

HOUSE BILL NO. 282

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 4/12/93

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil nuisance actions; and providing for an effective date."**

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

3 *** Section 1. AS 09.45.230 is repealed and reenacted to read:**

4 **Sec. 09.45.230. ACTION BASED ON PRIVATE NUISANCE. (a) A person**
5 **may bring a civil action to enjoin or abate a private nuisance. Damages may be**
6 **awarded in the action.**

7 **(b) A person may not maintain an action under this section if the occupation,**
8 **structure, or act, including an emission or discharge, that is the subject of the action**
9 **is authorized by**

10 **(1) a statute or regulation;**

11 **(2) a license, permit, or order issued by the state or federal government;**

12 **or**

13 **(3) a court order or decision.**

14 **(c) Notwithstanding other provisions of law, except AS 09.50.170 - 09.50.240**

1 and AS 19.25.080 - 19.25.180, a person may not bring a civil action to enjoin or abate
2 a private nuisance or to recover damages for a private nuisance unless the action is
3 authorized by this section.

4 * Sec. 2. AS 09.45 is amended by adding a new section to article 4 to read:

5 Sec. 09.45.255. DEFINITION. In AS 09.45.230 - 09.45.255, "nuisance" means
6 a substantial and unreasonable interference with the use or enjoyment of real property,
7 including water.

8 * Sec. 3. This Act applies to an action if judgment has not been entered in the action
9 before the effective date of this Act, and to that extent this Act is retroactive under
10 AS 01.10.090.

11 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).