

## HOUSE BILL NO. 512

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 2/28/94

Referred: State Affairs, Judiciary

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the awarding of attorney fees and costs in civil actions to  
2 a prevailing party in a civil action in which the losing party is a public interest  
3 litigant; and amending Alaska Rules of Civil Procedure 79 and 82."

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

5 \* Section 1. AS 09.60.010 is amended to read:

6           Sec. 09.60.010. COSTS AND ATTORNEY FEES ALLOWED PREVAILING  
7 PARTY. Except as provided in this section, the [THE] supreme court shall  
8 determine by rule or order the costs, if any, that may be allowed a prevailing party in  
9 a civil action. A prevailing party in a civil action in which the losing party is a  
10 public interest litigant is entitled to an award of costs and attorney fees. Unless  
11 specifically authorized by statute or by agreement between the parties, attorney fees  
12 may not be awarded to a party in a civil action for personal injury, death, or property  
13 damage related to or arising out of fault, as defined in AS 09.17.900, unless the civil  
14 action is contested without trial [,] or fully contested as determined by the court.

1 \* Sec. 2. AS 09.60.010, amended by sec. 1 of this Act, has the effect of amending Alaska  
2 Rules of Civil Procedure 79 and 82 relating to awards of attorney fees and costs, by providing  
3 that a prevailing party in a civil action, including a civil action to effectuate or vindicate a  
4 public policy of the state, is entitled to an award of attorney fees and costs, notwithstanding  
5 a determination by a court that the losing party is a public interest litigant.