

Introduced: 3/13/81
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY MALONE AND CARNEY

2 HOUSE BILL NO. 337

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing reimbursement for attorney fees
7 incurred by individuals in connection with state
8 administrative actions."

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

10 * Section 1. AS 44.77 is amended by adding new sections to read:

11 ARTICLE 2. CLAIMS FOR ATTORNEY FEES.

12 Sec. 44.77.072. CLAIMS AUTHORIZED. (a) A person may claim reim-
13 bursement of the attorney fees he incurs and pays in order to respond
14 to an administrative action, investigation, or inquiry conducted by the
15 state, if the action, investigation, or inquiry is resolved in his
16 favor.

17 (b) This chapter does not apply to a claim for attorney fees
18 which is specifically authorized by statute or rule of court.

19 Sec. 44.77.074. PRESENTATION OF CLAIM. (a) A claim for attorney
20 fees under this chapter must be presented to the department within six
21 months of the date of the last attorney services upon which the claim
22 is based.

23 (b) Within six months of presentation of a claim under this
24 chapter the department shall allow or disallow the claim.

25 Sec. 44.77.076. ALLOWANCE OF CLAIMS. The department shall allow
26 a claim under this chapter if

27 (1) proof is presented that the claimed fees were actually
28 paid by the claimant;

29 (2) the claimant establishes that the fees for which the

1 claim is made were necessarily incurred in the claimant's response to
2 the state administrative action, investigation, or inquiry; and

3 (3) the state administrative action, investigation, or
4 inquiry was resolved in favor of the claimant.

5 Sec. 44.77.078. LIMITATION ON CLAIMS. (a) A claim for attorney
6 fees under this chapter may not exceed \$75 an hour for services actually
7 performed by the claimant's attorney and may not exceed a total of
8 \$5,000.

9 (b) The claimant may receive reimbursement for attorney fees
10 incurred and paid in order to present his claim under this chapter, if
11 the department allows the claim, but the reimbursement may not exceed
12 \$75 an hour for services actually performed, or 15 percent of the
13 allowed claim, whichever is less.

14 Sec. 44.77.080. REGULATIONS. The department shall adopt regula-
15 tions providing for the claims review process under AS 44.77.072 -
16 44.77.090.

17 Sec. 44.77.082. APPEAL. If the claimant does not accept the
18 decision of the department, he may bring an action in the superior
19 court within 30 days after he receives notice of the decision of the
20 department. A claimant may also bring an action in the superior court
21 at any time more than six months after he has presented his claim under
22 this chapter, if no decision has been made by the department.

23 Sec. 44.77.090. DEFINITIONS. In AS 44.77.072 - 44.77.090

24 (1) "administrative action, investigation, or inquiry" means
25 a state examination of the acts of a person which does not result in
26 litigation or a formal administrative hearing;

27 (2) "department" means the Department of Administration;

28 (3) "person" includes a natural person, trust or estate,
29 partnership, or corporation.