

AMENDMENT # 1

OFFERED IN THE SENATE
TO: CS HB 145 (FIN)

BY Senator Hollis French

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

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3 Delete all material and insert:

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

6 **Sec. 09.60.010. Costs and attorney fees allowed prevailing**

7 **party.** The supreme court shall determine by rule or order the

8 costs, if any, that may be allowed a prevailing party in a civil

9 action. Unless specifically authorized by statute or by agreement

10 between the parties, attorney fees may not be awarded to a party in

11 a civil action for personal injury, death, or property damage

12 related to or arising out of fault, as defined in AS 09.17.900,

13 unless the civil action is contested without trial, or fully contested

14 as determined by the court. **In a civil action by a public interest**

15 **litigant against the state or state agency, the prevailing**

16 **plaintiff shall be entitled to 65 percent of their full reasonable**

17 **attorney fees. Where a public interest litigant does not**

18 **prevail, full reasonable attorney fees shall be awarded against**

19 **a public interest litigant on claims the plaintiff pursued that**

20 **were frivolous."**

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22 Renumber the remaining bill sections accordingly.