

**SENATE CONCURRENT RESOLUTION NO. 4 am H**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY SENATOR TAYLOR**

Amended: 2/11/94  
Introduced: 3/29/93

**A RESOLUTION**

1 **Relating to the Alaska Supreme Court's interpretation of Alaska Rule of Civil**  
2 **Procedure 82 and requesting that the court modify its interpretation of that rule.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** Alaska's future economic well-being depends on the wise use and  
5 development of natural resources; and

6 **WHEREAS** natural resource development is dependent upon the issuance of permits  
7 by state and federal agencies; and

8 **WHEREAS** applicants for permits must demonstrate that they have mitigated  
9 environmental impacts before state and federal agencies may issue permits; and

10 **WHEREAS** natural resource development requires substantial financial investment by  
11 developers before applications for permits may be approved; and

12 **WHEREAS** national and international special interest groups oppose natural resource  
13 development in Alaska and elsewhere; and

14 **WHEREAS** some special interest groups have founded, and support financially, special  
15 organizations dedicated to litigation over the issuance of permits in Alaska and elsewhere; and

16 **WHEREAS** litigation over the issuance of permits is a significant economic burden

1 to both the state and permit applicants; and

2       **WHEREAS** litigation over the issuance of permits appears to further the goals and  
3 objectives of national and international special interest groups, delay or terminate the process  
4 of issuing permits by state and federal agencies, and deprive Alaskans of the opportunities that  
5 wise development of natural resources will bring; and

6       **WHEREAS** the Alaska Supreme Court has interpreted Alaska Rule of Civil Procedure  
7 82 to allow special litigation organizations to recover full attorney fees if successful when all  
8 other prevailing litigants may recover only partial attorney fees, and to relieve special  
9 litigation organizations from paying attorney fees to prevailing parties; and

10       **WHEREAS** this interpretation of Alaska Civil Rule 82 fosters litigation to prevent or  
11 delay natural resource development and encourages special litigation organizations to use the  
12 economic burden of litigation to obstruct natural resource development; and

13       **WHEREAS** national and international special interest groups opposed to natural  
14 resource development in Alaska and elsewhere publicize their efforts in the courts in order to  
15 raise funds;

16       **BE IT RESOLVED** that the Alaska State Legislature requests the Alaska Supreme  
17 Court to modify its interpretation of Alaska Civil Rule 82 to permit all prevailing parties to  
18 recover attorney fees and costs, including those who prevail over parties represented by special  
19 litigation organizations opposed to natural resource development in the state; and be it

20       **FURTHER RESOLVED** that the Alaska State Legislature requests the Alaska  
21 Supreme Court to recognize that organizations specially founded to oppose natural resource  
22 development in Alaska and elsewhere through litigation over permits bring actions to further  
23 their private economic interests lacking general importance.

24       **COPIES** of this resolution shall be sent to the Honorable Daniel A. Moore, Jr., Chief  
25 Justice of the Alaska Supreme Court; to the Honorable Robert L. Eastaugh, Allen T. Compton,  
26 Warren W. Matthews, and Jay A. Rabinowitz, associate justices of the Alaska Supreme Court.