

AMENDMENT #2

OFFERED IN THE HOUSE
TO: HCS SB 132(FIN)

BY REPRESENTATIVE GARA

1 Page 1, line 2: *(title amendment)*

2 Delete "and"

3 Insert "**providing for attorney fees and costs in cases involving human rights**
4 **violations;**"

5

6 Page 1, line 3, following "amendments":

7 Insert "**; and amending Rule 82, Alaska Rules of Civil Procedure**"

8

9 Page 6, following line 12:

10 Insert a new bill section to read:

11 "*** Sec. 11.** AS 18.80 is amended by adding a new section to article 2 to read:

12 **Sec. 18.80.147. Attorney fees and costs.** (a) In an action brought by a person
13 under AS 22.10.020(i), a prevailing plaintiff shall be awarded costs as provided by
14 court rule and full reasonable attorney fees at the prevailing reasonable rate.

15 (b) Unless the action is found to be frivolous, in an action brought by a person
16 under AS 22.10.020(i), a prevailing defendant shall be awarded attorney fees and costs
17 as provided by court rule. If the action is found to be frivolous, the attorney fees to be
18 awarded to the defendant shall be full reasonable attorney fees at the prevailing
19 reasonable rate.

20 (c) In this section, "frivolous" means

21 (1) not reasonably based on evidence or on existing law or a
22 reasonable extension, modification, or reversal of existing law; or

23 (2) brought to harass the defendant or to cause unnecessary delay or

1 needless expense."

2

3 Renumber the following bill sections accordingly.

4

5 Page 6, following line 31:

6 Insert a new bill section to read:

7 "* **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 INDIRECT COURT RULE AMENDMENT. The provisions of sec. 11 of this Act
10 have the effect of changing Rule 82, Alaska Rules of Civil Procedure, by requiring the award
11 of full reasonable attorney fees in certain cases."

12

13 Renumber the following bill sections accordingly.

14

15 Page 7, line 4:

16 Delete "secs. 1 - 13"

17 Insert "secs. 1 - 14"

LEGAL SERVICES

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MEMORANDUM

January 18, 2006

SUBJECT: Amendment language origins (Work Order No. 24-GS1110\G.1)
HCSSB 132 (STA) am

TO: Representative Les Gara
Attn: Emily

FROM: Brian J. Kane *BF*
Legislative Counsel

Enclosed is the amendment to SB 132 that you requested. As per your request, I have taken the language directly from the Unfair Trade Practices Act provisions for attorney fees and costs found at AS 45.50.537. The only change I have made to that language is the statute references in order to conform them with the rest of the bill sections.

BJK:med
06-041.med

Enclosure