

24-GS11101.6

Kane

5/1/06

AMENDMENT #3

OFFERED IN THE HOUSE

BY REPRESENTATIVE GARA

TO: HCS SB 132(FIN)

1 Page 1, line 2:

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 if, on a
15 form provided by the court, the plaintiff certifies under oath that the plaintiff will not
16 collect, in settlement or upon judgment, compensatory damages in excess of \$75,000,
17 exclusive of attorney fees, costs, or pre-judgment or post-judgment interest.
18 Otherwise, a prevailing plaintiff shall be awarded attorney fees and costs as provided
19 by court rule.20 (b) Unless the action is found to be frivolous, in an action brought by a person
21 under AS 22.10.020(i), a prevailing defendant shall be awarded attorney fees and costs
22 as provided by court rule. If the action is found to be frivolous, the attorney fees to be
23 awarded to the defendant shall be full reasonable attorney fees at the prevailing

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1 reasonable rate.

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

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

5 (2) brought to harass the defendant or to cause unnecessary delay or
6 needless expense."

7

8 Renumber the following bill sections accordingly.

9

10 Page 6, following line 31:

11 Insert a new bill section to read:

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

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

17

18 Renumber the following bill sections accordingly.

19

20 Page 7, line 4:

21 Delete "secs. 1 - 13"

22 Insert "secs. 1 - 14"