 **fees. Where a public interest litigant does not prevail, full reasonable**  
15 **attorney fees shall be awarded against a public interest litigant on**  
16 **claims the plaintiff pursued that were frivolous.”**

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13 Renumber the following bill sections accordingly.