

HOUSE BILL NO. 56

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GARA

Introduced: 1/21/03

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the attorney fees and costs awarded in certain court actions relating**
2 **to unfair trade practices; and, if considered court rule changes, amending Rules 54(d),**
3 **79, and 82, Alaska Rules of Civil Procedure."**

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

5 * **Section 1.** AS 45.50.537 is amended by adding a new section to read:

6 (e) In an action brought by the attorney general under AS 45.50.471 -
7 45.50.561, if the attorney general prevails, the state shall be awarded full attorney fees
8 and costs.

9 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **INDIRECT COURT RULE CHANGES.** (a) It is not clear whether sec. 1 of this Act
12 would be considered to have the effect of changing certain court rules. If considered to have
13 that effect, the required disclosures are provided in (b) and (c) of this section.

14 (b) AS 45.50.537(e), added by sec. 1 of this Act, has the effect of changing Rule 82,

1 Alaska Rules of Civil Procedure, by establishing different rules relating to the award of
2 attorney fees in actions that are brought under AS 45.50.471 - 45.50.561.

3 (c) AS 45.50.537(e), added by sec. 1 of this Act, has the effect of changing Rules
4 54(d) and 79, Alaska Rules of Civil Procedure, by establishing different rules relating to the
5 award of costs in actions that are brought under AS 45.50.471 - 45.50.561.

6 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. AS 45.50.537(e), added by sec. 1 of this Act, applies only to
9 causes of action that accrue on or after the effective date of this Act.

10 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 EFFECT NOTWITHSTANDING VOTE. Because sec. 1 of this Act may not be
13 considered a court rule change, sec. 1 of this Act takes effect even if sec. 2 of this Act does
14 not receive the two-thirds majority vote of each house required by art. IV, sec. 15,
15 Constitution of the State of Alaska for court rule changes.