

Introduced: 3/8/63
Referred: Judiciary

1 IN THE HOUSE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 178

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act Entitled: "An Act relating to the assessment of costs
7 against public agencies; and providing for
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 09.60.050 is amended to read:

11 Sec. 09.60.050. COSTS AWARDED WHEN [AGAINST] STATE,
12 BOROUGH, CITY, [DISTRICT,] OR OTHER PUBLIC AGENCY IS A PARTY.

13 [AGENCIES.] (a) When the state or a borough, city, or other
14 public agency or entity or an officer thereof in his official
15 capacity is a party, costs may [SHALL] be awarded [AGAINST
16 IT] on the same basis as awarded [AGAINST] any private
17 [OTHER NATURAL PERSON OR] party. For purposes of this sub-
18 section, costs shall not include attorneys fees, and no
19 attorneys fees may be awarded against the state, borough,
20 city, or other public agency, entity or officer thereof.

21 [HOWEVER, WHEN THE ACTION IS BROUGHT UPON THE INFORMATION OF
22 A NATURAL PERSON, THAT PERSON SHALL BE LIABLE FOR COSTS
23 AWARDED AGAINST THE STATE. THE COSTS SHALL NOT BE RECOVERED
24 FROM THE STATE UNTIL AFTER EXECUTION HAS ISSUED FOR THE COSTS
25 AGAINST THAT PERSON AND HAS BEEN RETURNED UNSATISFIED IN
26 WHOLE OR IN PART.]

27 (b) When the action is brought by the public agency or
28 entity or officer thereof acting in his official capacity
29 upon the information of a private party, the private party

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shall be exclusively liable for any costs including attorneys fees which may be awarded against the public agency or entity or officer thereof.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.