

HOUSE BILL NO. 483

**IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE JUDICIARY COMMITTEE BY REQUEST

Introduced: 2/18/92

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring judicial approval of proposed settlements entered into by the state in
2 public interest litigation; defining public interest litigation; and amending Rule 41, Alaska
3 Rules of Civil Procedure."

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

5 * **Section 1.** AS 44.23 is amended by adding new sections to read:

6 Sec. 44.23.070. JUDICIAL APPROVAL REQUIRED FOR PROPOSED SETTLEMENTS
7 OF PUBLIC INTEREST LITIGATION. The attorney general may not bind the state to a
8 proposed settlement of public interest litigation unless the proposed settlement is submitted to the
9 court for review and the court finds that the proposed settlement is in the public interest.

10 Sec. 44.23.075. PROCEDURES FOR JUDICIAL APPROVAL OF PROPOSED
11 SETTLEMENTS OF PUBLIC INTEREST LITIGATION. (a) If the state reaches a proposed
12 settlement of public interest litigation, the attorney general shall within 15 days of reaching the
13 proposed settlement reduce it to writing and submit the writing to the court for review under this
14 section.

1 (b) Upon receipt of a writing from the attorney general under (a) of this section, the court
2 shall require the parties to provide reasonable notice to the public of the terms of the proposed
3 settlement and of the public's opportunity to submit written testimony about the terms. The court
4 shall provide a public comment period on the settlement terms of at least 30 days. During the
5 public comment period, the court may hold a public hearing on the proposed settlement.

6 (c) Within 30 days of the end of the public comment period, the court shall enter written
7 findings as to whether

8 (1) the procedures of (b) of this section have been complied with; and

9 (2) the settlement is in the public interest.

10 Sec. 44.23.080. DEFINITION OF "PUBLIC INTEREST LITIGATION." In
11 AS 44.23.070 - 44.23.080, "public interest litigation" means litigation in which the state asserts
12 claims for damage to natural resources where the proposed settlement would result in the state
13 receiving money, property, or services, or a combination of money, property, or services, having
14 a value of \$10,000,000 or more, exclusive of interest, costs, and attorneys' fees.

15 * Sec. 2. AS 44.23.075, added by sec. 1 of this Act, has the effect of amending Rule 41, Alaska
16 Rules of Civil Procedure, by establishing procedures that the court must follow before granting a
17 voluntary dismissal in certain litigation where the state is a party.