

1 IN THE HOUSE

BY BETTISWORTH

2

HOUSE BILL NO. 408

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing reimbursement for costs and
7 attorney fees incurred 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 claimant may seek
13 reimbursement for costs and attorney fees incurred and paid in order
14 to respond to an administrative action, investigation, or inquiry
15 conducted by the state, if the claimant prevails in the action, inves-
16 tigation, or inquiry.

17 (b) The provisions of AS 44.77.072 - 44.77.090 do not apply to a
18 claim for costs or attorney fees which are specifically authorized by
19 statute or rule of court.

20 Sec. 44.77.074. PRESENTATION OF CLAIM. A claim for costs and
21 attorney fees under AS 44.77.072 - 44.77.090 must be presented to the
22 department within six months of the date of the last attorney services
23 upon which the claim is based. Within six months of presentation of a
24 claim under AS 44.77.072 - 44.77.090 the department shall allow or
25 disallow the claim.

26 Sec. 44.77.076. ALLOWANCE OF CLAIMS. The department shall allow
27 a claim under AS 44.77.072 - 44.77.090 if

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

1 (2) the claimant establishes that the costs and fees for
2 which the claim is made were necessarily incurred in the response of
3 the claimant to the state administrative action, investigation, or
4 inquiry; and

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

7 Sec. 44.77.078. LIMITATION ON CLAIMS. (a) A claim for attorney
8 fees under AS 44.77.072 - 44.77.090 may not exceed \$75 an hour for
9 services actually performed by the attorney of the claimant and may
10 not exceed \$5,000.

11 (b) The claimant may receive reimbursement for attorney fees
12 incurred and paid in order to present a claim under AS 44.77.072 -
13 44.77.090, if the department allows the claim, but the reimbursement
14 may not exceed \$75 an hour for services actually performed or 15
15 percent of the allowed claim, whichever is less.

16 Sec. 44.77.080. REGULATIONS. The department shall adopt regula-
17 tions providing for the claims review process under AS 44.77.072 -
18 44.77.090.

19 Sec. 44.77.082. APPEAL. A claimant who does not accept the
20 decision of the department may bring an action in the superior court
21 within 30 days after receipt of notice of the decision of the depart-
22 ment. A claimant may also bring an action in the superior court at
23 any time more than six months after presentation of a claim under
24 AS 44.77.072 - 44.77.090 if no decision has been made by the depart-
25 ment.

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

27 (1) "administrative action, investigation, or inquiry"
28 means a state examination of the acts of a person which is not fol-
29 lowed by litigation;

1 (2) "claimant" includes a natural person, trust or estate,
2 partnership, or corporation;

3 (3) "department" means the Department of Administration.