

CS FOR SENATE BILL NO. 178(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/13/93
Referred: RULES

Sponsor(s): SENATE JUDICIARY COMMITTEE

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 3 * **Section 1.** AS 09.45.230 is repealed and reenacted to read: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