

Introduced: 3/11/71
Referred: Judiciary

1 IN THE HOUSE

BY ROSE AND MORAN

2 HOUSE BILL NO. 299

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to vexatious litigants; and providing
7 for an effective date."

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

9 * Section 1. AS 09.15 is amended by adding a new section to read:

10 Sec. 09.15.040. VEXATIOUS LITIGANT. (a) A person who, in the
11 three-year period immediately preceding the filing of a suit referred
12 to in (b) of this section, has commenced or maintained in propria
13 persona, as a party plaintiff individually, or as a member of a
14 partnership, or as representative of a class, at least five litigations
15 in the superior court involving a municipal corporation and affecting
16 or questioning its right to issue bonds or notes or levy taxes or
17 any proceedings taken by a municipal corporation necessary to the
18 issuance of bonds or notes, or its corporate existence, that have
19 been determined adversely to him, is considered a vexatious litigant.

20 (b) On application of the municipal corporation and upon a
21 showing that the person is a vexatious litigant, and that the effect
22 of filing a suit against a municipal corporation by the vexatious
23 litigant is to foreclose the municipal corporation from selling or
24 delivering an issue of bonds or notes, the court may, after hearing,
25 order the vexatious litigant to give security in the amount and
26 upon the terms and conditions required for the granting of a restrain-
27 ing order or temporary injunction.

28 (c) Upon failure of the vexatious litigant to give security as
29 ordered by the court, the suit against the municipal corporation shall

1 be dismissed. However, this dismissal shall not be considered a
2 determination of the merits of the litigation and does not foreclose
3 the rights of any person who is not a vexatious litigant to commence
4 or maintain the same or any other litigation as provided by law.

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